

GECMUN 8

Background Guide

Office of Drugs and Crimes

Combating Maritime Crime

SDG: 16 Peace, Justice, and Strong Institution

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Committee Introduction

In 1997, the United Nations Centre for International Crime Prevention and the United Nations International Drug Control Programme combined to become the United Nations Office of Drugs and Crime (UNODC). By the mission of contributing to global peace and security, human rights, and development, United Office on Drugs and Crimes (UNODC) has been working to come up with resilient solutions for world drug problems, organized crimes, corruption, and economic crime, terrorism, and criminal justice. As the scale of these problems are too big for the countries to solve by themselves, international networks and the committee have been giving practical assistance to make changes and actions.

UNODC operates in more than 80 countries through 115 field offices with 2400 personnel globally. The office is committed to supporting the Member States by working closely with the government and civil society to ensure that security and justice are maintained for all. The implementation enables states to be part of sustainable development, as it explicitly recognizes the importance of fair rules and laws, humane justice systems, and health-oriented drug usage.

With the recent pandemic of COVID-19, drugs, corruption, and terrorism have been increasing in the world. In order to protect people from threats, UNODC has recently introduced a five-year strategy. The goal is to build a resilient society to the threats today by forging new partnerships, strengthening existing ties, empowering women and youth, harnessing a culture of learning, and building inclusive communities.

Agenda Introduction

In 2017, OBP documented 54 occurrences in the Western Indian Ocean Region, a 100 percent increase over 2016. As a result, the number of sailors impacted by piracy and armed robbery at sea increased in 2017, from 545 in 2016 to 1,102 in 2017. OBP documented cases of hijacking and kidnapping at sea in the region for the first time in two years. In 2017, suspicious behavior remained the most commonly reported occurrence in the region. From 13 occurrences in 2016, to 32 in 2017, there was a substantial rise.

Several causes have been blamed for the brief increase in hijacking incidents in the first quarter of 2017. These include pirate action groups' ongoing intent to conduct assaults and the ability to do so owing to a lack of adherence to ship self-protection procedures, such as Best Management Practices (BMP). The major naval presence in the region was independent deployers, however both coalition troops and independent deployers reduced their days of operation, or days on station in the region, in 2017.

The capacity and aim of pirate networks have not diminished in recent years, as seen by the growing number of hijackings, including the Aris 13, the Asayr 2, and the Al Kausar.

Letter from the Chairs

I am pleased to meet you delegates! My name is Seoyeon Kang, and I am currently a 12th grader at Branksome Hall Asia. I am very excited to meet new delegates and look forward to working in the UNODC committee as head chair. I have been a part of MUN since I was in grade 8 and I've done a number of conferences both in Jeju and Seoul in a variety of formats. If you have any questions please contact me and I will be happy to discuss!

Greetings to everyone! My name is Yoojeong Lee, and I will serve you as the deputy chair of the United Nations Office on Drugs and Crime (UNODC). I am currently a junior student from Branksome Hall Asia. My first MUN journey started in 6th grade, and I have joined a number of conferences both in and out of Jeju. As your chair, I look forward to seeing what all of you will come up with and hope it will be a memorable learning experience for all. I am more than happy to answer your questions before, during and after the conference so please do not hesitate to contact me.

Hello, dear delegates! My name is Meichen Jin and I am currently a sophomore student at St. Johnsbury Academy Jeju. It is my pleasure to be the associate chair in the UNODC Committee. I was a delegate starting from grade 6 and had several conferences throughout my school life. This is my first time being a chair of a committee. I will always be available to answer any questions you have. Additionally, I believe all the delegates will enjoy this conference, and I am looking forward to seeing all of you at the conference.

If you have any questions don't hesitate to contact us via kangseoyeon02577@branksome.asia, leeyoojeong02153@branksome.asia, and s17012924@sjajeju.kr.

Key Terms

Maritime zone: An area of ocean that is subject to one or more of the regimes set out in UNCLOS or recognized in customary international law. The rights and obligations particular to, and as balanced between, the coastal State on one hand and flag States on the other can differ between maritime zones.

Contiguous zone: A zone that allows coastal states to exercise the control necessary to prevent and punish infringements of customs, sanitary, fiscal, and immigration regulations within and beyond its territory or territorial sea.

Piracy: Any robbery or other violent action, for private ends and without authorization by public authority, committed on the seas or in the air outside the normal jurisdiction of any state.

Maritime crime: Conduct which is perpetrated wholly or partly at sea and is prohibited under applicable national and international law

Exclusive economic zone (EEZ): The exclusive economic zone is the zone where coastal nations have jurisdiction over natural resources

United Nations Security Council (UNSC): The Security Council has primary responsibility for the maintenance of international peace and security.

UNODC Global Maritime Crime Programme (GMCP) : The Global Maritime Crime Programme was established in 2010 in response to United Nations Security Council resolutions calling for a concerted international response to address piracy off the Horn of Africa.

Convention on the Law of the Sea (UNCLOS): The United Nations Convention on the Law of the Sea lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources.

Small Island Developing State (SIDS): Small Island Developing States (SIDS) are a distinct group of 38 UN Member States and 20 Non-UN Members/Associate Members of United Nations regional commissions that face unique social, economic and environmental vulnerabilities.

Contact Group on Piracy off the Coast of Somalia (CGPCS): This voluntary, ad hoc international forum brings together countries, organizations, and industry groups with an interest in combating piracy.

Historical Background

1982: Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea (UNCLOS) was adopted in Montego Bay, Jamaica, it set up laws to govern all kinds of maritime activities and resources. Over 150 countries around the world had signed the convention which includes 320 articles and nine annexes.

January 2009: The Contact Group on Piracy off the Coast of Somalia (CGPCS) was created

On January 14, 2009, the Contact Group on Piracy off the Coast of Somalia (CGPCS) was created as a result of UN Security Council Resolution 1851. This international forum aims to find solutions for combating piracy by bringing countries, organizations, and industry groups together.

January 2010: Trust Fund project

In January 2010, the trust fund was established with the request of Contact Group on Piracy off the Coast of Somalia (CGPCS) supporting “prosecution and detention-related activities” and “other prior activities” of combating piracy. The funds received about a total of USD 15,318,937 since establishment and had financed 45 projects implemented. Some of the projects included identifying assets and investigating suspicious

2013-2016: Maritime Crime Programme (MCP)

The UNODC Counter-Piracy Programme (CPP) was established in May 2009 that aims to strengthen the institutional capability of the criminal justice systems of Eastern African nations pursuing piracy. This effort has helped pirate prosecutions continually as the UNODC's Counter Piracy Programme evolved into the Maritime Crime Programme (MCP). While the Program was primarily focused on Kenya, it has experienced a considerable rise in financing, including from the European Union, as well as increased worldwide emphasis on piracy. As a result, Kenya, the Seychelles, and Somalia (Somaliland and Puntland), as well as Mauritius and Tanzania, have conducted substantial project operations.

2018-2019: Impact in Comoros' Exclusive Economic Zone (EEZ)

Near the horn of Africa, Comoros has been attacked by pirates. Over 2018 and 2019, the amount of heroin confiscated on the Indian Ocean trafficking route has more than doubled according to the recent data source by UNODC. The island state is highly dependent on the ocean as a means of sustenance, and its primarily coastal population is often employed in the fishing industry. This is what led the nation to delineate the Comoros' Exclusive Economic Zone (EEZ), a vast expanse of water whose maritime boundaries border with those of the Seychelles, Mozambique, Tanzania, Madagascar and Mayotte. The commercial and fishing businesses are thriving within the EEZ's limits and makes the Comoros population dependent.

2020-2021: Actions to prevent piracy in Comoros

To safeguard this most valuable resource from marine crime, the State began a complete study of the antiquated Penal Code in 2020, with the goal of continuing to build on their triumphs in marine trade and industry by improving its basic legal framework. With UNODC's legal and technical assistance, the Government issued the revised Penal Code in February 2021, revising certain sections on marine offenses to match them with international law.

Current State of Affairs

Maritime crimes such as piracy at sea persisted in 2020-2021, despite the disruption of vessel commerce caused by the COVID-19 epidemic. According to the Piracy Reporting Center (PRC), the surge in this criminal activity is due to the predominance of vessel assaults in the Gulf of Guinea and the Singapore Straits. Pirates boarded 161 ships, and three boats were hijacked, according to the PRC report, which provides information for ship and crew attacks in 2020.

The numbers of actual and attempted attacks has been gradually decreasing since 2011. In 2017 to 2021, most of the incidents occurred in Nigeria instead of Somalia. Most of the attacks in the Gulf of Guinea were vessels bordered by armed robbers. Currently, the total number of incidents drops to 33 in comparison with the 47 incidents in 2020. Although the overall number of the attacks decreases, the acts of the violence towards the crew are increasing. One specific example of the current maritime crime is placing in the Gulf of Guinea. Seven armed robbers were found stealing the crew's personal belongings and escaped.

The EU Naval Force (EUNAVFOR Maritime) 's Security Centre Horn of Africa (MSCHOA) helps secure merchant shipping in the region by providing intelligence that aids in averting pirate assaults and disrupting pirate organizations' activities. MSCHOA's mission is to safeguard ships in the Gulf of Aden, the Somali Basin, and off the Horn of Africa against pirate assaults. The vast majority of ships kidnapped by Somali pirates were not registered with MSCHOA. According to an EUNAVFOR official, there is "no one obvious answer" as to why certain ships are failing to register. He goes on to say that if you register and use BMPs, "obviously you would be better off."

According to MSCHOA, the ships and corporations that register frequently have a strict security strategy. "If they haven't put hardened measures in place before registering, they are usually extremely interested in doing so after registering," MSCHOA adds.

Currently, maritime crime is a topic of concern all over the world. Although the number of incidents had greatly decreased compared with the past. However, the danger that maritime crime will bring to people and the economy can not be ignored.

Stances of Parties

Brazil

Brazil had several reported piracy attack incidents in the past 5 years. In order to ensure the safety of maritime operations, BAE systems have formed a relationship to supply firearms to the Brazilian navy. BAE Systems is currently transferring technology to Brazilian firms in order for them to manufacture the most recent versions of naval guns, as well as the Remote Weapon Stations.

Canada

It imposes penalties on companies that are involved in unlawful activities such as the unauthorized decoding of television signals, the marketing of hardware or software that enable it, and those who disseminate it. Its goal is not to harass customers, but to punish those who profit from satellite pay-TV piracy.

Chile

The motion to amend the General Telecommunications Law to impose sanctions for unlawful decoding of satellite pay TV signals was passed by the Chilean Senate with 17 votes in favor and one abstention. It imposes penalties on companies that are involved in unlawful activities such as the unauthorized decoding of television signals, the marketing of hardware or software that enable it, and those who disseminate it. Its goal is not to harass customers, but to punish those who profit from satellite pay-TV piracy.”

China

Maritime crimes such as drug trafficking, smuggling, and unlawful sand mining were solved by the China Coast Guard (CCG) in 2019. In July of this year, the CCG established a hotline to accept emergency calls as well as complaints of criminal cases and other maritime breaches. They also intensified patrols in the water to deter illicit activity.

Comoros

Comoros is located between Madagascar and Mozambique in the Indian Ocean's Mozambican channel. This state is located along the southern path of the ocean, giving it a distinct edge in terms of marine commerce. The population of the country is reliant on the commerce and fishing businesses that thrive within the Exclusive Economic Zone's limits (EEZ). The nation sought help from the UNODC Global Maritime Crime Programme to protect this valuable resource from maritime crime and to include the United Nations Convention on the Law of the Sea (UNCLOS) (GMCP). In addition, the UNODC held a Law of the Sea course in Comoros, which brought together maritime law enforcement specialists, prosecutors, and magistrates.

Cuba

They have an exchange of notes with Mexico, which constitutes an agreement on the delimitation of Mexico's exclusive economic zone in the sector next to Cuban marine territories (with map), dated July 26, 1976.

Egypt

The location of Egypt brought a high risk to its trade routes on water. The vessels have to pass by the area where pirates are active. Furthermore, seafood is one of the main food resources and exported items in Egypt, which shows how piracy could greatly affect the economy. Egypt had signed multiple conventions with the UNODC for the purpose of combating maritime crime. For instance, the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation in combating piracy.

France

Piracy in 2013 fell to its lowest level since 2007, according to a study issued by the International Maritime Bureau in January 2014. In 2013, there were 264 assaults, which is 40% less than in 2011. These data indicate a significant drop in the number of events off the coast of Somalia during the same time period. France spearheaded the initial efforts to prevent the return of piracy in the Gulf of Aden beginning in 2007, cognizant of the humanitarian, economic, and security threats it presented. The French government continues to contribute to the European Union's (EUNAVFOR Atalanta, EUCAPNestor) and NATO's (EUNAVFOR Atalanta, EUCAPNestor) activities (OceanShield). Since the summer of 2012, the European regional mission EUCAPNestor has been led by French Ambassador Etienne de Poncins. Its goal is to help nations in the Horn of Africa improve their marine and judicial capabilities. With the assistance of EUTMSomalia, a mission begun in 2010, military capabilities are also being strengthened in Somalia.

Germany

According to Kinzel, Germany is unlikely to support a new naval operation in the Gulf of Guinea: "Large quantities of products from Europe to Asia pass through the Horn of Africa. The majority of attacks in West Africa occur on the territory and ports of the countries involved, forcing the governments to act."

India

The Indian government established an Inter-Ministerial Group (IMGO) within the Ministry of Shipping to deal with potential maritime security problems stemming from the hijacking at sea of commercial boats with Indian crews. This country also passed a contingency plan to cope with piracy and commercial ship hijackings, as well as forming a Committee of Secretaries on Anti-Piracy and Hijacking at Sea (COSAPH), which is chaired by Cabinet Secretary.

Italy

On December 18, 1992, the Republic of Albania and the Republic of Italy reached an agreement over the determination of each country's continental shelf. Also, they made a lot of articles about piracy articles.

Japan

The Japan Coast Guard (JCG) is in charge of maritime law enforcement in Japan, with the Japan Maritime Self-Defense Force (JMSDF) as a backup (JMSDF). On the 28th of October 2007, pirates assaulted a chemical tanker owned by a Japanese business off the coast of Somalia, prompting the Japanese government and relevant authorities to voice concerns about the difficulty for the jcg and jmsdf to respond to Somali piracy under the jcg and sdf Acts. In 2009, Japan passed the Piracy Act, which authorized the jmsdf to

adopt anti-piracy actions for a longer length of time than the sdf Act permitted. Despite a considerable drop in pirate incidents off the coast of Somalia and in the Gulf of Aden, two jmsdf warships with eight jcg personnel on board monitor the area and escort commercial vessels as of 2017.

Kenya

Kenya has only lately begun to recognise the security, strategic, and economic ramifications of Somali piracy. With Somalia on its doorstep and piracy on its doorstep, Kenya has a strong interest in the status of its neighbor. Furthermore, the risks and expenses of doing business in Kenya have limited foreign currency inflows as investors seek safe havens for their money.

Republic of Korea

Japan and South Korea are two countries that have been playing an increasingly positive role in East Africa. Japan has aided African countries in particular through a number of measures that have significantly boosted the visibility of its development assistance programs, the most notable of which was pushed through by the Official Development Assistance Agency (ODA). In contrast, the Republic of Korea has matched Japan's efforts in developing its blossoming connections with east African nations through its own ODA programs and high-level exchanges.

Mexico

The US Department of State issued a warning on June 17th, 2020, about growing pirate tendencies in the southern Gulf of Mexico. Due to Mexico's concentration on reducing cartel violence, maritime piracy has grown uncontrolled. Mexican President Andres Manuel Lopex Obrador's recent determination to tighten down on piracy indicates that the government's objectives are shifting. However, scores of incidents in recent years show that fighting piracy in Mexico would be difficult.

Nigeria

Nigeria and Somalia are currently the hotspot of piracy. The overall incidents occurred in the past 5 years showed a high frequency of piracy activities. The UN had reached out to Nigeria to provide special law training in solving cases related to maritime crime. Other than the training support, Nigeria had also received final support from the United state of America and the Maritime Crime Programme of UNODC. Despite the fact that Covid could be one of the factors that affect the number of incidents, the overall amount of incidents is decreasing in recent years.

Pakistan

The UNODC Country Office Pakistan (COPAK) completed a two-day needs assessment trip in Karachi on January 9, 2020, with the goal of identifying the major maritime problems that the Pakistan Coast Guards (PCG), Pakistan Maritime Security Agency (PMSA), and Pakistan Customs confront. UNODC COPAK plans to increase its technical assistance to Pakistan's government in order to meet the country's key requirements and vision for achieving Sustainable Development Goal 16: "Promoting Peace, Justice, and Institutional Development."

Russian Federation

The Russian Federation has made tremendous headway in reclaiming its standing as a regional great power. As a result of its engagement with all nations in the Horn of Africa and refusal to take sides in the region's most contentious crises, Moscow is best defined as an "engaged opportunist" on the continent. Russia is primarily focused on establishing itself as the region's major arms supplier, although it is considering building a Red Sea facility in the future.

South Africa

Attacks by pirates in the waters off the Horn of Africa, particularly those against US-flagged vessels, have refocused the US and international attention on the region's long-standing piracy problem. In 2008, the International Maritime Bureau (IMB) documented 111 assaults in the waters around the Horn of Africa, nearly twice as many as in 2007. Pirates have used more risky operational methods, operating more seaward, towards Seychelles, and utilizing more advanced weapons, in response to the military presence in the vicinity." Despite a regional humanitarian crisis that experts are calling the worst since 1984, pirate assaults continue to endanger commercial vessels and aid supplies destined for East Africa and the Horn of Africa.

Somalia

Somalia has been one of the places that have a high frequency of piracy activities. It affected not only the economy but the safety of the citizens. Multiple organizations had tried to minor the problems caused by this situation. The Contact Group on Piracy off the Coast of Somalia (CGPCS) is one of the representatives of the support that the United nation has provided. With these support, the piracy activities near Somalia had greatly decreased in recent years.

United States of America

The United States has taken a multilateral approach to tackle this issue as a shared challenge from the start. Piracy impacts the whole international community, and only wide, coordinated, and comprehensive international measures can successfully combat it. The US assisted in the formation of the Contact Group on Piracy off the Coast of Somalia in January 2009, with the goal of coordinating and speeding up the fight against Somali piracy. The Contact Group was formed in tandem with the UN Security Council's approval of Resolution 1851, and its participation is entirely optional.

United Kingdom of Great Britain and Northern Ireland

The US and the UK have bilateral arrangements that allow caught pirates to be sent to Kenya for prosecution. However, it appears that this is done on a case-by-case basis, and a broader agreement with other countries may be required. Examining the application of other types of international law, such as the 1988 SUA Convention, to permit prosecution should also be explored.

Possible Solutions

Military support/patrol on the trade routes

Encouraging military support from developed countries for the purpose of increasing the number of patrols on the trade routes or areas. Encouraging the International Maritime Organization(IMO) to cooperate with the UN to arrange a navy for trade boats that are heading to the east African region. The navy of various countries can provide training to the local group to conduct more rigorous maritime patrols and anti-piracy methods. For instance, both the Gulf of Guinea and the Gulf of Aden are currently the hotspot of maritime crime. The safety of the citizens can be ensured with a higher frequency of patrols on the trade routes.

Military funds for piracy

International community could urge the severity of the fines(payments of international military) inflicted on the pirates to be heightened. This fine will originate from any profits made from ransom, theft, smuggling, and other acts of piracy as identified previously by the UNODC. The finance could come from funding of different organizations related to piracy.

Collaborate with International Court of Justice to strengthen the laws

The International Court of Justice (ICJ) is one of the six principal organs of the United Nations (UN). The role of the court is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions. The committee may collaborate with the ICJ to enhance the existing laws on maritime crimes for example, setting an international law to increase the previous punishments of imprisonment or fine. Although ICJ does not have enforcement powers other than the ability to negotiate the reparations required for agreement non-compliance, the committee and ICJ can alert the criminals and reduce crimes.

Questions to Consider

1. How should the international community address the rising level of piracy in East Africa?
2. How can the committee make sure that countries that need help participate in the treaty such as the International Maritime Organization (IMO)?
3. Do we have to make a new international maritime force military organization in the region?
4. How can the committee approach and collaborate with other national or international organizations such as the International Court of Justice?
5. Which organizations are capable of handling maritime crime such as piracy? How do they handle the economic consequences of global piracy?
6. What is the root cause of piracy? How can the UN resolve the root causes of piracy?
7. What should the international community do about the growing pirate problem in East Africa?

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