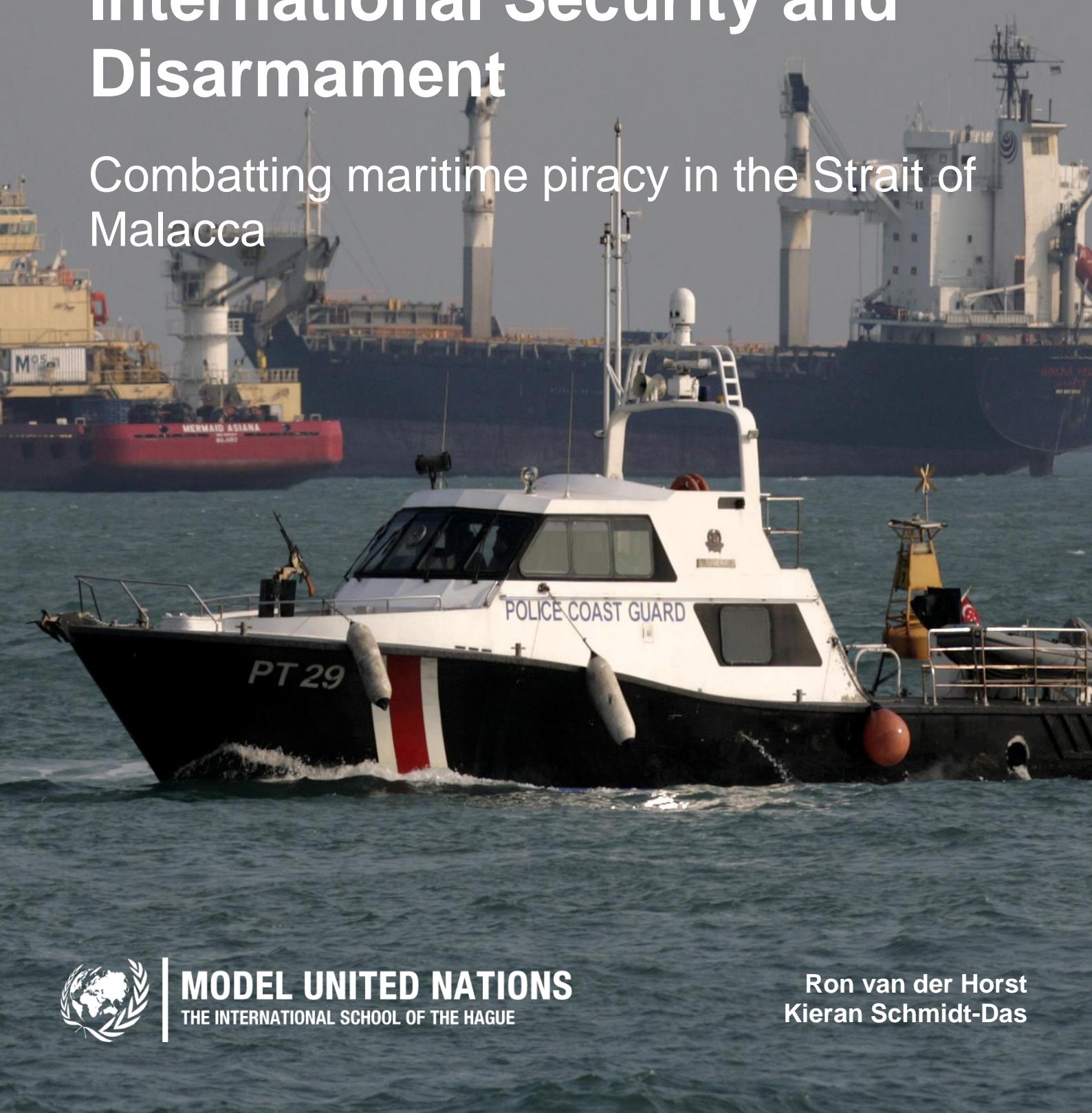


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# General Assembly 1- International Security and Disarmament

Combatting maritime piracy in the Strait of Malacca



**MODEL UNITED NATIONS**  
THE INTERNATIONAL SCHOOL OF THE HAGUE

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<b>Forum:</b>	General Assembly
<b>Issue:</b>	Combatting maritime piracy in the Strait of Malacca
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## Introduction

The Strait of Malacca, found between the Malay Peninsula and Sumatra (Indonesian island) is one of the most important trade routes of the world (see Appendix A). It serves as the main channel between the Indian Ocean and Pacific Ocean. The trade route links Asian nations such as China and Japan with India and Europe (See Appendix B). The 900km channel carries 40% of the world trade and is the most important route for the transport of oil from the Middle East to the Eastern Asian market. The Strait however, has become the newest piracy hotspot in the world ("Strait of Malacca Is World's New Piracy Hotspot").

The nation of the flag of the ship is considered the territory of that nation and thus maritime piracy is considered a transnational crime. In most cases, the armed pirates board the ships using small vessels of their own and lock the ship's crew in a room. They would then disable their communication systems and steal the ship's cargo. In more rare instances, the pirates would take the crew as hostage and ask for ransoms in exchange of the release of the crew. The pirates are usually armed with guns, knives and machetes. Piracy in the Strait of Malacca has increased significantly in the beginning of the 2000's. In the 2000-2004 period, there were 350 to 450 reported attacks per year. However, due to increased anti-pirating strategies, the number of attacks halved in 2005 and decreased significantly. Piracy in the Strait has recently increased. In 2013, the Malacca Strait and Indonesia experienced a total of 107 attacks and attempted attacks ("Piracy and Armed Robbery Against Ships Annual Report 2016").

With 50,000 vessels travelling through the Strait of Malacca each year, the security of the crewmembers and contents of the ships must be protected. The piracy in the region can



have significant economic implications resulting in loss of millions of dollars. International cooperation is necessary when tackling this pressing issue in order to minimize its international damage. Recent attempts at resolving this issue has been progressive however maritime piracy has remerged significantly in the last few years. The economic, social and political implications of the maritime piracy have come to the attention of the international community and the need to resolve this urgent issue is high in order to ensure the crewmembers' safety and also to protect the international community.

## Definition of Key Terms

### Maritime Piracy

Maritime piracy refers to the act of criminal violence or robbery upon another ship by boat-borne attackers, typically in order to steal the cargo of the ship. See Appendix B for the official definition of Piracy under Article 101 of UNCLOS.

### Pirate

A person who engages in acts of piracy is considered a pirate. The word pirate derives from the Latin term *pirate*, which means sea robber.

### Anti-pirating Strategies

An anti-pirating strategy is a strategy that is used to prevent, deter, disrupt and/or suppress maritime piracy. The “universality principle” is a principle of international law, which states that a government may “exercise jurisdiction over conduct outside its territory if that conduct is universally dangerous to states and their nationals,” (Burgenthal). This principle allows governments to combat pirates with their own means if they are a threat to them still in accordance with international law.

In 2005, Malaysia's Deputy Prime Minister Najib Razak presented a six-point doctrine to an Asian Security conference in combatting maritime piracy in the Strait of Malacca.

Examples of anti-pirating strategies presented by Razak include providing ships with armed law enforcement personnel on ships travelling through the Strait, improved technology such as coastal radars linked to satellites and radio tracking technology (Davis).

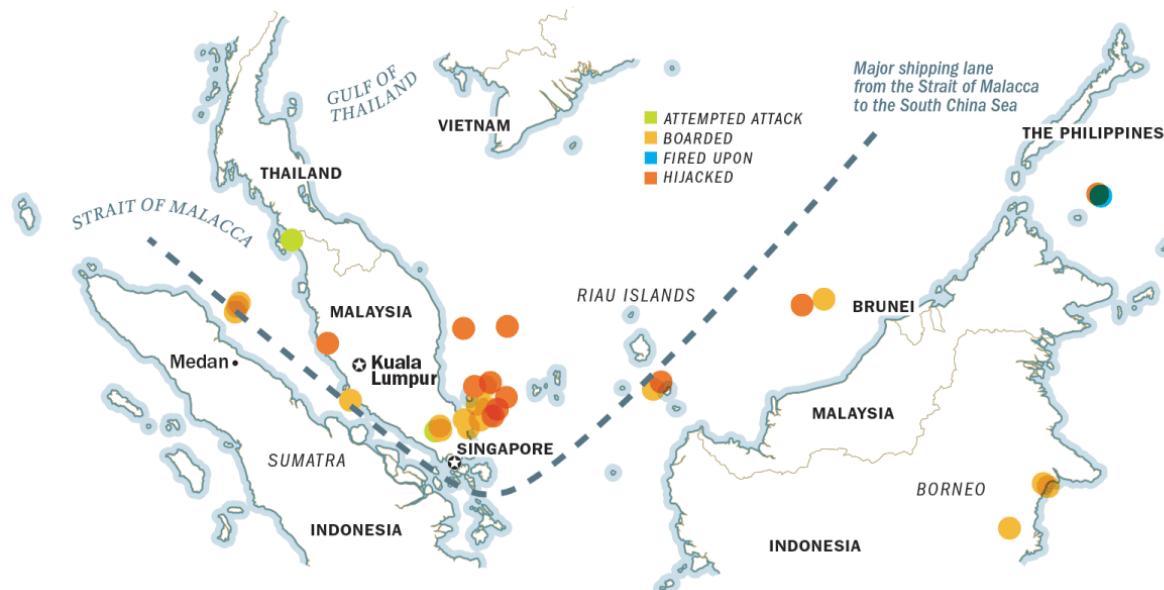
### Littoral States

Littoral refers to the area situated on the shore of the sea or lake. A littoral state refers to a state the borders such sea or lake. Littoral states of the Strait of Malacca include Singapore, Malaysia, Indonesia and Thailand.

## General Overview

Maritime Piracy under Article 101 of the United Nations Convention on the law of the Sea (UNCLOS) and Armed Robbery was defined in resolution A.1025 by the IMO. In summary, it is defined as any illegal act of violence or depredation committed directed at the crew on the high seas or a place outside a place of the jurisdiction of any state. Any voluntary participation in the operation, knowledge of such events or intentionally facilitating the acts are considered elements of the maritime piracy. Maritime piracy ranges from hijacking a moving merchant vessel at sea to stealing from ships when anchored ("United Nations of the Sea").

Primary targets of the pirate attacks are to the ship's safe and stores and valuables of the crew whilst only a small proportion of the reported crimes include the primary cargo as the target. 72 per cent of all the piracy occurs when the ship is anchored or berthed. It is still important to note the severity of these attacks. Almost all of the reported acts of piracy include pirates who threaten, kidnap, injure and kill members of the ship's crew. Modern pirates include fishermen, the Asian mafia and common criminals (Abell). Maritime security forces are also part of today's pirates. These members are responsible for keeping the anchored ships safe, which explains why most of the reported piracy acts occur in port, as these security forces might be complicit in the crimes. The Southeast Asian armed forces result to piracy as the military cannot afford to give sufficient pay for lower ranking members due to limited military budgets by authoritarian governments. This is also present in China's People's Liberation Army (PLA) navy. Reports have described attacks on ships boarded with military gunboats with PLA Navy markings and dressed in the PLA Navy uniforms. When producing your resolutions, it is therefore useful if you tackle the corruption of the maritime security forces in order to reduce the attacks when anchored or berthed (Davis).



### History of Piracy in Strait of Malacca

Pirates in the Strait of Malacca have been present since the 14<sup>th</sup> century. In the 14<sup>th</sup> century, rulers relied upon the pirates to maintain control in the region such as Palembang's (Indonesian city) prince, *Parameswara*. His pirates were known for waiting until Chinese *junks* (ancient Chinese sailing ships) were on their way back to China with goods, attacking the ships with hundreds of boats. Other pirate crews included the *Lanuns*, which were local Malay aborigines coming from territories now known as Malaysia, Indonesia and the Philippines (McKinnon).

Just like it is today, in the 19<sup>th</sup> Century, the Strait of Malacca was an important waterway connecting the West with China. Piracy was then considered a form of social mobility among Southeast Asian rural societies. Pirates were considered brave, tactical and able to navigate, skills that were admirable and considered essential virtues. It became a sub-class of Southeast Asia's rural social structure. When European colonizers came to the area, restrictive monopoly systems of trade were implemented resulting in sections of the society to suffer economically. Piracy was the option that many individuals pursued for economic stability. Piracy slowly became an irregular form of warfare of the Malay society as the colonizers upset the old traditional trades of their society. It was the local people's way to resist the encroachment by the Dutch and British. In return, the Europeans drew an imaginary line of demarcation, which split the Strait of Malacca. If pirates were to pass these lines, the Dutch and British would pursue and annihilate those pirates, which would be in their vicinity.

Piracy in the late 19<sup>th</sup> Century in turn did decline for three important reasons. First of all, colonial powers conducted more frequent naval patrols, pushing back pirates from hiding places. Secondly, the British established political control of *Malaya* (which is now known as Singapore and Malaysia). This created political stability, improving the economic conditions of the rural social class, reducing the incentive for people to resort to piracy as a mean of life. Thirdly, piracy declined as colonial powers had steamships, creating naval superiority against the pirate's wind-powered sailing ships ("The Roots of Piracy in Southeast Asia")

### Causes of piracy

As mentioned previously, fishermen are a large demographic of the piracy industry. The fishing sector in the Southeast Asian water has undergone a massive transformation. With the introduction of sophisticated technology in the 1950's, fishermen were able to effectively increase their catches and stocks. This however led to a strain on the ocean stocks in the 1960's. Fishermen were forced to look outwards in search of fishing grounds, which were less exploited. Most vessels however, were not able to reach such distances. The over-exploitation of these waters also resulted in an increase in pollution, declining fish stocks. From 1970 to 2000, fisheries resources fell by 40 per cent in the Strait of Malacca. In turn, poverty increased significantly in the fishing community. This poverty had a direct impact on pushing fishermen to supplement their incomes through conducting pirate attacks.

The unemployed, poor and desperate fishermen are also more susceptible to be recruited by organised crime gangs, which hijack and attack vessels. As these fishermen were poor, working for the organised crime gangs was the only option to supplement their meagre incomes. These fishermen are recruited for their knowledge of the sea and their ability to manoeuvre smaller vessels; were extremely important in conducting the pirate attacks (Nik).

In the United Nations Convention on the Law of the Sea (UNCLOS), it requires states to cooperate in protecting the seas resources. It defined 4 maritime zones, which would regulate the ownership and jurisdiction over the area of the sea. The result of this implementation was that fishermen were only allowed to fish with a special fishing permit in certain territories. In turn, many fishermen fished illegally. However, when being attacked by pirates could not inform the authorities. They did not inform them, as they were scared of being convicted for fishing illegally. This makes it easier for pirates to attack these fishermen boats, as then these ships would not contact authorities.

There are a few reasons why the Strait of Malacca is a frequent target for these pirates. Firstly, due to the limited size and the strait and large influx of vessels, these vessels are extremely vulnerable. If vessels steer at 18 knots then pirates are not able to hijack them, however as the channel at some points is 2 km wide and there is a large influx of ships in the area, vessels cannot steer at this speed for the risk of collisions. Therefore, pirates can easily board the ships (Koo). Secondly, piracy means a higher cost to the ship's company. Higher costs mean that companies cut their own costs, which are mostly security costs, and the lack of security results in more successful pirate attacks, which increase companies' costs. This results in a downwards spiral of risk aversion, cost cutting and lack of security (Fauzia).

### Current situation of piracy in the Strait

Between 1995 and 2013, pirates in Asia killed 136 people, which is more than twice as many people killed in Africa by pirates. In 2014, pirates stole millions of dollars of lost oil. These illegal profits will only incite others to join the piracy business. Piracy in the Strait has been decreasing significantly. In Indonesia, actual and attempted pirate attacks dropped from 106 in 2013 to 49 in 2016. Out of those 49 attacks, 45 have boarded the ship, 1 time the boat was hijacked and there were 3 attempted attacks. It is however important to note that the second largest pirated area is Nigeria and Somalia, but only with 36 actual and attempted attacks in 2016. Actual and attempted pirate attacks in the Strait have been low at 5 attacks in 2015. The piracy in the Southeast Asian region is still number one in the world. As of December 2016, in Indonesian waters there were 37 hostage attacks and 6 threatened attacks, 3 cases of assault and one case of injury. Most acts of piracy were by armed gangs targeting small coastal tankers in order to steal their fuel (IMB). The IMB has stated that the number of reported attacks has decreased due to the littoral states authorities since July 2004.

In 2005, Indonesia set up Navy Control Command Centres in the immediate borders of the Strait. These were set up in the most dangerous and vulnerable areas for pirate attacks. These were built in order to increase the welfare of the people, alleviate poverty and discourage the local people to conduct the pirate attacks. In July of 2005, the Indonesian Navy launched *Gurita*, a three-month security operation to fight pirate attacks in the Strait. In Malaysia, the Malaysian Maritime Enforcement Agency (MMEA) was formed in 2005, responsible of conducting anti-piracy patrols, conducting joint exercises with Thailand, Singapore and Indonesia.

In May 2005, Singapore and Indonesia launched project SURPIC, which was a sea surveillance system between the two navies. In July of the same year, Indonesia and the United States signed a strategic framework agreement for enhanced cooperation for anti-

terrorism, intelligence exchange, defence and search and rescue exercises. Malaysia and Singapore were sceptical of the deal as they thought that an increase military presence of the United States would be a threat to their sovereignty. The United States however has aided especially Indonesia with technological intelligence, which improves radar system in order to protect the Strait (Eglit's).

The Regional Cooperation Agreement on Combating piracy and Armed Robbery against ships in Asia (ReCAAP) was implemented and agreed upon between 20 countries, 14 countries in Asia. States outside of Asia that have signed it include Australia, Denmark, the Netherlands, Norway, the United Kingdom and the United States of America. The agreement was the first regional intergovernmental agreement to enhance cooperation against piracy in the Asian region. The ReCAAP Information Sharing Centre (ReCAAP ISC) was established on 29 November 2006. The agreement included information sharing with accurate and frequent statistics of the piracy, capacity building including training exercises and strategies. The ReCAAP also included creating more cooperative agreements with international organisations such as IMO and Interpol to enhance the information-sharing network and stimulate cooperation (Schuman).

### **Economic impact of piracy in the Strait**

Determining the direct economic effect of piracy in the Strait of Malacca is difficult. First of all, only a minority of attacks is reported, as shippers don't want their names associated with lack of security. In 2011, 15.2 million barrels of oil passed through the Strait of Malacca out of the 87 million barrels produced per day, 19 times the amount passed through the Panama Canal and 4 times the volume brought through the Suez Canal. Piracy attacks are unlikely to shift the importance and use of the Strait however with a higher global demand for oil, the Strait remains of economic and geopolitical significance. According to the U.S Merchant Marine, *global piracy* costs \$4.9 to \$8.3 billion to the shipping industry, with majority of the attacks in the waters Southeast Asia. These costs are not only the value of cargo that pirates have stolen but also include higher insurance fees, extra compensation to crews, litigation and legal fees. It was previously mentioned that pirates are unable to board ships cruising at 18 knots. Increasing cruising speeds from normal 12.8 knots to 18 knots adds \$88,000 in fuel expense every day per ship.

### **Major Parties Involved**

#### **Indonesia, Singapore and Malaysia**

All three littoral states, Indonesia, Singapore and Malaysia border the Strait of

Malacca and have great interest in protecting the Strait against pirates. All three nations cooperatively conducted anti-piracy patrols with other nations such as the United States and European nations. Singapore and Malaysia depend heavily on the trade and exports in the Strait so its security is of upmost importance. These nations play a prominent role in the ReCAAP agreement and participate in the Malacca Strait patrols.

### **International Maritime Bureau (IMB) and International Maritime Bureau Piracy Reporting Centre (IMB-PRC)**

The International Maritime Bureau is part of the International Chamber of Commerce (ICC). Its goal is to protect international shipping trade. It investigates malpractice and fraud and investigates piracy. The International Maritime Bureau Piracy Reporting centre (IMB-PRC) is an organisation, which investigates shipping lanes by warning piracy hotspots and reports pirate attacks. It works in real-time, being able to communicate with all ships, alerting them of pirating activity in the area. It also reports to major international parties involved including governments, law enforcement agencies and industry bodies.

### **China**

Since the 14<sup>th</sup> century has the Strait of Malacca been the main trade route connecting China to the west. China relies heavily on the Strait of Malacca for its energy imports from the Middle East and Africa (77% of China's total oil imports). China has been increasing the shipments from the Middle East and Africa and is seeking to reduce its over-reliance on the Strait. They are pursuing alternative routes and increasing domestic production however China still relies heavily on the Strait of Malacca and its security is of importance for the Chinese economy (Caesar-Gordon).

### **Timeline of Key Events**

Date	Description of Event
16 <sup>th</sup> November 1971	Governments of Indonesia, Singapore and Malaysia held consultations to establish that the safety of navigation was up to those states and concluded that tripartite cooperation was required.

10 <sup>th</sup> December 1982	The International agreement called the United Nations Convention on the Law of the Sea (UNCLOS) was created including the definition of piracy under article 101
7 <sup>th</sup> June 2003	ASEAN Regional Forum (ARF) statement on cooperation Against Piracy and Other Threats to Security.
31 <sup>st</sup> March 2004	The Regional Maritime Security Initiative (RMSI) was proposed by the United States designed to promote cooperation and improve maritime security in the region. Its goal was to develop partnership to identify, monitor and intercept maritime threats, in particular piracy. It was rejected but resulted in Indonesia, Malaysia, Singapore and Thailand to realize the pressing issue that they had to resolve together.
4 <sup>th</sup> September 2006	The ReCAAP agreement was signed by 16 states. This agreement was the first multi-lateral intergovernmental agreement to enhance and promote cooperation against piracy in Asia.
29 <sup>th</sup> November 2006	The ReCAAP ISC was established in Singapore under the ReCAAP agreement.
14 <sup>th</sup> June 2014	One of the most recent and largest pirating attacks occurred, reiterating to the international community the importance of combatting maritime piracy in the region. Pirates stole 700,000 litres of diesel from oil tanker <i>MT Ai Maru</i> worth \$550,000. The crew was locked in a room ordered by a group armed with guns and machetes. The communication equipment was bashed.

## UN involvement, Relevant Resolutions, Treaties and Events

The UN has shown great interest in combatting maritime piracy. The United Nations Security Council has adopted 10 resolutions on piracy of the coast of Somalia between 2008-2011 and two resolutions on the Gulf of Guinea in 2011-2012. There are however no

resolutions on the combatting maritime piracy in the Strait of Malacca. Below are a few general documents, treaties and events the UN has been involved in combatting maritime piracy.

- The 1982 United Nations Convention on the Law of the Sea (UNCLOS)
- UNOSAT Global Report on Maritime Piracy- a geospatial analysis 1995-2013

## Previous Attempts to Resolve the Issue

Firstly, there have not been any United Nations Security Council resolutions on piracy in the Strait of Malacca. In July of 2004, the Malacca Strait Coordinated Patrol was created. This included trilateral coordinated anti-piracy patrols between Indonesia, Singapore and Malaysia (known as MALSINDO). It also agreed upon included joint air patrols over the Strait where two planes were donated by each of the countries called the Eyes-in-the-skies initiative (known as EiS). To protect the sovereignty of these foreign forces across borders, one representative from each country was on each patrolling aircraft. In 2006, MALSINDO and EiS are called the Malacca Strait Patrols (MSSP). The Malacca Strait patrols were effective in reducing pirates in the Straits, as after its implementation there was a reduction in the number of pirate attacks.

Some of the agreements however have not been fully carried out. It was agreed that in order to monitor the Strait effectively, 70 sorties (attacks from a position of defence) per week should be carried out. In fact, there are currently only 8 sorties carried out a week. It is believed that the success of the MSSP is not of its actual, practical application but it's deterrent effect.

The Regional Cooperation Agreement on Combatting piracy and Armed Robbery against ships in Asia (ReCAAP) was implemented. This agreement was implemented to enhance and promote cooperation between nations against piracy. The ReCAAP ISC was also established which allowed nations to share information with accurate statistics on piracy in the region. It also included training exercises between nations to train navies and authorities in combatting piracy. Thirdly it enhanced the network by forming agreements between other international organisations, stimulating cooperation. This agreement was a milestone for cooperation within the region and international involvement. It was an effective step in tackling this issue collaboratively.

## Possible Solutions

When finding possible solutions to combat the maritime piracy in the Strait of Malacca it is useful to look at the direct causes for piracy and problems that can be fixed in order to resolve this issue as a whole. Below are a couple of possible solutions that can be expanded upon in your resolutions in more extensive detail. These possible solutions tackle multiple aspects of the issue and combat the issue of maritime piracy in the Strait effectively.

As mentioned in the general overview, fishermen are a large proportion of the pirate demographic. Due to the strain of fishing stocks, a lot of fishermen enter poverty and resort to piracy or get recruited by criminal pirate gangs as source for their meagre incomes. One way of tackling this issue is to focus on reducing poverty and increasing the welfare of the people at immediate borders of the coast. This could be by stimulating the fishing industry. When implementing such a solution keep in mind the UNCLOS agreement and the environmental protection laws it includes to ensure that the stimulation of the fishing industry is in accordance and does not violate international law.

Most of pirate attacks occur when the ships are anchored or berthed. As a solution, you might want to increase security of these ports and havens by increasing security staff, security facilities or other means. It is also important to tackle the corruption in the maritime security forces, as these are also a proportion of the pirate demographic. Although tackling corruption is difficult, aid from external international organisations in screening security personnel is possible. Note however the feasibility of this measure and at what point the international involvement infringes upon the nations sovereignty.

Pirate attack reports are extremely important in analysing pirate activity and predicting future pirate activity. It gives information to authorities in order to conduct anti-piracy patrols but allows organisations such as the IMB-PRC to inform other ships in the vicinity and can prevent other attacks. However, only a minority of all attacks are reported, as ships do not want to be associated with a lack of security, damaging their business. A possible solution would be to create an anonymous reporting system within the IMB and IMB-PRC, which would give the organisations the necessary information without publishing the ships name. Problems with this solution include a lack of transparency, which is extremely important and the misuse of this by pirates who want to guide ships in routes destined for actual piracy zones.

One very general but effective solution is the international cooperation especially

between the littoral states to the Strait (Indonesia, Singapore and Malaysia) but also international cooperation. With the sharing of intelligence, technology and strategy, nations can benefit from ideas that other nations have implemented to be successful and with it can aid them in combatting piracy in the region. When the different nations conducted collaborative and frequent anti-piracy patrols, piracy in the region decreased significantly.

It is important to note for delegates that when producing resolutions for this issue that they abide international law and do not infringe nations' sovereignty. Also, to combat this issue, delegates must consider all different aspects of this from the roots of the issue to the challenges of international cooperation to the feasibility and reality of implementing these ideas.

## Appendices

### Appendix A- Location of the Strait of Malacca



## Appendix B- Most common trade routes in Southeast Asia



## Appendix C- Definition of Piracy under Article 101 of UNCLOS

### Article 101

#### Definition of piracy

Piracy consists of any of the following acts:

- (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;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

## Appendix D- Master's thesis on the Effectiveness of suppressing Maritime piracy in the Malacca Strait and the Gulf of Guinea

(link)

[http://www.naa.mil.lv/~media/NAA/Studijas/Magistra%20programma/Magistru%20darbi/MA\\_Eglitis.ashx](http://www.naa.mil.lv/~media/NAA/Studijas/Magistra%20programma/Magistru%20darbi/MA_Eglitis.ashx)

Note: This thesis also includes information on the Gulf of Guinea however the issue we are focusing on is on the Malacca Strait only.

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