

### Topic A: Protecting Essential Urban Infrastructure in Conflict Areas

#### Introduction

Throughout history, wars have always had horrific impacts on civilian populations. Civilian death and injury can occur through direct means – gunfire, explosives or bombing – but also through indirect means – such as destruction of the infrastructure necessary to sustain life. As the technologies and destructive capabilities used in modern warfare have increased, it has become more and more possible to inflict greater damage on civilian targets from greater distances away. Drone and missile strikes, make it easier to strategically attack particular civilian objects (e.g., power plants, water systems, hospitals).<sup>1</sup> This destruction of infrastructure results in urban populations going hungry, thirsty, cold, and subject to a variety of diseases.<sup>2</sup> For example, the destruction of a power generation plant – often by those claiming it is a military objective – can have far-reaching and devastating impacts on city populations as electricity is needed to run drinking water systems, hospitals, and sewage treatment facilities.<sup>3</sup> In the prior century, a series of international treaties aimed to protect non-combatants in conflict zones – yet it seems in too many conflicts these protections are being ignored or excused away.<sup>4</sup> Strategic Development Goal (SDG) target 16.1 seeks to reduce all forms of violence and death and has as an indicator the number of conflict-related deaths per 100,000 population.<sup>5</sup> Given the events of recent conflicts, perhaps it is necessary to revisit and strengthen policies for the protection of civilian infrastructure in urban conflict zones.

**Figure 1: Destruction of Civilian Infrastructure in Recent Conflicts**



Source: *Financial Times*



Source: *AP News*

International rules for conducting warfare are mainly codified in the Hague Conventions of 1899 and 1907, and the Geneva Conventions of 1949, with their Additional Protocols of 1977.<sup>6</sup> The Hague Conventions focus on outlawing certain forms of warfare and the use of particular types of weapons, while the Geneva Conventions focus on the treatment of people in war zones – both combatants and non-combatants.<sup>7</sup> Much of the 1949 Geneva conventions focused on the humane treatment of civilians in occupied areas and the protection of hospitals, medical personnel and humanitarian aid.<sup>8</sup> Additional Protocol I specifically outlaws “indiscriminate attacks on civilian populations and destruction of food, water and other materials needed for survival.”<sup>9</sup> Also

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outlawed are attacks on dams, dikes, nuclear power generating stations, cultural objects or places of worship.<sup>10</sup> Additional Protocol II outlaws attacks on “objects essential for human survival”, including crops and drinking water sources.<sup>11</sup> While all member states have ratified the Geneva Conventions of 1949, not all have acceded to the additional protocols.<sup>12</sup> Still these principles have become established as part of international humanitarian law (IHL) and all of these protections are reiterated in the Rome Statute of the International Criminal Court as War Crimes.<sup>13</sup>

### Current Situation

Recent conflicts in Syria, Yemen, Ukraine,<sup>14</sup> Burkina Faso, Myanmar, Sudan and Gaza<sup>15</sup> have highlighted the vast amount of suffering caused by destruction of civilian objects. Despite the fact that IHL forbids the intentional targeting of civilian infrastructure<sup>16</sup>, there are gray areas that have been exploited by combatants on all sides. One issue is the extent to which civilian objects become valid targets when they can be viewed as providing a strategic advantage to the enemy.<sup>17</sup> Destruction of such a target is supposed to be balanced with its impact on civilian populations and should be avoided if it causes disproportionate suffering on non-combatants.<sup>18</sup> Another issue is combatants using civilian objects to shield military assets (which is illegal under IHL), thus potentially making them military targets.<sup>19</sup> However, even where this is the case, IHL protects these objects from targeting “unless a due and reasonable warning has been issued and the warning remains unheeded.”<sup>20</sup> There are countless examples of situations where no such warnings have been issued and/or no time has been given for evacuation of civilians.

In 2021, the Security Council adopted Resolution 2573, which condemned the continued targeting of civilian infrastructure and called on member states to “protect objects indispensable to the survival of the civilian population and civilian infrastructure that is critical to enable the delivery of essential services in armed conflict...”<sup>21</sup> Unfortunately, these calls have continued to go unheeded (see sidebar) by many combatants and civilian populations have suffered.<sup>22</sup> Combatants on all sides are clearly not following existing laws and conventions, and seem to be getting away with it. Advocates are calling for a broader definition of “civilian harm” in conflict zones, which gives greater emphasis to the danger and disruption to daily life caused by

### Recent Attacks on Civilian Infrastructure

#### Burkina Faso

Destruction of water infrastructure affecting 149,000 people

#### Gaza

Destruction of hospitals and other healthcare facilities, schools and industrial bakeries

#### Myanmar

Targeting of bridges, key transport routes, telecommunication towers, school, hospitals and power plants

#### Sudan

Damage to water and sewage treatment plants

#### Syria

Attacks on power generation disrupted water access for millions of people

#### Ukraine

Destruction of power plants and the destruction of the Kakhovka Dam caused damage to thousands of homes, schools and medical facilities resulting in great human suffering in winter months

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destruction of infrastructure.<sup>23</sup> Such a definition would hold the indirect harm from infrastructure loss on equal footing with direct harm from gunfire or explosives.<sup>24</sup> The Secretary-General suggests stronger language may be needed that requires combatants to protect civilian infrastructure and encourages all member states to be more proactive in the disruption of civilian life during conflicts.<sup>25</sup> Protection of civilian infrastructure can also become a more important priority in Security Council initiated peacekeeping missions.<sup>26</sup> The United Nations and its member states need to do better at protecting the infrastructure and services that are critical for sustaining the daily life of urban populations in areas of conflict.

### Questions to Address

- How can the Security Council get member states to better comply with existing laws and norms regarding the targeting of civilian infrastructure?
- What can be done to hold combatants accountable for the (direct and indirect) harm caused by targeting civilian objects?
- Are changes needed to peacekeeping missions to prioritize the protection of civilian infrastructure?

## Topic B: Addressing the Impact of Piracy on Commercial Shipping and Trade

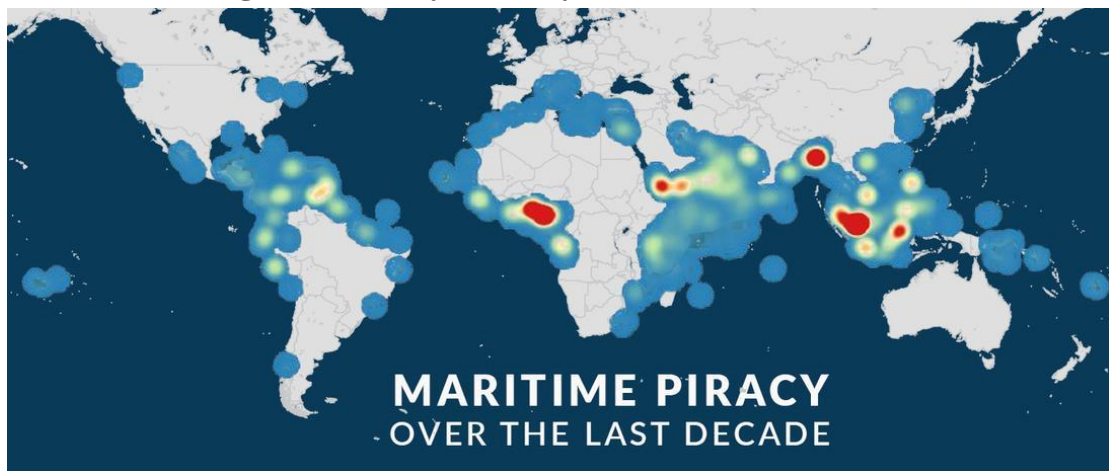
### Introduction

Eyepatches, jugs of rum, and the Jolly Roger flag – these are the images that come to mind when the subject turns to pirates. Depictions of the Golden Age of Piracy (16<sup>th</sup>-18<sup>th</sup> centuries) have tended to romanticize pirates and led many to believe that piracy is a long-dead practice. The truth is piracy is still with us. Modern piracy has significant impacts on global trade and maritime security. Sailing ships and muskets have been replaced by speedboats and Kalishnikovs, but merchant shipping is still a target for armed robbery, kidnap of crew, and ransom demands. The United Nations Convention on the Law of the Sea (UNCLOS) defines piracy as

“any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed... against a ship, aircraft, persons or property in a place outside the jurisdiction of any State.”<sup>27</sup>

Modern policy (like its historic predecessor) is concentrated in “bottleneck” areas of commercial shipping, where ships are forced through straits, canals, or narrow seas.<sup>28</sup> Another similarity is its concentration by sources of valuable natural resources – instead of gold, now it is oil.<sup>29</sup> The current “hotspots” of pirate activity are illustrated in Figure 2.

**Figure 2: Density of Piracy Incidents, 2010-2020**



Source: SafeSeas

The typical modern piracy attack unfolds as follows. First, pirates use large fishing or commerce vessels to lie in wait for merchant shipping outside of territorial waters. Next, a group of well-armed pirates use speedboats to board and seize merchant vessels. Cargo and crew are then seized or held for ransom – with demands going to corporations and sailors’ families. Often, ransoms will be paid by businesses to expedite the recovery process and can be viewed as a cost of doing business.<sup>30</sup> Sometimes, these pirates funnel their proceeds to organized crime syndicates or terrorist organizations.<sup>31</sup>

### **Current Situation**

In 2023, there were 150 incidents of piracy reported – up 15% from the prior year.<sup>32</sup> Figure 3 identifies the areas most affected by piracy and the number of incidents reported.<sup>33</sup> It is estimated that piracy costs the shipping industry over \$9 billion annually<sup>34</sup> and reduces global GDP by \$25 billion.<sup>35</sup> Piracy also takes a toll on sailors and coastal communities. In 2023, 92 crew members were taken hostage.<sup>36</sup> Sailors who are victims of piracy often have long-term issues as a result of the trauma.<sup>37</sup>

Recent work has also demonstrated that there is a link between climate change and an increase in piracy.<sup>38</sup> Changing ocean temperatures have diminished fishing stocks and resulted in many fisherman taking up piracy as an alternative livelihood:

“...fishers, who already have seafaring skills and are some of the poorest communities in the world, are targeted by criminal syndicates engaged in piracy. ‘You tend to think either you are a criminal or a non-criminal,’ said [Gary LaFree, a professor of criminology and criminal justice at the University of Maryland]. ‘But there is evidence from other researchers that some fishermen drift into it, depending on how fishing is going.’”<sup>39</sup>

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**Figure 3: Areas Affected by Piracy, 2023**

- **Straits of Malacca and Singapore area** (85 incidents)
- **West Africa** (22 incidents)
- **South China Sea** (14 incidents)
- **South America (Pacific)** (14 incidents)
- **Indian Ocean** (5 incidents)
- **South America (Caribbean)** (4 incidents)
- **Arabian Sea** (2 incidents)
- **East Africa** (2 incidents)
- **South America (Atlantic)** (1 incident)
- **Mediterranean Sea** (1 incident)

While it is clear that piracy is a violation of international law, it is debated who is responsible for policing it. The Security Council has asserted that the responsibility for curbing piracy rests with the nations from which the pirates originate.<sup>40</sup> Yet, nations like Somalia or Yemen to have little ability to seize and arrest pirates (assuming the pirates are not contributing to those governments in the first place). The Security Council has approached piracy in a piecemeal manner – dealing with particular hotspots at particular points in time (West Indian Ocean, 2020; Gulf of Guinea 2022).<sup>41</sup> The enhanced attention brought by Security Council resolutions seems to diminish pirate activity in the subject region for a period of time, but the piracy resumes once attention is shifted elsewhere.<sup>42</sup> In the absence of lasting and dependable security measures to protect shipping in international waters, shipping companies have relied increasingly on Private Maritime Security Companies (PMSCs) to protect their assets and crews.<sup>43</sup> There is evidence that pirate activity off the Somali coast is again increasing – yet the Security Council allowed its mandate on counter-piracy in the region to expire in 2022, and has failed to negotiate a follow-up resolution.<sup>44</sup> Given that 90% of global trade is transported by sea<sup>45</sup>, it is time for the Security Council to again focus attention on piracy and perhaps look for more robust solutions.

### Questions to Address

- Should the Security Council consider a new anti-piracy mandate in the Western Indian Ocean?
- How can the Security Council get member states to devote more policing resources to piracy?
- Is there more that can be done to create a more permanent strategy for combatting piracy?

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<sup>2</sup> Ibid.

<sup>3</sup> Giorgou, Eirini and Abby Zeith, “When the lights go out: the protection of energy infrastructure in armed conflict.” Humanitarian Law & Policy, <https://blogs.icrc.org/law-and-policy/2023/04/20/protection-energy-infrastructure-armed-conflict/>, Accessed 10 December 2024.

<sup>4</sup> Rajagopal, Balakrishnan, “The right to adequate housing during violent conflict”, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, 19 July 2022, A/77/150.

<sup>5</sup> “Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” United Nations Department of Economic and Social Affairs. [https://sdgs.un.org/goals/goal16#targets\\_and\\_indicators](https://sdgs.un.org/goals/goal16#targets_and_indicators), Accessed 10 December 2024.

<sup>6</sup> Office on Genocide Prevention and the Responsibility to Protect. “War Crimes”. United Nations. <https://www.un.org/en/genocideprevention/war-crimes.shtml>. Accessed 10 December 2024

<sup>7</sup> Ibid.

<sup>8</sup> American Red Cross. “Summary of the Geneva Conventions of 1949 and Their Additional Protocols” *International Humanitarian Law*. April 2011

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Office of Genocide Prevention...

<sup>13</sup> Ibid.

<sup>14</sup> Schwab

<sup>15</sup> United Nations Security Council, Protection of civilians in armed conflict, Report of the Secretary-General, 14 May 2024, S/2024/385, p.3

<sup>16</sup> *Protection of Civilian Infrastructure in Armed Conflict: A Comprehensive Q&A Guide*, Diakonia International Humanitarian Law Centre, November 2023, Lebanon: Beirut, p.5

<sup>17</sup> Ibid, p. 6

<sup>18</sup> Schwab

<sup>19</sup> *Protection of Civilian Infrastructure*, p. 10

<sup>20</sup> Ibid.

<sup>21</sup> United Nations Security Council, Resolution 2573, S/RES/2573 (2021), 17 April 2021, p. 4

<sup>22</sup> United Nations Security Council, Protection of civilians in armed conflict, p. 3

<sup>23</sup> Maurer, Peter, “Speech given by Mr Peter Maurer, President of the International Committee of the Red Cross, to the UNSC Open Debate on the Protection of Objects Indispensable to the survival of the civilian population.” 27 April 2021, ICRC, <https://www.icrc.org/en/document/without-urgent-action-protect-essential-services-conflict-zones-we-face-vast-humanitarian>, Accessed 10 December 2024

<sup>24</sup> United Nations Security Council, Protection of civilians in armed conflict,, p. 13

<sup>25</sup> Ibid, p. 16

<sup>26</sup> Di Razza, Namie, “What to Expect for the Future of Protection in UN Peace Operations,” 24 September 2020, IPI Global Observatory, <https://theglobalobservatory.org/2020/09/what-to-expect-for-future-of-protection-in-un-peace-operations/>, Accessed 10 December 2024.

<sup>27</sup> Joubert, Lydelle, *The State of Marine Piracy 2019: Assessing the Human Cost*, One Earth Future: USA, 2020, p. 2

<sup>28</sup> *Reports on Acts of Piracy and Armed Robbery Against Ships: Annual Report 2023*, International Maritime Organization (IMO), 7 June 2024, MSC.4/Circ.268, p. 2

<sup>29</sup> Joubert, p. 13

<sup>30</sup> “Annual cost of ocean piracy to the world economy is \$37 bn”, Maritime Gateway, 22 October 2024, <https://www.maritimegateway.com/annual-cost-of-ocean-piracy-to-the-world-economy-is-37-bn/>, Accessed 14 December 2024

<sup>31</sup> “Somali pirates might no longer be successfully suppressed: A strategic assessment of the situation is needed.” SafeSeas Statement to Indian Ocean Commission, 30 January 2024, <https://www.safeseas.net/joint-statement-on-piracy-with-ioc-jan-2024/>, Accessed 14 December 2024



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<sup>32</sup> *Reports on Acts of Piracy*, p. 2

<sup>33</sup> Ibid.

<sup>34</sup> McVeigh, Karen, "Impact of warmer seas on fish stocks leads to rise in pirate attacks", The Guardian, 11 May 2023, <https://www.theguardian.com/environment/2023/may/11/impact-of-warmer-seas-on-fish-stocks-leads-to-rise-in-pirate-attacks>, Accessed 14 December 2024

<sup>35</sup> "Annual cost of ocean piracy to the world..."

<sup>36</sup> *Reports on Acts of Piracy*, p. 3

<sup>37</sup> Joubert.

<sup>38</sup> McVeigh.

<sup>39</sup> Ibid.

<sup>40</sup> United Nations Security Council, Resolution 2634: On piracy and armed robbery in the Gulf of Guinea, 31 May 2022, S/RES/2634 (2022)

<sup>41</sup> Ibid.

<sup>42</sup> "Somali pirates might no longer be successfully suppressed...", p.2

<sup>43</sup> Šerić, Matija, "Piracy on the Seas: The Great Security Challenge of The 21st Century", Eurasia Review, 11 May 2023, <https://www.eurasiareview.com/11052023-piracy-on-the-seas-the-great-security-challenge-of-the-21st-century-analysis/>, Accessed 14 December 2024

<sup>44</sup> "Somali pirates might no longer be successfully suppressed...", p. 2.

<sup>45</sup> McVeigh.