

# DISARMAMENT & INT'L SECURITY COMMITTEE



# STUDY GUIDE



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## THE LUMUN SPIRIT

The LUMUN Spirit was first introduced as a concept at LUMUN XV. It sought to reintroduce a recognition of the most essential components of MUN culture; imparting a sense of responsibility accepting that the onus is on us to be the forerunners of change. The fundamental premise of a Model UN is to develop our understanding of the issues and conflicts in the world as a collective, and to connect individuals with vastly differing life experiences with each other. The pursuit of quantitative success and accolades has fermented a tradition of MUN being a space mired in hostility and distrust. The LUMUN Spirit is our continuing effort to inculcate empathy, compassion, understanding and diplomacy within this competitive activity.

As we proceed on our journey of revamping Model UN, the LUMUN Spirit is an idea that we aspire to incorporate in the entire LUMUN experience: from the Host Team, to an expectation that we will have from the delegates as well. It is not an abstract concept – it is a vision that should embody the behavior of every delegate in every committee. Inside the committee or out; the enthusiasm to meet other people, present arguments in a true ambassadorial manner and the idea to enjoy LUMUN should never be forgotten. In this very essence we will be able to represent what it means to simulate a true world model; an actual representation of the United Nations. We continue to strive and ensure that the outlook of LUMUN XVIII is to not be an average Model UN conference anymore.

And so, leadership and prowess within a committee is not characterized by exerting one's overbearing presence on others or by alienating and excluding others from discussion. They manifest in a delegate's ability to engage with others, help them play their part in the committee, and to facilitate the committee as a whole to engage in a fruitful and informative debate. This includes actions as simple as maintaining a moderate temperament, inviting others' input and operating with honesty and respect. The LUMUN Society invites you to understand what it means to be an ambassador of a country and represent its foreign policy means to employ collaboration alongside reasoned argumentation to press forward with that actor's policy agenda.

## Secretary General



**Laiba Noor Abid**

The Dear Delegates,

On behalf of our Secretariat and Staff, it is with great joy and immense pride that I extend a heartfelt invitation to you for the 21st edition of LUMS Model United Nations (LUMUN). This milestone marks not only a continued legacy of excellence in diplomacy at LUMS but extends beyond! It is both an honor and a privilege to carry forward this tradition of global engagement in collaboration with Oxford University this year.

At LUMUN, we believe in the power of dialogue. For just over two decades, each year young minds have come together to tackle issues of global and contemporary importance. In the process, they learn how to face adversity and difference while celebrating the spirit of negotiation and collaboration. These five days serve as a platform for utilizing real-world knowledge to craft actionable and feasible policy proposals.

But LUMUN is so much more than just a forum for intellectual exchange; it is a community where lasting connections are forged! Now more than ever, as we diversify and internationalise the LUMUN community, we hope to facilitate bonds and create treasured moments for delegates to carry as souvenirs far beyond the conference days. Staffed by over 200 members, our team is dedicated to ensuring that delegates feel welcomed to the vibrant city of Lahore and enjoy a wide array of engaging social and recreational activities, outside their committee rooms.



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With a diverse range of committees – from General Assemblies to Specialized Agencies, Regional Bodies, and the Economic and Social Councils – there is something for everyone at LUMUN. Whether you are new to Model United Nations or a seasoned delegate, you will find a platform that perfectly aligns with your interests.

As we celebrate and expand our ongoing legacy of quality debate, we are committed to making this year's LUMUN more memorable than ever. The Staff and I are thrilled to welcome you to the 21st edition of LUMUN!

Warm Regards,

Laiba Abid

Secretary-General

LUMS Model United Nations XXI



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## Under Secretary General



**Noor Rashid**

Hello everyone!

I'll be serving as the Under Secretary-General for the General Assemblies at LUMUN this year. Currently, I'm a sophomore at SDSB, majoring in Management Science.

My journey with MUNs began over seven years ago during O Levels. Back then, I could never have imagined that what started as a nerve-racking experience would evolve into such a defining part of my extracurricular life. If you'd asked me at the time whether I'd survive my first committee session, I'd have laughed nervously. Yet, here I am, years later, deeply grateful for how these conferences have shaped me.

MUNs have been instrumental in my personal and professional growth. They've boosted my confidence, expanded my understanding of global and social issues, and taught me the art of persuasion. Thanks to countless competitive committee sessions, I've honed my ability to back up arguments with facts—skills that now also complement my Management Science studies, where understanding perspectives is key.



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These four days of LUMUN might be intense, but they're also transformative. By the end of day three, I hope you'll be able to say, "I feel a little more confident," or "Next time I speak, maybe my heart won't race as much." If you can say that, then we've done our job.

Remember, LUMUN isn't just a conference—it's an experience. While you work hard, don't forget to embrace the fun moments along the way.

Wishing you all the best for the conference! See you in committee



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## Committee Director



**Fatima Sarfaraz**

Hello, delegates!

I am so pleased to welcome you to a brand-new year and brand-new LUMUN Conference. My name is Fatima and I'm a Senior at the Law School here at LUMS. It makes me so happy and pleased to be Committee Director for DISEC for the second year in a row.

While many might question the usefulness of the exercise that is Model-UN, we've seen with the state of the world and the various issues that plague us - including a ghastly genocide, that political and legal insight is more important than ever. I invite you to think about what disarmament means, and what it achieves in a world that will very soon have more guns than people (a prospect that scares me immensely). With the mandate this time, I encourage you all to think about the role of maritime warfare, sea territories and piracy in furthering the tensions of the global community during this worrisome time, and how best the sea can remain what it is- a common resource and a sanctuary rather than a conduit to war and terrorism. I also invite you to think outside of the box- DISEC this year is going to be an exercise in remaining realistic while being novel in our ideas.

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Think of it like this- our generation inherits a deeply-wounded, fractured, and decimated planet, but also a sprawling, diverse and beautiful one- it is up to us to make her future better, in whatever way we can.

Looking forward to seeing you all in the Committee!



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## Committee Director



**Daniyal Tanveer**

Salam Everyone,

I'm Daniyal, currently a Political Science major here at LUMS. I've had the honour of experiencing LUMUN in every aspect in the last few years, first as a delegate, then as an ACD, and now even as a Chair. I've also had the privilege of being a part of the LUMUN travelling team to Istanbul last year. Outside of LUMUN I'm known for being the guy who brings up finance, literature and economics every two seconds with anyone who's willing to listen to me yap about it all.

Apart from that and the endless list of proverbs I like to throw around, I love listening to old music as well(bollywood old music esp).

Getting to this edition of LUMUN's topic for DISEC, keep in mind this is an area that is of particular interest to myself both academically and intellectually, so try your level best to be every well read, yes for the debate but more so because the maritime world resides very close to my heart.

Lastly, know that you're competing against the best from across the country here, do not fret at any moment if you feel that your resolve is wavering and above all do not push anybody down to get ahead. It matters more how you win than the actual triumph itself.



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I'm available for any assistance needed, feel free to reach out anywhere for advice, although with the study guide hopefully you won't need much.

See you all in a few days InshaAllah



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## Glossary:

**Geopolitical:** In terms of international relations and the foreign policy of the state, geopolitics is concerned with the state's influence over factors pertaining to geography, economics, and the demographic position of a state.

**Unmanned aerial vehicle:** Essentially this is limited to devices that are flying in high regions, for the purposes of surveillance, security or for usage in crime that are not controlled by an on site human pilot, but rather are controlled through people settled in remote locations or through the usage of artificial intelligence.

**Sonar:** This stands for Sound Navigation and Ranging. It works with the mechanism of sending out sound waves and recording the time and manner of frequency it returns with to calculate the distance of the object. It is often used to locate certain objects and in matters of security is often used for locating hazardous weaponry.

**Gray zone:** It is a sort of cross between constant armed conflict and a completely peaceful situation. It is the place where most illicit activities like money laundering, trafficking and espionage take place, an area where there is no armed

conflict but illegal activities leading up to it still take place.

**Belligerents:** International law typically defines this as an individual entity, a nation or a certain organization that is engaged in international or non international armed conflict.

**Illicit:** This would refer to things outlawed and forbidden pertaining to international law. In other words, illicit may refer to all illegal activities entities resort to when in the midst of conflict.

**Exclusive economic zones:** These are maritime areas which are adjoined to a country's boundary and border, and are a part of its sovereignty and territory. These are regions where a country is allowed to conduct its exploration endeavors for economic build up.

**Sovereignty:** Sovereignty is a term that is more often associated with a country or a ruler. It is a term that defines the authority of a state or nation or the authority its ruler or parliament holds. It goes in line with article 2 of the UN charter which states the importance of every country's sovereignty and territorial integrity, which are not to be challenged or threatened by other states or aided organizations.

**Transnational crime:** It refers to criminal activity as part of an active conflict which



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spreads to regions across borders and networks with multiple states and regions, through the illicit movement and trafficking of goods.

**Jurisdiction:** Even sea territories follow the rule of jurisdiction, sovereignty and authority. Any entity in a maritime zone, that falls under the jurisdiction of another country, must not be trespassed and misused in any way since that will be considered a violation of UN Charter International law.



This is a map of the South China Sea region. In simple words the exclusive economic zones are regions lying right alongside a country's border and are part of a country's jurisdiction. As we can see on the map there is a dashed line which is the nine dash line of the People's Republic of China, this claims that everything falling within the

nine dash line belongs to China and is under their authority. This includes the EEZ and continental shelf zones of other regions such as the Philippines, Malaysia, Brunei and Vietnam. Each country has their own claims within the sea, but a country's borders, its EEZ are well within its authority and according to the UNCLOS and the UN Charter, a country's sovereignty and territorial integrity must not be breached.

Pertaining to Islands present within sea zones such as in this one: Paracel and Spratly. These being independent entities, freedom of navigation operations are allowed according to UNCLOS but if any entity within the sea that is subject to FONOPs falls under a country's authority they may refuse the right to navigate.

### Mandate of the DISEC

The First Committee of the United Nations caters to disarmament and threats to peace during global challenges that affect the International Community and seeks out possible fixes to issues faced in the regime of international security. It considers all disarmament and international security concerns within the scope of the United Nations Charter or intertwining with the powers and functions of any other body of



the United Nations; the principles of cooperation as well as principles governing disarmament and the regulation of armaments; promotion of cooperative arrangements and measures aimed at strengthening stability through lower levels of armaments.

### **Introduction to the Topic**

Maritime warfare is defined as an operation by maritime forces conducted on, under or over a region of sea. Though normally used to refer to a naval force action, maritime warfare differs from naval warfare by also encompassing non-combat activities over the sea, including but not limited to merchant fleets and coast guards.

This form of warfare garners immense importance as it can enable control of strategically important chokepoints, often also controlling trade routes. This importance has only increased in time, especially with development of modern technology extending the range and capabilities of maritime forces. This allows countries with stronger maritime presence to project more power and influence over nearby land such advancements include aircraft carriers, nuclear submarines and autonomous weapon systems. The importance of maritime warfare to

countries can be linked to the following three reasons:

#### **1. *Economic Implications:***

Strong naval capabilities have always been utilised in the past as forms of economic warfare, and used as a response mechanism to economic pressure and international policies. Past examples of this include Iran's mining campaign in the Persian Gulf and alleged Russian attacks on Nord stream pipelines.

#### **2. *Geopolitical influence:***

Exclusive Economic Zones (EEZs) are defined under the UNCLOS as 200 nautical miles from a country's coastlines, however several territorial disputes link back to control of these regions. The Presence of foreign navies in such contested regions also acts as means to exert political influence or counter the presence of rival states. The United States has had a historic presence in the Indo-Pacific to counter China's influence in the South China sea region.

#### **3. *National Defense:***

Sea control and protection are few crucial elements of naval strength which also allow countries to project power globally. While a strong maritime presence has always been important, recent technological developments have made it a



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major deterrent factor against piracy and military aggression.

Further divisions within maritime warfare exist based on the evolutions with regard to recent technological and legal advancements. The most recent of these being development of unmanned aerial vehicles (UAVs) and Unmanned Surface Vehicles (USVs), which have been recently deployed by countries such as the United States.

It is estimated that by 2040 most of maritime warfare will be reliant on autonomous weapon systems, which could also lead to depopulation of the maritime battlespace.

## Historical Background

Maritime warfare has shaped the course of history, adapting to technological advancements and geopolitical needs. During World War II, maritime conflict reached unprecedented scales with large naval battles such as the Battle of Midway and the Battle of the Atlantic. These engagements utilized aircraft carriers as floating airbases, enabling long-range operations, while submarines like Germany's U-boats dominated anti-supply warfare. Weaponry evolved rapidly, with the introduction of radar, sonar, and depth

charges transforming both offensive and defensive naval tactics.

Post-WWII, the Cold War introduced a strategic shift toward nuclear deterrence at sea. Nuclear-powered submarines equipped with intercontinental ballistic missiles (ICBMs) became the backbone of naval power, ensuring second-strike capabilities. The confrontation also saw significant regional conflicts, such as the Falklands War (1982), where advanced precision weaponry like the Exocet missile highlighted the lethality of modern naval systems. Similarly, the Iran-Iraq Tanker Wars of the 1980s showcased the use of mines, small fast-attack craft, and air strikes against commercial shipping to achieve strategic objectives.

In the 21st century, the nature of maritime warfare has further evolved with the rise of hybrid tactics and modern technologies. Advanced weapon systems, including unmanned underwater vehicles (UUVs) and hypersonic missiles, are reshaping naval engagement rules. Additionally, cyberwarfare has emerged as a critical element, targeting communication and navigation systems of opposing fleets. Contemporary conflicts, such as tensions in the South China Sea, demonstrate how maritime disputes now involve a mix of conventional military force, coast guard operations, and gray-zone tactics. This evolution underscores the increasing



complexity and strategic importance of maritime warfare in global security.

## **Hague Convention X of 1907**

### ***Structural Adjustment***

The Hague Convention X was adopted in 1907 during the second Hague Peace Conference. The primary focus of this convention is on the conduct of land warfare and the rights of neutral parties, but it also has important implications for maritime warfare especially in regards to neutral states and their responsibilities during naval conflicts. The Convention codifies the concept of humanitarian protection at sea, prohibition of certain weapons and methods of warfare, and sets out the rules for safeguarding hospital ships as well as wounded personnel. Furthermore, the convention states that naval blockades must be effective and communicated in advance.

One key provision of the Convention is that neutral states must ensure their territory and territorial waters are not used by belligerents to conduct military operations against each other. This includes a ban on allowing warships of a belligerent to enter neutral waters in order to use them for military purposes or as a base of operations. In doing so, the Hague Convention X sought to prevent neutral

countries from becoming involuntary participants in conflicts and reduce the likelihood of the spread of hostilities beyond the fighting nations. Additionally, neutral powers must prevent the use of their ports or waters for the repair or replenishment of warships belonging to belligerents. The Convention also mandates that neutral states must not allow their territories to be used for military supplies or the transport of contraband by one of the warring sides, further restricting their involvement in the conflict.

By setting clear rules for neutral states, the Convention helped stabilize the role of neutrality in international relations and maritime operations, offering a form of protection to neutral parties while keeping the focus of hostilities on the belligerent states. Moreover, the rules of maritime warfare laid out by Hague Convention X continue to serve as a foundation for later developments in international law, including the establishment of more comprehensive rules in the second treaty of Geneva Conventions, the Law of Naval Warfare and United Nations Convention on the Law of the Sea.

In addition to the direct obligations placed on neutral powers, the Convention also sought to define and regulate the broader framework of maritime conflict. By outlining the duties of neutrals in naval warfare, it contributed to the development





of international maritime law and the principles that would guide the conduct of belligerents and neutrals alike in future conflicts. The Convention remains a critical part of the larger body of international law concerning the conduct of warfare, serving as an important legal instrument for regulating not only the treatment of neutral states but also the overall conduct of military operations on the high seas.

### **San Remo Manual of 1994**

The San Remo Manual on International Law Applicable to Armed Conflicts at Sea, drafted in 1994 by legal and naval experts, is a key document in international humanitarian law. Though not legally binding, it is widely recognized as an authoritative interpretation of customary international law regarding naval warfare. The manual applies to international armed conflicts at sea and, in some cases, to non-international conflicts as guided by broader legal principles. It emphasizes core tenets such as the distinction between combatants and civilians, prohibiting attacks on civilian persons or objects and ensuring that the use of force is proportional and does not cause unnecessary suffering. Rules on naval blockades are detailed, including their declaration, enforcement, and the requirement that they not lead to civilian

starvation. Additionally, the manual highlights the rights and duties of neutral states, mandating respect for neutral waters and vessels during naval operations.

The document also provides guidance on capturing enemy merchant ships and contraband goods, as well as the humane treatment of crew and passengers. A notable focus is the protection of the marine environment, stressing the importance of minimizing environmental damage during conflicts. It reaffirms the obligation to assist shipwrecked individuals, prisoners of war, and others in danger at sea, reflecting the humanitarian foundations of the law of armed conflict. Serving as a vital resource for military commanders, legal advisers, and humanitarian organizations, the San Remo Manual ensures that principles of international law remains relevant and effective in the context of modern naval warfare.

### **Role of State Actors and Government Militias**

State actors are usually those entities in conflict that have their own sovereignty and an affiliation with the government or parliament of a sovereign state of a country. State actors are involved in piracy in the context of financial support to their operations. They allow pirates to conduct



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illicit activities to acquire the resources they need by financing all of their operations. This takes a more treacherous turn when state bodies like the police also play a role in protecting the pirates, instead of exposing their crimes, they put a curtain over all their illegal endeavors, and also share a chunk of the consequential outcome. Another way in which these pirates are often supported is by the provision of infrastructure so that managing all the stolen cargo and vessels becomes easier.

According to a United Nations Monitoring Group in Somalia, the financial support for pirates was mainly stemming from the local authorities and the government of Somalia. With officials who are situated in Somalia and elsewhere supporting these pirates they are able to transfer and launder money very easily, making acquisition of arms, ammunition and vessels in the preparation for further illicit activities even easier. The local authorities in Somalia went as far as to even support these pirates with robberies and usage of arms.

### **Role of Non State Actors and Piracy**

Non state actors are generally those groups or individuals that are not affiliated with any governmental organisations and

function as private entities. These can be NGOs that work towards rehabilitation and welfare or these can be private organisations that partake in open armed conflict against each other and government state parties.

The focus for this topic is on violent non-state actors, those groups or individuals which are often concluded to be terrorist organisations due to their action of illegal arms and narcotics trade, their role in the exacerbation of open armed conflict and further their violations of international humanitarian law.

These autonomous organisations are not only limited to land conflict but also to conflicts expanding over maritime regions. This is where piracy plays a major role.

#### ***Piracy:***

These are violent non-state actor groups that partake in or influence trafficking of illicit products over sea borders, and are also often involved in acts of terrorism.

Reportedly, the western Indian ocean has faced a lot of attacks by pirates amounting to a numerical value of 571 attacks, including trafficking of arms and weaponry and multiple kidnappings.



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Pirates are also known to rob other ships within exclusive economic zones of the high seas or other foreign regions, whereby they trespass into another country's borders and subsequently end up threatening their security and sovereignty. In 2007, pirates attacked a ship carrying food to Somalia as part of the World Food Program initiated by Togo and the United States. This act was considered an international crime as it involved foreign trade and pirates entering international and extra territorial borders for the attack.

#### ***Freedom of Navigation:***

Freedom of navigation operations are considered to be those operations that, according to the United Nations Convention on the Law Of Sea, allow external parties, actors or organisations to enter foreign waters for the purpose of exploration and discovery. This principle puts sea and landlocked regions in danger as pirates conducting these operations pose a serious threat to international security, civilian life, and infrastructural technicalities by activities of drug, firearms, human and nuclear material trafficking.

UNODC's 2021 world drug report shows that there were heavy shipments of cocaine that were seized on European ports, creating a record number for that year due

to increased sea travel as a result of the pandemic.

#### ***Illicit Trafficking:***

Around 339 to 413 million US dollars was taken in ransom from attacks near the Somali coast and the Horn of Africa between 2005 and 2012. UN reports reveal that this ransom was trafficked and exchanged for fueling criminal activities and supplies on a large scale.

Furthermore the trafficking of narcotics is also very popular within maritime waterways. Ever since the covid 19 outbreak, due to land borders being shut down, sea trafficking increased rapidly, with 12 countries indicating that the quantities of cocaine being trafficked were recorded to be up by 18 percent.

#### **CASE STUDIES:**

##### ***Red Sea Houthi Attacks:***

The Houthis, previously known as Nasar Allah are a well known rebel group originating from Yemen. They have been known to control Sanaa and the north west of Yemen, including the Red Sea coastline and passageways.

Supported by the Irani government, these Houthi forces started attacking ships from Israel that were passing through the Red Sea as a rebuttal against Israel due to the ongoing war in Gaza. Since then around



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40 vessels have been subject to Houthi attack.

Houthis in recent times, launched an attack on the 'Galaxy Leader' which was using the Red Sea as a travel route from Turkey to India. They seized the vessel and rerouted it to the Hodeidah port in Yemen where they continued to hold the crew members of the ship captive.

The Bab el-Mandeb Strait is a region populated by Houthi pirates and they have been known to attack ships and cargo passing through that region with missiles and drones.

There are criminal networks being formed within piracy activities. An attack was made on a container ship from Panama and Seychelles in November 2017. These attacks were made from a departure point known as merca flagging concerns that the Al Shabaab terrorist group might also be involved since that area is generally controlled by them, further raising concerns of more terrorist connections piracy groups may have that interfere with cargoes from different cities, therefore threatening those cities. Marangio, Rossella.

Yemen is a "key trafficking hub" with weapons being smuggled from the Makran coast to Yemen to Somalia, aiding and abetting piracy. The Combined Maritime Forces have confirmed the

seizure of weapons from the maritime routes of Yemen.

The European Union has been designing programs to guard against these attacks. It is thoroughly believed that onshore military bases aid in military training and naval operations for local armies. Djibouti, China, France, UK, Italy and USA have permanent bases with ongoing training operations while the Russian Federation is striving to build bases. Naval operations here follow the procedures of the Combined Maritime Forces task forces. However, for some countries regional conflicts have become an external factor in the race for leadership and have adversely impacted the goal to strive for peace.

### ***Somali Pirates Attacks:***

These Somali pirates who would usually operate off the Somali coast and the RUEN had been particularly silent and dormant for the past decade, before that the attacks between 2008-2014 were a tremendous blow to the economy in the form of billions of dollars.

Recently these pirates have risen again, they attacked a Bangladeshi owned bulk carrier. That vessel sent out signals and even made emergency hotline calls but the pirates had climbed aboard till that point. They started firing gun shots and taking hostages. Soon the raid died down,



and no significant damage was done but such attacks continued to happen.

Somali pirates are also known for taking advantage of the distraction created by the Houthi pirates, this was done because the international naval forces that usually work off of the coast of Somalia had reduced their operations there.

Somali pirates have been very involved in attacks on vessels and ships around the Horn of Africa. Over the past three months there has been more piracy around the Horn than there has been in the last six years

Somali pirates have been known to capture vessels such as the Saudi Carrier MV Sirius Star which was hijacked in 2008 carrying two billion carriers of crude oil. Then came the seizure of the Greek MV Maran Centaurus in 2009, which with a dead weight of about 300,000 tons is considered to be the largest illegal capture within piracy.

Somali pirates have threatened nations like the United Kingdom by capturing official reporters from newspapers like the Daily Telegraph and keeping them captive for weeks on end, allowing a release only when a large sum of ransom has been paid.

**A LIST OF PROMINENT ATTACKS MADE BY PIRATES OFF THE HORN OF AFRICA:**

April 2009	MV Sea Horse	This vessel was attacked 700 km from Mogadishu, this vessel was meant to carry 7000 tons of maize for WFP from India
April 2009	MV Liberty Sea	This vessel was carrying 27000 tons of food for the WFP relief in Somalia alongside 3000 tons of food for organisation in Uganda.
November 2009	MV Alabama	This vessel was attacked 600nm off the coast of Somalia while on its way to Mombasa.

The UNSC had imposed anti piracy measures around the Horn of Africa between 2011-2022 after 212 Somali pirate attacks, in order to repress piracy



operations through naval forces. This enforced rule expired recently, therefore causing activities of piracy to increase rapidly.

***Celebes Sea Pirate Attacks:***

The Sulu Celebes region has been victim to multiple piracy attacks. The Philippines and its surrounding areas have faced threats from extremist groups like ISIS. This group has been involved in kidnappings as its main act of piracy instead of more conventional piracy tricks.

The numbers for kidnappings have been increasing sharply since 2016, when two seafarers were killed by the pirates who kidnapped them, and four other civilians ended up dying as a consequence of pirate activities. In 2017, there were many incidents of ISIS leader Abu Sayyaf beheading detainees due to not receiving payment. The main goal ISIS works behind is money making, and that is why kidnappings are done for ransom, which when not paid results in killings.

Among the attacks on merchant ships, there have been cases of robberies on the port of Sandakan, north eastern Sabah. Moreso, a group of nine armed robbers were reported to have held fishermen

hostage near the coast of Semporna. Alongside this incident the police reported two foreign pirate gangs found involved in illicit activities in Malaysia.

An attack was made on Pom Pom Island Resort which was closely situated to a General Operation Force Base resulting in multiple kidnappings, killings and the act of capturing hostages which were released several days later.

***Piracy within the Malacca Strait:***

The Malacca strait is a very busy waterway within the South China sea area, being one of the main routes for shipment of goods and commodities, especially with the United States, China and India being major countries involved within this area. But with more vessels and ships passing through, the opportunity for piracy attacks also increases. The region is also an aid towards pirates as there are multiple islands around it, this therefore creates hiding spots for pirates to catch the vessels with surprise and seize control.

120,000 ships pass through this waterway every year and 41% of those ships face piracy attacks. 80% of these attacks occur against anchored ships, with thieves looting the material off of these ships, and pirates further conducting strikes on vessels.

Many of the attacked ships are cargo and container ships containing



chemicals and oil. The ships are hijacked and their contents are seized, whereas the ships are then used by the pirates for other illicit activities. The profits from these activities are then further invested and used for the purpose of transnational crime.

Table 3: ReCAAP ISC Piracy Statistics: Actual and Attempted Attacks

ReCAAP	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Indonesia	87	72	49	40	25	20	47	49	72	90
Malaysia	9	2	11	8	13	15	18	17	11	6
Straits Malacca/ Singapore	43	16	13	7	11	9	8	26	13	12
South China Sea	15	9	3	6	7	13	25	18	7	11
Philippines	5	0	5	6	8	5	5	6	3	5
Singapore	0	0	0	0	0	0	2	3	2	0
Thailand (incl. Gulf)	4	1	1	1	0	2	2	0	0	0
Southeast-Asia	166	110	85	73	73	72	120	128	111	133

SE-Asia: Gulf of Thailand, Indonesia, Malaysia, Myanmar, Philippines, Singapore, South China Sea, Straits of Malacca and Singapore, Thailand and Vietnam.

Source: ReCAAP ISC, Piracy and Armed Robbery against Ships in Asia, Annual Reports 2006-2013.

peninsula and the Anambas islands of Indonesia. Six armed robbers climbed a ship in Malaysian borders and forced the crew of the ship to pump fuel into a smaller boat and after accomplishing their goal, they tied up the crew in a disheveled state and left.

In another incident, several pirates armed with firearms clambered onto a ship with steel billets. The pirates damaged all technical and communication equipment and seized the crew's personal belongings. They further went on to connect the ship's master and another crew member whom

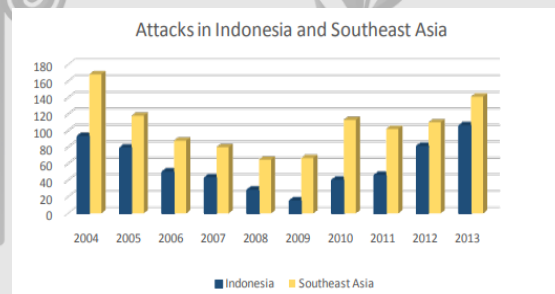
they took hostage. After demanding a huge ransom, the two were released.

London hull insurance market added the South China Sea and the Malacca strait to a list of 21 areas that are perilous to merchant ships..

Coastal states of Malaysia, Indonesia and Singapore have tried to monitor and prevent these activities through joint patrols and guarded naval ships, calling it the MALSINDO patrols, year round along the Malacca strip.

### *Piracy Attacks in Indonesian Waters*

Indonesia has a record number for the most number of pirate attacks.



Recently on May 28, men armed with knives and machetes climbed aboard the Orapin 4, a vessel carrying large quantities of fuel between Singapore and Pontianak. The attackers locked the shipping crew in a cabin and in the next few years transferred 3700 metric tons of fuel from it to a second vessel.



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Corruption between the Indonesian government is a key reason that piracy keeps increasing rapidly, due to corrupt officials funding their operations and providing easier pathways into international and domestic waters. Indonesian law only imposes tax based penalties on pirates or other minimalistic punishments which allows them a rather unscathed escape, to counter which more strict mechanism must be implemented.

Article 438 of Indonesia's criminal code prohibits being part of or the master of a crew conducting violent attacks in the open sea on other vessels and a violation results in imprisonment for 15 years. Yet conflict over province distribution, jurisdiction and henceforth the distribution of exclusive economic zones alongside illegal fishing and attacks and illicit drugs and arms trade still exist in the maritime zones of Indonesia.

### **Violations of International Humanitarian Law:**

Previously the Hague convention served as the crux of humanitarian laws, when it came to any sort of conflict whether that be on land or sea.

Further in time, on August 12th 1949 a universal instrument for

international humanitarian law was devised known as the Geneva Conventions, in order to describe and display all civilian rights and rules and regulations that must be followed pertaining to International and Non International armed conflict, whether sea or land related.

For example, when focusing on the Fourth Geneva Convention, which looks into armed forces and the laws of protection applicable to civilians, and the pertinent violations of these laws that piracy falls under are:

**Article 27:** This article particularly focuses on the protection and treatment of civilians in territories where armed conflict is taking place. It often happens that civilians are either residing in territories of conflict or in this case are passersby through merchant ships or trading vessels, and due to the pirate attacks they face a lot of hostility in the form of being held hostage, abused or are even victims to a killing.

**Article 34:** The convention vehemently focuses on the fact that humanitarian law does not allow taking people hostage. Pirates often hold people on a ship hostage, especially if the ship is carrying valuable cargo. It is linked to the fact that holding people from that ship hostage will lay a huge ransom and so this encourages yet another violation.





**Article 52:** This particular article elaborates on the protection of workers. This would be applicable to any ship workers, dockers or sailors that are involved in setting a maritime vehicle afloat. Pirates are under great fault by in any way harming, abusing or holding hostage any of these people. As members of the working crew, they are provided with a decree that offers protection, which is under complete violation due to the increase in piracy.

### **Further Recent Violations:**

In Yemen, in 2023, blockades issued by warring parties resulted in civilian vessels carrying food and medicine being seized. Entire populations suffer if access to essential resources is denied, despite their availability, although this prohibition is that of collective punishment under Article 33.

In contested waters in 2023, Chinese naval forces were said to have wrecked or taken over fishing boats owned by nearby countries, including the Philippines and Vietnam. Their smashing and taking away of such vessels contravened the civilian protection of property; their trade was, anyway, non-combatant in character.

### **Rome Statute of the International Criminal Court, 1998**

**Article 8:** The Rome Statute under maritime and piracy laws identifies war crimes such as targeting civilians, taking hostages, plundering, unlawful attacks on civilian ships, and causing environmental harm through prohibited warfare practices. All these apply both internationally and non-internationally.

In this regard, the heightened piracy activities along the West Africa coast have included armed groups hijacking vessels, taking hostages, and plundering cargo - which could constitute war crimes stipulated by the Rome Statute.

United Nations Convention on the Law of the Sea

**Article 101:** UNCLOS Outlines piracy as an unlawful act under international law, and both the Manual and UNCLOS mandate that piracy should be suppressed by force if necessary, according to certain rules.

Piracy, as defined by UNCLOS Article 101, is the act of attacking or hijacking ships on the high seas for personal gain (often for ransom, cargo, or hostages). This constitutes a direct violation of both UNCLOS and the San Remo Manual, which governs armed conflicts at sea.



## United Nations Convention on the Law Of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea, in short briefly referred to as UNCLOS, is an international treaty and the whole comprehensive scheme of governance concerning all that can be done on the use and exploitation of the whole world's oceans including provision for legal structures relating to military operations at sea, in order to foster safe passage through the seas and the settlement of the disputes peacefully. UNCLOS thus demarcates the maritime zones: territorial waters, EEZs, and international waters; the former two have specified laws for the exercise of sovereignty and the use of armed forces. For example, it allows warships innocent passage through the territorial waters but does not allow actions that are prejudicial to the security of the coastal state. Article 87 - Freedom of the High Seas Provisions: All states are free to navigate, overfly, lay submarine cables, and other such international lawful activities on the high seas. Violations: Construction of artificial islands by China in the South China Sea and no-go zones has strongly been condemned by other nations to restrict their freedom of navigation, more specifically, FONOPs conducted by the U.S. on these activities.

They flare to security confrontations that are destabilizing regional security Article 58 - Rights and Duties in Exclusive Economic Zones (EEZ) Provision: Coastal states exercise sovereignty over natural resources within the EEZ, other states with the right of navigation are obligated to respect the EEZ regime. Violation: The incidence of piracy-like activities, Illegal fishing and unauthorized exploration of the EEZ by foreign vessels in the Indian Ocean are quite prevalent. For example, piracy acts against fishing vessels and plunder of resources in law-enforcement zones by the coastal state. Article 101 Provision- Definition: Piracy Definition- Act of piracy means any of the following acts: violence or detention otherwise than for political affiliation or on proper authority caused: on the high seas; outside the jurisdiction of any state. These coastal territorial states do not compete against what is threatening them. This, therefore, increases the growth of insecurity in the region. On the other hand, this adopted the new strategy bases on "armed robbery against ships," which asks for the universal application of such legislation on piracy Article 19- Right of Innocent Passage Through the Territorial Sea Provision This provision granted the right of innocent passage to all vessels of other foreign states to pass any territorial waters of other states without impairing or



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affecting the peace, security or order of a coastal state. Violations include territorial waters within the South China Sea, its militarization; and as in 2021 by the Chinese ships and other vessels of Philippine Coast Guards. These are instances of denial of this principle of innocent passage when these create quasi-military areas in claimed waters.

### **Relevant International Organisations**

Several global organizations are working collaboratively to mitigate maritime disputes, suppress piracy, and enforce maritime law:

#### ***International Committee of the Red Cross (ICRC)***

This is a movement concerned with humanitarian effects of naval violence. It partners with states to ensure that IHL is applied in naval conflict.

Principal Activities: Detainee monitoring, detains made during naval conflict.

#### ***International Maritime Organization (IMO)***

International body that was called to cooperate with each other in bringing security and preventing maritime pollution.

Djibouti Code of Conduct addresses the problem of Indian Ocean Piracy.

Building Capability among Regional Partners' Maritime Law Enforcement

#### ***United Nations Environment Programme (UNEP)***

Maritime and Environmental Conflicts: Measures to mitigate the effects of environmental degradation brought about by naval conflicts

Applies the MARPOL convention in curbing harmful contamination through naval or piracy activities in the ocean.

#### ***Regional Cooperation***

ReCAAP The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia: this is useful in overcoming the problem relating to the sharing of information and building capacity among Asian countries.

EUNAVFOR Operation Atalanta is the European operation in place to safeguard vessels against pirates operating from the Somali coast and inside the Gulf of Aden.

## Ongoing Legislative Documents for disarmament and prevention of sea warfare

*SUA Convention* in 1988 passed an act to suppress the illegal acts made against maritime navigation. There were 126 parties to this convention. Though this convention targeted many issues its faults included:

1. Mining of ports illegally
2. Increase in drug trespassing
3. Usage of vessels for terrorist activities
4. Hijacking of vessels on high seas

By 2005, the International Maritime Organisation made improvements to this convention to increase security mechanisms for maritime trades, implementing flag state verification for ships, and safety rules for seafarers.

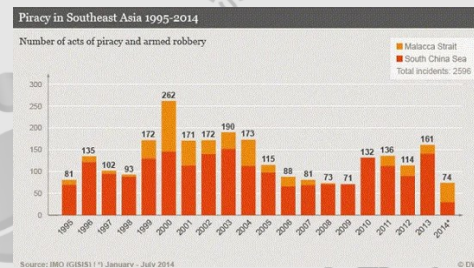
*The Asian Regional Anti-Piracy Agreement (ReCAAP)* was adopted in November 2004 by 16 states. This agreement focuses on encouraging cooperative agreements and in taking actions against ships aiding in pirate activities.

Although this was an Anti Piracy agreement, it did not include any other

criminal activity at sea and has not entered into force yet.

*MALSINDO* trilateral coordinated patrols is a Malacca Strait Security Initiative. This included anti piracy patrols to protect sovereignty and territorial integrity. The efforts put into these patrols helped to drop the Malacca strait area from the “war risk area.”

The decrease in the attacks on the Malacca strait are shown below:



The Malsindo patrols include “Eyes in the sky” air patrols and Intelligence Exchange Group alongside Malacca Straits Shipping Information System. Moreover, intelligence and research mechanisms are combined to further these patrols.

Despite these efforts the Strait continues to face dangers, risks and rise in piracy due to increased terrorist activities.

*Caribbean Regional Agreement* was entered into force on 10 April 2003 in San Jose. It encouraged foreign cooperation because this agreement reinforced the belief that regional measures are not enough to handle the sheer capacity of the problem. It takes into account and guards



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the national sovereignty of all regions surrounding the Caribbean sea.

It calls for the establishment of measures to suppress illicit drugs and arms trade by authorizing operations of suppression.

### QARMA

1. What constitutes a universally accepted definition of piracy, and in what ways do pirates serve as significant actors in maritime conflicts?
2. How do historical legislations and international conventions contribute to efforts toward maritime disarmament?
3. What accountability frameworks or mech should be developed to address state and non-state actors violating international maritime laws?
4. How can the international community, informed by recent legislative advancements, effectively work to disarm maritime zones and resolve piracy-related issues?
5. What roles do major stakeholders, as identified in case studies, play in either aggravating or mitigating sea conflicts?
6. What measures can be adopted to permanently prevent state and non-state actors from engaging in maritime conflicts?
7. How do state actors and regional governments contribute to maritime conflicts, and what mechanisms can ensure they are held accountable for crimes and terrorism at sea?



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