

Committee/Council: Disarmament and International Security Committee

Issue: The question of disarming international waters

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Introduction

The question of disarming international waters is an issue that involves two major topics. The first, hottest and most recent topic that has created a great concern to the international community especially the last five years is piracy. Maritime piracy has been threatening countries and regions in different parts of the world since the 16th century. However, the last decade has been crucial for countries and regions in Africa and Asia, such as Somalia, the Gulf of Aden, the South China Sea, etc. since they have been offended by maritime pirates both financially and humanitarially. Pirates have put international trade routes in these regions in danger having hijacked and seized hundreds of cargo ships and oil tankers thus causing a huge monetary loss to the global economy.

The second topic that is included in this issue is the disputes between some countries over different regions around the globe. Due to the fact that regions, such as the Arctic Ocean and the South China Sea, contain valuable natural resources, especially oil and natural gas, and are located in strategic positions of extreme importance, major countries claim jurisdiction over these territories. Consequently, the multilateral interest for these regions has increased the military presence in those areas and the conflicts have frequently evolved to quarrels between states that are harmful and threatening for the international security.

Due to the fact that this topic involves two topics, maritime piracy shall be the main topic. However, delegates should include both topics in their research, making also a reference to the second topic, the disputes in international seas.



Definition of Key-Terms

International Waters/High Seas

The term “international waters” refers to the open waters/seas that are outside the territorial waters of a country. No state has the right to exercise sovereign jurisdiction over international waters. This category includes mainly oceans, large marine ecosystems and enclosed or semi-enclosed regional seas.

Exclusive Economic Zone (EEZ)

The EEZ refers to the area from the coastal baseline of a country up to 200 miles away from it, in which the country has the exclusive and sovereign rights for exploring and exploiting, conserving and managing the natural resources.

Piracy

The term Piracy is defined by the UNCLOS (United Nations Convention on the Law Of Sea), Article 101, as follows:

“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).



Background Information

History

Since the 16th century, the human mankind has been travelling, trading, exchanging cultures and fighting through the sea. However, as humanity evolved, the interest to explore and discover new places and new civilizations as well as to find new sources for strengthening countries' economies became stronger and stronger. The fact that not only one but numerous countries were attracted by the idea of expanding their knowledge and power and gaining control over multiple territories and regions around the world, lead to the first wars, known as the World War I & II. In these wars the main means of attacking were through the mainland, the air and the sea. After the United Nations were founded in 1945 in order to promote international peace and security, countries decided to create international laws so as to have common rules that would apply for all member states. Therefore, after the Second World War, all UN member states convened in 1982 and created the United Nations Convention on the Law Of the Sea (UNCLOS), an international agreement, signed and ratified by almost all UN member states, that would expand the Exclusive Economic Zone (EEZ) of each country up to 200 miles from its coastal line instead of three or 12 miles. This step allowed countries to exploit the mineral and natural resources of their internal territorial waters in a bigger area.

However, with that convention the term international waters came into existence, over which no single country has sovereign jurisdiction. Thereby, conflicts showed up between countries in regions where natural resources, e.g. oil, are to be found in huge quantities, such as the Arctic Ocean and the South China Sea.

Furthermore, due to the fact that no country had sovereign jurisdiction over international waters, private parties, the so called 'Pirates', took advantage of this commitment and attacked ships travelling through these international routes. Piracy has its source from the Classical antiquity, when the sea was the main way of exchanging products and trading. Pirates committed acts of robbery and criminal violence using small and nimble vessels in order attack the huge cargo ships and steal anything valuable they would find. In the UNCLOS the act of piracy was outlawed and condemned by the international community. Companies equipped their ships with deterrents and/or hired private security guards to protect them from pirates. After all, the problem of piracy seemed to have been solved. However, the last five years numerous attacks by pirates were reported in different regions of the world and the issue of piracy showed up once again.

General Overview

Piracy

The last five years the phenomenon of Piracy has had a remarkable presence in different parts of the world, mainly in sea-areas that serve as international routes. Countries and regions, such as Somalia, Kenya, the Gulf of Aden, the Gulf of Guinea, the Gulf of Oman, the Arabian Sea, India, Bangladesh, Malaysia, Singapore, Indonesia and the South China Sea, have been strongly affected by piracy attacks. Apart from the hundreds of hostages that have been taken and the numerous ships that have been hijacked, maritime piracy is also notorious for the huge amount of money they cost to the global economy. According to international banks, the money that shipping companies have lost from the ships hijacked by pirates as well as by the ransoms pirates ask for hostages and the extra costs, including security, higher insurance premiums and extra fuel for longer routes, is estimated between \$7bn and \$12bn.

Below, the most recent statistics of the year 2012 are given according to the records of the International Maritime Bureau (IMB).

Worldwide Incidents:

Total Attacks Worldwide: 168

Total Hijackings Worldwide: 19

Incidents Reported for Somalia:

Total Incidents: 67

Total Hijackings: 13

Total Hostages: 195

Current vessels held by Somali pirates:

Vessels: 13

Hostages: 185

Currently, pirates are very difficult to apprehend. There are two main reasons. First of all, they move quickly, unexpectedly, they run very sophisticated operations using the latest high-tech equipment, such as GPS and satellite phones, they are always armed, they operate at nights and they hide very well. Thus, since international waters do not have coast guards and the quality of security coordination in countries such as Somalia is very low, pirates often escape without getting arrested or even without getting noticed. Apart from that, as soon as pirates have seized a ship, military intervention is very dangerous and complicated, due to the presence of hostages on board. The second obstacle is the lack of an international legal judicial system that is responsible for prosecuting pirates. Despite the fact that trials have taken place in some countries, such as Kenya, one country cannot afford all the

pirates. As a result, due to the amount of difficulties that exist, conceived pirates are often released.



Above you can see a map with all the recorded maritime piracy attacks worldwide

South China Sea

The South China Sea is a sea in which two island chains are located: the Paracels and the Spratlys, that are surrounded by five countries, China, Vietnam, Philippines, Malaysia and Brunei. Many researchers have explored this area and have shown in surveys that the sea as well as both island chains contains valuable natural resources, such as oil and gas, that have been estimated to exceed the proven reserves of Qatar – around 25 trillion cubic m. Due to the fact that oil reserves around the world are becoming lesser and lesser, all the above mentioned countries claim jurisdiction over this territory, with China being the main claimant. According to the UNCLOS, the “golden region” does not belong to any Exclusive Economic Zone of none of the neighboring countries. However, China has issued a map showing that both island groups fall entirely in its territory. Furthermore, Vietnam as well the rest of the countries claim either one or both island chains arguing that they belong to their EEZ. In the past, many quarrels and even clashes took place between China and Vietnam, with China seizing the Paracels from Vietnam and killing many Vietnamese troops. Skirmishes had also been reported between the Philippines and Chinese, Vietnamese and Malaysian forces. Recently, Beijing officials “pecked” with a statement calling upon their rivals to interrupt any mineral exploration in the area and threatening them with military

intervention of Chinese troops. The Philippines answered with a statement accusing China for having invaded in the Spratlys by increasing its military presence. Vietnam from its side stimulates its rivalry by holding fire exercises off its coast. The whole situation in the South China Sea is getting worse and there is only a “spark” missing for this conflict to evolve in a serious multilateral military clash.



This is a map of the South China Sea and the territorial claims of the countries

The disputes over the Arctic

During the Cold War, countries were separated into the west and the east bloc. The Arctic's Ocean strategic role included mainly being the shortest route from the two main rivals, the USA and the Russian Federation, and a transit for vital military supplies transported from the UK to both countries. However, as time passed, other countries such as Canada, Denmark and Norway, were attracted by the natural resources found under the Arctic seabed and claimed territorial integrity of the Arctic Ocean. Today, the Arctic is estimated to contain a fifth of the world's yet-to-be discovered oil and natural gas reserves. Therefore, it is reemerging its strategic role since it is an area where vital interests of many countries coincide. Both the Russian Federation and Norway sent their claims to the UNCLOS commission for expanding their EEZ. However, only Norway's application was backed and it expanded its EEZ for 235.000 square km. The USA, being the only state that has not ratified the UNCLOS, has no right to extend its EEZ and therefore recognizes the Arctic Ocean as international waters. Recently, the Russian and the Norwegian government signed an agreement over the Barents Sea, dividing it equally between the two countries. Due to the fact that no

international treaty has yet been ratified, the disputes over the Arctic remain unresolved and the whole issue may take enormous dimensions.



Map with the territorial claims in the Arctic Ocean

Major Countries and Organizations Involved

International Maritime Organization (IMO)

The International Maritime Organization (IMO) is an organization responsible for maintaining peace and security throughout the seas and oceans as well as to protect them from pollution. It is a very important key factor in combating piracy. It has developed international regulations that are followed by sea nations and has assisted countries to come up with bilateral and/or multilateral agreements on international issues, such as piracy. It cooperates with the International Maritime Bureau (IMB) in order to keep a record on piracy incidents and help nations work together so as to eliminate piracy.



European Union Naval Force (EUNAVFOR)

The European Union Naval Force Somalia Operation ATALANTA was founded in accordance with UN Security Council Resolutions. Its objects are assisting attempts for the elimination of piracy, protecting vulnerable vessels in need as well as the



vessels of the World Food Program (WFO), humanitarian aid and African Union Mission in Somalia. It is also monitoring fishing activities in Somalia.

Somalia, Kenya, Malaysia, Singapore, Indonesia

These countries are the most affected ones by pirates. Their weak judicial system and the low quality of coastal guarding have led them to become victims of piracy.

African Union (AU)

The African Union encourages African nations to work together in combating piracy and has sent warships in the affected areas. It assists countries, such as Somalia, in invigorating and improving their coastal guarding and legal judicial system.

CHINA

China is one of the main rivals in the conflict over the South China Sea. It claims that the whole sea and the two island groups belong entirely to its territory. Clashes between China and Vietnam were reported in the past. Today, Beijing is threatening countries in the South China Sea to interrupt any research program.

Vietnam, Philippines, Malaysia, Brunei

These countries are rivals of the South China Sea, too. All of them claim bigger or smaller parts of the area including the two island chains.

USA

The United States of America has played an important role in both of the issues. It has sent warships to the Arabian Sea in order to combat piracy and supports the regional governments in their goal to eliminate this phenomenon.

Concerning the South China Sea, the US Secretary of State Hillary Clinton was involved in July 2010 in the debate and called for a binding code of conduct, which was finally rejected by China.

The USA is one of the main rivals in the territorial disputes in the conflict over the Arctic Ocean and is one of the countries that recognize these waters as international waters. It is worth mentioning that it is the only country not having ratified the UNCLOS.

Russian Federation (RF)

Russia is mainly involved in the topic of the territorial disputes over the Arctic Ocean. It has ratified the UNCLOS and in 2001 it made a claim to extend its continental shelf, which was finally declined. It has made an agreement with Norway over the Barents Sea thus dividing it equally to both countries.

Canada, Denmark, Norway

Main rivals with the USA and RF on the disputes over the Arctic Ocean and its territorial settlement.

UN

The UN, since its establishment in 1945, has been strongly involved in all of the topics. In 1994 the UNCLOS came into existence becoming the first international law for the sea applying for almost all sea nations. It has passed resolutions on the issue of the South China Sea, the territorial settlement in the Arctic and the situation in Somalia. It cooperates with the African Union and provides countries in need with humanitarian and military support.

Timeline of Events

Date	Description of event
24 October 1945	Establishment of the UN
1958	Establishment of IMO
1974	China seizes Paracels islands from Vietnam
1982	United Nations Convention on the Law Of Sea is concluded
1991	First Piracy Incidents after a long period of tranquility
1994	UNCLOS (III) comes into existence after the 60 th country ratifies the convention
28 May 2008	The Illulisat Declaration: five coastal states bordering on the Arctic Ocean – Canada, Denmark, Norway, the Russian Federation, the USA – meet in Illulisat,

	Greenland and hold discussions about the future of the region of the Arctic
2010	Involvement of US Secretary of State in debate over the South China Sea who calls for a binding code of conduct over that region; Beijing rejects any kind of code
30 November 2011	UN resolution adopted on Piracy And Armed Robbery Against Ships In Waters Off The Coast Of Somalia

Relevant UN Treaties, Resolutions and Events

- **United Nations on the Law Of Sea (UNCLOS)**
- **Piracy And Armed Robbery Against Ships In Waters Off The Coast Of Somalia (A 27/Res.1044)**
- **The Illulissat Declaration**
- **Declaration On The Conduct Of Parties In The South China Sea**

Previous Attempts to Solve the Issue

Many organizations, such as the International Maritime Organization (IMO) and the European Union Naval Force (EU NAVFOR) have played a decisive role in combating piracy. In the 1980s and 1990s the IMO has developed a number of guidelines and recommendations on measures to prevent armed robbery, criminal acts and violence against the crew on ships. It has implemented an anti-piracy project and has organized a number of seminars on training seafarers. It fosters the cooperation between nations for solving this issue and has assisted the implementation of regional agreements such as the Djibouti Code of Conduct. Furthermore, the IMO endorses any anti-piracy measures by issuing reports on piracy and armed robbery against ships submitted by governments and international organizations, such as the International Maritime Bureau (IMB). The EU NAVFOR Somalia is an institution sent by the EU for combating piracy in Somalia and the region of the Arabian Sea as a whole. Its mission is to protect vulnerable cargo vessels and ships providing humanitarian aid, either by the World Food Program or by the African Union. The EU NAVFOR has successfully intervened in piracy attacks and has conceived a number of pirates with the cooperation of NATO.

The most important attempt of the UN until now has been the United Nations Convention on the Law Of Seas (UNCLOS) that was concluded in 1982 and came into existence in 1994, with 158 countries having ratified it until now and the USA being a noteworthy exception. With the UNCLOS, sea nations have the right to extend their internal territorial waters up to 12 nautical miles (22 km) from their coastal line and have the sovereign jurisdiction over this territory. Foreign vessels are allowed to pass the territorial waters of a country only by peaceful means that is to say without engaging in hostile activities against the coastal state. However, this convention prohibits submerged transit through international straits by submarines, which means that submarines are obliged to reveal their presence by surfacing. Moreover, states are able to submit a claim for establishing Exclusive Economic Zones (EEZ) up to 200 nautical miles from the coastal line and they may extend their territorial waters depending on the continental shelf. Nevertheless, this possibility has caused conflicts between states, since all of them seek for gaining control over as much international waters as possible.

Concerning the disputes over the South China Sea, China has always been the country trying to find arrangements and solve the issue behind closed doors. However, the rest of the countries preferred and pushed for international intervention. Therefore, in July 2010, the US Secretary of State Hillary Clinton became involved in the debate and called for the creation of a binding code of conduct. However, not only was Beijing displeased by this suggestion but it also received this idea as an act of hostility. As a result this idea was rejected.

Possible Solutions

Despite the fact that the issue of maritime piracy is deteriorating, many pirates are caught and the presence of warships in the region of Somali has improved the situation. However, there are two main steps that need to be made. The first and most important one is the implementation of an international legal judicial law that needs to be adopted by all sea nations especially by those affected by piracy. This international agreement will define how and where pirates will be prosecuted and where they will be held.

Furthermore, countries, which are located in areas where piracy exists, have to cooperate with international organizations, such as the UN, the EU and the AU in order to establish a military body that will be responsible for observing piracy regions, intervening in piracy attack and arresting pirates, prosecuting them as well as searching for the lairs of pirates.

As far as the issues of the Arctic Ocean and the South China Sea are concerned, multilateral negotiations and regional codes of conduct or

conventions are of extreme importance to be implemented in order to avoid any rampant dimensions that the current situation might take. Apart from that, the refreshment of the outdated UNCLOS is of vital significance. Countries need to submit amendments asking for the reforming of specific parts of the convention and particular regulations need to be made concerning the transit of naval ships/vessels through international and internal waters, e.g. submarines, in order to secure international waters and promote international security.

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