

**Forum:** Commission on Crime Prevention and Criminal Justice

**Issue # ... :** Combating maritime crime and piracy.

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## **Introduction:**

Maritime piracy is one of the biggest crimes in the industry. It can not only cause huge financial losses but also cause physical harm to crew members. This crime is probably the most notorious marine crime and one of the major threats maritime security faces. These criminal activities that take action at sea are often directed at vessels or maritime structures, but also include the transportation of illicit substances or trafficking of persons by organized transnational criminal networks. As mentioned before it is a threat to the security of navigation and to the integrity and life of seamen.

A very famous act of maritime crime and piracy is seen in West and Central Africa, and particularly in the Gulf of Guinea. Here maritime crimes involve the hijacking of petrochemical tankers and attacks on other oil and petroleum storage and transportation platforms. It was found out that there is no state bordering the Gulf of Guinea that possesses the necessary jurisdictional provisions, legislations and judicial capacity needed to undertake prosecutions against piracy, therefore leading to an increase in cases each year.

## Definition of Key Terms

**Maritime Crime:** Criminal Activity perpetrated or performed at sea or directed at ships and vessels. It also includes the transportation of illegal substances and trafficking of people by organized crimes.

**International Waters:** Waters located outside any nation's territorial waters meaning waters that are owned by no country.

**Smuggling:** The moving of illegal substances or people without permission.

**Piracy:** The practice of attacking and robbing ships at sea.

## General Overview

According to the UNODC's Maritime Crime Manual, maritime crime is "conduct which is perpetrated wholly or partly at sea and is prohibited under applicable national and international law." It's important to combat these crimes because more than 80% of the world's trade occurs at sea and maritime crime can be highly influential to global economics and pose a threat to international security. A key problem to solve in this issue is that there are so many different types of maritime crimes meaning that it is hard to address every single one of them on how to prevent and penalize them. Some types of maritime crime include, but are not limited to: maritime piracy, drug trafficking, human trafficking, unauthorized entry, smuggling exotic plants and animals, illegal carrying of weapons and artillery, discharging in ocean waters, tax evasion, and illegal fishing and deep sea resource exploitation.

## Piracy

It is very important to know what piracy is and how it is carried out to find an effective solution to combat this crime. Pirates are most likely to commit piracy in small bodies of water to large cargo vessels. This is a planned out method because most vessels have no choice but to go through these narrow passageways, like canals, to reach their destination. The pirates surround the large vessel from multiple sides with their small boats when the large vessel has decreased its speed to better navigate in the narrow passageways. There are many things that the pirates can do: they can take the cargo or the belongings of the crew and passengers, they can take the large amount of money that the vessel carries to pay port fees, or they could take control of the ships by forcing the crew off the ship and buying false papers from corrupted officials to change the boat's identity and transfer the ownership to themselves. If they are discovered by government vessels, many of the times they will sail to the territory of the government's enemy and successfully escape arrest. Piracy is more common off the coast of Somalia, the Gulf of Guinea, Indonesia, Malaysia, Singapore, and the Philippines.

## Drug Trafficking

Drug trafficking from South American to North America was at its peak in the 1980s. From then and continuing on until now, drugs are usually transported from Colombia to Mexico or Central America to the United States and Canada by sea. Over the years many drug dealers have found sneaky ways to avoid getting arrested. Some methods that the drug traffickers use: dumping drugs in the coastal waters of Panama and Puerto Rico so that local accomplices, fishermen, or commercial boat captains can bring the drugs to nearby ports, or using submarines to bring drugs to the US and countries without getting detected by coast guards.

## Human Trafficking

According to the UNODC, human trafficking is “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” The traffickers are well aware of which maritime routes are poorly patrolled and use their knowledge and expertise to avoid getting captured. They also often bribe maritime officials to avoid getting caught which shows us that it is a key problem of this issue that we have to try to solve. Human trafficking is the worst in Russia, China, Iran, Belarus, and Venezuela.

## Major Parties Involved and Their Views

### China

As one of the major powers in Asia, China's coast guard (CCG) maintains an active presence in the Southeast China Seas and the Yellow Sea. In 2019, the coast guard solved over 1,600 incidents of maritime crimes including trafficking, smuggling, and sand mining. Along with increasing the policing of the bodies of water, aiming to apprehend boats, consequently punishing over 600 illegal fishing vessels. On January 22, 2021, China enacted the China Coast Guard (CCG) Law, which infringed the United Nations Convention on the Law of the Sea (UNCLOS). Not only did it empower the CCG to utilize its authority to threaten China's neighbors but attempted to change the hierarchy of the area. However, China maintains the stance that the CCG Law is consistent with international legislation and established customs. Articles 21 and 22 are prime examples of such practices against China's claims. Article 21 of the CCG Law conditions that if a foreign vessel is to violate China's national law, the CCG is authorized to take enforcing measures. Furthermore, article 22 specifies that the

CCG is entitled to use weaponry upon foreign organizations that disrupt China's sovereign freedoms at sea.

## Argentina

As one of the most active and powerful nations in South America, the Argentinian Organic Act designates the Prefectura Naval Argentina (Argentine Coast Guard) as the accountables for the safety of vessels and the maritime borders of Argentina. It is a country that has proven to continuously collaboratively work with the International Criminal Police Organization and the United Nations Office on Drugs and Crime (UNODC), creating an advanced training course on strengthening the capacities of criminal justice institutions and cooperation with INTERPOL's National Central Bureaus. According to INTERPOL, the 5,000 km of coastline owned by Argentina links the Atlantic Ocean with several drug-producing states in South America, causing Argentina to present a destination for transit of illicit shipments.

## Singapore

Singapore is another influential power in the Asian seas. With the possession of the Singapore strait, Singapore suffers from a rising trend of maritime robberies. In 2020, the country observed 34 reported robberies, three more than the number of robberies reported in 2019. Contrary to the Philippines, the cause of these robberies is not to destabilize the economy or the state but to simply take merchandise and valuable objects. This is a reflection of the conditions Singapore overlooks. Although the country is part of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery (ReCAAP), there have not been major attempts to slow down maritime crime or combat the issue as a whole. Instead, Singapore believes in the importance of statistics reflecting the increase in crimes and international cooperation within ReCAAP.

## Somalia

Due to its geographic proximity to Yemen along with the absence of naval area consciousness and security, there has been an incredible increase in illegal activities taking place in the area. Furthermore, the inability to successfully patrol the area and punish the crimes committed is increasingly becoming one of the causes of this instability. For this, The Gulf of Aden and Red Sea sub-program created by the United Nations Office on Drugs and Crime (UNODC) assists the country in combating these crimes. Piracy has invaded the area and hijacking, kidnapping, and hostage situations could be observed. Within a six-year extent (2005-2011), around 1,099 boats were attacked. However, within the next few years, little to no hijacking cases were reported, due to the efforts of international bodies and the stock of armed security guardians onboard ships. In recent years, smaller outbreaks have been reported and prove how delicate the circumstances are and how efforts may be reversed easily.

## Timeline of Events

Date	Description of event
300 BC	One of the oldest recorded cases of maritime crimes, piracy, occurred in Ancient Greece, threatening the trading routes of Ancient Greece. Roman ships were then also attacked for their cargoes of grains and olive oil.
200 BC	The word pirate (peirato) was first used by the Roman historian Polybius.
140 BC	Greek historian Plutarch gave the first most clear definition of the word, "piracy". He described the word as acts done by those who attack not only ships but maritime cities. This created a wider

perception of maritime crimes, as pirates were the only major form of maritime crime recognized formally.

200 AC

Piracy in Asia rises as the Han dynasty diminishes.

1650

The beginning of the “Golden Age of Piracy,” taking place in the Caribbean and within the oceans of English, Spanish, Portuguese, and French colonies. Some infamous pirates from this era include Sir Henry Morgan, Blackbeard, and William Kidd.

1650-80

Known as the protagonists of the first stage of the “Golden Age of Piracy,” buccaneers (Anglo-French pirates who specified in the West Indies and harmed Spanish lanes and ports), formed alliances with the English in hopes of extensive funding for their expeditions. This led to a massive increase in military-like tactical operations. The main responsibility of the buccaneers involved tactics such as utilizing a ground force while maintaining a large presence in the oceans. They focused on mainly providing munition cover from Spanish ships that protected their ports.

1693–1700

Due to a large number of factors, Anglo-American pirates, who had been introduced to maritime crime during the previous era/period, began looking beyond the Caribbean for wealth. Many Caribbean colonial governors discarded the traditional policy that stated, “no peace beyond the Line,” where it was understood that treaties in Europe would not settle wars in the Caribbean. The large influx in crime due to this rule impacted the number of piracy attacks committed during this period immensely.

During this time, England's less-favored colonies had become greedy for money due to the Navigation Acts (which managed English shipping, ports, and maritime issues in the country). Several merchants and governors began defending pirates because they believed that pirates brought them their riches, not the government. Furthermore, during this period the Indian Ocean also became a wealthier target for pirates. Not only were the cities wealthy due to the high-value luxury goods (calico and silk), but were definitely not protected at any cost. Many (in)famous pirates surged due to this particular event, Thomas Tew, Henry Every, Robert Culliford, and William Kidd.

1701–14 The start of the last stage in the “Golden Age of Piracy” began, the Post-Spanish Succession Period. Due to the several peace treaties occurring in Europe following the War of the Spanish Succession, Anglo-American sailors and pirates were left completely unemployed as they were no longer useful for the foes of Spain. Most privateers turned to piracy in the West African coast, Indian Ocean, Caribbean, and the North American seaboard.

1775 Following the mass surge of pirates on the various coasts of the world, the American Revolution allowed for a rise in piracy between America and Europe.

1820 American and English forces try and successfully eliminate piracy in the Central American waters after several resisting aggressions.

1948 The International Maritime Organization (IMO) is established by the UN as a method of assembling countries to approach marine



issues.

1956 The United Nations held its first Conference on the Law of the Sea (UNCLOS I), in Geneva, Switzerland. Which resulted in four major treaties: the Convention on Fishing and Conservation of Living Resources of the High Seas, the Convention on the Continental Shelf, the Convention on the Territorial Sea and Contiguous Zone, and the Convention on the High Seas. Furthermore, the conference did not only focus on piracy but on international maritime crimes as a whole.

1960 The second United Nations Convention on the Law of the Sea (UNCLOS II) took place, however, it did not result in any major agreements.

1973–1982 The third United Nations Convention on the Law of the Sea (UNCLOS III) took place, resulting in the Law of the Sea treaty and replacing the former deteriorated “Freedom of the seas” concept.

1991 In Somalia, clan-based armed opposition groups overthrew the Barre administration, paving the way for a terrible increase in maritime crimes (mostly trafficking and piracy).

### **UN involvement, Relevant Resolutions, Treaties and Events:**

The UNODC, United Nations Office on Drugs and Crime, developed a strategic framework to enhance the regional capacities aimed at tackling piracy and armed robbery against large boats. They particularly assists in :

- Identifying areas for regional coordination and capacity building support while mapping the maritime risk of situations.
- Aim to better coordinate the fight against maritime crime by collaborating with regional stakeholders
- Implement and advocate for the UN standards and norms of maritime crime and piracy
- Provide assistance to criminal justice in order to help states carry out effective maritime law enforcements and help victims

The United Nations Convention on the Law of the Sea laid a comprehensive regime of law and order in the world's oceans and seas. Through this they established rules governing all uses of the oceans and their resources. The convention was opened for signature on December 10, 1982 in Jamaica, and took action on November 16, 1994. There was participation from more than 150 countries. The convention as a whole embodied traditional rules for the uses of the oceans while also introducing new legal concepts and regimes and addressing new concerns. It provided the framework for the development of specific areas at the Law of the Sea. Today it is globally recognized for dealing with all matters related to the law of the sea such as, delimitation, environmental control, marine scientific research and more.

## **Past action**

### **Interpol**

The International Criminal Police Organization (INTERPOL) is involved in the combatting and preventing of maritime crime and piracy. An example is their current programme called "The Maritime Security Programme" (MASE) is sponsored by the European Union, with the aim to increase the security towards maritime related crimes in East and Southern Africa, where situations like these are very common. There are six countries that benefit from this program, being Djibouti, Ethiopia, Kenya, Mauritius, Seychelles, and Tanzania. INTERPOL helps the

nations by strengthening financial intelligence and providing training to the local law enforcement. INTERPOL's support has led to positive outcomes, with a case involving 24 million USD, officers of law enforcement could apply their new knowledge and successfully prosecute the case. Also in Mauritius, newly trained officers were able to arrest two French nationals, that were persecuted by the french authorities, who requested help from INTERPOL to apprehend the fugitives

## **Possible Solutions**

International cooperation is key to solving this issue of maritime crime and piracy. There are so many ways the pirates could sneak out from punishment because of the differences in how a country handles the same issue. In piracy, for example, the problem of sailing to the territory of the country's enemy should be solved and should not be condoned. Global unity is crucial to solving this problem.

Since some nations do not have the proper resources to combat this issue as an individual country, a committee in the UN could be formed to fund necessary preventive measures. All countries should have input and should collaborate together through this committee by meeting regularly to reach a consensus and develop an international law so that all countries could tackle this issue as one community.

## **Sustainable Development Goal (SDG)**

The issue addressed throughout, ties to the 16th Sustainable Development Goal, "Peace, Justice, and Strong Institutions". This SDG focuses on the promotion of peaceful and inclusive societies while maintaining sustainable development. Doing so by providing access to justice and honorably inclusive institutions for all. Ensuring that international bodies of water are protected not only secures the

security of political concerns but additionally the safety of all citizens globally. As discussed in the General Overview, the hazards to this issue comprise several concerns that considerably impact not only societies but people and communities. By preventing and combating maritime crime, human trafficking, drug trafficking, piracy, and several more are all tackled with the issue, bringing peace to the communities and justice to those who suffered. In terms of sustainability, an area that many forget is crimes that affect the wildlife, hence, tackling maritime crime also signifies putting an end to the suffering of various ecosystems.

## Appendix

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