SRI LANKA MODEL UNITED NATIONS

SLMUN

GA 1

STUDY GUIDE

Introduction to the GA1

The Disarmament and International Security Committee was established in 1993. It is the First and one of the main committees of the General Assembly. The role of DISEC is outlined in Chapter IV, Article 11 of the United Nations Charter which states, "The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments and may make recommendations with regard to such principles to the Members or to the Security Council or to both". As per this article, the mandate of DISEC is highlighted as, "to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources".

Topic 1 (Practice Debates) : Assessing the threat of maritime piracy on the high seas and territorial waters

Introduction

The phenomenon of maritime piracy dates back to the beginning of seafaring. Since the 1980s, maritime piracy has re-emerged as an international problem because of a significant rise in the recorded attacks. The security of maritime routes is a matter of concern for national governments, ship owners and trade companies whose vessels face the risk of being robbed of their cargo or hijacked for a ransom. Maritime piracy is a complex phenomenon that, according to the definition used, comprises different criminal behaviours (e.g., theft, robbery, kidnapping), modus operandi (e.g., massive armed attacks, insiders, use of skiffs and mother ships) and targets (e.g., the goods carried on the ship, the belongings of the crew, the ship itself). These features may change over time and over space. Looking at the evolution and peculiarities of this phenomenon in different areas can help to identify regularities and implement more effective countermeasures. In recent years, Transcrime has been active in promoting the idea that actual reductions of complex crime phenomena can be reached through specific prevention strategies. This approach relies on accurate analyses of the available data to identify regular patterns and risk factors. This study summarises some of the findings that emerged from the research Transcrime conducted on maritime piracy, using a comparative approach.

History

Piracy has plagued the seas for at least 40 centuries, and been a thorn in the side of nearly every sea going civilization. Pirates have plied their trade as common thieves, instruments of war, or as civilizations in their own right. Most states throughout history have utilized three strategies when dealing with pirates: Collaborate, Suppress, or Tolerate. From the Cilician, Greek, Chinese, Barbary, and Caribbean pirates of history, to the Somali, Malacca Straits, South China Sea, and West African pirates of today, pirates have operated either in collusion with, or in the absence of, state authority.

Current Issues

The issue of piracy against merchant vessels poses a significant threat to world shipping. In 2011, there were 439 pirate attacks and 45 merchant vessels hijacked worldwide. 237 of these attacks

and 28 of these hijackings occurred in the Gulf of Aden, off the coast of Somalia, and in the wider Indian ocean. As of spring-2012 there have been more than 51 attacks off Somalia (121 worldwide), 11 hijackings off Somalia (13 worldwide), and over 158 hostages taken off Somalia. Currently, 12 ships and more than 170 seafarers are being held hostage by Somali pirates for ransom. Although liner vessels -- container ships and roll-on/roll-off vessels -- are generally considered to be at lower risk for hijackings because of their higher operating speeds and freeboard (height above the water), liner vessels have been consistently targeted by Somali pirates. In 2010, 32 liner vessels were attacked and six were hijacked. In 2011, 65 liner vessels were attacked and one was hijacked. As of spring-2012, eight liner vessels have been attacked and one has been hijacked. Somali pirates are now using hijacked merchant ships as mother ships to carry out attacks in the north Arabian Sea and near the coastline of India, more than 1500 nautical miles from Somalia. Pirates operate multiple, high-speed skiffs to approach and fire on the bridges of vessels with automatic weapons and rocket propelled grenades (RPGs) in an attempt to slow or stop the vessels so the pirates can get on board. Once a vessel has been hijacked, the pirates typically request a large ransom payment for the safe return of the crew, vessel and cargo.

Past Action

Successfully addressing this threat is a complex challenge for both governments and businesses. The World Shipping Council (WSC) and its member companies are working closely with the International Chamber of Shipping (ICS), other international maritime trade associations, the International Maritime Organization (IMO), and various governments to closely monitor the ongoing piracy crisis in the Indian Ocean and to reduce the risk that commercial vessels transiting the affected region will be attacked and successfully hijacked. The WSC is playing an active role in the development and revision of the industry Best Management Practices (BMPs) for ships to prevent and respond to pirate attacks. Specifically, the BMPs call on vessels to communicate their intentions to transit the piracy high risk area to Naval Forces in the region and to employ vessel self protection measures based on a vessel-specific risk assessment. The BMPs also provide ships with important steps to take if boarded by pirates. To help address the piracy issue, the IMO Maritime Safety Committee (MSC 89) recently approved interim guidance to ship owners/operators for the use of private armed guards on ships operating in the high risk area, and draft interim recommendations to flag states on the use of private armed guards.

Potential Future Action

Organizations such as the ITF have proposed the uncodified guidelines such as the following in order to extrapolate the essence of security that exists in status quo. Delegates when presenting the relevant solutions to the committee must weigh in the legality of each solution in accordance with the relevant domestic and international doctrines that they may clash with.

- Reduce the effectiveness of the easily identifiable pirate mother ships.
- Authorize naval forces to detain pirates and deliver them for prosecution and punishment.
- Fully criminalize all acts of piracy and the intent to commit piracy under domestic law in accordance with their mandatory duty to cooperate to suppress piracy under international customs.
- Increase naval assets available in the relevant areas.
- Provide greater state sponsored protection and support for seafarers.
- Trace and criminalize the organizers and financiers behind the criminal networks.

Topic 2 (Conference) : Discussing the ramifications of the presence of Non-State Actors (NSAs) in international and civil armed conflict inclusive of paramilitaries and PMCs.

Introduction

A range of Armed Non-State Actors (ANSAs) operate today in armed conflicts or other situations of violence, but one can find very few definitions of the term in international law. The UN Security Council, for instance, has defined non-state actors quite broadly as an 'individual or entity, not acting under the lawful authority of any State'. The African Union's Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) defines 'armed groups' as 'dissident armed forces or other organized armed groups that are distinct from the armed forces of the state'. For the European Union (EU), ANSAs 'retain the potential to deploy arms for political, economic and ideological objectives, which in practice are often translated into an open challenge to the authority of the State'. This In-Brief adopts the definition of Conciliation Resources which considers ANSAs to be armed actors operating 'primarily within state borders, engaged in violent attempts to challenge or reform the balance and structure of political and economic power, to avenge past injustices and/or to defend or control resources, territory or institutions for the benefit of a particular ethnic or social group'.

Apart from ANSAs, the presence of unarmed NSAs in conflict zones is also rapidly rising. They can be identified as journalist organizations and other officially (registered) civilian entities.

History

Through the decades of the 1960s and 1970s, human rights advocates focused their attention on human rights violations directly attributed to government authority. Such abuses included trumped-up charges and unfair trials for political dissidents, imprisonment, torture, capital punishment, enforced disappearances, and political assassinations. Researchers for Amnesty International in those years documented a wide range of human rights violations committed by state agents, and Amnesty members around the world addressed their appeals for redress to government officials.

As time progressed, some governments began to distance themselves from abusive acts by employing paramilitary proxies, and at the same time, abusive acts by insurgent groups became more difficult to ignore. Nebulous "death squads" with hidden ties to the state threatened peasants in El Salvador, for example, and leftist guerrillas in Colombia took high profile political

hostages. These changing circumstances and changing perceptions challenged practitioners to re-think an exclusive focus on the state as perpetrator of human rights violations. Human Rights Watch "solved" this problem by invoking standards of international humanitarian law, applicable to both state and non-state actors in times of conflict. For Amnesty International that solution was not immediately workable, as the organization was not oriented toward abuses that transpired in times of war.

Current Issues

NSAs can be identified in multiple forms in current status quo. The presence of Private Militias for hire in the forms of PMCs and PMSCs are seen in multiple regions of the world. As seen through historical incidents such as the 'Blackwater' massacre in Iraq, questions of accountability keep rising each and every time these entities are taken for hire. Another toss up in this context is the normalization of immunity provided by government contracts and SOFAs for private forces in the eyes of both domestic and international doctrines of law.

Furthermore the identity of NSAs extend to entities such as journalists and human rights observers in conflict zones. The legality of their presence and the necessity for the protection must also be discussed during the conference. Civilians entities should also be evaluated and the ramifications regarding their status must be discussed and any problems identified, solved.

Past Action

Multiple legal doctrines such as the Geneva conventions outline the different mechanisms in which the status of different UANSA entities such as journalists are formulated in conflict zones. Furthermore different nations under their domestic legislature have formulated their own doctrines on tackling the presence of Armed NSAs such as terrorist organizations. The possible draconianism present within these doctrines can also be evaluated during the conference. Furthermore in the global anti terrorism front of the UN, coordinated airstrikes by entities both UN based and even by the NATO on terrorist targets are present in status quo. While the GA1 does not have the mandate to order or request such airstrikes to be performed, recommendations on their mechanisms of performance and usage of resources can be made.

Potential Future Action

Delegates must identify the different ramifications associated with different types of NSAs present in armed conflict. They must then associate those ramifications with different legal doctrines and how they influence them holistically and present solutions to the committee. A few of the areas delegates must evaluate are the status of journalists and war correspondents, the issue of immunity of private mercenaries, the issue of war profiteering and the need for the strengthening of the global anti terrorism infrastructure.

Note from the chairs

A holistic delegate is not someone who just possesses extensive research knowledge on the topic. Delegates will be evaluated on how they create a perfect balance between constructive and destructive debate in committee and help drive debate in the correct direction. We look forward to having an enlightening and enjoyable session this year with all the delegates at SLMUN 2019.