



STUDY GUIDE: DISEC (DISARMAMENT AND INTERNATIONAL SECURITY COMMUNITY)

HFSMUN 2022



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Letter from the EB

The Executive Board of the Disarmament and International Security Committee would like to extend a warm welcome to each of you. It is our honour to be chairing the prestigious HFSMUN offline conference, and to be discussing something as pressing as the situation of piracy around the Horn of Africa is just icing on the cake. This agenda has been one of the most active topics in global history and will continue to be an area of concern for major world leaders, flag states, and their natives. This committee will look into enhancing the security around the region so that merchant vessels can make full use of the passage without having to worry about armed skiffs approaching their vessels. This guide is a documented background research to help you gauge the depth of this agenda and to help you understand the agenda better, but this guide in no way is supposed to cover the entire agenda for your allocation/nation. The Executive Board has drafted two special sections (Section 2.0, and 3.0 of this guide) for all the delegates to understand the agenda better. It is a very simplified yet detailed guide and we would like to advise you to go through it first. Please feel free to email any one of us if you have any queries whatsoever. We wish you all the best for the committee session and your research. We at DISEC are looking forward to a fruitful discussion.

Thanks and Regards,
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Instructions:

- DISEC, HFSMUN 2022 is going to be a semi-crisis committee.
- There will be no crisis procedure, the committee will start off with a regular General Speakers' List. However, this is subject to change given the performance of the committee.
- The Committee will **not** follow HMUN Procedure. The Procedure will be intimated through a virtual ROP session prior to the conference.
- Delegates are expected to research from the period 2000 to 2022.
- Freeze Date of Committee: 1st Jan 2008.
- The committee shall work forward from the given freeze date.
- The timeline of the committee will be intimated by the Executive Board on a regular basis.
- However, the timeline may or may not be uniform, and that lies at the EB's discretion.
- Delegates are expected to adhere to the timeline.
- The research that has been done post-2008 should be used to craft a plausible and airtight draft resolution tackling the modern problems concerning piracy around the Horn of Africa.
- All conventions like, but are not limited to the UNCLOS, STCW, IMO code, ISPS Code, and Chapter V and VI of SOLAS need to be kept in mind while deliberating in committee and drafting up a draft resolution.

- Delegates are to be aware of the flaws in the conventions that apply as of 2022 and should be able to draft the resolution accordingly. This is a direct subject of review by the Executive Board and will affect committee grading immensely.
- BMP5 (Best Management Practises 5) Procedures shall also be considered while deliberation and drafting the resolution.
- The Delegate of Somalia has been granted special powers by the Executive Board to represent its sole nation in the absence of a functional government.
- Although the DISEC mandate is limited to recommendations, in this case, and the agenda, keeping in mind this is a semi-crisis committee, we shall be allowing certain actions in the form of paperwork **ONLY**, and only when the floor is open to paperwork (Directives, Communiques, etc.)
- Delegates are expected to familiarise themselves with the basic parts and compartments of a cargo (merchant) vessel, which will make the crisis updates easier to comprehend.
- This study guide has been drafted by the executive board to the best of their abilities and accuracy, however, any and all information is subject to challenge by a delegate or any member who can prove otherwise.

- Delegates are not to limit their research to this background guide.
- Section 10.0, block positions, contains information regarding only the three major players in the agenda. This in no way hints at any country's foreign policy and delegates shall not mistake this as the ultimate.
- Foreign policies should be kept in mind while researching.
- Delegates are to make a full appraisal of the glossary, the case studies, and the study guide as a whole and research accordingly.
- The bibliography shall serve as an external reading link and contains extracts of treaties, conventions, and maritime laws. Delegates are to make full appraisals of the same.
- Delegates are to be informed that research carries the maximum credit in determining the best delegate.

Glossary

1. Terms related to a ship:

Anchorage: Port charge relating to a vessel moored at an approved anchorage site in a harbour.

Board of Commissioners: The members of the governing board of a port authority are called commissioners. Members of a Board of Commissioners can be elected or appointed and usually serve for several years.

Box: Slang term for a container.

Breakbulk cargo: non-containerised general cargo stored in boxes, bales, pallets, or other units to be loaded onto or discharged from ships or other forms of transportation. (See also: **bulk** and **containers**.) Examples include iron, steel, machinery, liner board, and wood pulp.

Bulk cargo: Loose cargo (dry or liquid) that is loaded (shovelled, scooped, forked, mechanically conveyed, or pumped) in volume directly into a ship's hold; e.g., grain, coal, and oil.

Bulkhead: A structure used to protect against shifting cargo and/or to separate the load.

Buoys: Floats that warn of hazards such as rocks or shallow ground, to help ships manoeuvre through unfamiliar harbours.

Captive cargo port: When most of a port's inbound cargoes are being shipped short distances and most of its export products come from nearby areas, the port is called a captive cargo port. (Contrast with a transit port.)

Channels of distribution: The routes by which products are transported from origin to destination. This includes the physical routes, as well as the different companies involved in ultimately delivering the goods to buyers.

Common carrier: Trucking, railroads, or barge lines that are licensed to transport goods or people nationwide are called common carriers.

Consolidated Freight Station or Container Freight Station (CFS): Location on terminal grounds where stuffing and stripping of containers are conducted.

Consolidator: The person or firm that consolidates (combines) cargo from several shippers into a container that will deliver the goods to several buyers.



Container terminal: A specialised facility where ocean container vessels dock to discharge and load containers, equipped with cranes with a safe lifting capacity of 35–40 tons, with booms having an outreach of up to 120 feet in order to reach the outside cells of vessels. Most such cranes operate on rail tracks and have articulating rail tracks on each of their four legs, enabling them to traverse along with the terminal and work various bays on the vessel and for more than one crane to work on a single vessel simultaneously. Most terminals have direct rail access and container storage areas and are served by highway carriers.

Customs: A duty or tax on imported goods. These fees are a major bonus to the economy. For example, in 1999, the U.S. Customs Department collected over \$22 billion in fees nationally, which went into the U.S. Treasury. The Customs Department also works to prevent the importation of illegal drugs and contraband.

Deadweight Tonnage (DWT): Maximum weight of a vessel, including the vessel, cargo, and ballast.

Deadhead: When a truck returning from delivery has no return freight on the backhaul, it is said to be in deadhead.

Deck barge: Transports heavy or oversize cargoes mounted to its top deck instead of inside a hold. Machinery, appliances, project cargoes, and even recreational vehicles move on deck barges.



Draft: The depth of a loaded vessel in the water taken from the level of the waterline to the lowest point of the hull of the vessel; depth of water, or distance between the bottom of the ship and waterline.

Foreign Trade Zone (FTZ): Known in some countries as a free zone, a foreign trade zone (FTZ) is a site within the USA (in or near a U.S. Customs port of entry) where foreign and domestic goods are held until they are ready to be released into international commerce. If the final product is imported into the U.S., duties, and taxes are not due until the goods are released into the U.S. market. Merchandise may enter the FTZ without a formal customs entry or the payment of customs duties or government excise taxes. In the zone, goods may be: stored; tested; sampled; repackaged or re-labelled; cleaned; combined with other products; repaired or assembled, etc.

Gross tonnage: The sum of cargoes, breakbulk and bulk tonnage.

Harbour: A port of haven where ships may anchor.

Length Overall (LOA): Linear measurement of a vessel from bow to stern.

Lift On-Lift Off (LO/LO): Cargo handling technique involving the transfer of commodities to and from the ship using shoreside cranes or ship's gear.



Manifest: The ship captain's list of individual goods that make up the ship's cargo.

Marine surveyor: Person who inspects a ship hull or its cargo for damage or quality.

Marshalling yard: This is a container parking lot or any open area where containers are stored in a precise order according to the ship loading plan. Container terminals may use a grounded or wheeled layout. If the cargo box is placed directly on the ground, it is called a grounded operation. If the box is on a chassis or trailer, it is a wheeled operation.

Mean low water (MLW): Lowest average level of water reaches on an outgoing tide.

Mean high water (MHW): Highest average level of water reaches an outgoing tide.

Pallet: A short wooden, metal, or plastic platform on which package cargo is placed, then handled by a forklift truck.

Pier: A structure that just extends into a waterway from the shore, for mooring vessels and cargo handling. Sometimes called a finger pier.



Piggyback: A rail transport mode where a loaded truck trailer is shipped on a rail flatcar.

Pilot: A licensed navigational guide with thorough knowledge of a particular section of a waterway whose occupation is to steer ships along a coast or into and out of a harbour. Local pilots board the ship to advise the captain and navigator of local navigation conditions (difficult currents; hidden wrecks, etc.).

Port: This term is used both for the harbour area where ships are docked and for the agency (port authority), which administers the use of public wharves and port properties.

Port-of-call: Port at which a cruise ship makes a stop along its itinerary. Calls may range from five to 24 hours. It is sometimes referred to as a "transit port" or a "destination port."

Short ton: A short ton is equal to 2,000. Lifting capacity and cargo measurements are designated in short tons.

Transit port: When the majority of cargo moving through a port isn't coming from or destined for the local market, the port is called a transit (or through) port.

Transit shed: The shed on a wharf is designed to protect cargoes from weather damage and is used only for short-term storage. Warehouses are operated by private firm's house goods for longer periods.

2. Important definitions as provided by COLREGS rule 3

The word “**vessel**” includes every description of watercraft including non-displacement craft, WIG craft, and seaplanes used or capable of being used as a means of transportation on water.

Meaning: All types of craft that float on water and are used as a means of transportation. Also included are crafts that do not displace water—such as hovercraft. A seaplane when on the water displaces water so as long as it is on the surface of the water it is considered a vessel. All barges are also included since no propulsion system has been mentioned in this part of the rule.

The term “**power-driven vessel**” means any vessel propelled by machinery.

Meaning: Power here means power obtained from machinery, from the smallest to the largest. Sailing vessels are not included as long as they are purely under sail, vessels under oars are also not included.

“**Vessel not under command**” means a vessel that through some exceptional circumstances, is unable to manoeuvre as required by these Rules and is, therefore, unable to keep out of the way of another vessel.

Meaning: Here a vessel not under command means any vessel that, for some reason, cannot keep out of the way of other vessels. Like machinery breakdown and she cannot anchor steering failure.

"Vessel restricted in her ability to manoeuvre" means a vessel that from the nature of her work is restricted in her ability to manoeuvre as required by these Rules and is, therefore, unable to keep out of the way of another vessel.

Meaning: This includes a ship that is doing some special work, the nature of which makes it difficult for her to manoeuvre as required by these rules

"Vessel constrained by her draught" means a power-driven vessel, which, because of her draught in relation to the available depth and width of navigable water, is severely restricted in her ability to deviate from the course she is following.

Meaning: This is applicable to POWER DRIVEN VESSELS, which because of their draft in comparison to the depth of water at that place is so great that they cannot alter to avoid a collision since to do that they would run aground. However, if there was an adequate width of the channel through which they are moving, then they would not be classed as constrained by draught.

Vessels shall be deemed to be in sight of one another only when one can be observed visually from the other.

Meaning: The vessel being observed should be capable of being seen with the observer's eyes and not by any electronic device. This is so because the aspect of the vessel is very important, the human brain analyses data from input more effectively than an electronic device. A change in other vessels heading is very readily apparent when observing visually, by electronic means, it has a time lag.

"Restricted visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms, or any other similar cause.

Meaning: Restricted visibility may be caused by any of the above conditions and also by any other means.

3. Hierachy on board a ship

The deck crew is in charge of vessel navigation, watchkeeping, maintaining the ship's hull, cargo, gear and accommodation, and taking care of the ship's lifesaving and firefighting appliances. The deck department is also the one in charge of receiving, discharging, and caring for cargo. According to the vessel's hierarchy, the deck officers are as follows: Master, Chief Officer, Second Officer, Third Officer and Deck Cadet (deck officer to be).

The supreme authority on board a merchant's vessel is the Master. The entire crew is under his command. He is responsible for the safety, use, and maintenance of the vessel and makes sure that every crew member carries out his work accordingly. He is also in charge of the following: payroll, ship's accounting, inventories, custom and immigration regulations, and the ship's documentation. In order to become a Master, a seafarer must first have several years of experience as a deck officer and as Chief Officer.

According to the vessel's hierarchy, the first deck officer and the head of the deck department after the Master is the Chief Officer or Chief Mate. He is in charge of vessel navigation, watch duties, cargo loading, and discharging operations. The Chief Officer also directs all the other officers on deck, creates and posts watch assignments, and implements the Master's orders in order to maintain safe operations and maintenance of the vessel.

Second Officer or Second Mate is the next in rank after the Chief Mate and is the ship's navigator, focusing on creating the ship's passage plans and keeping charts and publications up to date. Apart from watchkeeping, the Second Officer may also be designated to train the cadets on board or to fulfil the rank of security, safety, environmental or medical officer.

The Third Officer or Third Mate is the fourth deck officer in command and is usually the Ship's Safety Officer, responsible for ensuring the good functioning of the fire-fighting equipment and life-saving appliances. He undertakes bridge watches and learns how to become a Second Officer.

A Deck Cadet on board a merchant vessel receives structured training and experience on board and learns how to become a deck officer.

Apart from the officers, the deck department crew also consists of ratings such as AB (able body seaman) and OS (ordinary seamen) and Boatswain.

The AB is part of the deck crew and has duties such as: taking watches (keeping a proper lookout), steering the vessel, assisting the Officer on watch, mooring and unmooring the vessel, deck maintenance and cleaning. The AB also secures the cargo and carries out deck and accommodation patrols.

The structure of the deck department on board merchant vessels is mainly the same on all vessel types.

4. Other Important Terms

MSCHOA: Maritime Security Centre Horn of Africa, vessel movement registration specifically enables merchant ships to provide **NAVAL FORCES** operating off Somalia with a vulnerability profile of the vessel-specific to the transit this includes dimensions of the ship, cargo, crew numbers and nationalities, security SPMs, and security personnel armed and or unarmed. All this information is fed into a risk matrix formula, producing a Vulnerable Risk Category for each vessel and disseminated daily to Task Force Partners on the shared communications system. This information is also fused on the common operational picture used by the Battle Watch Watchkeeping Personnel. This information is used by warships and aircraft across high-risk areas. Vessels register their movement only once upon entering the High-Risk Area as set out in BMP. The data provided is collated and trends are analysed over months and years to support improvements and revisions to BMP and other counter-piracy advice to Industry Organisations. This information is vital in communicating to Governments the existing and future threats to shipping from piracy.

PRC: The IMB Piracy Reporting Centre follows the definition of Piracy as laid down in Article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and Armed Robbery as laid down in Resolution A.1025 (26) adopted on 2 December 2009 at the 26th Assembly Session of the International Maritime Organisation (IMO).

Piracy consists of any of the following acts, but not limited to:

- a. any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - i. on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - ii. against a ship, aircraft, persons or property in a place outside the jurisdiction of any state.
- b. any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft.

VRA and HRA: High-Risk Area or HRA is a defined or specified area within the Voluntary Reporting Area or VRA, where a greater risk of active attack exists, thus requiring greater security measures in these areas.

Territorial waters (12 nautical miles): A territorial sea is defined by the 1982 UNCLOS III as a belt of coastal waters extending at most 12 nautical miles from the baseline of a coastal state

5. Important short forms

AIS: Automatic Identification System

BAM: Bab-el Mandeb

CMF: Combined Maritime Forces

CSO: Company Security Officer

DSC: Digital Selective Calling

EU NAVFOR: European Union Naval Force

HRA: High Risk Area

IMB: International Maritime Bureau

IMO: International Maritime Organization

IRTA: Industry Releasable Threat Assessment

IRTB: Industry Releasable Threat Bulletin

IRTC: Internationally Recommended Transit Corridor

JWC: Joint War Committee

MSC: Maritime Safety Committee

MSCHOA: Maritime Security Center – Horn of Africa

MSTC: Maritime Security Transit Corridor

NATO: North Atlantic Treaty Organisation

PAG: Pirate Action Group

PCASP: Privately Contracted Armed Security Personnel

PMSC: Private Maritime Security Company

RECAAP: Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia

RPG: Rocket Propelled Grenade

RUF: Rules for the Use of Force

SPM: Ship Protection Measures

SSA: Ship Security Assessment

SSAS: Ship Security Alert System

SSP: Ship Security Plan

TSS: Traffic Separation Scheme

UKMTO: United Kingdom Maritime Trade Operations

VDR: Vessel Data Recorder

VHP: Vessel Hardening Plan

VMS: Vessel Monitoring System

VPD: Vessel Protection Detachment

VRA: Voluntary Reporting Area

WBIED: Water-Borne Improvised Explosive Devices

GMDSS: Global Maritime Distress and Safety System

Introduction to the Agenda

Maritime crimes are, as the phrase suggests, crimes that happen in open water, or are related to the sea or ocean. They can take several forms, but they are often directed at maritime structures. The most widespread forms of such crimes are piracy and sea robbery, trafficking and smuggling of people and goods, and finally, dumping and pollution. These crimes, namely piracy, are forcing an increase in international police cooperation because of their severity and threat to the states and the rise in transnational organised crimes.

Resolution A.1025(26) (Annex, paragraph 2.2) on IMO's Code of Practise for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships, determines that armed robbery against ships consists of any of the following acts:

(a) Any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a state's internal waters, archipelagic waters, or territorial sea;

Modern-day maritime piracy affects three regions of the world in particular: Africa, Southeast Asia, and Latin America. Whereas attacks on vessels were relatively uncommon in Latin America and the Caribbean just a decade ago, Southeast Asia had already seen a decade of violent attacks in the 1990s. Although piracy and armed robbery at sea peaked at 147 cases in 2015, the numbers are falling steadily in south-east Asia. This is likely to be linked to a growing level of regional cooperation.

In stark contrast, maritime piracy in Africa is on the rise again. Having peaked at 293 attacks in 2011 before falling to just 35 in 2015, the numbers more than doubled in 2018. In East Africa, international counter-piracy efforts and regional cooperation structures have led to a decline in piracy since 2010. In West Africa, however, political and economic instability is increasingly encouraging criminal groups to conduct violent attacks at sea. Two maritime regions are most affected: the Gulf of Aden in East Africa and the Gulf of Guinea in West Africa.

Specifically, in the past two decades, political and economic instability in several coastal countries combined with a lack of law enforcement in surrounding waters has led to the emergence of modern-day piracy. Violent pirates, often utilising small skiff boats and guns, have increasingly targeted large, slow international shipping vessels, such as freighters, gas tankers, aid ships, and

passenger liners. Pirates have been known to hijack vessels, steal resources, and kidnap passengers for ransom. This trend has grown into a network of organised crime that not only threatens international trade but also undermines any chance of economic and social stability in affected states. Modern piracy most commonly takes place in the Malacca Strait, the South China Sea, the Gulf of Aden, the Gulf of Guinea, the Arabian Sea, the Indian Ocean, Benin, Nigeria, Somalia, and Indonesia and often involves large shipping vessels of industrialised nations and international corporations.

History of the agenda

Since the 1980s, piracy has emerged as an international problem, raising the concern of national governments as well as ship owners and transportation companies. However, piracy is an old phenomenon, dating back to the beginning of seafaring, and the analysis of its history and causes can facilitate the understanding of its modern manifestations.

Modern piracy is a transnational phenomenon since it involves the ship owners, crew members, ports, and territorial waters of different states. However, it is a local problem as well, particularly concentrated in a few areas: Southeast Asia, Somali waters, the West African coast, and parts of South America. Indeed, piracy arises in geographically favourable areas, namely along the main trading routes. Pirates also favour territories with coves and coastal outlets of creeks, where they can easily hide, as well as narrow seas that foster the concentration of transport ships and thus the concentration of targets.

In addition to geographical factors, certain political and socio-economic conditions are more likely to encourage piracy than others. In past centuries, governments have at times tolerated and even supported piracy. Although the explicit support of piratical

activities have ended, political instability or state failure is still a favourable condition for piracy. On the one hand, weak governments are unable to enforce effective piracy countermeasures; on the other hand, in these states, pirates can often benefit from the presence of corrupt government and police officials and thus act undisturbed.

The history of piracy confirms the importance of the above-mentioned factors in the birth and development of the phenomenon. The first piracy-prone area was the Mediterranean Sea, characterised by the presence of coves and bays where pirates could easily hide. Moreover, since it is an enclosed sea with many islands, ships often sail close to the shore, becoming more vulnerable to attacks. The first recorded piratical attack dates back to the 14th century BCE, when the Lukkans, based in Asia Minor, raided Cyprus. Besides being one of the first groups of sea raiders.

Since the 16th century, pirates have also threatened vessels coming from the East Indies by sailing around the Cape of Good Hope. Trading ships sailing to Europe were attacked while underway and crew members were often killed. These attacks took place along both the west coast of Africa and the eastern African coast, especially off the island of Madagascar, famous as a safe haven for pirates.

Since the 1980s, piracy has re-emerged, and attacks have gradually increased. The enabling factors do not differ from the ones that have favoured the development of piracy throughout history. However, the types of attacks have changed, and they differ from one area to another. Acts of depredation and plundering of coastal villages and towns, frequently carried out in the ancient world and during the Middle Ages, have ended; the boarding of vessels in port areas and attacks on ships underway have increased, with pirates travelling farther away from shore. Moreover, piracy attacks in Southeast Asia usually take place in territorial waters against ships, which are often hijacked and robbed of their entire cargo. Somali pirates, on the other hand, frequently act in international waters, kidnapping crew members or passengers and demanding a ransom. Finally, attacks along the West African coast and in South America are characterised by the frequent use of violence against persons; the targets of these attacks are usually berthed or anchored ships, from which the crew's personal effects, as well as the ship's equipment and often the entire cargo, are stolen.

Until the alarming increase in attacks and hijackings in Somali waters in recent years, few people were actually aware that maritime piracy had continued into the current era. Since early 2008, Somali pirates especially gained worldwide attention and interest. Of the almost 300 ships that were attacked in 2008, 111 were around the Horn of Africa and in the Gulf of Aden. Since 2009, attacks have continued and many ships from various nations have been seized. Dramatically, pirates use fast-moving skiffs to pull alongside their prey and scamper on board with ladders or grappling hooks. Once on board, they hold crews at gunpoint until a ransom is paid, with amounts varying normally between US\$1 million and US\$2 million, but even as high as US\$4 million.

High-Risk Area (HRA)

Essentially a High-Risk Area or HRA is a defined or specified area within the Voluntary Reporting Area or VRA, where a greater risk of active attack exists, thus requiring greater security measures in these areas. There were 445 pirate attacks in 2010 and only 143 in 2013—demonstrating the success of patrol and enforcement efforts. Regardless of these efforts, the risk still remains significant. The waters of West Africa and the Gulf of Aden are the most dangerous for vessels carrying oil, equipment and any valuable cargo.

Timeline of events

April 2008

Attacks and hijackings increased during the first months of 2008. The rise in attacks prompted the European Union to call for international efforts to combat piracy off the coast of Somalia.

May 2008

The United Nations Security Council unanimously votes to allow countries to send warships into Somalia's waters to handle the pirate situation.

22 August 2008

Various naval forces established the Maritime Security Patrol Area (MSPA) to discourage attacks on commercial vessels transiting the Gulf of Aden.

September 2008

A Ukrainian ship, carrying 33 tanks, is hijacked by Somali pirates.

October 2008

NATO dispatches a naval force to patrol Somali waters. This task force will allow already present patrol ships to expand their area of coverage to 2.5 million square miles.



18 November 2008

A Saudi supertanker carrying \$100 million in oil is captured by Somali pirates 500 miles off the coast of Somalia. The supertanker is the size of three aircraft carriers and will likely anchor in the Somali port of Eyl in the Gulf of Aden.

8 April 2009

An American vessel is hijacked by Somali pirates off the Horn of Africa. It is the first time the U.S. has been a victim of piracy in more than 200 years. Pirates take the ship's captain, Richard Phillips, hostage on a lifeboat. The ship, Maersk Alabama, was carrying food and other aid products for the World Food Programme. On April 8, U.S. Navy SEAL snipers, positioned on the fantail of the destroyer Bainbridge, killed three pirates and freed Capt. Richard Phillips, ending the five-day ordeal in the Indian Ocean.

July 2010

Pirates, armed with automatic weapons and rocket-propelled grenades, aboard ocean-going fishing vessels hijack a chemical tanker in the southern Red Sea. It is the first documented hijacking in this area.

2010

The International Maritime Bureau (IMB) reports 445 attacks, 53 hijackings, 1,181 crew members taken hostage, and 8 killed in 2010. Of these, the majority take place off the eastern and southern coasts of Somalia: 219 attacks, 49 hijackings, and 1,016 hostages

2011

The IMB reports 439 attacks, 45 hijackings, and 802 crew members taken hostage in 2011. Of 2010, 8 crew members were killed.

2012

The IMB reports 297 total attacks, 28 hijackings, 585 crew members taken hostage, and 6 killed in 2012.

2013

The IMB reports 264 total attacks, 12 hijackings, 304 hostage-takings, and 1 killing in 2013.

Case studies

Saint Vincent and the Grenadines- MV Rozen / 2007

13th March 2006

The Cargo ship MV Rozen of St Vincent and Grenadine was attacked by armed men off the coast of Somalia.

Five pirates carrying ammunition including machine guns and rocket-propelled grenades (RPG), chased down the vessel, firing shots at the bridge of the ship post which they signalled the ship to halt following an hour-long chase.

After attempts by the master to alter the route to escape the pirates' capture, the ship eventually evaded the attack.

February 25th, 2008

The MV Rozen was captured by pirates off the northeast of Somalia while underway to Mombasa after discharging WFP food aid to Bosaso and Berbera. In response to the hijacking of a World Food Programme (WFP) aid ship in 2008, the Security Council passed Resolution 1846, which temporarily allowed all Member States and regional organisations the right to enter Somali territorial waters to combat piracy. It also gave actors the freedom to use any method, maritime or aerial, to fight piracy off the Somali coast.

At this point, six armed men retained control of the vessel anchored at Gara'ad, close to Putland and the central region of Somalia. 12 crew members, six Sri Lankans, inclusive of the Master of the ship, and six Kenyans.

February 27th, 2008

Puntland authorities eventually arrested a total of four men, whom they say were part of a group that hijacked MV Rozen. The suspects were arrested when they went to buy supplies in the coastal town of Bargal. Even though the military forces are prohibited from intervention in Somali waters, they would possess the potential to protect the vessel.

Taiwan- FV Ching Fong Hwa 168 / 2007

The Taiwanese-flagged vessel Ching Fong Hwa 168 was hijacked in Somali waters and was believed to be carrying two Taiwanese and 14 Chinese crew members. Of the crewmates, one Taiwanese member was killed as the owners of the ship failed to pay the ransom amount. The pirates threatened to kill more crew members if the owners prolonged the payment of the ransom.

Piracy almost disappeared during the six months in which a strict Islamist movement was in power, but has experienced a resurgence since the start of this year when Ethiopian and Somali troops ousted the Islamists. Somalia, which lies at the tip of the Red Sea, has been without an effective government since the 1991 ouster of dictator Mohamed Siad Barre sparked a bloody power struggle.

Denmark-MV Danica White / 2007

DANICA WHITE was proceeding from Sharjah in the United Arab Emirates to Mombasa in Kenya with a crew consisting of 5 men and with a cargo of drill pipes and drill cement when the ship was attacked on June 1, 2007 by Somali pirates who seized the ship. The attack took place off the coast of Somalia.

The pirates demanded that the ship be sailed to the coast of Somalia and Danica White anchored off the coast of Somalia at the territorial waters on 2nd June at midnight. The ship was released on 22 August and sailed to Djibouti. There was no major damage to the ship. The 5 crew members did not suffer any physical harm. They were, however, examined for psychological problems.

India- MV Jag Arnav / 2008

JAG ARNAV (IMO: 9705354) is a Bulk Carrier that was built in 2014 (8 years ago) and is sailing under the flag of India.

Its carrying capacity is 81732 t DWT, its length overall (LOA) is 228.99 metres and her width is 32.26 metres.

On 11 Nov 2008, an attack by pirates on the Indian ship MV Jag Arnav in the Gulf of Aden was thwarted by an Indian naval warship patrolling in the area.

This attack on MV Jag Arnav took place at about 1030 hrs on the morning of 11 Nov 2008, when the ship was 60 nautical miles east of Aden. The alarm raised by the merchant ship was monitored by an Indian naval ship (INS Tabar), a Russian Krivak III class-guided missile frigate patrolling in the vicinity.

Norway- MV Front Ardenne / 2009

Pirates attacked a Frontline Ltd. Suezmax in the Gulf of Aden on the 20th of April 2009, but NATO forces on patrol foiled the attempted hijack. The pirates attempted to capture the MV Front Ardenne at 1800 hrs LMT, but Canadian and British naval forces were able to intervene and the pirates were apprehended seven hours later.

The 1997-built 153,152 DWT Front Ardenne is a Norwegian-flagged crude oil tanker operated by Frontline and managed by V Ships Norway. Their weapons were confiscated, and they were then given provisions and sufficient fuel before being released. Meanwhile, separate reports say Saturday also saw another attack on a tanker in the Gulf of Aden.

The Marshall Islands-flagged 2009-built 38,499 DWT chemical products tanker is managed and operated by Roxana Shipping.

In another incident, Dutch forces with NATO rescued 20 Yemen hostages that pirates had been holding on a pirate "mother ship." The Dutch forces briefly detained the pirates in the Gulf of Aden after responding to a distress call from a Marshall Islands-flagged tanker. Nearly a dozen countries are running naval patrols off Somalia to combat pirates who have hijacked more than 60 ships since the start of 2008. In some cases, the pirates have received ransom payments of more than a million dollars for releasing a ship.

France- Somme / 2009

Essentially, this incident was deemed a mistake hijacking on the part of the pirates wherein they took the French ship for a commercial vessel and opened fire. The pirates attempted to bombard the 160-meter (525-foot) 18,000-tonne La Somme, which is a fuel supply ship used as the command center for all French forces namely, ground, sea, and air in the Indian Ocean region.

While the pirates attempted to escape the vessel after realising the hijacking was a mistake, their efforts were in vain as the La Somme pursued the pirates. The two pirates were taken into custody immediately. Post the chase carried out by the La Somme a mothership with 4 pirates on board was also caught.

Several attempts have been made to promote security standards in Somali pirate-infested waters.



PRIMARY CASE STUDY – United States– MV Maersk Alabama / 2009

The Maersk Alabama was sailing from Şalālah, Oman, to Mombasa, Kenya, with 21 Americans on board, including Phillips.

On the 8th of April 2009, 4 Somali pirates armed with AK-47s hijacked the U.S.-flagged container ship Maersk Alabama, sailing off the coast of Somalia. After a brief encounter with the estimated 20 crew members, they opted to abandon the roughly 508 ft long ship and sail away using the vessel's motorboat.

The ship, with a crew of 20, loaded with 17,000 metric tons of cargo, was bound for Mombasa, Kenya. On April 8, 2009, four pirates based on the FV Win Far 161 attacked the ship. All four of the pirates were between 17 and 19 years old, according to U.S. Secretary of Defence Robert Gates.

The crew members of the Maersk Alabama had received anti-piracy training from union training schools and had drilled aboard the ship a day earlier. Their training included the use of small arms, anti-terror, basic safety, first aid, and other security-related courses. When the pirate alarm sounded early on Wednesday, 8 April, Chief Engineer Mike Perry brought 14 members of the crew into a "secure room" that the engineers had been in the process of fortifying for just such a purpose. The pirates captured Captain Richard Phillips and several other crew members minutes after boarding but soon found that they could not control the ship. The seamen on watch at the time stabbed one pirate in the hand.

The crew attempted to exchange the pirate they had captured for the captain, but the exchange went awry, and after the crew released their captive, the pirates refused to honour the agreement. Captain Phillips escorted the pirates to a lifeboat to show them how to operate it, but then the pirates fled with the captain.

On 8 April 2009, the destroyer USS Bainbridge was dispatched to the Gulf of Aden in response to the hostage situation, and reached Maersk Alabama early on 9 April.

The Maersk Alabama was then escorted from the scene under armed guard towards its original destination of Mombasa, where Captain Larry D. Aasheim retook command of the ship. Phillips had relieved Aasheim nine days earlier. CNN and Fox News quoted sources stating that the pirates' strategy was to await the arrival of additional hijacked vessels carrying more pirates and additional hostages to use as human shields.

The shipping company's claims that arming vessels would make things more dangerous turned out to be demonstrably false. In 2009, companies started providing ships with defensive technology and armed security guards. Since the hijacking of the Maersk Alabama in April of 2009, the ship has been approached by pirates at least twice. Both times, however, the ship had armed security guards and the pirates quickly left to seek other softer targets. Other commercial shipping companies are providing much better security for their crews as well. Our lawsuit changed the behaviour of Maersk lines and other shipping companies by forcing them to defend the men and women on their ships with something other than water hoses or flare guns.

In addition to amping up the security on vessels travelling in pirate-infested waters, countries worked together to form coalitions of vessels that patrolled the Indian Ocean, deterring and preventing pirate attacks. By 2013, the rate of successful pirate attacks in the Indian Ocean had dropped to zero and over 1,000 pirates had been captured and were being prosecuted by authorities in over 21 countries. The lead pirate from the 2009 Maersk Alabama hijacking, Muse, had been captured alive by the U.S. Navy and was sentenced to 33 years in jail in the United States for his crimes.

How was the rescue carried out

A stand-off ensued between the USS Bainbridge, the frigate USS Halyburton, and the pirates' lifeboat from the Maersk Alabama on April 9, 2009, where they held Captain Richard Phillips hostage. The Bainbridge was equipped with a ScanEagle drone and RHIB boats. The Halyburton held two SH-60B helicopters on board. Both vessels stayed several hundred yards away, out of the pirates' range of fire. A P-3 Orion surveillance aircraft secured aerial footage and reconnaissance. Radio communication between the two ships was established. Four foreign vessels held by pirates headed towards the lifeboat. A total of 54 hostages were on two of the ships, citizens of China, Germany, Russia, the Philippines, Tuvalu, Indonesia, and Taiwan.

On 10 April 2009, Phillips attempted to escape from the lifeboat but was recaptured after the captors fired shots. The pirates then threw a phone and a two-way radio dropped to them by the U.S. Navy – into the ocean, fearing the Americans were somehow using the equipment to give instructions to the captain. The U.S. dispatched another warship, the amphibious assault ship USS Boxer, to the site off the Horn of Africa.

The pirates' strategy was to link up with their comrades, who were holding various other hostages, and to get Phillips to Somalia, where they could hide him and make a rescue more difficult for the Americans. An anchorage near shore would allow them to land quickly if attacked. Negotiations were ongoing between the pirates and the captain of the Bainbridge, who was under the direction of FBI hostage negotiators. The captors were also communicating with other pirate vessels by satellite phone.

However, negotiations broke down hours after the pirates fired on the Halyburton, not long after sunrise on Saturday, 11 April 2009. The American frigate did not return fire and "did not want to escalate the situation". No crew members of the Halyburton were injured by the gunfire, as the shots were fired haphazardly by a pirate from the front hatch of the lifeboat.



April 12, Navy SEAL marksmen opened fire and killed the three pirates on the lifeboat and Capt. Phillips was rescued in good condition. The Bainbridge captain, Commander Frank Castellano, with prior authorisation from higher authority, ordered the action after determining Phillips' life was in immediate danger, citing reports that a pirate was pointing an AK-47 assault rifle at Phillips' back. Navy SEAL snipers, from "SEAL Team Six ", opened fire nearly simultaneously from Bainbridge's fantail, killing the three pirates with bullets to the head. The SEALs had arrived Friday afternoon after being parachuted into the water near the Halyburton, which later joined with the Bainbridge. At the time, the Bainbridge had the lifeboat under tow, approximately 25 to 30 yards astern. One of the pirates killed was named Ali Aden Elmi, the last name of another was Hamac, and the third has not been identified in English-language press reports. A fourth pirate, Abduwali Muse, aboard the Bainbridge and negotiating for Phillips' release while being treated for an injury sustained in the takeover of Maersk Alabama, surrendered and was taken into custody.

The bodies of the three dead pirates were turned over by the U.S. Navy to unidentified recipients in Somalia in the last week of April 2009.

Bloc positions

United States of America:

The United States of America being the owners of one of the largest naval fleets in the world plays a key role in this agenda altogether, The US has worked in close consultation with other members of the United Nations Security Council to adopt more than two dozen resolutions dealing with suppressing Somali piracy. In addition, they have an executive-level body in place to implement the National Action and Partnership Plan to Combat Piracy off the Horn of Africa. This group is co-chaired by the Departments of State and Defence and reports to the National Security Staff. Also represented in this group are the Departments of Homeland Security, Justice, Treasury, Transportation, and the U.S. Agency for International Development.

The United States helped to create the International Contact Group on Piracy off the Coast of Somalia to help coordinate and expand national counter-piracy efforts. The U.S. Navy and U.S. Coast Guard support and contribute to the Combined Maritime Forces Task Force 151 to undertake counter-piracy operations in the region. Finally, the United States collaborates with and through UN agencies such as the International Maritime Organisation, the UN Office on Drugs and Crime, and other partners to support efforts to develop regional maritime security sector capacity development.

Somalia:

Twenty years ago, when the government of Somalia collapsed, few imagined that the country's ongoing state of lawlessness would eventually spawn piracy on such a scale that the security of the western Indian Ocean region could be threatened. At first, many assumed that pirate attacks on passing ships could be quickly stifled. But the problem has grown into a global malady that so far has warranted seven United Nations resolutions, one of which authorised "all necessary means to repress piracy and armed robbery at sea."

Usually, arrested Somali pirates and senior officials try to justify the explosion of piracy off East Africa by citing illicit activities by foreign vessels off the Somali coast. Somali fishermen have long complained that foreign ships have been hurting their livelihoods by overfishing nearby waters, often with large illegal nets.

Despite the attempted military intervention of the United Nations, EU, and NATO, piracy in Somalia continues to grow. Due to the country's lack of a central government, no internal authority stands in its way. In fact, piracy along Somalia's large coastline has gained support from local authorities, most notably Al-Shabaab, an Islamist insurgent group with ties to Al-Qaeda that continues to wage civil war with the internationally recognised Transitional Federal Government for control of Somalia.

Ports and towns along the Gulf of Aden have benefited enormously from pirate activity, making it a significant part of Somalia's informal economy. The support goes far beyond domestic communities, Somali refugees as far as Canada and the United States contribute money to the cause, in addition to financial backing from sources in Saudi Arabia, Dubai, Yemen, and Al Qaeda. Thus, what was once a disjointed group of Somalis reacting to illegal fishing and offshore waste dumping has turned into an organised and internationally funded operation.

United Kingdom:

The home of the UKMTO (United Kingdom Marine Trade Operations), in response to the rising piracy, is playing a lead role in international operations aimed at stopping the pirates and providing humanitarian and development assistance to Somalia.

The UK is seen to be supporting counter-piracy missions like NATO's Operation Ocean Shield, heading the EU's NAVFOR Operation ATALANTA and partly financing the Combined Task Force 151 in the Horn of Africa region, in addition to the aforementioned, it also supports the UK Maritime Trade Operation (run by the Royal Navy and based in the British Embassy in Dubai) – and provides humanitarian and development assistance to Somalia to counteract the root causes of piracy. It is also currently assisting in supporting the recognition of Somalia's Exclusive Economic Zone, which will help protect its natural maritime resources up to 200 nautical miles from its coastal baselines.

Naval operations to counter piracy and robbery off the coast of Somalia operate under the authority of the UN Security Council. Since 2008, the Security Council has passed many resolutions authorising military operations, the most recent of which is UN Security Council Resolution 2077.

Past UN resolutions

2 June 2008

S/RES/1816

This resolution authorised action against piracy in Somalia.

7 October 2008

S/RES/1838

This resolution called for intensified action against piracy in Somalia.

2 December 2008

S/RES/1846

This resolution authorised states and regional organisations to enter Somalia's territorial waters to combat piracy for a further period of 12 months.

16 December 2008

S/RES/1851

This resolution expanded the anti-piracy authorisation to include operations on land.

30 November 2009

S/RES/1897

This resolution renewed for 12 months the anti-piracy measures of resolutions 1846 and 1851, which would have expired on 2 December.

27 April 2010 S/RES/1918

This resolution requested a report from the Secretary-General within three months on options to ensure the prosecution and imprisonment of persons responsible for piracy off the coast of Somalia.

23 November 2010 S/RES/1950

This resolution renewed for a period of 12 months the antipiracy measures of resolution 1897.

11 April 2011 S/RES/1976

This resolution welcomed the report of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia and requested a report from the Secretary-General within two months on the modalities of establishing specialised courts to try suspected pirates as recommended by the Special Adviser.

24 October 2011 S/RES/2015

Called for additional measures to strengthen the prosecution of Somali pirates.

31 October 2011 S/RES/2018

Condemned threats of piracy and armed robbery on the seas of the Gulf of Guinea and called for strengthened regional cooperation.



22 November 2011 S/RES/2020

Renewed for 12 months the anti-piracy measures related to Somalia were first established by the Council in 2008 in resolution 1950.

29 February 2012 S/RES/2039

Welcomed the Secretary-General's assessment mission on piracy in the Gulf of Guinea and called on states to implement its recommendations.

21 November 2012 S/RES/2077

This resolution renewed for 12 months the authorisation, in place since 2008, for international counter-piracy action to be carried out within Somali territorial waters and on land in Somalia.

18 November 2013 S/RES/2125

This resolution re-authorised anti-piracy measures for Somalia.

7 November 2017 S/RES/2383

Renewed for one-year authorisation for international naval forces to fight piracy off the coast of Somalia.

4 December 2019 S/RES/2500

This was a resolution renewing the counter-piracy measures off the coast of Somalia for 12 months

3 December 2021 S/RES/2608

This renewed the anti-piracy measures off the coast of Somalia for three months.

Questions a resolution must answer

1. How can the UKMTO and Naval fleets as well as Naval auxiliary fleets make amends to the current transit corridor around the Horn of Africa?
2. What detailed exercises can be carried out regularly in a radius of 100 nautical miles off the MSTC so that naval fleets from various nations can be available for immediate disposal?
3. How can the existing, void UNSC resolutions be reapplied in current times?
4. In the event of an unfortunate capture, how shall a flag state or a vessel responding to a distress call deal with the situation at hand, apart from implementing the BMP5 for merchant's vessels?
5. What suggestions can be given to member nations or flags regarding the transport of cargo through the MSTC?
6. In the case of a pirate's capture, what code of penalties shall apply and according to what convention or specific penal code? Should they be uniform for all vessels and flags in that region? If so, how?

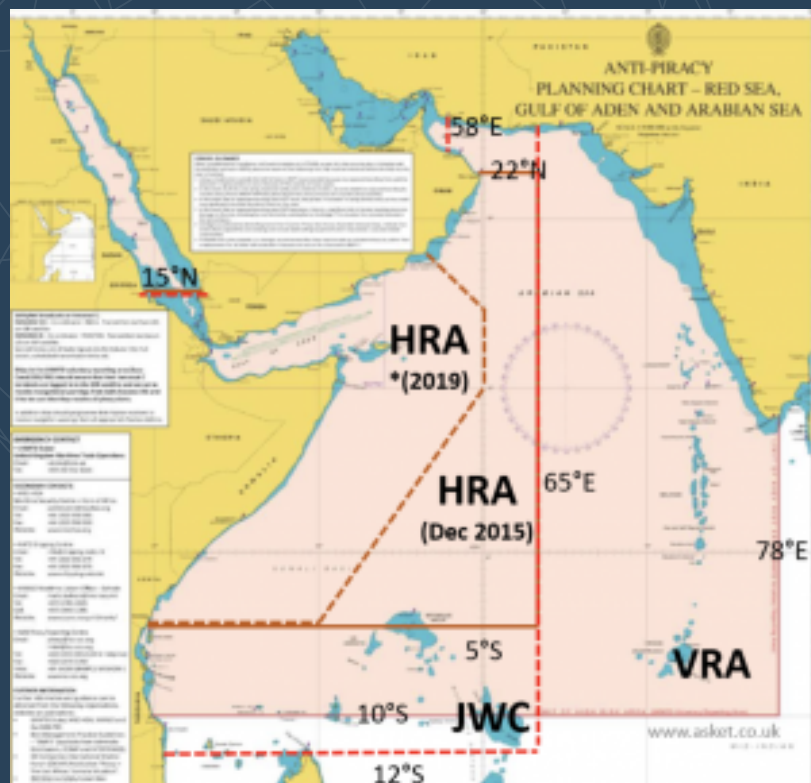
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Appendix



Horn of Africa



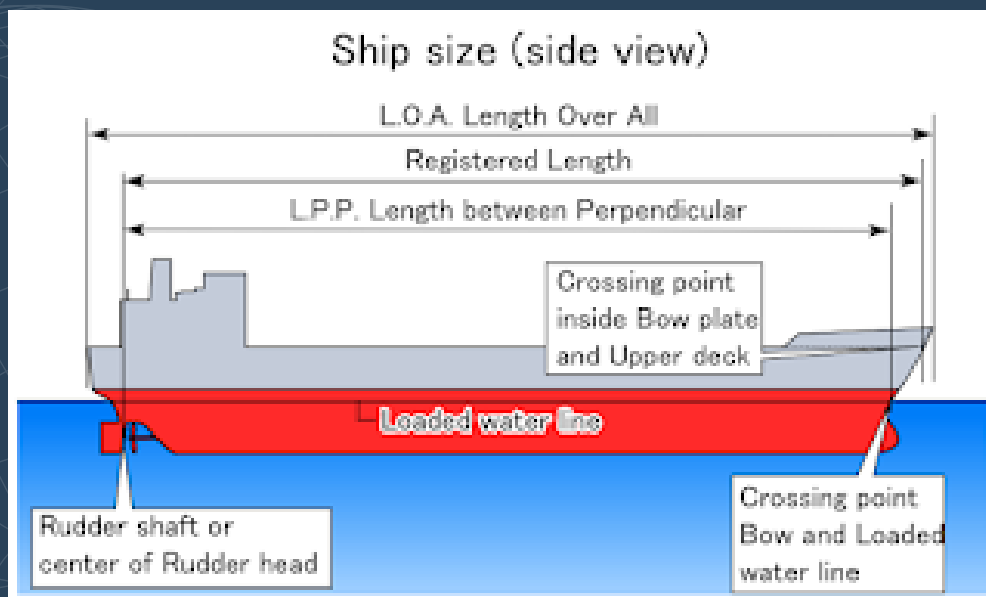
VRA, HRA



MV Maersk Alabama



MV Maersk Alabama Hijacking- A RHIB along with the Maersk Alabama Lifeboat



Illustrations of LOA, LBP and Reg. Length