



HMUN 2025

Combating maritime piracy on international waters

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Mete Alp Ünsal
Deputy Chair



Forum: First Special Committee

Issue: Combating maritime piracy on international waters

Name: Mete Alp Ünsal

Position: Deputy Chair

Introduction

It's generally stipulated that maritime piracy existed as long as there has been traffic and commerce at sea, but old documents from ancient Egypt, which date back three and half millennia, highlight piratical activity in the Mediterranean.

In the 16th Century, with the development of faster and bigger ships, increased maritime traffic, and lack of maritime security, piracy saw its peak. When it came to the 18th century, the situation changed with international stability provided and the marine forces of governments becoming stronger; they were able to counter maritime piracy more easily.

In the modern world, with stronger naval forces formed and technologies for communication developed, maritime piracy has decreased heavily in most of the world, but in contrast to these regions, which are facing instability or lack of government control, piracy continues. In waters like Asia and Africa, piracy is common, as mentioned before, because of the lack of law enforcement forces. Since poverty is common in these regions and there is a lack of government control, mafia groups or armed individuals prefer to turn this situation to their advantage by attacking, especially, the trade ships.

Additionally, modern piracy has evolved in ways that couldn't be foreseen in the past. Leaving old traditional looting and hostage-taking to more sophisticated operations involving the cooperation of criminal organizations also, including illicit trafficking and terrorism. The latest reports submitted by the relevant agencies indicate that incidents of piracy have decreased in some regions due to coordinated naval patrols and legal frameworks as mentioned before, threats still continue in the waters that lack government control (both international waters and EEZs of failed states) because of this international collaboration, addressing threats that piracy causes to the global economy and damages caused to individuals and companies.

Definition of Key Terms

Hostis Humani Generis

Latin word standing for “enemy of all mankind” that is used for pirates in International Maritime Law.

Piracy

The act of attacking ships to steal from them.

Failed State

A country whose government is considered to have failed at some of its basic responsibilities, for example, keeping the legal system working correctly and providing public services (= electricity, water, education, hospitals, etc.):

Naval Force

The part of a country's armed forces that is trained to operate at sea

Maritime Territorial Disputes

Conflicts between countries over the rights to ocean areas, including the resources and navigation rights within those regions.

Geographical Discoveries

The process of excavation and discovery of important artifacts, sites, and infrastructure during the 15th and 16th centuries.

General Overview

Root Causes of Piracy

While viewing maritime, the main roots of the problem shall be highlighted. Piracy occurred due to increased maritime activities. After “Geographical Discoveries,” the maritime activity across the Atlantic, Mediterranean, and Indian Ocean increased immensely.



During those times, there were no technologies to control these areas, which caused piracy to grow, but in the 18th century, with different political landscapes around the globe, circumstances turned around for the pirates. After the 18th century, maritime piracy became more of a regional problem. In regions like Asia, Africa, and America, maritime piracy still continues due to several factors. The first factor is political instability. Maritime Piracy is most common in the regions which lack a government presence. Lack of government presence is seen when police or military forces are not sufficient to fight against maritime piracy or any other kind of crime. The second factor is poverty. One of the things these regions share in common is that most of these countries are least-developed states.



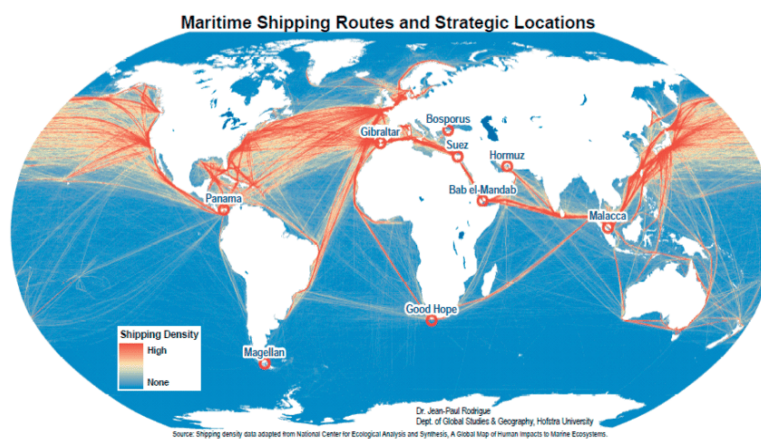
Map of Least Developed Countries according to UNCTAD (Map 2)

The third factor behind this is the lack of cooperation between states. Even though there are international treaties like the United Nations Convention on the Law of the Sea or organizations like the International Tribunal for the Law of the Sea, the United Nations Office on Drugs and Crime, and INTERPOL, there is no established agency to encounter and directly fight against maritime piracy. This causes a lack of control in international waters, allowing pirates to attack defenseless trade ships easily. In addition to the lack of control in international waters, there are also legal issues. First of all, even though UNCLOS highlights how to determine maritime borders, in some regions, this is not possible due to geographical circumstances or disputes between states. In some regions, due to these undetermined or arguable maritime borders, it lacks control. Secondly, normally, member states do not obtain the right to conduct drills or patrols in international waters. This causes a lack of law enforcement or government control in international waters, which allows pirates to operate in these regions. The fourth reason behind maritime piracy is due to increased maritime trade in the global world. With the development of advanced navigation and communication technologies, maritime trade extended its domain. Right now, transportation of most products is done through trade ships. Because of this, there are so many naval trade or civilian vessels that it's almost

impossible to protect them all at the same time. Due to these reasons, it's easier for the pirates to attack the ships that fall out of the range of law enforcement forces or any authority.

Effects of Piracy on Global Trade and Society

As it was previously mentioned in the report, most of the trade is transported through maritime vessels. Recently, some roads have been identified as dangerous because of piracy, and vessels traveling on those routes take precautions accordingly, but this mapping is not enough since it's impossible to map every place that piracy is coming, and these regions cannot be left to maritime pirate control. Maritime piracy's impacts on international trade are not just limited to these.



Maritime piracy also causes problems in global trade and markets by disrupting supply chains, causing increases in costs, and threatening economic stability in regions in which global trade is active. The most simple one is increased costs due to several problems. Insurance companies raise insurance premiums for vessels traveling through regions known for maritime piracy, which causes direct price increases on products. As mentioned before, rerouting the vessels accordingly to avoid piracy hotspots like the coastlines of South Africa and South America (Caribbean). This can be seen when rerouted vessels need to go with longer routes, which causes an increase in time, fuel, and personal costs. Also, with the increased activity of pirates, crew safety is endangered, causing both increased personal cost and also lack of personal volunteering, damages to ships and cargo, which again increases the costs and delays shipments, causing instability and even sometimes causing market crashes while also undermining trade reliability.

Emphasize the Main Regions that are known for Maritime Piracy

As was mentioned before in the report, in current circumstances -different from the past times- maritime piracy is limited to specific regions, and while tackling this issue, this shall not be forgotten.

Malacca Straits

Malacca Straits are located in the Asia-Indian Ocean. The region itself, specifically the Strait of Malacca, has been a very common region for marine piracy. Malacca Strait is one of the key gateways that the Suez Canal, Egypt, and Europe are connected to Asia. Also, this is one of the regions that most of the global trade flows through, but in addition to this, the area is known to have high incidences of maritime piracy. After these events, Indonesian, Malaysian, and Singaporean authorities took joint actions to reduce the damages caused by maritime piracy activities to global trade.

South China Sea

After passing the Malacca Straits from the Indian Ocean, you reach the South China Sea, which is located between the Asia and Pacific Oceans. According to local people, the marine pirates that are active in this region are seen as being amongst the most dangerous pirates. The South China Sea Most of the piracy events occur in the Malaysian EEZ, which is causing a growing concern for the relevant authorities in the state.

Gulf of Aden

The Gulf of Aden is one of the key points that connects Europe to Asia since the Spice Trade Route, which dates back to 5th BC. The Gulf of Aden is the entrance to the Red Sea from the Asia side. The Gulf of Aden is another affected piracy sea area because of the political instability in the region. The civil war in Yemen and the failed state of Somalia. The Somalian sea pirates attacked this navigational route also, and Houthi forces threatened national trade ships on some occasions.

Gulf of Guinea

The Gulf of Guinea is located between a major portion of North-Western and Southern Africa (Angola). The route is used mostly by crude oil tankers between Europe and North-South America.

International Maritime Bureau (IMB) statistics highlighted 27 attacks that have occurred lately.

Benin

Another region afflicted with sea pirates is Benin in Africa. The area has been identified as one of the high-risk areas for marine shipping. Although the IMO has taken several steps to prevent maritime piracy in this pirate-affected zone, there have not been any good results reported.

Arabian Sea

The Arabian Sea, specifically The Gulf of Oman, is one of the areas that has attracted the interest of maritime pirates. However, international organizations and authorities have downplayed the level of security protection to be supplied by them in these locations, as compared to the ones afforded in pirate-affected areas like the Gulf of Aden and the Somali coastline. This is mostly due to the area's geographic location and the limits in the naval resources that can serve as an effective cover.

Nigeria

Nigeria is located in the Western part of Africa. The waters of Nigeria are recognized as one of the riskiest areas for marine vessels. Also, poor financial conditions and insufficient naval forces in Nigeria led to an increase in sea piracy in this area. Since this region poses a huge threat to the naval vessels, the entire marine belt of West Africa is countering a heavy high insurance cover for the goods transported due to the risk of being hijacked. Additionally, even though Somalian and Nigerian maritime pirates have things in common, they are distinct in their operations, which Somalian operate in bigger and more organized ways.

Somalia

Somalia is right now challenged with extreme poverty, which was caused by the civil war. This civil war resulted in the government losing its efficiency and causing Somalia to become a failed state. Other states are starting to dump their marine wastes, which can have toxic effects on nature. Similar to other regions mentioned before, because of the situation in Somalia, piracy has increased, causing fast-increasing premium rates for insurance policies, resulting in an increase in costs. Also, this desperate situation created a more catastrophic result, which caused citizens of Somalia to start thinking that piracy was the only option to get rid of the poverty and other constraints plaguing them.

Indonesia

As it's closely located in the regions mentioned before, Indonesia is also amongst the highly affected piracy areas in the world. Regions like Anambas, Natuna, and the Merundung Islands are

the most common places for maritime piracy. The Indonesian authorities' response to the imprisoned pirates has also started raising major concerns across the world.

NATO Operations Against Maritime Piracy

NATO is one of the international corporations that plays a key role in countering piracy. NATO plays a key role in regions like the Gulf of Aden and the Indian Ocean. The Operation Ocean Shield (2008–2016) focused on the protection of vessels carrying critical cargo lanes by deploying naval forces to deter and disrupt pirate activities. This operation was one of the good examples of global collaboration since it was held with the cooperation of various international organizations like the EU and the Combined Maritime Force. Key routes, which were essential for global trade, were protected through coordinated patrols and escort missions during this time period.

In addition to efforts of patrol and escort, NATO also conducted regional capacity-building initiatives, which included training of local navies, development of maritime governance for the states, and addressing the root causes of piracy, which were political instability and poverty, as it was mentioned previously in the report.

Timeline of Key Events

Date	Event
BC 1476	First reports of maritime piracy in history from Ancient Egypt.
16th Century	With the development of bigger and faster ships piracy was at its peak especially in the Mediterranean.
18th Century	When the political instability decreased around the globe, fighting against maritime piracy become one of the main concerns and started to decrease losing its effect.
2005	Modern Piracy started with the beginning of the Somali Civil War in the early 1990s but official reports and concerns started to rise since 2005.

2008	The Operation Ocean Shield began.
2016	The Operation Ocean Shield ended.

Major Parties Involved

Combined Task Force 151

A multinational naval coalition known as Combined Task Force 151 (CTF-151) was established in 2009 to fight piracy off the coast of Somalia and in the Gulf of Aden. It functions under UN mandates to maintain maritime security and is made up of nations, including the United States, Turkey, and South Korea, in addition to NATO and the EU. Patrolling, protecting vulnerable boats, and discouraging pirate activity are some of its primary duties. Additionally, CTF-151 works with regional partners to improve maritime security and tackle the underlying causes of piracy.

NATO

NATO, as one of the biggest armed forces in the world, plays a key role in fighting against maritime piracy. NATO collaborates with other international organizations, agencies, the UN, and member states to encounter maritime piracy. Combined Task Force 151 and Ocean Shield Operation two great examples of what NATO has done to encounter maritime piracy.

The United Nations Office on Drugs and Crimes (UNODC)

UNODC is the main body of the UN that encounters against any crimes. Even though UNODC does not obtain any kind of armed forces, it reports on and provides legal assistance to member states against maritime piracy. UNODC could be beneficial to serve as basis to an international cooperation against piracy.

International Tribunal for the Law of the Sea (ITLOS)

ITLOS does fight against maritime piracy, but it's the organ established with UNCLOS, which has jurisdiction over legal disputes on maritime law.

Somalia

Since the civil war it went through, it can be easily said that Somalia became a failed state. Somalia is located at a point that connects the Mediterranean with the Pacific Ocean, the main route

of the trade ships. In addition to political instability, according to the latest UN reports, Somalia is the least developed nation.

Indonesia

Indonesia is one of the most highly affected piracy areas in the world. In addition to that, Indonesian authorities' response to the imprisoned pirates has also caused some problems.

United States of America

The U.S. Naval forces and Coast Guard's are one of main contributors to international efforts to combat piracy. The U.S. Navy plays a key role in operations/agencies like Combined Maritime Forces (CMF), Combined Task Force 151, Shared Awareness and Deconfliction (SHADE), Operation Enduring Freedom (Horn of Africa) and The Operation Ocean Shield etc. Additionally to these operations the U.S. also works collectively with the International Maritime Organization (IMO) to strengthen the international anti-piracy regulations. The U.S. follows UNCLOS strictly and does not hesitate to prosecute piracy cases under its domestic laws from the statute decided by the United Nations Convention on the Law of the Sea (UNCLOS).

Possible Solutions

To end maritime piracy, firstly, the root causes of the issues should be addressed. Solutions proposed for maritime piracy should address political instability and poverty, mostly located in the regions where naval trade is common. Resolutions include ways of decreasing instability in these regions through establishing diplomacy or other means. While thinking of this issue, a solution shall include improving the financial conditions of these people through various funds, NGOs, etc. shall be taken into consideration. It's almost impossible to establish a constant maritime force, but local governments shall be supported as well. Strengthening of local navy forces is important as well. Providing training or organizing joint operations drills shall be thought upon. In addition to these, to address maritime piracy, international cooperation is needed. Solutions proposed in the issue should propose legal jurisdiction over fighting against piracy in accordance with UNCLOS. For this, checking "Harvard Draft Convention Piracy" would be helpful for the delegates. A joint treaty or the creation of a new UN office/agency can be suggested in certain regions to create regional frameworks to combat maritime piracy. Also, naval forces of the local elements shall be strengthened and trained to fight against maritime pirates since it would be a more efficient, cheap, and sustainable solution to maritime piracy.

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