



BACKGROUND GUIDELINES

INTERNATIONAL

MARITIME

ORGANISATION

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INTERNATIONAL MARITIME ORGANISATION

Dear delegates,

It is our pleasure to welcome you to the International Maritime Organisation at Shri MUN - 2012. We hope that this guide prepared by your Executive Board will help you to develop a basic understanding of the agendas and will serve as a starting point for your research.

However do note that this guide is not meant to serve as a source or a framework for your research. Instead, use this guide to understand the nature of the agendas at hand.

Thus do not let this guide restrict the scope of your research in any way whatsoever. Do remember to place an emphasis on originality with regard to the solutions you wish to propose.

We look forward to a productive and mutually enriching conference.

If any of you have any questions whatsoever, be it about the agenda or the committee, don't hesitate to send us an e-mail on the addresses given below.

Warm Regards,
The Executive Board, International Maritime Organisation, Shri-MUN 2012

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Introduction to the International Maritime Organization

It has always been recognized that the best way of improving safety at sea is by developing international regulations that are followed by all shipping nations and from the mid-19th century onwards a number of such treaties were adopted. Several countries proposed that a permanent international body should be established to promote maritime safety more effectively, but it was not until the establishment of the United Nations itself that these hopes were realized. In 1948 an international conference in Geneva adopted a convention formally establishing IMO (the original name was the Inter-Governmental Maritime Consultative Organization, or IMCO, but the name was changed in 1982 to IMO).

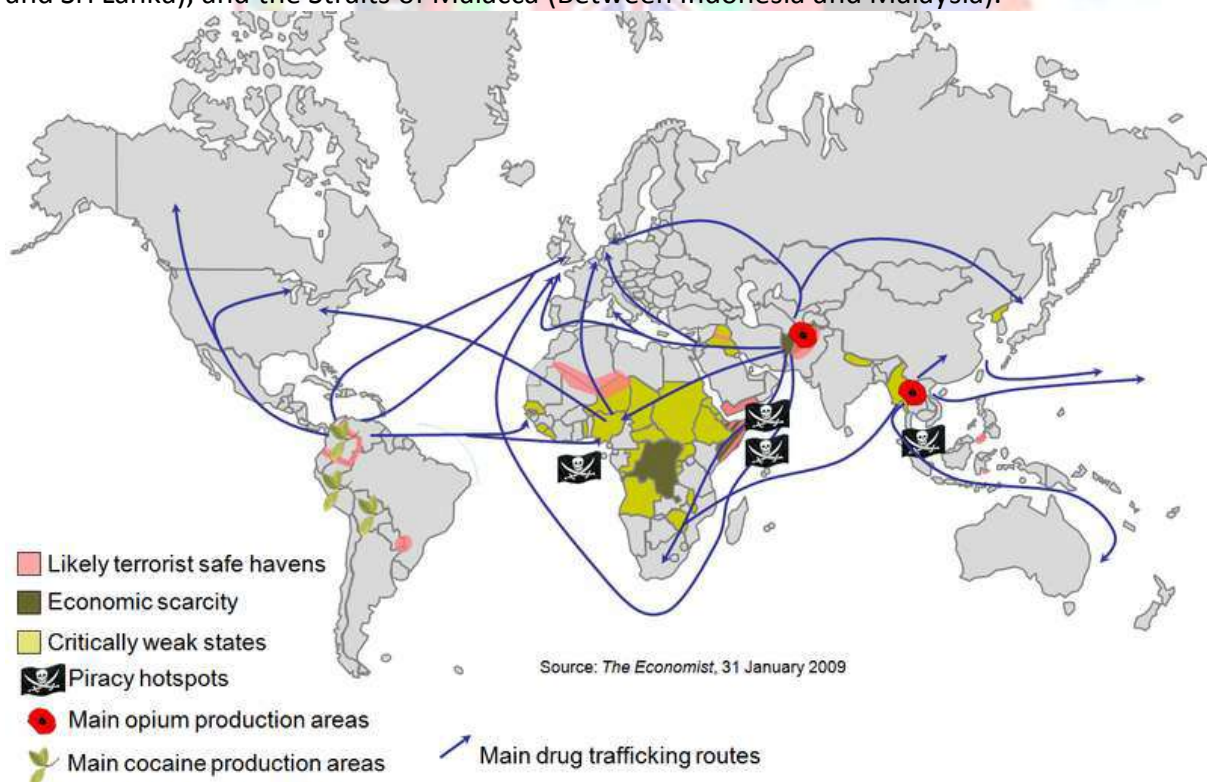
The purposes of the Organization, as summarized by Article 1(a) of the Convention, are "to provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships". The Organization is also empowered to deal with administrative and legal matters related to these purposes.



Topic A - Combating International Piracy

Introduction

Maritime Piracy is an issue that has been prevalent since the 15th century and has recently come back on the radar of the UN as a major problem plaguing the seas. Throughout history, certain periods of time have faced increased instances of piracy, such as the Golden Age of Piracy in the 1500's and 1600's where sailors trained to serve in Mediterranean navies took to piracy as an alternate source of income in the face of reduced job opportunities. Piracy or maritime piracy was first defined formally by the United Nations Convention on the Law of the Sea (UNCLOS) as *"any illegal acts of violence, detention, or any act of depredation committed for private ends by the crew or the passengers of a private ship or a private aircraft, any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft."* It contends that the annual number of cases of maritime piracy have been on the rise for many years and lead to estimated worldwide trade losses of \$16 billion each year. Piracy is more or less a widespread global issue. Although the industry in itself is mainly prevalent in a few specific hot spots around the world, the transnational nature of piracy ensures that almost all nations plying the high seas have good motives for its complete elimination. Piracy is mainly concentrated in four global regions, The Gulf of Aden (From the coast of Somalia to the Red Sea), The Gulf of Guinea (On the west coast of Africa), The Gulf of Mannar (Between India and Sri Lanka), and the Straits of Malacca (Between Indonesia and Malaysia).



In 2008, piracy resurfaced as a major issue, especially in East African waters as Somali Pirates started boarding and hijacking ships such as oil tankers.

By 2009, the number of pirate attacks increased by 24.6%, with the amount of guns utilized increasing by an astronomical 200%. The deployment of navies and on-board defence

systems have been suggested and/or implemented to prevent the escalation of maritime piracy, however, pirates are still at large in these regions.

There were 439 worldwide piracy attacks in 2011, more than half of which were attributed to Somali pirates operating in the Gulf of Aden, the Red Sea, the Arabian Sea, the Indian Ocean, and off the coast of Oman. Other piracy hotspots for 2011 included the coast off Nigeria and Benin in West Africa, and Southeast Asia, near Indonesia. In the case of Somalia, analysts say one of the largest drivers of piracy is the lack of an efficient governing authority in the country.

General Overview

Pirate attacks are largely confined to four major areas: the Gulf of Aden, near Somalia and the southern entrance to the Red Sea; the Gulf of Guinea, near Nigeria and the Niger River delta; the Malacca Strait between Indonesia and Malaysia; and off the Indian subcontinent, particularly between India and Sri Lanka.

Somali pirates, by far the greatest global piracy threat, have increasingly pushed farther off the Somali coast. They have moved deeper into the Indian Ocean, off Seychelles and the Maldives, and further south along the East African coast, off Kenya, Madagascar, and Mozambique, the International Maritime Bureau's (IMB) Piracy 2011 report says.

Somali piracy emerged as a potent force shortly after the regime of long-time Somali dictator Major General Mohamed Siad Barre collapsed in 1991. With the absence of any central governing authority, commercial fishing fleets began to exploit the country's coastline. Local fishermen responded by arming themselves, boarding illegal trawlers, and charging a fine of a few thousand dollars. "But the fishermen soon realized that the fishing fine was more lucrative than the fish," the New York Times' Jeffrey Gettleman wrote in a 2010 essay for the New York Review of Books. "By the mid-2000s," he wrote, "many part-time fishermen had graduated to full-time piracy."

Somali piracy tactics have centred on hijackings and kidnappings--lasting an average of six months--to extract large ransoms. Somali piracy has been largely free of violent tactics because it is in the pirates' interest to keep their hostages alive. In 2011, average ransom payments to Somali pirates were above \$5 million, wrote Chatham House's Roger Middleton in a paper for the April 2011 Dubai School of Government conference on piracy. "The result," Middleton wrote, "is that piracy is now likely to be the second largest generator of money in Somalia, bringing in over \$200 million annually."

Piracy off West Africa has been driven much more by political and social grievances. In the Gulf of Guinea, many hijackings target oil tankers, with pirates seizing the oil and then selling it for a profit on the black market. There is evidence that Nigeria's rebel Movement for the Emancipation of the Niger Delta (MEND)--which has pressured the Abuja government to more equitably allocate oil revenues--has been involved in attacks on oil tankers off the coast. In early March 2012, MEND claimed responsibility for shooting four police officers on a boat patrolling the Nembe River in Bayelsa state, while indicating ties with pirate groups in the region. According to the IMB, the "underreporting of attacks from Nigeria continues to be a case for concern." The IMB also notes that "2011 has also witnessed a probable extension of Nigerian piracy into neighbouring Benin waters."

In Southeast Asia, piracy has focused on the ransacking of cargo fishing products. While attacks in the South China Sea decreased in 2011, the number of incidents off Indonesia

rose for a second consecutive year, according to the IMB. These attacks have largely taken place in the Malacca Strait, through which 30 per cent of the world's trade (VOA) and half of the world's oil shipments pass. In September 2011, Indonesia and Malaysia deployed two warships to the strait as part of a joint patrol targeting pirate attacks. The countries have also developed an "Eye in the Sky" operation with Singapore and Thailand, by which they jointly carry out air patrols above the strait. In late September 2011, Indonesian police arrested four suspected pirates thought to be part of an organized crime network (JakartaGlobe) operating across the strait.

International Coordination

The international community has taken a number of steps to tackle piracy since Somali pirates emerged as a threat to international maritime security four years ago. In 2008, the UN Security Council passed a series of measures targeting Somali piracy, culminating in the unanimous approval of U.S.-led Resolution 1851. The move authorized states with navies deployed in the Gulf of Aden to, with the permission of Somalia's Transitional Federal Government, take action against pirates and armed robbers within Somalia.

Resolution 1851 facilitated the creation of the Contact Group on Piracy off the Coast of Somalia (CGPCS) in January 2009. The group was tasked with "addressing military and operational coordination, capacity building, and judicial issues, shipping self-awareness and public information related to piracy." Along the same lines, since January 2009, nine east African countries have signed the Djibouti Code of Conduct. That agreement was engineered by the UN's International Maritime Organization, tasked with implementing certain aspects of the 2008 UN resolutions.

The UK hosted an international conference on the future of Somalia (Guardian) in London in February 2012, which focused on new international measures for combating and prosecuting piracy off the Somali coast. The steps included a joint Memorandum of Understanding between the British and Tanzanian governments allowing the British Royal Navy to transfer suspected Somali pirates to Tanzania for prosecution; an agreement that will see convicted pirates captured off the coast of Seychelles transferred to Somaliland for imprisonment; and the formation of an international task force on pirate ransoms. "The Conference agreed that piracy cannot be solved by military means alone and reiterated the importance of supporting local communities to tackle the underlying causes of piracy and improving effective use of Somali coastal waters through regional maritime capacity-building measures," IMO Secretary-General Koji Sekimizu said following the conference.

The international community also has at its disposal the UN Convention on the Law of the Sea (UNCLOS). The treaty, which came into effect in 1994, is binding for 154 nations and the European Union. The United States has yet to ratify the agreement. The Convention governs "all aspects of ocean space," including the "settlement of disputes relating to ocean matters." It also makes "piracy a universal crime, and subjects pirates to arrest and prosecution by any nation," writes Georgetown University's Mark V. Vlasic for the Huffington Post. The Convention "provides the legal foundation to help combat piracy and prosecute piracy cases," he writes. The United States' refusal to adopt the treaty, despite support in the U.S. Senate and by the Obama administration, has complicated Washington's ability to tackle piracy with its international partners, Vlasic argues.

Legal complications with piracy

The legal aspect of the piracy issue is another one which has courted much criticism from different parties for its ambiguity and the barriers it affords to prosecution. The UNCLOS defines the right of all countries to prosecute persons for acts amounting to piracy on the high seas and affirmed the responsibility of all nations to ensure legal action against pirates in territorial waters. However, marine specialists and codifiers of international law did not take into account the emergence of states such as Somalia, that do not possess the resources to capture and prosecute persons for acts of piracy, and thus there does not exist a legal document that permanently permits outside nations to capture and prosecute pirates in Somali waters. UNSC resolution 1816 permitted other nations to try Somali pirates captured in Somali waters for a period of six months, and these most of these pirates are being tried in Kenyan courts. However these trials have put a significant monetary strain on the Kenyan judiciary and there have been calls to stop trials of pirates in Kenya. In order to successfully try and prosecute all captured pirates an international framework is necessary to enable speedy judgements, awarding of sentences to the guilty and damages to the victims.

Timeline of Events

<u>Date</u>	<u>Description of Event</u>
February 2004	Local armed forces in Singapore, Malaysia and Indonesia coordinate sea patrols to reduce the frequent pirate attacks.
September 2005	Singapore, Malaysia and Indonesia collaborate and introduce air patrols over the Strait of Malacca to combat pirates.
August 2005	Local governments near the Strait of Malacca sign peace accords with the people of the Aceh region, where allegedly most of the pirates stem from. They also open up less-risky jobs for the Acehnese in hopes that the new employment opportunities will reduce the need for piracy.
15 May 2008	UN approves Resolution 1814 detailing the political scenario in Somalia as well as outlining measures to combat piracy in the Gulf of Aden.
26 May 2008	Pirates hijack and threaten to kill the Dutch cargo vessel the Amiya Scan should a rescue mission be attempted.
2 June 2008	UN unanimously passes Somalia Maritime Piracy Resolution 1816.
12 June 2008	The United Nations' World Food Program (WFP) puts a call out to the world's naval powers asking for additional security assistance for cargo ships carrying food aid to Somalia's starving citizens.
23 June 2008	Pirates attack yacht and four people are taken hostages, including a European national, in Gulf of Aden.

22 August 2008	The Maritime Security Patrol Area is established by the multi-national coalition Combined Task Force 150 (CTF 150). A naval forces and warships begin patrolling the area and aircrafts fly in the airspace above.
29 August 2008	Pirates hijacked 3 ships off the coast of Somalia and a ransom of \$8.2 million is demanded for two Malaysian chemical tankers and a Japanese cargo ship.
12 September 2008	The German cargo ship the MV BBC Trinidad is released by its Somali hijackers. It is reported that a ransom of \$1.1 million was paid to the pirates. The Japanese chemical tanker MT Irene is also set free and it is rumoured that a sum of \$1.5 million was paid to its hijackers.
7 October 2008	UN approves Resolution 1838 asking nations to “fight actively” against pirates in the area.
19 October 2008	NATO forces arrive off the coast of Somalia to combat maritime piracy. Seven warships are deployed.
27 October 2008	NATO launches its operation to protect UN WFP shipments using security escorts.
10 November 2008	The European Union sends a joint military collaboration called EU NAVFOR to combat the pirates in the Gulf of Aden
15 November 2008	The Saudi Arabian oil super tanker Sirius Star is hijacked by maritime pirates. The ship is captured off the coast of Mombasa, Kenya. The ship is carrying many European nationals and is transporting barrels of crude oil worth over \$100 million.
2 December 2008	UN unanimously adopts Resolution 1846, which allows nations to use “all necessary means” to fight pirates on waters.
16 December 2008	UN passes Resolution 1851 which authorizes nations to use land based operations to counter piracy.
10 January 2009	The Sirius Star, captured in late 2008, is finally released when a \$3 million ransom is paid to the pirates.
11 February 2009	Somali pirates are detained by US Navy. First successful apprehension of pirates by new multi-national CTF-151.
1 April 2010	Pirates attack the USS Nicholas, an Oliver Hazard Perry-class missile frigate in international waters west of the Seychelles.
June 2010	Kenya opens court for piracy in Mombasa funded by international donors.

Major Countries and Organizations Involved

Somalia

The Gulf of Aden, located near Somalia, is where majority of the recent pirate attacks have occurred. The United States and NATO have deployed naval forces in that region to assist with the recurring attacks. However, the Somali government is unable to try captured pirates as criminals as the judiciary systems are not in place, moreover, a coast guard needs to be established in Somalia.

Kenya

Due to Somalia's inability to prosecute pirates, many of the pirates have been prosecuted in Kenya. In mid-2009, the United States and the EU were both trying to reach an agreement with Kenya regarding trials of pirates. In 2010, a court was opened in Mombasa specifically to prosecute pirates, and this court was funded by international donors such as the European Union.

India and Sri Lanka

The Indian Ocean has been a place where piracy has become a problem. In addition, India uses the Gulf of Aden as a trade route, and has suffered heavy losses due to piracy. The Indian Government is in agreement with the Resolution of 1851 that force should be used to combat piracy. India strongly believes that piracy needs to be combated, and is in collaboration with the US and EU's deploying of warships to the Gulf of Aden.

Indonesia, Malaysia and Singapore

The Strait of Malacca was in "crisis levels" with the issue of piracy earlier this decade. However recently, pirate attacks in this region have subsided due to efforts made by the governments of Malaysia, Singapore, Indonesia and Thailand (to a certain extent). In 2009, of the 102 attacks reported; only 1 occurred in the strait.

United States and NATO

The United States and NATO are heavily involved in the combating of pirates, specifically in the Gulf of Aden, with the United States deploying naval forces to assist and guide the Somali government. The European Union formed EU NAVFOR, a military operation that has been instrumental in the capture of several pirates.

Relevant Treaties and UN Resolutions

- Resolution 1814, 15 May 2008 (S/RES/1814)
- Condemnation of Piracy, 2 June 2008 (S/RES/1816)
- The Situation in Somalia, 7 October 2008 (S/RES/1838)

- The Situation in Somalia, 2 December 2008 (S/RES/1846)
- The Situation in Somalia, 16 December 2008 (S/RES/1851)
- Piracy at Sea, 23 October 2008 (C/15/E)
- United Nations Convention on the Law of the Sea, 10 December 1982

The Problems that should be addressed in committee and in the Resolution

1. It is our uppermost concern to maintain and improve the current international relations with TFG, IMO, NATO and others;
2. Another existing problem, for example, journalist Burnett writes:” Consider a typical case: a ship built in Japan, owned by a brass-plate company in Malta, controlled by an Italian, managed by a company in Cyprus, chartered by the French, skippered by a Norwegian, crewed by Indians, registered in Panama, financed by a British bank, carrying a cargo owned by a multinational oil company, is attacked while transiting an international waterway in Indonesian territory and arrested in the Philippines.” Given the African context, what country should prosecute pirates?
3. Owing to the continual incidence of piracy in the Gulf of Aden, what forces and law can be introduced to reduce the critical flow of attacks?
4. With hijacks having become more sophisticated and daring, having expanded in their geographic scope, what deterrent measures can prove to be beneficial? What kind of weapons should every ship include in their help-aid kit?
5. What political and diplomatic solutions will help?
6. How maritime surveillance is aimed at keeping the terrorists off the coast? What would this surveillance consist of?
7. Supposing pirates are caught, what are the right punishments to impose?
8. Is financial part compulsory in this phenomenon?

When writing the resolution, the delegate should answer to these needs. Please remember that originality is always encouraged, so if you have more ideas than the ones listed, pluck up your courage and let it go!

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- <http://www.cfr.org/france/combating-maritime-piracy/p18376>

Further Reading

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- “Eliminating High Seas Piracy” – James P. Terry
<http://www.ndu.edu/press/lib/images/jfq-54/27.pdf>
- European Parliament resolution of 23 October 2008 on piracy at sea
<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0519&language=EN>
- United Nations Convention of the High Seas (Geneva Convention of the High Seas)
http://untreaty.un.org/ilc/texts/instruments/english/conventions/8_1_1958_high_seas.pdf
- Combating Piracy in East Africa – W. Michael Reisman and Bradley T. Tennis
<http://www.yjil.org/docs/pub/o-35-reisman-tennis-combatting-piracy.pdf>
- International Cooperation to Combat Piracy and Armed Robbery Against Ships – Robert Beckman
<http://www.southchinasea.org/docs/Beckman,%20Combating%20Piracy%20and%20Armed%20Robbery.pdf>

Topic B - Natural Resources in International Waters

Introduction

The Ocean is one of Earth's most precious natural resources. It takes over approximately 71 per cent of the global surface of Earth, leaving less than 30 per cent of continent. 95 per cent of the underwater world remains unexplored. The ocean plays an important role in removing carbon from the atmosphere and providing oxygen. Moreover, the ocean is considered to be a source of biomedical organisms with potential for fighting diseases. Most importantly: all five oceans have significant natural resources within their waters. Natural resource is a term that can mean quite a few things. In this context however, natural resource describes a material, which occurs in a natural state and has economic values. Therefore, natural resources, such as mineral or oil, lead to competition between countries that claim sovereignty over the specific area in the ocean where natural resources can be found. Consequently, it creates tensions in between nations; for instance Canada declares its sovereignty over the Arctic Archipelago and its surrounding waters, as well as parts of the Arctic Ocean. Countries such as Russia or Norway oppose themselves to it, since parts of their territories are parts of the Arctic Sea. Moreover, oceans such as the Southern Ocean have faced, throughout its history, illegal activity on its waters. Illegal fishing, including whale fishing was and remains today the main issue of the Southern Ocean. In 2000, an estimation of 112, 934 metric tons worth of fisheries was made. A commission and conventions concerning this issue have therefore been enforced. On this specific topic, the International Convention for the Regulation of Whaling is seen as the most effective one. However, on a more global situation, all countries that claim sovereignty or equal access to an ocean or a specific part of the Ocean have based their request on the United Nations Convention of the Law of the Sea.

General Overview

The Arctic Ocean issue

The Arctic Ocean is known to be one of the richest oceans concerning natural resources. Among this ocean, also often called the Arctic Sea, contain minerals, such as sand and gravel aggregates, but most importantly: oil and gas. It is also important to consider the marine life: whales, fishes and seals. This Ocean is therefore rather appealing to many surrounding countries, such as Canada, Russia, Denmark and Norway.

Canada's claim of sovereignty over the Arctic zone

The issue concerning Canada's sovereignty over the Arctic Ocean has often been misunderstood. Canada has claimed sovereignty over the Arctic Archipelago, and no state has ever contested it since 1930. It is important to understand why Canada has shown so much interest into taking over the Arctic Seas. Canada has demonstrated that the Arctic Ocean is quite fragile. Indeed, four main environmental threats need to be headlined: persistent organic pollutants, heavy metals, ozone depletion and climate change. These threats are the results of an increased activity in the Arctic zone and may put the northern Canadian population in danger. It is also interesting to analyse Canada's economic

advantages. If Canada obtained rights over some Arctic zones, then the country would put into place two major economic activities:

- It would develop the Northwest Passage, which could therefore promote International shipping. As a relevant example; ships from Europe to Asia would reduce their trips by 2500 miles.
- Canada would also fully exploit the natural resources that are held in the Arctic Ocean. Researches have shown that the Arctic Ocean contains significant amounts of tin, gold, diamonds, platinum and fish.

A U.S. Geological Survey estimates “the Arctic as a whole may contain as much as 90 billion barrels of undiscovered conventional oil and 1670 trillion cubic feet of gas” - Benoit Beauchamp and Rob Huebert.

Therefore, if Canada obtained full sovereignty over the Arctic region, the country would make a major economic benefit; they would indeed control shipping lanes and the exploitation of natural resources.

Canada’s legal background concerning this issue

The United Nations Convention on the Law of the Sea (UNCLOS) regulates the state’s sovereignty over oceans. The UNCLOS distinguishes four different kinds of claim over maritime areas. These claims can be made upon distance from a baseline. Baselines in general are the nation’s coastline. The four different types of claim are:

1. The first type of maritime zone is internal waters. It includes rivers and lakes, but can also include other bodies of water.
2. The second type is territorial waters, which extend twelve miles from a baseline. The state is obligated to maintain sovereignty within its territorial waters.
3. The third type of claim that the UNCLOS recognises is the contiguous zone, which is in fact the expansion of a further twelve miles from the limit of the territorial waters. In this area, the state is entitled to prevent the disobedience of the laws the state applies to its territorial waters.
4. The last category is the Exclusive Economic Zone (EEZ). This zone extends 200 miles away from the state’s baseline.

Canada requested two different types of claims under the United Nations Convention on the Law of the Sea (UNCLOS). The first claim coming from this country is the sovereignty of the Northwest Passage. Canada wishes that this passage, which is in fact the water between Canada’s Arctic Islands, becomes internal waters. The second claim from Canada is the creation of an Exclusive Economic Zone (EEZ): the state wishes to extend its continental shelf over 200 miles.

South China Sea dispute

The South China Sea has always been a region of conflicts and disputes, compounded by the intertwined factors from state security with neighbouring countries on territorial claims, economic potential and natural resources to nationalism.

In the 1960s, oil and natural gas was discovered in the South China Sea area; the potential, rich resources have been coveted by nations surrounding the water, including China, Taiwan, Vietnam, Malaysia, Indonesia, Brunei, and the Philippines ever since. In the following one decade or two, the countries have all begun to claim sovereignty in parts or even the whole of the region, and the South China Sea area remained volatile in regards to peace.

As much as the human nature would expect of the impact of time, the South China Sea issue has not eased, but rather, it has intensified and become more complicated over time. In recent years, not only have the surrounding nations been competing against each other with escalated military demonstration, but the countries faraway recognizing the strategic importance of the region have also joined in the duel. Numerous unilateral, "invasive" actions and following disputes were covered among mass media, indicating the severity of the problem.

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) presents clear regulation and basis to delve into the disputant claims. Yet the unique natural landscapes, atolls, reefs and rocks spreading across the sea complicate the lines and challenge the compatibility as well as capability to resort purely to the UNCLOS. It leaves the unilateral actions of occupying islands and asserting sovereignty without possibility to be averted and triggers a series of conflicts. Seeing the historical claim and sentiment still being present, and the diverse nature among members, efforts on enhancing the ARF confidence building measure and preventive diplomacy approach may serve to overcome the intangible barrier for concrete resolution.

Today, the unsettled status quo of the South China Sea remains a great obstacle in the region's progress and is a hotspot in the great Asia-Pacific region. Connecting the Pacific and the Indian Sea, which connects to the Persian Gulf, the region is also the lifeline of many member states in its export-oriented business. In time of economic crisis and political instability, much is left susceptible to minor confrontation that can elicit devastating consequences.



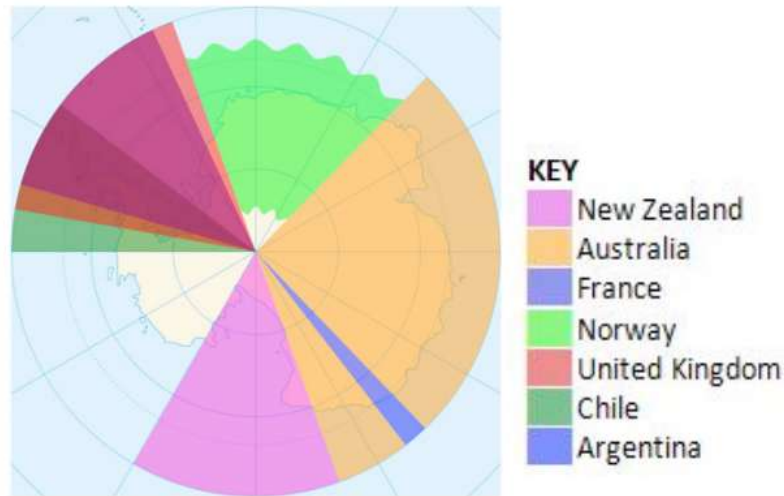
The Southern Ocean issue

The Southern Ocean, as any other ocean on Earth, contains a great deal of natural resources. Indeed, it is possible that giant oil and gas fields are present in the ocean, along with placer deposits, sand and gravel, and an important marine life. What is also important is to acknowledge is the presence of fresh water under the form of icebergs. Another advantage of the Southern Ocean is the Drake Passage between South America and Antarctica.

The illegal activities in the Southern Ocean

The Southern Ocean is known to be the fourth largest Ocean in the World. Before 1999, where International agreements were set, the Southern Ocean faced a great deal of illegal fishing. Many countries, such as Australia, Japan or Chile have exploited the Southern Ocean, especially in the matter of killing whales. Some states have also entered the process of extracting non-living natural resources from the Ocean. This illegal exploitation of the natural resources of the Southern Ocean have led to Today, seven states claim rights over the Antarctica territories: the United-Kingdom (UK), Australia, Chile, Argentina, New Zealand, France and Norway. It is important to consider that a country like Norway already claims part of sovereignty over certain zones in the Arctic Ocean. These states have shown interest in expanding continental shelf, based on the United Nations Convention on the Law of the Sea (UNCLOS). The USA and Russia, countries that have also ratified that convention, made no such claim and do not recognise the marine and land claims that other countries have asked for. Seven countries have shown interest in owning a part of the Southern Ocean and the Antarctica continent. Norway, New Zealand, France, Chile, Argentina, Australia and the United Kingdom have claimed their rights over the region. For some countries such as New Zealand, Australia, Chile and Argentina, it considered to be a claim of territorial waters.

However, for the three states remaining, their claim is based upon the Exclusive Economic Zone (EEZ).



Map showing the territorial claims to Antarctica

The Gulf of Mexico issue

The Gulf of Mexico is an ocean basin, surrounded by three countries: the United States of America, Mexico, and the Cuban island. It is connected to the Atlantic Ocean through the Straits of Florida, and linked to the Caribbean Sea by the Yucatan Channel. The United States portion of the Gulf of Mexico is 2700 kilometres, whereas the Mexican proportion of that basin is 2243 kilometres. For the USA, the Gulf of Mexico is considered to be one of the most important areas for natural resources of the country. Indeed, over 90% of the U.S. oil and gas production occurs in the Gulf of Mexico. The United States have clearly taken control over the Gulf of Mexico, and wish to develop it even more in order to extract and exploit all natural resources in that area. Therefore, Mexico has no or very little access to these resources, especially oil. Mexico is known to be a country that has a fragile economy. Consequently, the country cannot develop the needed equipment in order to extract natural resources from the Mexican Gulf.

The Indian Ocean

The Indian Ocean is the world's third largest Ocean. This ocean has four critical waterway accesses:

1. The Suez Canal (Egypt)
2. Bab el Mandeb (Djibouti-Yemen)
3. Strait of Hormuz (Iran-Oman)
4. Strait of Malacca (Indonesia-Malaysia)

This Ocean therefore provides major sea routes that connect the Middle East, East Africa, Europe and the American Continent. The natural resources of this Ocean are oil and gas

fields, fish and shrimp. The ocean carries an important traffic of oil, since the Indian Oceans also contains the Persian Gulf. Fish exploitation is also a major activity in this Ocean. Fishing fleets from Russia, Japan, Korea, and Taiwan mainly exploit the area for shrimp and tuna.

The Persian Gulf issue

The Persian Gulf region has significant amount of natural resources. Indeed, the region has possessed many important oil and gas fields. Iran, Iraq and the six Gulf monarchy states (Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates, and Oman) therefore have two thirds of the world's reserves of oil. Iraq is proven to be the country that has the most oil reserve, yet unexplored. Iran and Qatar are then second and third in the list to have the largest oil reserve in their respective countries. The economy of the Persian Gulf countries is based on the exportation of gas, but more importantly; oil.

After the 1991 Gulf war, the American forces established a fleet in the gulf region, in order to maintain surveillance and security. The presence of America in the Persian Gulf gave the country advantages over Europe and Japan for trades. However, the exports numbers show the opposite. In 2000, Europe shipped \$63.7 billion of exports to the Middle East whereas the United States shipped \$23 billion. The American oil strategy is to assure that the exports of oil to the West are at reasonable prices.

The Pacific Ocean: The Rare Earth Elements

The Rare Earth Elements are a set of seventeen metals, such as the yttrium, which have physical and chemical properties. These metals are seeing increases in demand, due to their technological applications. They have become critical materials to many new technologies that are today emerging, and are becoming more and more commonplace in today's society. Over the past ten years, China has been the country producing the most supply: 130, 000 tons in 2010, whereas 2, 700 tons in India, 550 tons in Brazil and 350 tons in Malaysia. The world's Rare Earth Elements potential estimation is approximately 110 million tons, from which 55 million can be found on the Chinese territory, 13 million in the United States of America, and 55 million in the Commonwealth of Independent States.

The importance of these materials for Japan

97 per cent of the Rare Earth Elements exploitation is made by China. The country itself officially possesses a third of the resources. Many countries have decided to investigate on the Pacific region in order to find their own resources of Rare Earth Elements. For instance, France explores the Wallis and Futuna zone. For Japan, this discovery has led to hope: the country doesn't have many natural resources among its territory. In 2007, the country had found gold, silver and indium fields among its territorial waters. Therefore, the possibility for Japan to find Rare Earth Elements in its waters cannot be excluded.

Japan absolutely needs these elements, which have become vital for the future of its industries. The country is today the first importer of Rare Elements: 30 000 tons per year. However this scientific discovery leads to discussions over the rights of exploitation. These natural resources are mostly found in International waters, and therefore are under the administration of the International Seabed Authority.

Timeline of Events

<u>Date</u>	<u>Description of event</u>
December 2, 1946	The International Seabed Authority held its first meeting
November 10, 1948	International Whaling Commission
June 1, 1972	Opening of the International Convention for the Regulation of Whaling entered
March 11, 1978	International Convention for the Regulation of Whaling entered into force Opening of the Convention for the Conservation of Antarctic Seals
August 1, 1980	The Convention for the Conservation of Antarctic Seals entered into force Opening of the Convention on the Conservation of Antarctic Marine Living Resources
April 7, 1982	The Convention on the Conservation of Antarctic Marine Living Resources entered into force
December 10, 1982	Opening of the United Nations Convention on the Law of the Sea
November 16, 1994	The UNCLOS entered into force

Major Countries and Organizations Involved

Argentina

Argentina is one of the seven states that have gone through illegal activities on the Antarctica region. This country also claims territories of the Southern Ocean.

Australia

The Southern Ocean and the Antarctic continent represent an important natural resource potential for Australia. The country is one of the leading nations in the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR). Australia also claimed sovereignty over an area of the Southern Ocean.

Canada

Canada claims full sovereignty over the Arctic Archipelago, situated in the Arctic Ocean. Along with that, Canada wishes to obtain the right to take over surrounding waters as well as parts of the Arctic Ocean zone. Canada bases its demands on the United Nations Convention on the Law of the Sea (UNCLOS).

Chile

Chile, like Argentina, is one of the states that did illegal fishing over the Southern Ocean. This country also claims sovereignty over the Southern Ocean, asking for an Exclusive Economic Zone or territorial waters, in order to develop the extraction of natural resources.

Mexico

Mexico has no or very little control over the Gulf of Mexico. This Gulf is mostly exploited by the United States of America, even though these waters could be territorial waters of Mexico if the country claimed its sovereignty over them.

New Zealand

The country claims sovereignty over parts of the Southern Ocean, in order to exploit its natural resources on the zone.

Norway

Norway is one of the seven countries that have claimed territories of the Southern Ocean.

Russia

Russia wishes to obtain an Exclusive Economic Zone (EEZ) in the Arctic Region in order to exploit the natural resources in that area. Russia holds the view that Canada should not claim sovereignty over the Northwest Passage.

United Kingdom

The UK has shown interest in the Southern Ocean and the Antarctica continent. Indeed, the region has a great deal of natural resources held in its seabed. The United-Kingdom is one of the states that have ratified the United Nations Convention on the Law of the Sea (UNCLOS). Therefore the UK now claims for specific areas in the Southern Ocean to exploit the natural resources that can be found in that zone. The United Kingdom is also one of the seven states that have had illegal activities on the South Ocean.

Unites States of America

The USA claims sovereignty over the exploration and development of natural resources and marine life in its continental shelf. These sovereign rights avec confirmed by the United Nations Convention on the Law of the Sea (UNCLOS). The United States has a development program called the Outer Continental Shelf (OCS). This project was created in order to develop the natural and non-living resources that the USA's continental shelf might contain. Also, the United States of America has almost full control over the Gulf of Mexico, and develops this basin in order to exploit as much natural resources as possible. The Gulf of Mexico does not belong exclusively to the U.S., and it therefore creates tensions with Mexico.

GEOSS (Global Earth Observation Systems of System)

This organisation addresses nine areas of critical importance to people and society. It aims to empower the international community to protect itself against natural and human-induced disasters. It also understands the environmental sources of health hazards, and manages energy and natural resources.

NOAA (National Oceanic and Atmospheric Administration)

This American organisation is responsible for the ocean and atmospheric research. It was created in order to protect the environment and the society of natural disasters, as well as a good use and development of the marine and natural resources in the ocean.

Relevant UN Treaties and Events

- United Nations Convention on the Law of the Sea, December 10, 1982
- Convention for the conservation of Antarctic Seals, August 1, 1980
- International Whaling Commission, November 10, 1948
- Convention on the conservation of Antarctic Marine Living Resources, April 7, 1982
- Antarctic Treaty System, June 23, 1961
- International Convention for the Regulation of Whaling (ICRW), March 11, 1978
- Resolution on Permanent Sovereignty over Natural Resources, December 14 1962 (1803)

Previous Attempts to solve the Issue

The Southern Ocean issue

A treaty has been put enforced regarding the Antarctic region issue. The Antarctic Treaty System is a treaty that regulates the activities of each state on the Antarctic region and the Southern Ocean. It also regulates all international relations concerning sovereignty over the zone. This treaty also forbids all kind of military activity on the Antarctic continent. This Treaty was put into place in order to ban all forms of illegal activities, especially fishing, in that area. 48 countries have ratified this Treaty.

Other conventions have been enforced, the main issue being conservation of whales and seals. These conventions can be found on the timeline.

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