

National Model United Nations

Week B

March 24 – March 28, 2013



**Commission on Crime Prevention and
Criminal Justice
Documentation**

Commission on Crime Prevention and Criminal Justice

Committee Staff

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Agenda

1. Environmental Protection through Criminal Law
2. Establishing International Legal Norms to Counter Maritime Piracy
3. Strengthening Prevention Measures and Criminal Justice Responses to Human Trafficking

Resolutions adopted by the committee

Document Code	Topic	Vote (Y/ N/ Abstention/ Non-Voting)
CCPCJ/1/1	<i>Establishing International Legal Norms to Counter Maritime Piracy</i>	Acclamation
CCPCJ/1/2	<i>Establishing International Legal Norms to Counter Maritime Piracy</i>	34/0/1
CCPCJ/1/3	<i>Establishing International Legal Norms to Counter Maritime Piracy</i>	29/2/4
CCPCJ/1/4	<i>Establishing International Legal Norms to Counter Maritime Piracy</i>	29/2/4
CCPCJ/1/5	<i>Establishing International Legal Norms to Counter Maritime Piracy</i>	16/5/14
CCPCJ/1/6	<i>Establishing International Legal Norms to Counter Maritime Piracy</i>	31/1/3

The Commission on Crime Prevention and Criminal Justice Summary Report

The Commission on Crime Prevention and Criminal Justice held its annual session to consider the following agenda items: *I. Environmental Protection through Criminal Law; II. Establishing International Legal Norms to Counter Maritime Piracy; III. Strengthening Prevention Measures and Criminal Justice Responses to Human Trafficking.*

The session was attended by representatives of 40 Member States. The agenda was set in the order of 2,1,3 beginning with consideration of "Establishing International Legal Norms to Counter Maritime Piracy."

The second day began with delegates calling upon the forum for cooperation, building working groups in order to find effective solutions concerning conflict situations and focusing on the importance of the subject matter. During these effective informal caucuses, four working papers were submitted to the dais concerning a variety of issues including "Establishing International Legal Norms to Counter Maritime Piracy," such as "Regional Initiatives," "a concrete Definition of Maritime Piracy and Judicial Capacity," "Preventative Measures," and "Policy Capacity Building on an international level."

The third day consisted of three long sessions, mostly concerned cooperation between the working groups and the correction of their working papers. During informal caucuses, the delegates negotiated with each other and the corrections of the papers, as well as suggestions for improvement by the dais were well taken into account. As a result of these negotiations, two working papers merged together, being worked on by 14 sponsors. Moreover, the delegates actively participated in formal session. After asking the dais during informal caucus, as officially mentioned in the rules of procedure of NUMUN 2013, a motion for setting the speaker's time to 90 seconds was passed in the committee.

The fourth and final day consisted of two productive sessions with the result of all six working papers becoming draft resolutions. The first resolution was adopted by acclamation, the second resolution was adopted with 34 votes in favor, no votes against and one abstention; additionally operative clause 1 was separated from the resolution to an annex. The third resolution was adopted by a majority of 29 votes in favor, 2 opposed, and 4 abstentions. Further, the fourth resolution passed with a majority of votes 29 in favor, 2 against and 4 abstentions. Moreover, the fifth resolution passed with 16 in favor, 5 against and 14 abstentions. At last, also the sixth resolution passed with 31 votes in favor, one vote against and 3 abstentions.

Code: CCPCJ/1/1

Committee: Commission on Crime Prevention and Criminal Justice

Subject: Establishing International Legal Norms to Counter Maritime Piracy



1 *Bearing in mind* the importance of state sovereignty, in accordance with Article 2.1 of the
2 United Nations (UN) Charter,

3
4 *Recognizing* Article 101 of the UN Convention on the Law of the Sea (UNCLOS), which
5 codified the definition of maritime piracy,

6
7 *Further recognizing* the Convention for the Suppression of Unlawful Acts against the
8 Safety of Maritime Navigation (SUA Convention), which expanded both the definition of
9 piracy as established in UNCLOS and also the geographic applicability of the definition,

10
11 *Acknowledging* Security Council Resolution S/RES/2020, which noted that regional
12 piracy often becomes a viable alternative to legitimate legal employment due to its
13 lucrative nature, especially in regards to robbery and ransoming hostages,

14
15 *Concerned* that the multilateral coordination of punitive measures is by nature ex post
16 facto, and does not sufficiently address the causation of piracy,

17
18 *Commending* the successes of regional information-sharing initiatives such as the
19 Regional Cooperation Agreement on Combating Piracy and Armed Robbery against
20 Ships in Asia (ReCAAP), Information Sharing Centre (ISC) and the Maritime Security
21 Centre Horn of Africa (MSCHOA),

22
23 *Recognizing* the effectiveness of the UN Office on Drugs and Crime (UNODC) in
24 combating piracy by the formation of region-specific initiatives and programs such as the
25 Counter Piracy Programme (CPP),

26
27 *Acknowledging* the International Maritime Organization (IMO) circular 2012
28 MSC.1/Circ.1444, which called for the formation of a reference document for
29 “recommended practices” in dealing with counter-piracy measures in the Somali region,

30
31 *Further acknowledging* the dissemination of the 2012 Best Management Practices for
32 Protection against Somalia Based Piracy (BMP4), having outlined comprehensive
33 counter-piracy recommendations for private and commercial ships operating in the Gulf
34 of Aden,

35
36 *Believing* that all private and commercial vessels operating within all regions at risk of
37 maritime piracy should have regionally-specific Best Management Practices Manuals for
38 the enhancement of the security of personnel and property,

39
40 *The Commission on Crime Prevention and Criminal Justice,*

41

- 42 1) *Calls for* the creation of a series of Best Management Practices Manuals
43 (BMPMs) for regional preventive and counter-piracy measures;
44
45 2) *Recommends* that ad hoc working groups be established for the authorship of each
46 of the BMPMs, and the working groups should be comprised of:
47
48 a. Representatives of littoral States, defined as states whose territorial waters,
49 where applicable, are included in the high-risk regions;
50
51 b. Representatives of Commercial-interest States, defined as States, which
52 use the shipping lanes for the purposes of international trade;
53
54 c. Representatives from international security operations;
55
56 d. Representatives from international shipping companies;
57
58 3) *Further recommends* the working groups be formed by, and operate under the
59 auspices of the Office on Drugs and Crime (UNODC) Counter Piracy Programme
60 (CPP), and that the funding for each individual working group be provided by the
61 UNODC Special Purpose (SP) funds earmarked for counter-piracy programs;
62
63 4) *Emphasizes* that the working groups will release primary editions of the BMPMs
64 no later than March 31, 2016, which will be updated every five years and
65 disseminated via UNODC Field Offices to Member States for further distribution
66 to relevant personnel as per International Maritime Organization (IMO)
67 guidelines in MSC.1/Circ.1444;
68
69 5) *Declares accordingly* that the specific high-risk regions for which BMPMs are to
70 be created should include but not be limited to the Strait of Malacca, the Gulf of
71 Guinea, the Arabian Sea, and the South China Sea;
72
73 6) *Recommends* that the BMPMs should include:
74
75 a. Data on the nature of pirate attacks in each region, including typical
76 strategies employed by pirates, typical vessels utilized by pirates and the
77 capabilities thereof, and typical weapons utilized by pirates and the
78 capabilities thereof;
79
80 b. Recommendations on ship and crew protection, including surveillance
81 techniques and technologies, the use of personal protective armor, the use
82 of security glass or blast resistant film, and methods for securing access to
83 the bridge and other sensitive areas such as accommodation and
84 machinery spaces;
85
86 c. Recommendations on evasive techniques, with special consideration being
87 given to regional oceanographic factors and navigability constraints;

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- d. Recommendations on non-lethal deterrence methods;
 - e. Legal stipulations for the use of armed and unarmed Private Maritime Security Contractor (PMSCs), as per IMO guidelines;
 - f. Guidelines for shipmaster and crew safety in the event of forced relinquishment of control of the ship, and military or naval engagement;
- 7) *Further recommends* the inclusion of contact information for relevant regional maritime security organizations, such as the ReCAAP ISC and MSCHOA, and that vessels operating in the region use these organizations to register their position, itinerary, crew, and cargo, report any suspicious activity, report in-progress attacks and immediate requests for support, and submit post-incident reports.



Code: CCPCJ/1/2

Committee: The Commission on Crime Prevention and Criminal Justice

Subject: Establishing International Legal Norms to Counter Maritime Piracy



1 *Reaffirming* the principles of the Charter of the United Nations (UN), in particular articles 2.1
2 and 2.7 in affirming the sovereign equality of all Member States and affirming that the UN will
3 not interfere in matters that lie within the domestic jurisdiction of Member States, especially in
4 regards to their jurisdiction over their territorial waters,

5
6 *Recognizing* that maritime piracy and armed robbery at sea pose a threat to international
7 navigation, trade, security, and economic development,

8
9 *Guided by* Article 101 of the UN Convention on the Law of the Sea (UNCLOS) in providing a
10 definition of maritime piracy as consisting of any illegal acts of violence or detention, or any act
11 of depredation, committed for private ends by the crew or the passengers of a private ship or a
12 private aircraft, and directed on the high seas, against another ship or aircraft, or against persons
13 or property on board such ship or aircraft, against a ship, aircraft, persons or property in a place
14 outside the jurisdiction of any State and any act of voluntary participation in the operation of a
15 ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft and any act of
16 inciting or of intentionally facilitating an act described,

17
18 *Further guided by* the expanded definition of criminal offenses as espoused in Article 3 of the
19 Convention for the Suppression of Unlawful Acts of Violence Against the Safety of Maritime
20 Navigation (SUA Convention) and Article 10 in its provisions to establish universal jurisdiction
21 on crimes of piracy occurring on the high seas,

22
23 *Taking into account* the International Maritime Bureau's definition of piracy and armed robbery
24 as "an act of boarding or attempting to board any ship with the apparent intent to commit theft or
25 any other crime and with the apparent intent or capability to use force in the furtherance of that
26 act,"

27
28 *Noting* Article 96 of the Charter of the UN which empowers the General Assembly (GA) to
29 request advisory opinions from the International Court of Justice on any legal question,

30
31 *Approving* of the effectiveness and success of the UN Office on Drugs and Crime's (UNODC)
32 Counter Piracy Program in Somalia, Kenya, and the Seychelles in improving the capacity of
33 these Member States to prosecute and detain convicted Somali pirates,

34
35 *Recalling* Security Council Resolutions S/RES/1838 and S/RES/1846 which call upon Member
36 States to criminalize piracy and to implement UNCLOS, as well as for Member States party to
37 the SUA Convention to implement their obligations under the treaty,

38
39 *Reaffirming* the Commission on Crime Prevention and Criminal Justice (CCPCJ) Resolution
40 20/5 entitled *Combating the problem of transnational organized crime committed at sea* and its
41 call for increased national law enforcement efforts to combat maritime piracy,

42

43 *Furthering recalling* Operative 6 of CCPCJ Resolution 21/1, which called upon Member States
44 to criminalize maritime piracy under their national legislation,

45 *Emphasizing* that while piracy has an international impact, efforts to combat piracy must remain
46 mindful that regions have diverse needs and perspectives,
47
48

49 *Viewing with appreciation* the emphasis of section 11 of the Djibouti Code of Conduct in having
50 signatories review national legislation and, where necessary, adopt laws criminalizing piracy and
51 armed robbery against ships,
52

53 *Guided by* Section 3.4 of the Annex of the Code of the Practice for Investigation of the Crimes of
54 Piracy and Armed Robbery Against Ships, which encourages coastal states to enter into bilateral
55 and multilateral agreements to investigate piracy and armed robbery of ships,
56

57 *Fully aware* that many Member States, including developing states, lack the financial resources
58 to effectively investigate and prosecute crimes of maritime piracy, especially in the Gulf of
59 Guinea and the Gulf of Aden,
60

61 *Stressing* that the crimes committed within the 12-mile territorial sea of a Member State remain
62 under the sovereign jurisdiction of that coastal Member State according to Articles 2 and 3 of
63 UNCLOS,
64

65 *The Commission on Crime Prevention and Criminal Justice,*

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67 1) *Encourages* Member States and Observer States that currently lack legislation regarding
68 maritime piracy to adopt national legislation criminalizing the acts outlined in:

69
70 a. The definition of piracy under UNCLOS Article 101;

71
72 b. Article 3 of the SUA Convention;

73
74 c. Any future revision of the UNCLOS definition of piracy as agreed upon at a
75 future meeting of States Party, as stated in clause 1 of this resolution;
76

77 d. CCPCJ resolutions and recommendations on national legislation and penal codes
78 regarding maritime piracy;
79

80 2) *Calls for* the wider geographical implementation of UN programs and agency initiatives
81 to assist developing and resource-poor Member States in their enforcement of national
82 legislation and to improve the legal institutions within Member States, with a focus on
83 increasing the capacity of the judiciary to prosecute crimes of maritime piracy through:
84

85 a. The utilization of programs such as:

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87 i. The Integrated Technical Co-operation Programme under the International
88 Maritime Organization (IMO), which seeks to assist countries in building

- 89 up their human and international capacities for uniform and effective
90 compliance with regulatory frameworks;
- 91
- 92 ii. The United Nations Development Programme’s Rule of Law and Security
93 program, which currently operates in Somalia to train judicial officials and
94 increase the capacity of the judiciary;
- 95
- 96 iii. The International Bar Association’s Human Rights Institute, which
97 organizes training programs for lawyers, judges, and prosecutors on
98 international human rights law and humanitarian law;
- 99
- 100 iv. The UN Office of Legal Affairs Codification Division’s International Law
101 Fellowship Programme, which invites members of the judiciary from
102 developing Member States to participate in training seminars and
103 workshops on international law;
- 104
- 105 v. The UNODC Resource Guide on Strengthening Judicial Integrity and
106 Capacity as a guideline for reforming the judiciary, improving public trust
107 in judicial officials and proceedings, and improve the transparency of the
108 judiciary;
- 109
- 110 b. The increased voluntary contributions to UN offices and programs such as the
111 UNDP, the UNODC, and other relevant agencies and regional bodies as a means
112 to provide more assistance to resource-limited Member States to increase their
113 judicial capacity to combat maritime piracy;
- 114
- 115 c. The increased voluntary contributions from willing and able Member States as
116 well as regional organizations to the International Maritime Security Trust Fund
117 to support activities and projects in Member States to counter maritime piracy;
- 118
- 119 3) *Further suggests* that Member States enter into regional agreements based on clause 11
120 of the Djibouti Code of Conduct to provide guidelines for Member States in order to
121 promote a region-specific approach to combating maritime piracy, especially with the
122 aim to:
- 123
- 124 a. Create region-specific guidelines on criminal legislation and common penalties
125 for those convicted of piracy in accordance with international human rights
126 standards and in accordance with customary international law;
- 127
- 128 b. Encourage Member States to review their national legislation criminalizing piracy
129 and armed robbery at sea;
- 130
- 131 c. Reduce discrepancies between Member States’ legislative frameworks and
132 approaches to combating piracy;
- 133

- 134 d. Facilitate cooperation between Member States in the arrest, investigation, and
135 prosecution of pirates in the region;
136
- 137 4) *Reminds* relevant Member States who signed the 2002 Monterrey Consensus to fulfill
138 their commitments to provide 0.7% of their Gross National Product (GNP) as Official
139 Development Assistance (ODA) and in particular to target ODA at initiatives to improve
140 the judicial capacity of developing Member States affected by maritime piracy;
141
- 142 5) *Encourages* ECOSOC to invite the GA to request that the International Court of Justice
143 issue an advisory opinion on the question of the legal ability of Member States to utilize
144 Article 100 of UNCLOS to apply universal jurisdiction to acts of armed robbery
145 committed against ships within straits;
146
- 147 6) *Invites* the IMO to create trust funds similar to the Djibouti Code of Conduct Trust Fund
148 in order to provide financial assistance to Member States to implement their obligations
149 and efforts under the regional guidelines;
150
- 151 7) *Encourages* the UNODC to implement its Counter Piracy Programme in other piracy-
152 affected regions such as the Gulf of Guinea and the Member States whose coasts form the
153 Strait of Malacca in order to:
154
- 155 a. Establish new regional detention centers for Member States to voluntarily refer
156 prisoners convicted of crimes of piracy to serve their sentences with the location
157 of the center to be determined by the relevant regional organization;
158
- 159 b. Facilitate the transfer of prisoners to such regional detention centers through the
160 expansion of the UNODC's Piracy Prisoner Transfer Programme;
161
- 162 c. Expand training for law enforcement officials to improve their ability to
163 investigate crimes of piracy through the model of the IMO's Train the Trainer
164 initiative, which employs experts to deliver training to national authorities on the
165 scope of activities occurring at ports;
166
- 167 d. Communicate with regional organizations such as the Maritime Organization for
168 Central and West Africa to identify and take into consideration the specific needs
169 and priorities of the Member States within the region;
170
- 171 8) *Encourages* Member States to enter into bilateral and multilateral agreements to facilitate
172 information-sharing and sharing of costs in accordance with Code of the Practice for the
173 Investigation of the Crimes of Piracy and Armed Robbery Against Ships.

Code: CCPCJ/1/2/Annex

Committee: The Commission on Crime Prevention and Criminal Justice

Subject: Establishing International Legal Norms to Counter Maritime Piracy



- 175 1) *Recommends* that the Economic and Social Council (ECOSOC) requests the GA
176 to discuss and adopt a revised definition of piracy to be considered at the 25th
177 meeting of States Party that incorporates:
178
- 179 a. The UNCLOS definition of maritime piracy as a minimum standard;
180
 - 181 b. The definition under the SUA Convention, in particular the stipulation that
182 acts of piracy can originate from a single vessel or platform and can be
183 committed for motives other than private gain;
184
 - 185 c. Other definitions used by international organizations, such as the International
186 Maritime Bureau;
187
 - 188 d. The various motives for engaging in piracy, including, but not limited to, acts
189 for political purposes, terrorism, and transnational organized crime including
190 the role of piracy in human trafficking;
191
 - 192 e. An extension of the crime of maritime piracy to include acts committed within
193 the Exclusive Economic Zone as well as territorial seas, while preserving the
194 sovereign right of the Coastal State to maintain primary jurisdiction over
195 crimes committed within the 12 nautical miles of the territorial seas.

Code: CCPCJ/1/3

Committee: Commission on Crime Prevention and Criminal Justice

Subject: Establishing International Legal Norms to Counter Maritime Piracy



1 *Reaffirming* the sovereignty of Member States as mandated by Articles 2.1, which establishes
2 sovereign equality, and 2.7, which protects the integrity of domestic jurisdiction of all Member
3 States, regardless of regional alliances as outlined in the United Nations (UN) Charter,
4

5 *Recognizing* the efforts and achievements of regional initiatives as exemplified by all regions,
6 specifically the European Union and Somalia's Operation ATALANTA, and the Regional
7 Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia's
8 Information Sharing Center (ReCAAP's ISC),
9

10 *Deeply concerned with* rising transnational organized crime among pirates, as exemplified by the
11 training of Somali pirates in Afghanistan by Al- Qa'ida, according to the 2013 United States
12 Counterterrorism Report, and their criminal actions in all Member States' regions,
13

14 *Recalling* the final report given by the International Piracy Ransoms Task Force at the London
15 Conference on Somalia that addresses the widespread understanding of paying ransoms in the
16 cases of piracy,
17

18 *Taking note of* Security Council Resolution S/RES/2077 Operative Clause 19, which calls for the
19 creation of special antipiracy courts and emphasizes the need for strengthening cooperation of
20 states, regional and international organizations in holding pirates accountable,
21

22 *Referring to* the prestigious efforts of the International Fellowship Program from the UN Office
23 of Legal Affairs in helping to promote the rule of law through an educational course for qualified
24 persons from developing states,
25

26 *Keeping in mind* Security Council Resolution S/RES/1918, which calls for the establishment of
27 correctional facilities for detained pirates,
28

29 *The Commission on Crime Prevention and Criminal Justice,*
30

- 31 1. *Recommends* the creation of information sharing centers, similar to ReCAPP's ISC, for
32 the facilitation of regional cooperation between Member States and the publishing of
33 each regional Member State's information on the criminal activity engaged in by pirates
34 on the sea around their region, particularly with respect to:
- 35 a. Regional data sharing about the type of crime committed, the level of threat, the
36 type of weapons used by pirates, and the cataloguing of monetary funds Member
37 States have put forth to combat maritime piracy;
38

- 39 b. The filing of monthly incident reports pertaining to the types of piracy committed
40 in specific regions, the connections to transnational organized crime, which
41 include resources contributed to pirates by organized crime, and the techniques
42 utilized by regional Member States for the apprehension, persecution and
43 punishment of pirates;
44
- 45 2. *Calls upon* Member States to work with the International Piracy Ransoms Task Force by
46 examining the recommended anti-piracy measures as outlined in the report mentioned in
47 clause number 1 of this resolution, in order to avoid, reduce, and prevent all illegal
48 financial flows of money being given to pirates through the efforts of information sharing
49 among Member States and domestic law enforcement agencies;
50
- 51 3. *Strongly encourages* the creation of regional based treaties between Member States
52 outlining the scope and jurisdiction for the creation of regional hybrid courts to
53 specifically address the crime of piracy, and contain provisions outlining solutions to the
54 issue of jurisdiction existing between local courts and the regional hybrid court according
55 to:
56
- 57 a. The principle that, if the crime takes place within the territorial waters of the
58 Member State, it is at the discretion of the Member State to relinquish its
59 jurisdiction to that of the regional hybrid court;
60
- 61 b. The principle that jurisdiction automatically lies with the tribunal if the crime in
62 question was committed outside the territorial waters but within the exclusive
63 economic zone;
64
- 65 c. The international definition of piracy under the UN Convention on the Law of the
66 Sea as outlined in Article 101, with regional supplemental definitions agreed upon
67 in the treaty;
68
- 69 4. *Further encourages* Member States, after the creation of the initial treaty detailing the
70 jurisdiction of the court, to adopt subsequent agreements within the scope of such treaty
71 addressing;
72
- 73 a. Agreed-upon regional standards for rules of evidence and procedure in order to
74 have standards applicable to all Member States party to the treaty and to address
75 regional concerns, perspectives, and national legislative parameters;
76
- 77 b. The establishment of rules of detention to be followed by all Member States, in
78 line with international legal and humanitarian standards as outlined in the

79 Convention Against Torture and other international agreements about the
80 responsible treatment of prisoners;



- 81
- 82 5. *Further recommends the* creation of regional hybrid courts, whose parameters are to be
83 further determined by the respective region and whose structure could include:
- 84
- 85 a. The development of the position of the registry, whose mandate would be to
86 manage the courts workings and public image;
- 87
- 88 b. The position of the prosecutor, appointed on a case by case basis by the Member
89 State who apprehended the alleged pirate;
- 90
- 91 c. The adjudication by 12 judges, which would:
- 92
- 93 i. Consist of five judges to preside in a trial chamber and seven judges to
94 preside in an appeals chamber, which will only deliberate over questions
95 brought to them about the improper following of procedural elements of
96 the relevant case as laid out in the treaties relating to standards for rules
97 and procedures, in addition to the treaty on humane detention;
- 98
- 99 ii. Be appointed by a vote of the Member States party to the applicable treaty
100 on a rotating nine year term cycle, staggered with the appointment of four
101 new judges every three years;
- 102
- 103 d. The financing by voluntary contributions from willing and able Member States
104 and private contributors to the newly created Regional Hybrid Tribunal Trust
105 Fund, to be overseen by the UN Office on Drugs and Crime (UNODC), for the
106 purposes of efficient management;
- 107
- 108 e. The determination of a region by the Member States initiating the writing and
109 ratification of the treaty and recognition by the International Tribunal for the Law
110 of the Sea, with priority given to piracy plagued regions such as The Gulf of
111 Aden, The Gulf of Guinea, and the Straits of Malacca;
- 112
- 113 6. *Encourages* the creation of an international advisory board within the UN Interregional
114 Crime and Justice Research Institute (UNICRI) in order to coordinate endeavors of the
115 regional hybrid courts, specifically:
- 116
- 117 a. To advise on best practices on the functions of the tribunals;
- 118

- 119 b. To address the potential overlapping of regional jurisdiction in the exclusive
120 economic zone;
- 121
- 122 7. *Urges* all Member States to utilize the International Law Fellowship Program from the
123 UN Office of Legal Affairs in training the judicial members sent to preside over the new
124 regional courts, in order to ensure proper capacity and knowledge of international law on
125 piracy;
- 126
- 127 8. *Supports the* expansion of the UNODC’s Counter Piracy Program and the Contact Group
128 on Piracy off the Coast of Somalia (CGPCS) in their efforts to provide adequate detention
129 facilities for convicted pirates, particularly in conjunction with the creation of the new
130 hybrid courts, in order to ensure proper infrastructure is available in the predetermined
131 Member States.



Code: CCPCJ/1/4

Committee: Commission on Crime Prevention and Criminal Justice

Subject: Establishing International Legal Norms to Counter Maritime Piracy



1 *Affirming* sovereignty rights of all Member States as stated within Article 2.1 of the United
2 Nations (UN) Charter,

3
4 *Recalling* Article 101 of the UN Convention on the Law of the Sea (UNCLOS), which provides
5 the international definition of maritime piracy as acts committed by private ships against any
6 ship, aircraft, persons, or property outside the jurisdiction of their state,

7
8 *Acknowledging* the establishment of the Maritime Piracy-Humanitarian Response Programme
9 (MPHRP) which provides expertise on the creation of preventative measures, response tactics,
10 and resolutions for maritime piracy acts,

11
12 *Recognizing* the need for the formation of multilateral agreements that aim to create preventative
13 measures against maritime piracy through informative cooperation,

14
15 *Calling attention to* Security Council Resolution SC/RES/1897, which encourages Member
16 States to decide which Member State will detain and prosecute offenders,

17
18 *Stressing* Security Council Resolution SC/RES/2015, which states that Somalia provided
19 financial opportunities to citizen states in the form of jobs through the usage of customs
20 checkpoints at ports in order to maintain transparency,

21
22 *Reaffirming* Security Council Resolution SC/RES/1950 in its attempt to increase protection of
23 ships using such mechanisms as the Combined Task Force 151 (CTF151) and the National
24 Atlantic Treaty Organization's (NATO) operation Ocean Shield by increasing cooperation
25 against acts of maritime piracy,

26
27 *Drawing attention to* the link between illegal trade routes and the transnational aspect of
28 Maritime Piracy which suggests a complex hierarchy of internationally organized crime, and the
29 importance of the International Criminal Police Organization (INTERPOL) and their Incident
30 Response Team which provides evidence and studies scenes of organized crime during tribunals,

31
32 *The Commission on Crime Prevention and Criminal Justice,*

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34 1) *Recommends* to Member States that the following be considered under Clause A of
35 Article 101 of UNCLOS pertaining to definition of illegal acts of violence:

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37 a. Private ships who are not in compliance with national regulations pertaining to
38 maritime security and have committed acts of aggression in contiguous zones against
39 other naval vessels;

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41 b. Or those who have displayed destruction or illegal acquisition of property belonging
42 to a port or docking station;

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- 2) *Endorses* the following actions toward amending Article 101 of UNCLOS:
- a. For the General Assembly to recall Article 101 and establish said amendments to this article into the existing definition maritime piracy the hopes that this article will be re-ratified with the proposed amendments;
 - b. If a Member State does not support said amendment they may retain the currently existing article and its definition;
- 3) *Emphasizes* the accepted knowledge that maritime piracy is primarily driven by financial need, seeks to deter maritime piracy by increasing legal employment opportunities in vulnerable Member States, and supports the usage of economic organizations similar to The Economic Community of West African States (ECOWAS) and the Gulf Cooperation Council (GCC) in order to:
- a. Develop certified customs check points by each Member State which will be encouraged to follow international legal norms for vessels entering ports;
 - b. Create a flow of employment to increase economic stability as patrolling officers would be required from the state to achieve proper check points;
 - c. These check points would hope to be initially funded by ECOWAS and the GCC as well as overseen and organized with their cooperation as well;
- 4) *Stresses the need* for Member States to further put into action and develop the efforts of the MPHRP, which uses vocational training for maritime patrollers, counseling for the after effects of piracy on victims, and safety awareness, specifically directed to Member States that are rising in rates of maritime piracy by:
- a. Strengthening the relation of the private sector, governments, and the MPHRP organization;
 - b. Establishing annual conferences conducted by MPHRP leaders, executive members of the private sector and Member States;
- 5) *Encourages* the enhancement of communication at the current time in which acts of piracy are being committed, the relay of information pertaining to suspicious naval acts, as well as the response and treatment of such acts via international cooperation by:
- a. Reporting the commitment of piracy acts through radio and other relevant technological means to national coast guards that are patrolling the suspected areas;
 - b. Utilizing cooperation between law enforcement on land and sea, in order to investigate organized crime on land to target contributors of supplies and armaments to maritime pirates;

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- c. Properly attaining and prosecuting maritime offenders by allowing Member States to act as partners in the capture of offenders by granting custody to the contiguous zone on which the offense was committed in, and relocating the offenders to their Member State of origin for the purpose of prosecution;
 - 6) *Encourages* additional cooperation between Member States through the expansion of existing operations, such as the CTF 151, which prevent acts of piracy by the protection of vessels using shipping lanes deemed vulnerable by:
 - a. Establishing a strong presence of surveillance and protection, by Member States' National Coast Guards and operations similar to CTF 151, of nautical vessels by invoking a sense of insusceptibility discouraging maritime piracy;
 - b. Ensuring that when acts of piracy are committed there is a swift response to protect said vessels and capture these pirates due to the consistent patrol;
 - 7) Further recommends the addition of the INTERPOL Incidence Response Team whose purpose is to assist with crime scene investigation and evidence collection to Member States after piracy and/or ransom incidents have occurred in order to facilitate trial and prosecution.

Code: CCPCJ/1/5

Committee: The Commission on Crime Prevention and Criminal Justice

Subject: Establishing International Norms to Counter Maritime Piracy



1 *Recognizing* the evolving nature of maritime piracy may include many aspects of transnational
2 organized crime such as drug trafficking, trafficking in persons, looting, assaults and the
3 inadequacy of the existing definition of maritime piracy in Article 101 of the United Nations
4 Convention on the Law of the Sea (UNCLOS),
5

6 *Reaffirming* the purposes and principles of the United Nations (UN) and the goals set out in
7 Article 1.2 and 1.3 of the UN Charter, namely to promote international co-operation in solving
8 international problems of an economic, social, cultural, and humanitarian character, to promote
9 and encourage respect for human rights and fundamental freedom for all, and to promote the
10 self-determination of all people,
11

12 *Highlighting* the work of the Trust Fund to Support Initiatives States Countering Piracy off the
13 Coast of Somalia, which helps provide financial contributions associated with prosecution of
14 suspected pirates to successfully provide assistance on all levels to counter maritime piracy,
15

16 *Considering* that paying ransoms creates incentives to commit piracy acts and that the escalating
17 ransom payments and the lack of enforcement are fueling the growth of piracy off the coast of
18 Somalia as noted in Security Council Resolution S/RES/2077,
19

20 *Supporting* the Commission on Crime Prevention and Criminal Justice (CCPCJ) Resolution 20/5,
21 entitled, *Combating the problem of transnational organized crime committed at sea* in regards to
22 Member States cooperating and the strengthening of law enforcement agencies to uphold
23 international norms relating to maritime piracy,
24

25 *Keeping in mind* Security Council Resolution S/RES/2015, which stresses the need to build
26 Somalia's potential for sustainable economic growth as a means to tackle the underlying causes
27 of piracy, including poverty, thus contributing to a durable eradication of piracy and armed
28 robbery at sea off the coast of Somalia and illegal activities connected there within,
29

30 *Recalling* the origins of Somali piracy which emphasizes the importance of education not only as
31 a means of providing an alternative to maritime piracy, but also to oppose the idea that maritime
32 piracy is a viable solution to illegal fisheries in territorial sea and the exclusive economic zone,
33

34 *The Commission on Crime Prevention and Criminal Justice,*
35

- 36 1) *Encourages* the next meeting of State parties to UNCLOS to discuss an amendment
37 regarding the revision of the definition of maritime piracy found in Article 101 of the
38 (UNCLOS) to include:
39

- 40 a. A legal and judicial framework encompassing coordinated penal norms regarding
41 sentencing for pirates, to set a standard period of time for investigations and guide

42 the criminalization of maritime piracy in domestic legislation that can be
43 implemented on a global level while keeping in mind fundamental human rights;

44
45 b. Relevant crimes such as kidnapping for ransom, theft of ships, preventing the
46 delivery of humanitarian aid, carriage of illegal goods (diamonds, protected
47 wildlife) aboard ships, illegal fishing and vandalism;

48
49 c. The expansion of the definition of maritime piracy to include maritime crimes
50 committed within territorial seas, with full respect given to the national
51 sovereignty of each Member State with no action taken in the territorial sea
52 without the unequivocal agreement of the Member State;

53
54 2) *Encourages* the expansion of international courts, such as the International Tribunal for
55 the Law of the Sea or the International Criminal Courts upon Member States' requests for
56 the prosecution of pirates;

57
58 3) *Suggests* that all willing and able Member States contribute financial assistance and
59 support the expansion of the Trust Fund to Support Initiatives of States Countering Piracy
60 off the Coast of Somalia to expand its work to other high risk regions, specifically related
61 to enabling financial support to properly build judicial, prosecution and police capacity in
62 these high risk regions;

63
64 4) *Endorses* the creation of a framework, entitled, Action Against Nautical Crimes Hostage-
65 taking or Ransom Demands (ANCHOR) under the UNODC and supported by the
66 expertise of the International Maritime Organization (IMO) as a networking platform
67 through an online database to establish, share best practices and exchange information
68 between organizations and Member States in order to:

69
70 a. Decrease the amount of states who negotiate with pirates;

71
72 b. Increase transparency between Member States and relevant international
73 organizations;

74
75 c. Enable the utilization of programs, such as the International Maritime Bureau's
76 Piracy Reporting Centre to act as an international single point of contact for
77 relevant actors including shipmasters, operators and insurers who are under
78 piratical or armed robbery attack in order to better relay information to local law
79 enforcement and to other vessels in the ocean region;

80
81 d. Assist INTERPOL for the successful creation of the undergoing Global Database
82 on Maritime Piracy to increase investigations to combat organized crime and
83 better analyze piracy networks which will enable member countries to identify
84 and arrest high-value individuals;

85
86 5) *Emphasizes* the need to build capacity on a regional level, specifically in least developed
87 countries to develop the capabilities of coastguards through the New EU initiative to

88 combat piracy in the Gulf of Guinea's Critical Maritime Routes in the Gulf of Guinea
89 Programme, which provides training to coastguards and helps governments across West
90 and Central Africa in order to improve the safety of main shipping routes;

91
92 6) *Recommends* the cooperation between existing task forces against piracy, such as North
93 Atlantic Treaty Organization's Operation Ocean Shield, the European Union Naval Force
94 ATALANTA and Combined Taskforce 151 in order to better share information, protect
95 seafarers and collaborate in the arrest of maritime piracy criminals;

96
97 7) *Calls upon* all willing and able Member States and related actors to contribute financial
98 assistance to the UNODC to extend its work done through the Counter-Piracy
99 Programme to other regions, particularly its livelihood programme, which provides
100 vocational training for youth living in coastal cities where pirates recruit adolescents and
101 young adults in order to prioritize the creation of jobs to ameliorate economic conditions
102 that drive acts of maritime piracy through the provision of fishing equipment in coastal
103 cities and training and support for small business entrepreneurs.

Code: CCPCJ/1/6

Committee: Commission on Crime Prevention and Criminal Justice

Subject: Establishing International Legal Norms to Counter Maritime Piracy



1 *Noting with regret* the lack of legal provisions outlining the work of the Private Security
2 Contractors (PSCs) in areas where maritime piracy is pervasive,
3

4 *Considering* the lack of compliance with regulatory bodies regarding ships with PSCs on board
5 and the negative effects on safety,
6

7 *Concerned by* the lack of a legally binding agreement on the legal outlining of the work of
8 Private Security Contractors,
9

10 *Noting with approval* recent progress by the International Maritime Organization (IMO) in the
11 creation of guidelines for the use of PSCs as outlined in MSC.1/Circ.1405/Rev.2,
12 MSC.1/Circ./1406-Rev-2, MSC.1/Circ./1408-Rev-1, MSC.1/Circ.1443, MSC.1/Circ.1443,
13 MSC.1/Circ.1444, MSC-FAL.1/Circ.2,
14

15 *Recalling* the United Nations (UN) principles on the Use of Force and Firearms by Law
16 Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials and the
17 International Code of Conduct for Private Security Providers,
18

19 *Welcoming* the IMO's ongoing efforts to provide proper training to PSCs regarding their rights
20 and responsibilities, as it significantly aids to reduce the number of incidents by the PSCs,
21

22 *The Commission on Crime Prevention and Criminal Justice,*
23

- 24 1) *Requests* the hiring of Private Security Contractors (PSCs) by private or public vessels be
25 reported to the Commission via:
26
 - 27 a. The formation of a report writing committee under the Commission for the purpose of
28 keeping statistical records on, who is using PSCs, where they are being used, and the
29 quantitative use of them;
30
 - 31 b. In order to provide the international community with additional information in order
32 to further regulate PSCs;
33
- 34 2) *Encourages* corporations to be transparent in the way they defend their ships, regarding
35 the type of weapons carried on board by filing a report on the arsenal they transport when
36 they leave port and to notify the relevant authorities when approaching neighboring ships
37 that utilize Private Security Contractors (PSCs) in order to identify their presence;
38
- 39 3) *Further encourages* the Economic and Social Council (ECOSOC) establish an oversight
40 committee within the UNODC for the purpose of monitoring and training PSCs by:
41
 - 42 a. Collaborating with organizations such as the Security Association for the Maritime
43 Industry (SAMI), currently involved in oversight of PSCs, to ensure compliance

- 44 with IMO Piracy Guidance
45 documents regarding PSCs, with special emphasis on:
46
47 i. Rules of engagement that specifically prohibits pursuit and the use of arms
48 against suspected pirates without due cause;
49 ii. The sharing of financial records in order to monitor and regulate the PSC
50 industry;
51
52 b. The request of PSCs' assistance in the funding of a training program that
53 encourages human rights regulations to prevent violations;
54
55 c. Supporting collaboration with International Criminal Police Organization
56 (INTERPOL) in order to:
57
58 i. Investigate proposed cases of acts of aggression committed by a PSC
59 against a vessel by interviewing witnesses, analyzing relevant evidence
60 and filing a report for the INTERPOL Database;
61 ii. Determine the appropriate method of prosecution for violators of maritime
62 regulations through negotiations between the actors involved in the
63 incident such as the Flag States of the ships, the corporations that hire
64 PSCs, and the PSCs themselves;
65 iii. Participate in prosecution process for suspected violators where requested
66 by Member States;
67
68 4) *Draws attention* to the responsibility each flag state has to ensure compliance to the
69 existing national laws on PSCs;
70
71 5) *Invites* the ECOSOC to hold a conference to assess the economic and social implications
72 surrounding this emerging subject of interest to the international community.