**Forum:** International Security Committee (ISC)

**Issue:** The question of piracy and maritime security in the Caribbean Sea and the Gulf of Mexico

**Student Officer:** Celia Tung

**Position:** Deputy Chair

## Introduction

Maritime security is a broad term that refers to the protection of the sea, including the vessels and seafarers on it. Maritime security threats can be divided into three categories: transnational crimes (ex. piracy, drug and human trafficking), violations of boundaries or international law, and maritime terrorism. The Gulf of Mexico, part of the Atlantic ocean, is bounded by the United States of America, Mexico, and Cuba. Southeast of the Gulf of Mexico is the Caribbean Sea, which is delimited by the northern coast of South America, eastern Central America, and eastern Mexico. The Wider Caribbean Region (WCR) is defined as the region encompassing the Gulf of Mexico and the Caribbean Sea. Out of all the maritime threats listed above, piracy and armed robbery are the main maritime security threats that plague the WCR, which has a long history of piracy that dates back to as early as the fourteenth century.

Modern piracy, which surged starting from the 1990s, is completely different from piracy in the past centuries as it has evolved to involve intense armed robberies, kidnapping, human trafficking, and drug and weapon smuggling. In the Caribbean Sea, armed pirates operate in small groups on high speed boats to attack fishermen and sometimes even boats carrying refugees from Venezuela. Similarly, pirates carry assault rifles and shotguns and operate in small groups on high speed boats in the Gulf of Mexico. But while these pirates do attack and kidnap fishermen, there is something more lucrative in the Gulf of Mexico: more than two thousand oil production platforms. For this reason, maritime crimes in this region often take the form of stealing oil, electronics, oxygen tanks, and communication and navigation equipment from production platforms, all of which can be sold at high prices on the black market.

From 2017 to 2021, local reports add up to seven hundred cases of pirate attacks in the Gulf of Mexico. According to the International Transport Workers' Federation (ITF), the Gulf averaged sixteen pirate attacks per month between January and September 2019, and Pemex (Mexican state oil company) documents indicated a rise from 46 piracy incidents in 2016 to 197 in 2018. As with piracy statistics in other regions, these numbers are most likely highly unrepresentative of the actual number of piracy incidents as many seafarers, fishermen, and oil rig workers are reluctant to report pirate attacks in

fear of retaliation or losing their jobs. More alarmingly, in this new era of piracy, not a single pirate has been arrested in the Gulf of Mexico, and very few have been arrested in the Caribbean sea. Evidently, there is a lack of response from involved countries to maritime threats.

Piracy in the Wider Caribbean is a serious threat to the security of all vessels at sea and the national security of surrounding countries, and it may have larger implications for transnational criminal organizations as well as crime within coastal countries. The United Nations Environmental Programme (UNEP) estimates that more than one million people in the WCR rely on ocean-based industries as the main sources of income and employment. Many fishermen in these coastal communities are now forced to be equipped with unusually powerful outboard engines in order to escape spontaneous pirate attacks. Evidently, piracy, along with other forms of maritime security risks, directly threaten the livelihoods of people in sea-based industries. Moreover, criminals at sea are also threats to national security: some experts attribute the rise of local crime rates in countries of the WCR to maritime criminal activity–a conclusion drawn from signs of pirate affiliation with local criminal organizations to assist them with illicit activities such as drug trafficking. In addition, the International Maritime Bureau (IMB), an international organization based in England to combat maritime crimes, estimates that losses from maritime piracy–ransoms, transport disruptions, raise insurance costs, anti-piracy measures, and robbery–amount to a yearly cost of 16 billion USD. While this number is not specific to the Caribbean Sea and the Gulf of Mexico, it should give a rough idea on the ramifications of maritime crimes and how critical it is for countries to come together to address maritime security risks.

## Definition of Key Terms

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

Adopted in 1982, the United Nations Convention on the Law of the Sea (UNCLOS) is a legally binding international agreement that defines the comprehensive legal framework for countries regarding all of the world's oceans and seas, including the resources in them. This convention established laws governing the limits of the territorial sea, passage in the territorial sea, merchant ships, warships, marine environment and research, high seas, exclusive economic zones, etc.

### Piracy

Piracy is defined under Article 101 of the UNCLOS as any illegal acts that involve violence, depredation, or detention committed for private profit on the high seas against another ship, aircraft, or persons or property that are outside of the jurisdiction of any state. Voluntarily operating a ship or an aircraft while knowing that they will be used for piracy is also considered a crime as defined by UNCLOS, as well as facilitating these operations in any other way. Note that under UNCLOS definitions, actions mentioned above has to take place in the high seas to be recognized as armed robbery.

### Maritime crime

Maritime crime is a term that broadly refers to all crimes committed on the sea. The most common ones may include piracy, kidnapping, robbery, illegal fishing, transportation of illicit substances, and human trafficking, which are sometimes committed by transnational criminal networks. Acts of terrorism on the sea and other violations of international maritime law can also be considered as maritime crime.

### Transnational organized crime

Transnational organized crimes are illicit activities carried out by a group of three or more persons. The United Nations Convention against Transnational Organized Crime (UNOTC) does not provide a strict definition of transnational organized crimes, but according to Article 3, crimes are seen as transnational if it is committed in one or more states, planned in one state and carried out in another, committed in one state but has significant effects on other states, or committed by a criminal group that engages in criminal activities in multiple states.

### Drug trafficking

The United Nations Office on Drugs and Crime describes drug trafficking as “a global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws.” Drug trafficking can take place over maritime routes, making it a crime relevant to maritime security.

### High seas

High seas are international waters to which no country has exclusive rights to. As defined by Article 86 of UNCLOS, the high seas constitute all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic state. International law grants all states the right to freely navigate, overfly, lay submarine cables and pipelines, construct artificial islands, fish, and conduct scientific research on high seas.

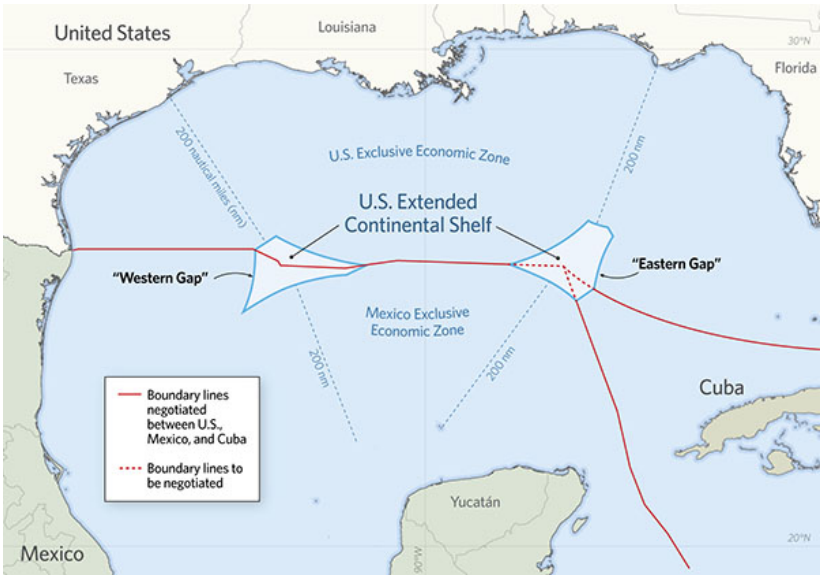
### Territorial waters

Article 3 of UNCLOS defines territorial waters as parts of the sea that do not exceed 12 nautical miles of a country’s coastline. In territorial waters, countries have jurisdiction and sovereignty from the airspace directly above the limits to the seabed and subsoil. Vessels from other states have the right to innocent passage in other countries’ territorial waters, but this does not apply to aircrafts.

## Background Information

To successfully address issues surrounding maritime security in the Caribbean Sea and the Gulf of Mexico, it is necessary to understand the geography and resources of these two regions. The Caribbean

Sea and the Gulf of Mexico are connected by the Yucatán Channel, a strait between Mexico and Cuba. The Gulf of Mexico is bordered by the United States of America, Mexico, and Cuba and has rich oil resources, making it an attractive destination for pirates. The Gulf of Mexico produces nearly two million barrels of crude oil per day with its two thousand offshore oil rigs, most of which are located adjacent to coasts. This proximity between oil rigs and shores offers a convenient escape route for pirates, who board oil platforms to commit armed robbery, taking with them oil, electronics, breathing apparatus, and communication and navigation equipment. These items are later sold at high prices on the black market. Because many petroleum companies, such as Mexico's state-owned company Pemex, forbid workers from carrying weapons and require them to purchase their own oxygen tanks, rig workers have no means to defend themselves from pirates and are forced to repurchase oxygen tanks at higher prices from the black market. For this reason, the Bay of Campeche–where six piracy incidents have been reported from May 2022 to August 22—is the most dangerous area in the Gulf of Mexico due to its large number of oil platforms and support vessels, in addition to its relative lack of security compared to the Northern part of the Gulf that is patrolled by the United States of America. Pirates in the Gulf of Mexico also rob boats of fishermen. These attacks are well-planned criminal events: pirates would hold fishermen at gunpoint, force them to help unload their cargo, and proceed to transport them back on land for refrigeration. Pirates have also been diversifying their activities to drug and weapon smuggling.




On the other hand, the Caribbean Sea, bordered by twelve continental countries and home to twenty two island countries, also suffers from major maritime security threats from pirates. Pirates in this region are especially involved in drug and weapon trafficking, and some are heavily associated with organized criminal groups, posing a threat to not only international security on water but also security within Caribbean countries. With just four nautical miles between Caribbean countries Trinidad and Tobago and Venezuela's Coast of Sucre, waters in this area are practically a pirate haven. Pirates here are reported by local news media to be working for Venezuela's drug trafficking gangs. Their motive to attack fish boats and kidnap or kill the people on them is therefore to prevent any fishermen from witnessing trafficking operations and to completely control the cocaine and marijuana trafficking route from Colombia to Venezuela then to the Caribbean. Overall, Venezuela, Trinidad and Tobago, Guyana, and Suriname are Caribbean countries with the worst maritime security.

## Subtopic 1 - Legal obstacles to combating piracy: international definition and domestic prosecution process

Legal obstacles are a significant deterrent for states to seriously combat piracy. When pirates are caught by navies, they are often set free due to the reluctance of states to prosecute pirates. This is for many legal reasons surrounding international law. Firstly, no international law, including UNCLOS, provides a robust framework for the prosecution and punishment of pirates despite how piracy falls under universal jurisdiction–a principle that enables states to prosecute criminals that violate international law regardless of the criminal's nationality or where the crime was committed. It is therefore up to states themselves to refer to their own domestic laws to prosecute pirates, which some states do not even have. Few states are willing to go through the complicated process of creating new legal frameworks to prosecute and punish pirates–especially when they are of foreign nationalities–nor the process of framing piracy as crimes under existing domestic laws, as it can lead to controversial or unfair sentences.

Another, and perhaps a more critical, legal obstacle that prevents states from actively prosecuting pirates in the WCR is the lack of a universally applicable definition of piracy under current international law. Under Article 101 of UNCLOS, acts of "piracy" only count as piracy when they are committed in the high seas. In the case of the Caribbean Sea and the Gulf of Mexico, piracy–which should technically be considered armed robbery–happens exclusively within territorial waters. The way piracy is defined under UNCLOS therefore becomes extremely limiting and creates a loophole for maritime criminals: without the state's consent, foreign navies are forbidden from capturing pirate vessels. This has major implications for maritime security in the WCR. Countries in this region are generally less developed and lack the capacity to build strong naval forces. Because foreign navies are forbidden by international law to act on pirates as long as they stay within the bounds of territorial waters, maritime criminals are allowed to run free in the WCR.

## Subtopic 2 - Causes of maritime threats in the Caribbean and the Gulf of Mexico

Piracy in the WCR is attributed to several root causes. Issues such as weak governance structures and the lack of alternative livelihoods require extensive efforts to adequately address.

### *Weak governments and political instability*

States with weak governments are vulnerable to piracy and maritime insecurity for two significant reasons. Firstly, weak governing institutions usually lack the capacity for adequate law enforcement. Countries that are politically unstable or have weak governments are not normally able to combat crimes since they lack control over their security forces. The second reason that piracy is linked with weak governing institutions is that weak governments are more susceptible to corruption. Pirates can bribe local officials and proceed with their operations without any legal consequences. Mexico, which ranks 124 out of 179 countries on

the Corruption Perception Index (CPI), and Venezuela, which ranks 177 out of 179, are sources of the worst pirates in the Gulf of Mexico and the Caribbean Sea, and coastguard forces collude with pirates to arrest fishermen on spurious charges so pirates can operate without disruption. In addition, both Mexico and Venezuela have extensive, organized criminal networks that lack regulation from their weak institutions and expanded their operations on to the sea, again demonstrating association of weak governments with maritime criminal activity.

#### *Poverty and unemployment*

Poverty and the lack of alternative livelihoods force members of coastal communities to resort to piracy. A 2015 survey conducted by the United Nations Office on Drugs and Crime (UNODC) and Oceans Beyond Piracy (OBP) on prison inmates convicted of piracy found that poverty was the primary motivation for people to engage in maritime crimes. Venezuela, with a poverty rate of 44%, is an example of a country where poverty is a driving force for maritime criminality. Similarly, Venezuela–a state that has been in a severe economic, social, and political crisis for more than a decade–has a poverty rate of more than 90% along with major shortages in basic supplies. Few people in Venezuela earn enough to fulfill their basic needs. It is therefore probable that a sizable portion of Venezuela's pirate population were driven by a lack of alternative livelihoods to engage in maritime criminal activities.

### Subtopic 3 - Immediate response to maritime crimes

Slow and ineffective navy or coast guard response is a major issue for coastal countries in the Caribbean Sea and the Gulf of Mexico. In the southern Gulf of Mexico, despite patrolling and surveillance from the Mexican navy, locals reported the average response time from coast guard forces iis at least two hours, mainly due to the lack of resources of Mexico's already overstretched security forces. By the time authorities arrive, pirates would have finished their crimes and left the vessels already. There have also been cases where authorities received reports but decided not to take any action. Due to the slow response time, coast guard presence offers almost no protection to seafarers in many parts of the WCR. On top of slow navy response, maritime security incidents are often not properly reported or registered. Many seafarers or offshore platform workers in this region choose not to report attacks to authorities because they fear repercussions from pirates or do not expect adequate response from authorities.

## Major Countries and Organizations Involved

### UNODC (United Nations Office on Drugs and Crime)

The United Nations Office on Drugs and Crime (UNODC)  launches programmes and assist Member States to combat transnational organized crime, tackle corruption, counter terrorism, build

effective criminal justice systems, and address issues surrounding illicit substances. The UNODC launched the Global Maritime Crime Programme (GMCP) in 2010 to assist countries with maritime law enforcement through ways such as providing experts in courtrooms to help states deliver fair maritime criminal trials and training coast guard forces with evidence-handling, making arrests, and detecting vessels with maritime domain awareness technology.

### IMO (International Maritime Organization)

The International Maritime Organization (IMO) is a specialized agency under the United Nations that sets standards for the safety, security, and environmental impact of international shipping. The IMO has been focusing on piracy and armed robbery against vessels since the 1980s. Much of the organization's focus has been on the South China Sea, the Straits of Malacca and Singapore, the coast of Somalia, the Gulf of Aden, and West and Central Africa. Member states of IMO receive assistance to develop antipiracy measures specific to the country or the region. Developed by the IMO, the Global Integrated Shipping Information System (GISIS) collects publicly available data on the global shipping industry, including incidents of piracy and armed robbery, which states are supposed to report to the IMO.

### Mexico

Mexico is a country with rampant corruption and crime-related violence. The country's government has seen little success in suppressing cartels and other organized criminal groups, who established extensive drug trafficking networks, along with participating in other criminal activities, including petroleum theft in the offshore platforms of the Gulf of Mexico. Mexico's state-owned oil company Pemex used to hold a monopoly in the country's oil industry. In 2014, Mexico opened its oil industry to international investments. The expansion of petroleum extraction in the Gulf of Mexico resulted in a large increase in piracy in the region, especially in the Bay of Campeche, where oil rigs are the most concentrated. Due to widespread violence and crime on land, Mexico's military forces are overstretched, and the country's coast guard force lacks the resources they need to suppress maritime criminals. In April 2020, the Mexican Navy launched additional patrol operations in the Bay of Campeche, but piracy incidents continued to rise.

### Venezuela

Venezuela borders the southern end of the Caribbean sea and is the largest source of pirates and other maritime criminals. The country has been in a humanitarian, economic, and political crisis since 2010, which has severely worsened in 2013 when Nicolás Maduro took office and initiated his authoritative regime and in 2014 when oil prices plunged. Basic necessities, such as food, toilet paper, and clothes are in extreme shortage, with ten million Venezuelans being food insecure according to the World Food Program. In addition, the government in 2010 expropriated the fishing industry in the coast of Sucre. Consequently, many who used to depend on fishing for a living could not earn sufficient income to support themselves and decided to turn to piracy. Venezuelan pirates are engaged in the thriving trade of illicit substances–as the country is a major shipment point for drugs from Colombia that go to the United States

and Europe–in addition to other maritime crimes such as kidnapping, hostage-taking, murder, etc. With a homicide rate of 37 per 100,000 people in 2022–one of the highest in the world–it is clear that the absence of law enforcement in the current political and economic state of Venezuela allows maritime criminals to operate.

### Trinidad and Tobago

Trinidad and Tobago is a small island country located in the Caribbean Sea with a population of just 1.4 million. At the nearest point, 12 kilometers of water separate Trinidad and Venezuela's coast of Sucre, where pirates are the most active since they finish and return from their operations within a short time frame. Fishermen from Trinidad and Tobago are constantly targeted by armed Venezuelan pirates who kidnap and rob fishing boats for basic supplies that are scarce on land and to smuggle weapons and drugs such as cocaine and marijuana from Colombia. Anecdotal records indicate that there are no authorities to contact when such incidents occur because they are accomplices of the pirates, many of whom work under criminal groups from Venezuela. Equipped with just one boat, the Coast Guard of Güiria (Sucre's coast guard force) is unable to patrol the waters between Trinidad and Venezuela and arrest dangerously armed pirates.

### The United States of America (USA)

Multiple government agencies of the United States of America (USA) have issued warnings regarding the maritime security of the southern Gulf of Mexico, including the Department of State and the Department of Transportation's Maritime Administration (MARAD). The US controls the Northern part of the Gulf of Mexico and is therefore less affected by pirates in the Southern Gulf. However, it should be in the USA's interest to help Mexico combat its maritime security issue as it directly threatens the border security of the USA, and the security of petroleum and gas resources in the Gulf of Mexico is an important issue for the country.

### Timeline of Events

| Date | Description of event |
|---|---|
| December 10, 1982 | In Jamaica, 157 states signed the United Nations Convention on the Law of the Sea. The resulting document would go on to become the most comprehensive and authoritative international agreement on all issues regarding the sea, including the \| definition of piracy. |
| April 14 2013 | Three years since the start of Venezuela's economic crisis, Nicolás Maduro became the President of Venezuela on this day. Shortages became more severe, causing piracy to rise among members of coastal communities who couldn't afford basic supplies. |
| August, 2014 | Mexico opened its oil industry to foreing investments, attracting more pirates to the offshore rigs of the Gulf of Mexico as petroleum extractions expand. |
| April 14, 2020 | An offshore supply vessel in the Gulf of Mexico was boarded by armed pirates, who |

started firing and took rig workers and officers hostage.

June 17, 2020 — The USA issued a special security alert about the maritime security conditions in the Gulf of Mexico: “armed criminal groups have been known to target and rob commercial vessels, oil platforms, and offshore supply vessels in the Bay of Campeche area in the southern Gulf of Mexico.”

## Relevant UN Treaties and Events

- United Nations Convention on the Law of the Sea, 10 December 1982 **(A/RES/37/66)**
- Resolution 2608, 3 December 2021 **(S/RES/2608)**
- United Nations Convention against Transnational Organized Crime, 8 January 2001 **(A/RES/55/25)**
- Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 10 March 1988
- Protocol of the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 10 March 1988

## Previous attempts to solve the Issue

In the Caribbean Sea, UNODC GMCP’s Caribbean Forum on Maritime Crime (CFMC) is the most significant attempt to promote maritime security in the region. In 2022, the Programme organized several exercises between police and prosecutors of Caribbean countries including Barbados, Belize, Jamaica, The Bahamas and Trinidad and Tobago. In March and April 2022, with the Canadian Coast Guard, UNODC GMCP provided training, including VBSS (Visit, board, search, and seizure) simutlations, to the Trinidad and Tobago Coastguard. The effectiveness of these exercises are unclear as they started only recently, and no major change has been observed in piracy between the waters of Venezuela and Trinidad.

International organizations have yet to launch major programmes to tackle piracy issues in the southern Gulf of Mexico. In 2020, Mexico government shifted part of its focus from combating crime on land to maritime crimes in the Gulf by strengthening navy presence. The Navy assigned additional ships, patrol boats, and aircrafts to police the Bay of Campeche, expanded surveillance, and built an offshore anchorage. These efforts saw success for the first three months but stopped working soon after as pirates adapted to the new security forces' way of patrolling the area.

## Possible Solutions

### Establishing a regional piracy tribunal

A possible solution to the legal obstacles to prosecuting pirates is establishing a tribunal that processes maritime crime cases exclusively in the Gulf of Mexico and the Caribbean sea. Although

UNODC GMCP has been trying to promote cooperation between coastal countries in making arrests and prosecuting maritime criminals, a multilateral agreement that creates an international court that has jurisdiction over piracy cases in the WCR may result in more efficient prosecution processes, given that many countries in this region continue to lack judicial capacity. A regional piracy tribunal can implement its own definition of piracy as it sees fit for the unique nature of pirates in the Gulf and the Caribbean and sentence criminals according to uniform standards. Countries that arrest maritime criminals therefore do not have to consider the difficulty they may face with domestic prosecution procedures as they can simply transfer the case to the regional tribunal to investigate and resolve.

### Assisting states with crime prevention in at-risk communities and youth

A sustainable solution to maritime security in the Gulf of Mexico and the Caribbean sea should address the root causes of piracy, including weak governance, poverty, and more. However, these issues require major state-level changes, which do not have solutions immediate enough to counter expanding piracy operations. Realistically, the closest option to addressing root causes may be to guide members of coastal communities that are susceptible to recruitment into pirate groups to alternative livelihoods. Focusing crime prevention efforts on a local level is a more practical way to remove poverty as a driving force behind piracy.

### International assistance in strengthening naval presence and the capacity-building of coast guard forces

To tackle the issue of the lack of response from coastal authorities to reports of piracy, countries should contribute more to the capacity-building of coast guard forces of Caribbean states and Mexico. This may include improvements in radar coverage, coast surveillance technology, and training in arrest tactics. Moreover, if bilateral or multilateral agreements could be established, states may even deploy their own naval task forces to assist coast guard forces of Caribbean states and Mexico in order to make up for the severe lack of resources that coast guard forces suffer from. States should prioritize shortening the response time of coastal forces to minimize the damage of maritime crimes.

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