



## UNITED NATIONS SECURITY COUNCIL

### Modern Maritime Piracy

By Sam Roosz

#### Introduction

For years, pirates have captivated the minds of millions. Tales of pirates with booming personalities from the 18<sup>th</sup> and 19<sup>th</sup> centuries have become entrenched into popular culture. Their reckless lifestyles and daring deeds have been **glamorized** in many books and movies, and pirate captains have even become seen as something of dark heroes of the seas. A mention of the word “pirate” conjures up images of wooden ships with grand sails and booming cannons flying the **Jolly Roger**, symbols of a bygone era.

Yet piracy is still very much alive. Though the pirates have traded in their schooners for motorized vessels and their rapiers for pistols, they retain the same ferocity and lawlessness established by their predecessors. Their actions severely injure poor nations’ economies, prevent essential aid from reaching the people who need it, and terrorize any who travel through the waters they haunt.

Cargo ships and fishing trawlers are the primary targets of pirates, but in regions on the coast of Africa and Indonesia, no ship is safe. Unlike pirates of old, modern pirates are generally unconcerned with the cargo aboard vessels and instead seek to rob the cash that is aboard the ship for the purpose of paying the salaries of its crew members. The pirates wait until the larger target ship starts to slow down to navigate through more challenging waters, and then they board the vessel using several small motorboats. A rapidly increasing trend in piracy is the taking of hostages for the purpose of receiving a ransom. Ransoms worth millions have been given to pirates for the release of their hostages, and with rewards such as these the incentives for piracy are ever-increasing.

**Glamorized**—to make something appear romantic or heroic.

**Jolly Ranger**—black flag with a skull and crossbones.

#### Explanation of the Problem

##### *Piracy in the Strait of Malacca*

The Strait of Malacca historically has been one of the most sizeable hotbeds of pirate activity. Situated between Indonesia to the south and Malaysia and Singapore to the north, the strait is a 800 kilometer-long stretch of water that is often quite narrow, less than three kilometers across at places. These constricting dimensions, combined with the relatively shallow waters of the region, make the Strait of Malacca challenging for navigation. Ships that want to traverse the strait have to slow their speeds to safely travel.

Though the strait provides some unique challenges to commercial shipping lines, it also has been invaluable to various companies for the direct route it offers. By traveling through the Strait of Malacca, oil supertankers can save up to three days in travel time to get their product from the Middle East to East Asia. As such, entire lines of tankers, deemed “Malaccamaxers”, have been engineered such that they maximize the volume that can be transported through the strait. With the great amount of commerce that passes through the Strait of Malacca, it comes as no surprise that this area has attracted pirates for hundreds of years.

Early in its history, the Strait of Malacca was controlled by a band of pirates called the Orang Laut. These pirates had a massive impact on the course of history in the region. In the early 16<sup>th</sup> century, the Portuguese captured Malacca, the capital of the Sultanate of Malacca, a region that contained parts of modern-day Malaysia, Singapore, and Thailand. When the Portuguese ejected the Sultan of Malacca from his kingdom, the Orang Laut protected him and helped him reestablish a **sultanate** in Johor, a nearby city, because the pirates felt a loyalty to the Malay people. Using the pirates as political and military leverage, the Sultanate of Johor expelled the Portuguese from Malacca and gained protection from the Dutch as well.

**Sultanate**—an Islamic kingdom.

In the 18<sup>th</sup> and 19<sup>th</sup> centuries, piracy in the Strait of Malacca increased sharply as European powers took greater hold in the region. The spice trade that flowed through the strait provided a prime target for the pirates. The narrow region of the strait, high value of goods being transported, and poor living conditions of the population in the area combined to make the strait a dangerous shipping lane.

The high levels of piracy continued in the region until the British-Dutch demarcation line was established in the 1830s, which divided the strait into two regions to be patrolled by the navies of the two nations. This division of labor between the great powers was successful in curbing the piracy in the area, and the demarcation line eventually became the border between Indonesia and Malaysia.

#### *Modern Piracy in the Strait of Malacca*

In modern times, piracy in the Strait of Malacca has taken one of three forms. The least organized form is essentially a mugging at sea: small boats will find targets of opportunity, board, and then steal any cash or valuables that might be aboard. Some methods of piracy in the straits are more organized, however. Pirates sometimes kidnap crews for ransom, steal large cargo loads, or even take control of the whole ship. These types of pirates generally have substantial funding and strong connections at ports that help them hide their criminal activity. The final type of pirate, and perhaps most troublesome, is the terrorist pirate who conducts organized criminal activity in the straits for the pur-

pose of raising money for terrorist acts. One terrorist group, the Free Aceh Movement, has been conducting pirate activities in the strait for the purpose of purchasing firearms and other weapons.

Indonesia, Malaysia, Singapore, and India have joined their naval forces to fight piracy in the strait, but their efforts have not yet yielded the desirable results. The Strait of Malacca is surrounded by **river deltas** and dense forests that make it easy for pirates to hide and escape from naval vessels. Singapore has called for international support in the anti-piracy efforts, but the other nations have thus far rejected this proposal.

### *Piracy in Somalia*

In the late 1980's, the nation of Somalia broke out into civil war. Since that time, no central government has been established in the country, and it has been ruled by warlords and their private militias. This lack of central government, combined with close proximity to waters with lots of commercial traffic, made the region a prime spot for piracy.

At first, the piracy efforts near Somalia were largely protective in nature. Once the government crumbled, foreign fishermen took advantage of the situation by illegally fishing in Somali waters. The pirates started to target vessels that were fishing illegally in an effort to ward off those who might encroach upon their waters, but once warlords saw the profitability of the piracy, they began to use it as a means of gaining funds. The waters within twelve miles of the Somali coast were an especially active region of piracy because the pirates knew that the navies of other nations could not legally pursue them within the **territorial waters** of Somalia. Once the pirates gained more funds, they began to venture further and further out into the ocean using large boats as bases of operations and smaller motorboats for the actual attack.

The taking of hostages for ransom is the predominant practice in the Somali waters. The shipping industry and the insurance companies that work with them both prefer to negotiate with the pirates for the release of hostages rather than to seek military action from an outside navy. Though the US has a moderate presence in the region, their current policy is to allow the pirates take the hostages for ransom and to only intervene if there appears to be an imminent loss of life. Because the ransoms are typically paid, other pirates have been encouraged to take part in this practice as well. Pirates often use the ransom funds to purchase more sophisticated boats and weaponry.

Though many cases of Somali piracy are somewhat organized, others primarily look for targets of opportunity. One such instance occurred in 2005 when Somali pirates attacked the cruise liner *Seabourn Spirit*. Two motorboats carrying about five pirates each attacked the cruise ship with rocket-propelled grenades and machine gun fire. The pirates attempted to board the vessel, but were repeatedly repelled by

**River delta**—a region where a river, when it nears a sea or lake, branches out and creates a fertile, flat area with rich river soil deposits and many small streams and coves.

**Territorial waters**—region of the sea that is officially part of a country which cannot be legally entered on by the navies of another country unless at war. They end twelve miles from shore.

two of the ship's security officers, who used high pressure hoses and a non-lethal **sonic** weapon known as LRAD to defeat the attackers. The LRAD technology allows an operator to focus painfully loud noise into a narrow beam at a target far away. Although everyone onboard survived the attack, the two crewmen who repelled the pirates had injuries from bullets and shrapnel and the hull was pockmarked by grenades.

**Sonic**—utilizing, produced by, or related to sound waves.

### *Piracy in West Africa*

Another pirate hotspot is the coast of West Africa, particularly in the waters off of Nigeria. Nigeria has great oil resources, and thus there is a steady flow of cargo ships near its coastline. Though the nation is rich in natural resources, the people of the Niger River delta are incredibly impoverished, a condition that promotes criminal activity such as piracy.

In all of the piracy hotspots, piracy increases poverty while simultaneously being a product of it. Piracy's exacerbation of poverty is particularly strong in Nigeria. Due to the dangerous waters of the region, foreign oil companies removed all but their most essential personnel from Nigeria in 2007, decreasing the oil productivity of the region and further lowering the GDP of Nigeria.

After the exodus of the foreigners, the **glut** of Nigerian pirates had little choice but to begin attacking domestic fishermen. Nigerian fishing trawlers stayed very close to the coast, making them prime targets for pirates. There was a sharp increase of lethal attacks on Nigeria's fishermen, which prompted the Nigerian Trawler Owners Association to cease operation of its entire fleet and the 20,000 workers who serviced it. This effect, combined with the decreased oil output, harshly affected the Nigerian economy.

**Glut**—an excessive quantity.

## **Recent Developments**

### *Piracy and Terrorism*

Piracy is not only feared by the international community for its economic consequences, but also for its close ties to terrorism. Oftentimes piracy directly funds terrorist activity, and the threat of piracy itself can ward off foreign investment and aid. As the greatest piracy hotspots coincide with high traffic areas for the transport of oil, one significant security concern is that terrorists will begin to use the networks and strategies outlaid by pirates in the areas to attack oil tankers, driving oil prices even higher. The recent international war on terrorism should absolutely factor into any discussion of piracy.

### *France Takes Action*

On April 4, 2008, the French yacht *Le Ponant* was captured *en route* to the Mediterranean by a dozen Somali pirates. The pirates demanded a ransom, which was later paid by the ship's owners. After freeing the hostages in exchange for a payment of about \$2 million, the pirates went ashore to Somalia. As the pirates were driving inland, a French attack helicopter swooped in, shot out the car's engine, and French special forces were able to take six of the twelve pirates into custody and recover part of the ransom money. Following this action, the French government promised to introduce anti-piracy measures to the United Nations Security Council.

### *United Nations Security Council Resolution on Piracy in Somalia*

In June of 2008, the UNSC passed a resolution allowing any nation that had the approval of Somalia's **interim** government to use any and all means to combat pirates in Somali territorial waters. This resolution was passed as a response to the practice of Somali pirates using the territorial waters of their country as a safe haven when being pursued by foreign navies.

The resolution was authored by France, the US, and Panama and passed unanimously in the Security Council. Though this proposal will only last for six months, there is great hope that allowing foreign navies into the waters of Somalia will greatly reduce piracy in the region. With the lack of a central government in Somalia, the Security Council saw it as necessary for other nations to intervene to bring stability to the waters.

**Interim**—*temporary, until a permanent replacement can be found or is appointed.*

## **Focus of the Debate**

### *China*

While China is committed to fighting piracy on the high seas, it also wants to avoid any measure that would give the UNSC broad powers to infringe on the **sovereignty** of a nation if pirates operate in its waters. China favored UNSC action in Somali waters because the resolution was limited in scope to only Somalia and made no provisions for other pirate-plagued waters.

With China's substantial naval forces, the nation could represent a valuable asset in fighting piracy in the Strait of Malacca. If Malaysia and Indonesia are willing to allow the Chinese navy to operate in their waters, much could be accomplished against piracy.

**Sovereignty**—*a nation's right to self-rule.*

### *France*

France has taken a very hard-line approach to dealing with piracy and has been a leader in the Security Council in drafting resolutions

aimed to combat it. France has been pushing for an international coalition to enter into the sovereign waters of nations that have proven to be incapable of combating piracy, but it has been only moderately successful. Its proposal to go into Somali waters passed, but the nation's attempt to gain support to fight piracy in Nigerian waters has failed.

#### *United States*

The US has **eradicated** piracy in its own waters, but it is still affected by the presence of pirates in routes taken by its commercial carriers and cruise ships. In light of the US War on Terror, the nation has particular reason to be concerned with piracy as much of the knowledge and tactics developed by pirates could feasibly be used for terrorist purposes, either because pirates double as terrorists or because they sell their technology to terrorists. In recent years, the US has been a leader in developing non-lethal technology, which proved itself effective against pirate attacks on the *Seabourn Spirit*. Through wider implementation of such non-lethal technology, pirate attacks on commercial ships could potentially be discouraged.

**Eradicate**—to eliminate or remove.

#### *Nigeria*

Nigeria has substantial interest in removing piracy from its waters. The recent spike in pirate activity has decreased the level of foreign investment in Nigeria's oil fields and has also harmed the nation's fishing industry. However, Nigeria is reluctant to allow foreign navies into its waters. It has accepted naval resources for use by its own personnel from nations such as the US, but has thus far rejected direct foreign involvement.

#### *Indonesia*

With the Strait of Malacca right on its coast, Indonesia is severely impacted by piracy. In order to combat this piracy, Indonesia recently took part in an international coalition along with Malaysia, Singapore, and India to fight piracy in the region. Their efforts have not been as effective as desired, leading Singapore to call for outside involvement, but thus far the other nations have rejected that proposal.

## **NGO Perspectives**

#### *Greenpeace*

Greenpeace defines piracy very loosely, and concerns itself with fishermen illegally fishing in certain waters, which it includes in its definition of piracy. Greenpeace takes a stance on this issue primarily because of the environmental impact that these 'pirates' have on the fish stocks and the unintentional damages done to the ecosystem by the fishing. Greenpeace would likely seek to pursue a definition of piracy that

includes illegal fishing.

#### *Amnesty International*

Though Amnesty International's **purview** does not include piracy itself, the organization has committed itself to fighting the death penalty and human rights abuses. As many nations list piracy as one of the offenses that can warrant capital punishment, Amnesty's primary concern would be for the protection of pirates against the death penalty.

**Purview**—*the range or limit of authority, competence, responsibility, concern, or intention.*

#### *Oxfam International*

Oxfam International is an organization whose mission is to fight world poverty. The group has a **tangential** concern with piracy due to the difficulties it presents in getting relief materials to those in need. For example, in 2007, pirates performed a lethal attack on a UN vessel carrying food for the relief of the Somali people. These types of attacks on relief ships prevent an adequate supply of food and survival materials from reaching Somalia. As piracy is a result of extreme poverty, Oxfam's anti-poverty mission also serves to combat piracy. The organization would support a stronger stance on piracy, particularly around Somalia.

**Tangential**—*touching lightly, loosely related.*

## **Possible Solutions**

#### *Allow the Pursuit of Pirates into Territorial Waters*

One major barrier to effectively combating piracy is that pirates can retreat into the territorial waters of their home nation when pursued and cannot be followed inside by foreign nations. For nations like Somalia that have no central government or navy, this makes the territorial waters a safe haven for the pirates. With the recent act by the United Nations Security Council to allow the navies of other nations to enter into Somali waters to pursue pirates, the Somali waters have lost their status as a safe haven for pirates, at least for the six months that the allowance encompasses. This measure could be used in other pirate strongholds.

Though this solution would allow the militarily strong nations in Europe and North America to deal with piracy, a major concern with it is that it constitutes a violation of national sovereignty. Initially, the recent Security Council resolution also contained provisions to fight piracy in West Africa, but China, Vietnam, and Libya would only permit the violation of Somalia's sovereignty. Therefore, these nations would likely need to undergo considerable persuasion before permitting such actions to go further. An additional problem to passing such legislation is the reluctance of Western powers to become embroiled in military engagements where their own direct interests are not at stake.

### *Change Policy on Pirate Actions*

Currently, the **status quo** is to allow shipping companies to negotiate with pirates for the release of hostages and to only intervene with military action if there is an imminent risk of death. Though this strategy is effective at preventing loss of human life, it encourages future piracy with the high ransoms that are offered. A harsher policy on pirates or a legal cap on ransom money that can be paid might decrease the incentives that piracy offers.

If pirates knew that they would face military intervention for taking hostages, the amount of piracy would likely decrease. Likewise, a reduction in legally permitted ransom payments might leave pirates scrambling for money and would help erase the technological edge they have in many cases. One flaw in this type of strategy is that the rate of deaths due to piracy would increase in the short run as a result of the military intervention or the less than desirable ransom payments. It is also possible that pirates would shift strategies from ransom to outright thievery or that they would feel pressured to take more hostages to make up for the smaller ransom payments.

**Status quo**—the current state of affairs.

## **Questions for Policymakers**

Dealing with piracy is a complicated and touchy task because it often involves foreign militaries acting inside another nation's sovereign territory, something most any nation is hesitant to allow. Policymakers first order of business will likely be how to get around this limitation, for if it can't be accomplished, any measures will likely be futile. The reason the Somali pirates had such success early on was that they could easily retreat to Somalia's territorial waters; policymakers need an effective solution to this problem.

Members of the UNSC will also have to decide who will be involved in any mission. Who will supply the naval vessels and personnel, who will provide logistical support, and who will pay for it? It will be important to decide what limitations will be put on UN forces operating in foreign waters. Will they only be able to pursue blatant acts of piracy, or will they be allowed to detain and search other vessels?

Lastly, UNSC members will be challenged to craft more long term solutions to piracy. Temporary solutions like the one being pursued in Somalia can be effective in the short-term, but long-term policies may eliminate the need to UN interventions to take place in the first place. Members may choose to consider long-term agreements or a permanent anti-piracy task force with broad jurisdiction. On the other hand, members may decide that this isn't necessary and would require too much political maneuvering to be feasible.

## Conclusion

Though the methods of the pirates of **yore** are far better known by the public than the methods of modern pirates, the pirates of today are every bit as dangerous to commerce. It is up to the United Nations Security Council to decide on a strategy to combat these criminals of the sea while also respecting the sovereignty of each nation. The UNSC must also decide how to deal with the factors that promote piracy, such as easy concealment on the coast, extreme poverty, and difficult navigation zones. Though progress has been made in recent resolutions, it is essential that the world community keep the fight against piracy a top priority in order to ensure that the seas are safe for all.

**Yore**—*the past.*

## Guide to Further Research

Research into modern maritime piracy should probably begin with a thorough look at the International Maritime Bureau, a branch of the International Chamber of Commerce that watches international piracy and publishes weekly reports on it. The UN also has its own maritime oversight committee, the International Maritime Organization, whose website should be helpful in finding research as well as keeping up to date on global piracy. Once familiar with these two websites, delegates should familiarize themselves with the current international laws regarding piracy, starting with the Rome Convention of 1961.

Lastly, delegates should search common news sources for up-to-date reports on piracy. Piracy has recently grabbed the media's attention with a series of high-profile hijackings, and there should be plenty of news stories available on major news websites. If you need any additional help with your research, please do not hesitate to contact your chair, Sam Roosz (roosz@fas.harvard.edu).

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