

# International legal framework on maritime piracy

E. A. Postoeva<sup>1</sup>, V. A. Shestak<sup>2</sup>

<sup>1</sup> MGIMO University,  
76, pr. Vernadskogo, Moscow, 119454, Russian Federation

<sup>2</sup> Moscow Academy of the Investigative Committee of the Russian Federation,  
12, ul. Vrubelya, Moscow, 125080, Russian Federation

**For citation:** Postoeva, Evgenia A., Viktor A. Shestak. 2023. "International legal framework on maritime piracy". *Vestnik of Saint Petersburg University. Law* 3: 703–720.  
<https://doi.org/10.21638/spbu14.2023.309>

The article examines the phenomenon of piracy crimes based on the study of the international legal framework. The goal set by the authors is to identify possible ways and mechanisms by which States will be able to carry out effective international cooperation to bring pirates to justice and reduce the number of pirate attacks. The authors note that the beginning of the development of the efforts of the international community in the field of combating piracy falls in the middle of the 19<sup>th</sup> century. Further attempts to create a treaty at the beginning of the 20<sup>th</sup> century did not lead to success, but laid the foundation for the adoption of the 1958 Convention on the High Seas and the 1982 UN Convention on the Law of the Sea, which contain the universally recognized concept of piracy. The authors analyze the main elements of the crime of piracy (an illegal act of violence or detention, or any act of depredation; private ends; the "rule of two ships"; outside the jurisdiction of any State) and consider controversial issues of interpretation of these elements. Attention is drawn to the fact that existing sources aimed at countering piracy crimes include the obligation of States to cooperate. Since they do not contain specific forms of international cooperation, but are only limited to a general obligation to provide assistance to the maximum extent possible, the authors consider it appropriate to interpret the obligation of cooperation broadly to include such forms as extradition and mutual legal assistance in the prosecution of piracy crimes. The authors investigate the activities of international and regional organizations in the field of combating piracy and their proposed methods and mechanisms aimed at reducing crime on the high seas. The initiatives proposed by the Russian Federation to combat piracy are being considered.

*Keywords:* maritime crime, maritime piracy, armed robbery against ships, high seas, universal jurisdiction, international cooperation, mutual legal assistance, maritime security.

## 1. Introduction

There are currently three regions in the world that are piracy hotspots. These regions include the Gulf of Guinea, the Caribbean, as well as the basins of the Pacific and Indian Oceans, washing Southeast Asia (Fig. 1)<sup>1</sup>.

In these regions alone, more than a hundred pirate attacks are recorded annually (Fig. 2), which are often associated with other equally serious crimes, such as kidnapping, hostage-taking and murder.

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<sup>1</sup> The International Maritime Bureau provides statistics on piracy and armed robbery without separating them (piracy and armed robbery as incidents).

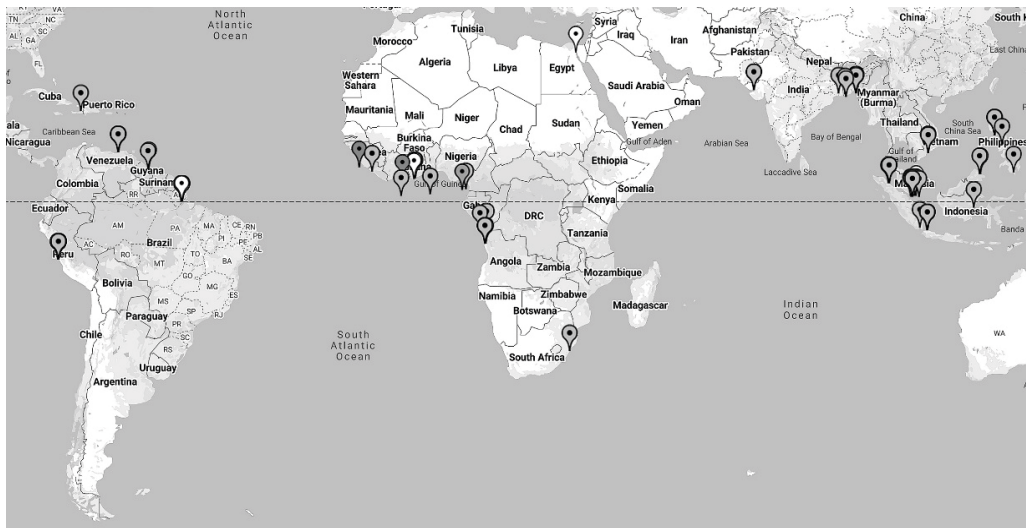


Fig. 1. Piracy and armed robbery in 2022 (source: IMB Piracy & Armed Robbery Map 2022. Accessed June 25, 2023. <https://www.icc-ccs.org/piracy-reporting-centre/live-piracy-map>)



Fig. 2. Statistics of piracy and armed robbery (2017–2022) (source: ICC-IMB Piracy and Armed Robbery Against Ships Report — 1 January — 31 December 2022. Accessed June 25, 2023. <https://www.icc-ccs.org/reports/2022%20Annual%20IMB%20Piracy%20and%20Armed%20Robbery%20Report.pdf>)

In January 2023, 10 incidents were recorded<sup>2</sup>. The number of attacks in January decreased by 2 compared to 12 incidents in 2022 over the same period. There were 13 in-

<sup>2</sup> Piracy monthly report January 2023. Accessed June 25, 2023. <https://www.wco.imo.org/localresources/en/OurWork/Security/Documents/Piracy%20monthly%20report%20January%202023.pdf>.

idents in February 2023, which is 3 cases less than in February 2022<sup>3</sup>. The reduction in the number of reported cases shows a positive trend, but piracy still poses a real threat to maritime security. The waters off the coast of West Africa remain a region with a high risk of pirate attacks<sup>4</sup>. Reports of pirate attacks indicate that the level of violence against crew members remains high in many areas.

Every year piracy causes huge economic damage, takes people's lives, and also makes sailing in these regions extremely unsafe. Over the past decades, States striving for maritime security have been ready to not only provide legal assistance and extradite pirates for their further prosecution, but also to conduct special operations and exercises in these regions, as well as to support coastal States in building up their own potential.

## 2. Basic research

### 2.1. *The origins and existing sources of international legal regulation of countering piracy crimes*

Since ancient times, States have tried to give a general definition of piracy and to fix it as transnational crime in a treaty. However, such attempts did not lead to success until the 19<sup>th</sup> century. As V.F. Sidorchenko rightly notes, contradictions between states in the political and economic spheres led to the fact that many states used pirates and privateers to disrupt the trade of other countries (Sidorchenko 2004, 353–354).

In the middle of the 19<sup>th</sup> century, the foundations were laid for the consolidation of states in the fight against maritime piracy. Initially, in the case of privateering, a private ship was authorized by the state in wartime to attack and capture enemy ships. A letter of marque, that is, a written permission issued by the government, distinguished a privateer from a pirate. A privateer was not a pirate as long as his acts of violence were limited to enemy ships, since such actions were authorized by the belligerent. Privateering was abolished by the Paris Declaration Respecting Maritime Law of 1856, because privateers abused the permits they received and attacked ships for private ends<sup>5</sup>.

In 1924, the Assembly of the League of Nations called for the creation of an ad hoc Committee of Experts on the progressive codification of international law, responsible for preparing a list of topics that need to be settled at the international level. Among the selected topics was piracy. The Committee's report noted that there is a problem in distinguishing piracy, as defined by international law, and piracy, subject to the national laws and agreements of individual States. The draft anti-piracy regulations consisted of eight articles, which were drafted by the Japanese representative M. Matsuda in 1926<sup>6</sup>. The main provisions of the Draft were that piracy can only be committed on the high seas, and the

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<sup>3</sup> Piracy monthly report February 2023. Accessed June 25, 2023. <https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/Piracy%20monthly%20report%20February%202023.pdf>.

<sup>4</sup> "Where have the pirates gone? Maritime Security in West Africa". *Dryad Global*. N. d. Accessed June 25, 2023. <https://www.dryadglobal.com/west-africa-piracy-where-have-the-pirates-gone>.

<sup>5</sup> Declaration Respecting Maritime Law. Paris, April 16, 1856. Accessed June 25, 2023. <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=473FCB0F41DCC63BC12563CD0051492D>.

<sup>6</sup> "Questionnaire No. 6: Piracy. 1926". *The American Journal of International Law* 20 (3): 222–229. Accessed June 25, 2023. <https://doi.org/10.2307/2213211>

State that seized the ship has jurisdiction. At the same time, acts for political reasons cannot be recognized as piracy.

Only one country, Portugal, commented on the provisions of the Draft in the light of the historical use of the word “piracy”. The Portuguese response noted that the pirates did not limit their activities to the high seas. Other States were not at all interested in the draft provisions on piracy. In addition, the Council of the League of Nations expressed the opinion that piracy is not of interest in the modern world to include it in the agenda of the conference, and the conclusion of an agreement is currently difficult (Rubin 1988, 309–310). The draft anti-piracy regulations were rejected.

In 1932, the Harvard Research Group of American scientists, headed by Professor J. Bingham from Stanford University discussed the issues of piracy, namely the lack of a unified concept of this crime at the international and national levels (Campbell 2010, 23–25). The research team prepared a draft convention, commonly known as the Harvard Draft, which contained nineteen articles on piracy with relevant comments<sup>7</sup>. Russian legal scholar R. S. Galiev pointed out that Harvard scientists emphasized that every state had the right to suppress piracy and punish those responsible for this crime. At the same time, the list of actions falling under the definition of piracy was broader than in the existing regulatory sources (Galiev 2015, 26).

Later, the Harvard Draft was used in the work of the International Law Commission (ILC). A number of foreign researchers claim that it was the Harvard Draft that influenced the articles concerning the Law of the Sea, originally prepared by Special Rapporteur J. P. A. Francois<sup>8</sup>. Thus, the Australian law professor D. Guilfoyle noted that these draft articles were largely reproduced first in the 1958 Convention on the High Seas<sup>9</sup>, and then in the 1982 UN Convention on the Law of the Sea (UNCLOS)<sup>10</sup> (Guilfoyle 2014, 7).

Currently, the crimes of piracy are regulated by the 1958 Convention on the High Seas, opened for signature on April 29, 1958 in Geneva. Today, 46 States have signed the Convention. UNCLOS also regulates the issues of countering piracy crimes. UNCLOS was concluded on December 10, 1982 in Montego Bay and was signed by 158 States. Compared to the 1958 Convention on the High Seas, no fundamentally new changes have been made to UNCLOS, so the provisions of UNCLOS will be analyzed further.

UNCLOS contains 10 articles regulating piracy issues. Art. 100 contains a general rule and establishes the obligation of States to cooperate in order to counter piracy crimes. With regard to the definition of piracy, in respect of which States have universal jurisdiction, UNCLOS provides a definition in Art. 101, which will be discussed in detail below.

UNCLOS establishes provisions on the commission of pirate actions by a military or government ship whose crew mutinied. In this case, such ship will be considered private in order to bring crew members to justice for the crime of piracy. UNCLOS also defines a

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<sup>7</sup> Harvard Draft Convention on Piracy 1: Piracy, Piracy and Armed Robbery at Sea: The Legal Framework for Counter-Piracy Operations in Somalia and the Gulf of Aden, September 22, 2011. Accessed June 25, 2023. <https://academic.oup.com/book/27848/chapter-abstract/198186880?redirectedFrom=fulltext>.

<sup>8</sup> Articles concerning the Law of the Sea with commentaries 1956. Accessed June 25, 2023. [https://legal.un.org/ilc/texts/instruments/english/commentaries/8\\_1\\_8\\_2\\_1956.pdf](https://legal.un.org/ilc/texts/instruments/english/commentaries/8_1_8_2_1956.pdf).

<sup>9</sup> Convention on the High Seas done at Geneva on April 29, 1958. Accessed June 25, 2023. <https://www.legal-tools.org/doc/7b4abc-1/pdf>.

<sup>10</sup> United Nations Convention on the Law of the Sea done at Montego Bay on December 10, 1982. Accessed June 25, 2023. [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf).

pirate ship and regulates the issues of retention or loss of nationality by such ship. The provisions of UNCLOS give the right to seize a pirate ship and conduct a visit and hot pursuit.

Resolutions of the UN Security Council (UNSC) play a special role among international legal sources<sup>11</sup>. Since 2008, the UNSC has adopted a number of resolutions aimed at improving international cooperation off the coast of Somalia. According to the resolutions, with the consent of the Transitional Federal Government of Somalia, members of the patrol forces are allowed to enter the territorial waters of Somalia and Somali territory in order to suppress acts of piracy and armed robbery against ship and use all necessary means to suppress such acts. On December 3, 2021, the UNSC adopted a new resolution 2608 on combating piracy off the coast of Somalia<sup>12</sup>. It notes that the adoption of all previous resolutions has led to a reduction in the number of attacks. The authorization of States and regional organizations cooperating with Somalia to use all necessary means to combat piracy was also extended. The UNSC called on the Somali authorities not only to investigate and prosecute pirates, but also to create new mechanisms for the return of property seized by pirates, develop a regulatory framework to combat money laundering, continue patrolling waters and exchanging information with Interpol.

At the regional level, the first agreement that brought together more than a dozen Asian States to combat piracy was the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (RECAAP)<sup>13</sup>. RECAAP has several distinctive characteristics. Firstly, although the original participants of RECAAP are 16 Asian States, any State can join after its entry into force, as stipulated in the agreement. Secondly, RECAAP is the first regional agreement regulating the prevention and suppression of piracy (Zou 2009, 328). Thirdly, the Information Sharing Center, established in accordance with RECAAP, is an international governmental organization designed to carry out international cooperation in the field of countering piracy crimes.

In 2021, the RECAAP Information Sharing Center identified three problem regions and offered some prospects for cooperation<sup>14</sup>:

- Singapore Strait (increase in the number of pirate attacks): information exchange; response to suspicious activity and sound signals; publication of warnings; dialogues with the shipping industry; patrolling;
- port of Manila, Philippines (violence against crew members): intelligence gathering; rapid response to attacks;
- the Sulu and Celebes Seas, Philippines and Indonesia (high threat of abduction of crew members): increasing the vigilance of competent coastal services; constant

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<sup>11</sup> Resolution 1816 (2008), Resolution 1838 (2008), Resolution 1846 (2008), Resolution 1851 (2008), Resolution 1897 (2009), Resolution 1918 (2010), Resolution 1950 (2010), Resolution 1976 (2011). Accessed June 25, 2023. <https://digitallibrary.un.org/?ln=ru>; Resolution 2015 (2011), Resolution 2020 (2011), Resolution 2077 (2012), Resolution 2125 (2013). Accessed June 25, 2023. <https://undocs.org>.

<sup>12</sup> Resolution 2608 (2021) adopted by the Security Council at its 8917<sup>th</sup> meeting, on 3 December 2021. Accessed June 25, 2023. [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2608.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2608.pdf).

<sup>13</sup> The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia was adopted in Tokyo on November 11, 2004. Accessed June 25, 2023. [https://www.recaap.org/resources/ck/files/ReCAAP%20Agreement/ReCAAP%20Agreement\(1\).pdf](https://www.recaap.org/resources/ck/files/ReCAAP%20Agreement/ReCAAP%20Agreement(1).pdf).

<sup>14</sup> Annual Report on piracy and armed robbery against ships in Asia in 2021. Accessed June 25, 2023. <https://www.recaap.org/resources/ck/files/reports/annual/ReCAAP%20ISC%20Annual%20Report%202021.pdf>.

communication with the shipping industry and law enforcement agencies; avoiding confrontation with criminals; prompt reporting of attacks.

The Djibouti Code of Conduct of 2009, concerning the suppression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, provides that the judicial authorities of the State carrying out the seizure of a ship can determine penalties for piracy<sup>15</sup>. The Djibouti Code of Conduct allows that State to waive its fundamental right in exercising jurisdiction and allow another State to apply its laws to the ship or persons on board (Jin, Techera 2021, 5).

In 2013, the Yaounde Code of Conduct was adopted, a regional act that operates on the territory of West and Central Africa<sup>16</sup>. This act expresses concern about the threat that piracy and armed robbery against ships in the Gulf of Guinea pose to international navigation, security and economic development of the States of the region. Unlike the Djibouti Code of Conduct, which focuses on piracy, the Yaounde Code of Conduct contains rules on countering not only piracy and armed robbery, but also other illegal maritime activities, such as illegal fishing, drug smuggling, etc.

## *2.2. International legal characteristics of piracy crimes*

In accordance with Art. 101 of UNCLOS and Art. 15 of the 1958 Convention on the High Seas, the definition of piracy includes four main elements that need to be considered in more detail.

### *2.2.1. An illegal act of violence or detention, or any act of depredation*

When considering the first element, it is worth noting that UNCLOS does not contain definitions of the terms “violence”, “detention” and “depredation”. Scientists at the World Maritime University, located in Malmo, Sweden, say that the main debate is whether the harm should be physical, or whether mental harm can also be considered violent (Logina 2009, 6–7). If we consider a narrow understanding of violence, then only physical harm is included in it. The broader concept of violence also includes mental harm (for example, threats and intimidation). The inclusion of mental harm in the concept of violence correlates with the position of the World Health Organization<sup>17</sup>. UNCLOS does not provide a universal answer to the question of what illegal violence is, the reaction of different States to similar acts of violence may be different, even if all these States are parties to it. Like violence, detention is also illegal unless it is sanctioned by the State. Moreover, the term “detention” must be understood in the broad sense of the word, since detention can be

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<sup>15</sup> Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden was adopted on January 29, 2009. Accessed June 25, 2023. <https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/DCoC%20English.pdf>.

<sup>16</sup> Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and central Africa (Yaoundé Code of Conduct) was adopted in June, 2013. Accessed June 25, 2023. [https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/code\\_of\\_conduct%20signed%20from%20ECOWAS%20site.pdf](https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/code_of_conduct%20signed%20from%20ECOWAS%20site.pdf).

<sup>17</sup> The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation. World Report on Violence and Health, Geneva. 2002. Accessed June 25, 2023. [http://apps.who.int/iris/bitstream/handle/10665/42495/9241545615\\_eng.pdf?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/42495/9241545615_eng.pdf?sequence=1).

carried out not only by official institutions, but also by private persons — crews and passengers of private ships, which directly follows from the definition of Art. 101 UNCLOS.

### 2.2.2. *Private ends*

The second element considers piracy as an act committed for private ends. The French-Israeli legal scholar Y. Gottlieb, who has extensive experience in the field of maritime piracy, says that there are two points of view regarding the interpretation of private ends (Gottlieb 2017, 26–27). The first approach treats “private ends” as financial goals. According to this point of view, the interpretation of private ends will be based on the subjective assessment of the offender (Tanaka 2015, 356). The most significant result of this approach is the exclusion of all acts of maritime terrorism from the scope of the UNCLOS definition. This approach has the disadvantage that in practice there have been situations when a person belonging to a group that committed a pirate attack admits that his main goal was financial gain, while another co-executor claims that in his case the desire to change the political system was of paramount importance, which potentially excludes his actions from the definition of piracy. The second approach to interpretation is based on an objective criterion that distinguishes private ends from public ones (actions authorized by the State), thereby including all acts of violence unauthorized by the State and committed for private ends within the meaning of Art. 101.

This approach was confirmed in the comments of the International Law Commission. The Polish historian, Y. Makhovsky, when studying the issue of the formation of the international legal framework, noted that the conference considered the problem of whether piracy is understood only as actions committed for private ends or also with political ones (Makhovsky 1972, 288). In the course of the work of the ILC, serious differences of opinion on this issue have emerged. In articles concerning the law of the sea, with commentaries, the ILC expressed the following position that piracy can be committed out of hatred or revenge for private ends. This position means that private ends are an integral definition of piracy, but they have a broad scope and include not only the desire for financial enrichment, but also other intentions (Mazyar 2020, 62–63).

The use of an objective criterion has been supported in practice. In *Castle John v. NV Mabeco* (1986), a Belgian court ruled that Greenpeace protesters who took violent actions against a Dutch ship in international waters “in support of a personal point of view” committed an act of piracy. Since the criterion of private ends was met, the Court of Appeal ruled that the jurisdiction provided for by the provisions on piracy was applicable. Therefore, the Court ordered the defendants to refrain from any actions impeding freedom of navigation or dumping of waste<sup>18</sup>.

### 2.2.3. *The “two ships” rule*

This element of the definition considers piracy as an act committed by the crew or passengers of a private ship against another ship. This element aims to exclude attacks

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<sup>18</sup> “*Castle John and Nederlandse Stichting Sirius v. NV Mabico and NV Print 1986*”. *Belgium, Court of Cassation*. Accessed June 25, 2023. <https://www.cambridge.org/core/journals/international-law-reports/article/abs/castle-john-and-nederlandse-stichting-sirius-v-nv-mabeco-and-nv-parfin/830AF191CA29982F87588BB78702DC69>.

committed by government ships from the scope of the definition. The debate about treating the attacks of warships as piratical actions resumed after the attacks of German submarines during World War I and the sinking of neutral ships by unidentified submarines during the Spanish Civil War. This led to the signing of the Nyon Agreement of 1937, in which such attacks were compared with acts of piracy<sup>19</sup>. Thus, Art. 2 of the Nyon Agreement stipulates that any submarine that attacks a ship in a manner contrary to international law is subject to counterattack and destruction.

In articles concerning the law of the sea, with commentaries, the ILC introduced the concept of considering an attack by a government ship whose crew mutinied and seized control of the ship as equivalent to acts of piracy within the meaning of Art. 101. This is consistent with the view that as long as a government ship is not under government control, it is perceived as private, and therefore an attack committed by such a vessel falls under the definition of piracy.

### 2.2.4. Universal jurisdiction

If a State wishes to bring someone to criminal responsibility, it must have jurisdiction over that person (Azubiike 2009, 53). According to UNCLOS, each State has the right to set the width of its territorial sea to a limit not exceeding 12 nautical miles measured from the baselines it has established (Fig. 3).

## Legal Boundaries of the Oceans and Airspace

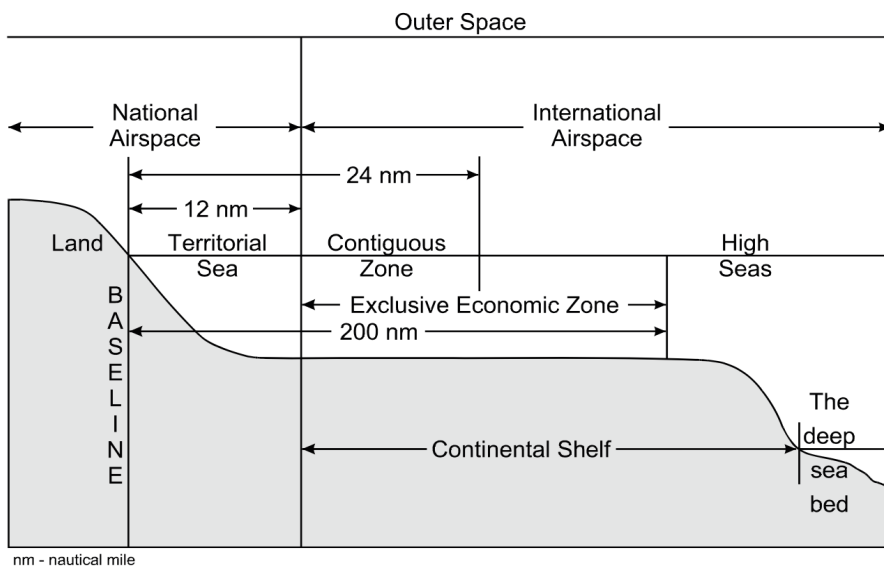


Fig. 3. Maritime zones in accordance with UNCLOS (source: The Commander's Handbook on the Law of Naval Operations. Edition August 2017. Accessed June 25, 2023. [https://www.lawandisrael.org/wp-content/uploads/Topics/Gaza/MaviMarmara/CDRs\\_HB\\_on\\_Law\\_of\\_Naval\\_Operations\\_AUG17.pdf](https://www.lawandisrael.org/wp-content/uploads/Topics/Gaza/MaviMarmara/CDRs_HB_on_Law_of_Naval_Operations_AUG17.pdf))

<sup>19</sup> "The Nyon Agreement entered into force September 14, 1937". Accessed June 25, 2023. <http://hrli-brary.umn.edu/instree/1937a.htm>.



Art. 105 UNCLOS grants States the right to exercise jurisdiction in areas where territorial sovereignty does not exist. There are several explanations according to which the universal principle operates (Paige 2013, 150–152). On the one hand, jurisdiction can be based on the idea that pirates are the enemies of all mankind, so every State has the right to prosecute pirates. Back in 2002, in the case of the arrest warrant in the International Court of Justice, experts shared the opinion that universal jurisdiction can “be exercised only in relation to those crimes that the international community considers the most serious. Piracy is a classic example”<sup>20</sup>.

On the other hand, piracy is not a crime of universal jurisdiction, but is a crime committed outside the sovereign territory of any State, and therefore all States have the right to exercise jurisdiction. Unlike war crimes, genocide, and crimes against humanity, which are clearly based on the severity of the acts committed (and usually occur within the territorial sovereignty zone), such an argument regarding piracy cannot be supported. This point of view is confirmed by the arguments of New Zealand law professor N. Boister about the possibility of creating an International Court on Piracy, where he calls piracy a transnational crime (Boister 2012, 307).

### *2.2.5. Distinguishing piracy from armed robbery against ships and maritime terrorism*

Piracy should be distinguished from armed robbery. The definition of armed robbery is given in IMO Resolution A.922 (22)<sup>21</sup>. The definition of armed robbery was developed to address crimes similar to piracy, but which do not fall under its definition according to UNCLOS. Armed robbery is understood as the commission of actions that fall under the *actus reus* of piracy, but committed within the territorial jurisdiction of the State.

Piracy should also be distinguished from maritime terrorism. It is worth noting that currently there is not a single treaty containing exactly this term. The 1988 Convention for the suppression of unlawful acts against the safety of maritime navigation (SUA Convention)<sup>22</sup> was adopted after the hijacking of the Achille Lauro cruise liner in 1985, when the ship was hijacked by a group of Palestinians posing as passengers<sup>23</sup>. The main purpose of the SUA Convention is to bring to justice acts committed for political reasons (Dutton 2010, 208–210). According to Russian Professor Y.S. Romashev, this follows, firstly, from the history of the creation of the Convention, and, secondly, from the Preamble, which refers to the condemnation of terrorism committed on board or against ships (Romashev 2013, 54–55). At the same time, the developers of the SUA Convention did not pursue the goal of combating piracy. In addition to the difference in goals, international terrorism can be committed within any maritime zones, and not only on the high seas. Some legal scholars, on the contrary, believe that piracy and maritime terrorism

<sup>20</sup> Arrest warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium). Judgement of 14 February 2002. Accessed June 25, 2023. <https://www.icj-cij.org/public/files/case-related/121/13743.pdf>.

<sup>21</sup> Resolution A.922(22). Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships 2001. Accessed June 25, 2023. [https://www.wcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.922\(22\).pdf](https://www.wcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.922(22).pdf).

<sup>22</sup> Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation done at Rome on March 10, 1988. Accessed June 25, 2023. <https://treaties.un.org/doc/db/terrorism/conv8-english.pdf>.

<sup>23</sup> *Klinghoffer v. S.N.C. Achille Lauro*, decided June 21, 1991. Accessed June 25, 2023. <https://www.uniset.ca/other/cs4/937F2d44.html>.

should be considered in unity. So, L. A. Modzhorian believes that the concept of maritime terrorism should be included in the concept of piracy, since there is no fundamental difference between them (Modzhorian 1991, 10). Their common features include a common object, that is, relations in the field of ensuring the safety of maritime navigation, as well as the widespread use of intimidation. However, it is impossible to ignore the fact that the main goal of pirates is still to make a profit, and not political or religious motives. Russian scientist, judge of the International Tribunal for the Law of the Sea, A. L. Kolodkin rightly notes that the expansion of the concept of piracy by including politically motivated violent acts at sea is impossible (Kolodkin 2007, 30–31).

### *2.3. Forms of international cooperation in countering piracy crimes*

Countering piracy requires the commitment and active participation of States. As H. Tuerk, a judge at the International Tribunal for the Law of the Sea, noted that the practice of piracy has been widespread for centuries and continues to pose a threat. As a result, each State not only has the right, but is also obliged to take measures to curb piracy activities (Tuerk 2008, 342). States should take measures both at the national level (criminalization of piracy) and at the international level. The key element is international cooperation, whether directly between States or with the involvement of international organizations and other mechanisms established by States. The same position was held by A. L. Kolodkin, who believed that international law alone cannot solve the problem of piracy, therefore it is necessary to include provisions on piracy in national legislation, as well as to encourage active international cooperation of states (Kolodkin 2007, 11–12).

Art. 100 of UNCLOS refers to the obligation to cooperate in the suppression of piracy. All States should cooperate to the maximum extent possible in suppressing piracy on the high seas. However, UNCLOS has not defined the exact obligations that fall within the scope of the general obligation to cooperate, thus this provision remains open to interpretation with respect to the means that States should use to fulfill this obligation (Gottlieb 2014, 307–308). Although Art. 100 UNCLOS does not establish an absolute obligation, its clear wording implies a presumption of cooperation, which also follows from the general principle of good faith in the performance of contractual obligations. The provisions of UNCLOS do not explicitly require or mention extradition, mutual legal assistance or other forms of international cooperation, but by a broad interpretation of the general obligation to cooperate, it can be concluded that States have an obligation to extradite pirates and provide legal assistance (Cheah 2013, 11). This position has received support in the practice of States.

Judicial practice in piracy cases shows that mutual legal assistance facilitates the efforts of States not only in catching criminals, but also in bringing them to justice. For example, Russia cannot stay away from participating in countering piracy crimes, even though they are committed in regions remote from Russian territory. The victims of crimes are Russian citizens who are taken hostage by pirates. So, on August 15, 2019, the ship *Marmalaita*, sailing under the flag of Antigua and Barbuda, was attacked by pirates off the coast of Cameroon on the night of August 14<sup>24</sup>. Eight members of her twelve-man crew were abducted. The German shipowner MC-Schiffahrt stated that an emergency response team

<sup>24</sup> “Pirates Abduct Eight Crewmembers from Freighter off Cameroon”. *The Maritime Executive*. N. d. Accessed June 25, 2023. <https://www.maritime-executive.com/article/pirates-abduct-eight-crewmembers-from-freighter-off-cameroon>.

was assembled and every effort was made to resolve this case in cooperation with government authorities and the ship's crew leaders. According to the Ministry of Foreign Affairs of the Russian Federation, three of the abducted crew members were Russian citizens. The Investigative Committee of the Russian Federation has instituted criminal proceedings on the abduction of Russian citizens during a pirate attack. As part of the proceedings in the case, requests were sent to foreign countries with a request for mutual legal assistance and information exchange.

Particular attention should be paid to the obligation to exchange information in order to counter piracy crimes. The UNSC resolutions on combating piracy also call on States to exchange information on actions related to piracy and armed robbery against ships<sup>25</sup>. States are responsible for alerting other countries to potential threats by transmitting relevant information and updating international police databases. Thus, in the Corfu Channel case, the International Court of Justice pointed to the obligation of States to notify and warn countries of impending danger on the basis of generally recognized principles, such as elementary considerations of humanity<sup>26</sup>.

The obligation to exchange information with other States presents some difficulties. When exchanging information, restrictions are often imposed for reasons of national security, sovereignty or commercial confidentiality. Art. 302 of UNCLOS stipulates that the State may not provide information that contradicts the basic interests of its security. However, such restrictions should be implemented only as an exception to the general obligation to exchange information arising from Art. 100 UNCLOS. Other difficulties may arise in the exchange of information between the naval forces and law enforcement agencies. All the data collected is classified information, so there are obstacles to the use of data in the course of prosecution, as well as in the course of international cooperation with organizations that usually do not have access to classified information.

## ***2.4. Activities of international and regional organizations in countering piracy crimes***

### ***2.4.1. The United Nations***

The UN is called upon to assist States in applying the international legal framework aimed at countering piracy crimes. Assistance includes the provision of support and technical and any other assistance to States. The activities of the UNSC, which supplements the existing international legal framework on combating piracy with its resolutions, are particularly significant.

In 2002, the UN Office for West Africa and the Sahel (UNOWAS) was opened to achieve peace and security in West Africa<sup>27</sup>. In 2011, the UN Regional Office for Central Africa (UNOCA) was established at the UN<sup>28</sup>. Resolution 2039 (2012), adopted by UNSC, assigns to UNOCA the responsibility for facilitating the search for solutions aimed

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<sup>25</sup> Resolution 1816 (2008) adopted by the Security Council at its 5902<sup>nd</sup> meeting on June 2, 2008. Accessed June 25, 2023. <https://digitallibrary.un.org/record/627953>.

<sup>26</sup> Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania). Judgment, 1949. Accessed June 25, 2023. <https://www.icj-cij.org/en/case/1>.

<sup>27</sup> The United Nations Office for West Africa and the Sahel. N. d. Accessed June 25, 2023. <https://dppa.un.org/en/mission/unowas>.

<sup>28</sup> The United Nations Regional Office for Central Africa. N. d. Accessed June 25, 2023. <https://dppa.un.org/en/mission/unoca>.

at ending piracy committed in the Gulf of Guinea<sup>29</sup>. Resolution 2039 (2012) proposes cooperation with UNOWAS. Both offices played an important role in the preparation and organization of the summit of interested States in Yaounde in June 2013<sup>30</sup>. During the Summit, a regional strategy to combat piracy in the Gulf of Guinea was adopted<sup>31</sup>. Thus, regional maritime patrols should be conducted in accordance with international law and national and regional maritime security strategies should be developed and implemented. UNOWAS, in partnership with UNOCA, supports efforts to develop and adopt a comprehensive Joint Regional Maritime Strategy to effectively combat piracy and related transnational criminal activities in the Gulf of Guinea

The United Nations Office on Drugs and Crime (hereinafter — UNODC) is actively engaged in countering piracy crimes. On October 26, 2020, UNODC and the EU held a parallel event on maritime piracy within the framework of the 10<sup>th</sup> session of the Conference of the Parties to the Palermo Convention<sup>32</sup>. A legal assessment conducted by UNODC throughout the region revealed that only a few countries have sufficient legal framework to effectively prosecute pirates. Moreover, weak national justice systems and the lack of procedures for the collection and transfer of evidence have negative consequences in countering piracy. UNODC recommends that States bring national criminal legislation on piracy in line with UNCLOS and criminalize the financing of piracy.

#### 2.4.2. *International Maritime Organization*

IMO is a specialized agency of the United Nations<sup>33</sup>, which is responsible for the safety and security of international shipping. IMO, with the support of the shipping industry, has developed and adopted a number of anti-piracy measures that have helped mitigate the negative effects of piracy worldwide. IMO provides assistance to Member States that seek to develop their own national or regional measures to combat the threat of piracy or other illegal maritime activities.

In 2021, IMO convened a maritime safety working group in response to the growing number of pirate attacks on ships in the Gulf of Guinea. IMO Secretary General K. Lim expressed concern about the increasing number and severity of attacks on ships and crews in the Gulf of Guinea Region and insisted on the need for stakeholders to work together to restore security and reduce threats to the safety of crews and ships (Schuler 2021).

#### 2.4.3. *Interpol*

Interpol<sup>34</sup> is an international criminal police organization, which, among other things, carries out counteraction to piracy crimes. In this area, Interpol carries out activities in the following areas:

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<sup>29</sup> Resolution 2039 (2012) adopted by the Security Council at its 6727<sup>th</sup> meeting on February 29, 2012. Accessed June 25, 2023. <https://digitallibrary.un.org/record/721780?ln=ru>.

<sup>30</sup> “Fight against maritime piracy”. UNOCA. N. d. Accessed June 25, 2023. <https://unoca.unmissions.org/en/fight-against-maritime-piracy>.

<sup>31</sup> “Security Council, in Statement, Welcomes Adoption of Code of Conduct by Regional Leaders to Prevent Piracy in Gulf of Guinea, August 14, 2013”. UN. 2013. Accessed June 25, 2023. <https://press.un.org/en/2013/sc11091.doc.htm>.

<sup>32</sup> “UNODC set to tackle maritime piracy in the Gulf of Guinea”. UNODC. N. d. Accessed June 25, 2023. <https://www.unodc.org/nigeria/en/unodc-set-to-tackle-maritime-piracy-in-the-gulf-of-guinea.html>.

<sup>33</sup> International Maritime Organization. N. d. Accessed June 25, 2023. <https://www.imo.org>.

<sup>34</sup> Interpol. N. d. Accessed June 25, 2023. <https://www.interpol.int>.

- facilitating the exchange of information; the exchange of information is carried out between the Interpol General Secretariat and the member countries of the Organization through the encrypted Interpol Global Police Communications System (I-24/7);
- strengthening the capacity of rapid response services and law enforcement agencies; thus, Interpol has provided direct assistance to the Kenyan authorities in expanding access to Interpol's information and communication tools; the Kenyan police can use modern investigative tools (fingerprint devices, SIM card readers, etc.) to simplify and improve the effectiveness of further investigations and prosecutions<sup>35</sup>.

#### 2.4.4. *International Maritime Bureau*

International Maritime Bureau (IMB)<sup>36</sup> is a specialized division of the International Chamber of Commerce and a non-profit organization. One of the main areas of competence of IMB is the fight against piracy. In 1992, the IMB Piracy Reporting Center was established. The center is based in Kuala Lumpur, Malaysia. He conducts round-the-clock surveillance of the world's shipping routes, reports on pirate attacks to local law enforcement agencies.

#### 2.4.5. *African Union*

The African Union is a regional intergovernmental organization that unites 55 African States<sup>37</sup>. One of the goals of the African Union's activities is to maintain maritime security, including countering piracy crimes. The African Charter on Maritime Safety, Security and Development in Africa is the result of an Extraordinary Summit of the African Union held in Lomé, Togo, in October 2016<sup>38</sup>. The purpose of the Lomé Charter is to prevent national and transnational crime, including piracy.

On July 23, 2021, the African Union adopted the Communiqué of the 1012<sup>th</sup> Meeting of the African Union Peace and Security Council on the state of maritime security in Africa, which focused on the difficult situation in the field of maritime security, including piracy<sup>39</sup>. States that have not yet signed and ratified the Lomé Charter have been called upon to consider signing and ratifying. The African Union called for further cooperation, dialogue, and exchange of best practices.

It is necessary to note the positive experience of the African Union in the fight against piracy in Somalia. The African Union Mission in Somalia (AMISOM) is assisting the Somali authorities in maintaining security. The fight against piracy must be carried out both on land and at sea, therefore, reducing the threat posed by the Somali terrorist group Harakat al-Shabaab and maintaining stability in this region help to reduce the number of

<sup>35</sup> "Contribution from Interpol to the CGPCS (WG1). Report". UN. N.d. Accessed June 25, 2023. [https://www.un.org/depts/los/general\\_assembly/contributions\\_2010/INTERPOL.pdf](https://www.un.org/depts/los/general_assembly/contributions_2010/INTERPOL.pdf).

<sup>36</sup> International Maritime Bureau. N. d. Accessed June 25, 2023. <https://www.icc-ccs.org>.

<sup>37</sup> The African Union. N. d. Accessed June 25, 2023. <https://au.int>.

<sup>38</sup> The African Charter on Maritime Security, Safety and Development in Africa (the Lomé Charter) 2016. Accessed June 25, 2023. [https://au.int/sites/default/files/treaties/37286-treaty-african\\_charter\\_on\\_maritime\\_security.pdf](https://au.int/sites/default/files/treaties/37286-treaty-african_charter_on_maritime_security.pdf).

<sup>39</sup> Communiqué of the 1012<sup>th</sup> meeting of the African Union Peace and Security Council on the State of Maritime Security in Africa 2021. Accessed June 25, 2023. <https://reliefweb.int/report/world/communique-1012th-meeting-african-union-peace-and-security-council-state-maritime>.

pirate attacks. Since the tasks of combating piracy in the Gulf of Aden were completed, from April 1, 2022, AMISOM was replaced by the African Union Transition Mission in Somalia (ATMIS) in accordance with UNSC Resolution 2628<sup>40</sup>.

#### 2.4.6. Association of Southeast Asian Nations

Association of Southeast Asian Nations (ASEAN)<sup>41</sup> adheres to an integrated and comprehensive approach to solving problems related to maritime security. ASEAN recognizes maritime piracy as a transnational crime. The ASEAN Action Plan on Combating Transnational Crime (2016–2025) stipulates that the continuation of close cooperation of ASEAN member States in the field of preventing and combating transnational crime is an important task<sup>42</sup>. The main duties of the Member States include consultations of ministers, the work of ministers on the extradition of criminals, the expansion of cooperation with other organizations and the development of regional documents.

In 2004, the ASEAN member States, namely Malaysia and Singapore, in cooperation with India, introduced a multilateral measure to combat piracy — Trilateral Coordinated Patrols (MALSINDO)<sup>43</sup>. MALSINDO was needed to coordinate patrols in territorial waters. However, there has been no reduction in the number of pirate attacks since the introduction of this new measure. The main drawback of this measure was the absence of a provision on cross-border navigation into the territorial waters of each of the participating States, since such pursuit could be regarded by the participating States as an encroachment on their sovereignty.

#### 2.4.7. Caribbean Community

The Caribbean Community (CARICOM) Maritime and Airspace Security Cooperation Agreement (CMASCA) is a multilateral agreement between CARICOM member States on the carriage of passengers and boarding of ships<sup>44</sup>. The CARICOM Agreement classifies piracy as an activity that could endanger the security of a participating State or region.

It provides for mechanisms for cooperation and exchange of operational information, and also addresses the issue of jurisdiction over detained courts. The CARICOM Agreement allows ships of the security forces of one State Party to patrol in the waters of another State Party and, subject to certain conditions, to conduct law enforcement operations in the waters of another State Party. In addition, the State may search the ship, its cargo and persons on board, and detain the ship if evidence of any activity that may endanger maritime security is found.

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<sup>40</sup> Resolution 2628 (2022) adopted by the Security Council at its 9009th meeting, on March 31, 2022. Accessed June 25, 2023. [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_RES\\_2628.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_RES_2628.pdf).

<sup>41</sup> ASEAN. N. d. Accessed June 25, 2023. <https://asean.org>.

<sup>42</sup> ASEAN Plan of Action in Combating Transnational Crime (2016–2025). Accessed June 25, 2023. [https://asean.org/wp-content/uploads/2021/01/ASEAN-Plan-of-Action-in-Combating-TC\\_Adopted-by-11th-AMMTC-on-20Sept17-4.pdf](https://asean.org/wp-content/uploads/2021/01/ASEAN-Plan-of-Action-in-Combating-TC_Adopted-by-11th-AMMTC-on-20Sept17-4.pdf).

<sup>43</sup> Launch of Trilateral Coordinated Patrols — MALSINDO Malacca Straits Coordinated Patrol, July 20, 2004. Accessed June 25, 2023. [https://www.nas.gov.sg/archivesonline/data/pdfdoc/MIND-EF\\_20040720001.pdf](https://www.nas.gov.sg/archivesonline/data/pdfdoc/MIND-EF_20040720001.pdf).

<sup>44</sup> CARICOM Maritime and Airspace Security Cooperation Agreement 2008. Accessed February 27, 2022. [https://www.un.org/depts/los/doalos\\_publications/LOSBulletins/bulletinpdf/bulletin68e.pdf](https://www.un.org/depts/los/doalos_publications/LOSBulletins/bulletinpdf/bulletin68e.pdf).

#### 2.4.8. European Union

The EU is one of the main participants in the fight against piracy in the Gulf of Guinea. The EU's interest in combating piracy in this region is due to the fact that European merchant ships constantly ply the waters of the Gulf of Guinea. In 2014, the EU adopted the Gulf of Guinea Strategy, which is a 12-page document describing the scale of the problem, what was done earlier, response measures and further actions to achieve four strategic goals<sup>45</sup>. In addition, the EU has approved an Action Plan in the Gulf of Guinea for 2015–2020, which indicates the results of activities and difficulties faced by countries in countering piracy crimes<sup>46</sup>.

In countering piracy crimes in the Gulf of Guinea, the EU conducts bilateral dialogues with regional organizations and national governments; exchanges information; provides assistance in training employees of national institutions; introduces modern information and communication technologies; supports the economy of the region (increasing employment, supporting fishing and extractive industries).

Summing up the activities of international and regional organizations, we note that a fairly large number of different initiatives are proposed to help reduce pirate attacks. The fight against piracy in Somalia has been actively conducted for more than a decade both on land and at sea. The positive result is that no attacks were recorded in 2022. The fight against piracy in other regions also shows positive dynamics. However, factors such as lack of adequate funding, insufficient professionalism of law enforcement agencies, high crime growth do not make it possible to completely eradicate piracy.

#### 2.5. Russia's participation in the fight against piracy

Since 2009, Russia has proposed the creation of an international tribunal for the prosecution of pirates. Deputy Prosecutor General of the Russian Federation Alexander Zvyagintsev (from January 2003 to December 2015) stated in an interview with Rossiyskaya Gazeta that the Prosecutor General's Office concluded that it was possible to bring to justice persons committing acts of piracy under Russian law<sup>47</sup>. The transfer of detained pirates to Somali institutions does not make sense, since there are no prosecution mechanisms in Somalia. That is why all responsibility for investigative actions, prosecution should be assigned to the state whose vessel captures pirates, he argues.

In 2010, the issue of the creation of an international tribunal arose again. This was due to the fact that piracy off the coast of Somalia was getting worse, as well as legal uncertainty, which forced some States to release suspected pirates. Vitaly Churkin (Permanent Representative of Russia to the UN from April 2006 to February 2017) said that a stable legal mechanism is needed that will not leave pirates unpunished. One of the options, according to Vitaly Churkin, would be the creation of a special tribunal to try suspected

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<sup>45</sup> EU Strategy on the Gulf of Guinea, 2014. Accessed June 25, 2023. <https://www.consilium.europa.eu/media/28734/141582.pdf>.

<sup>46</sup> Joint Staff Working Document. Gulf of Guinea Action Plan 2015–2020. Fifth Implementation Report. 2020. Accessed June 25, 2023. <https://data.consilium.europa.eu/doc/document/ST-6183-2020-INIT/en/pdf>.

<sup>47</sup> Interview of Deputy Prosecutor General of the Russian Federation A. G. Zvyagintsev to Rossiyskaya Gazeta, May 13, 2009. Accessed June 25, 2023. <https://epp.genproc.gov.ru/ru/web/gprf/mass-media/interviews-and-presentations?item=4633619>.

pirates captured off the coast of Somalia. Other UNSC diplomats said that such special tribunals are quite difficult to create, they are expensive mechanisms and may not be worth the cost. According to them, it would be better to cooperate with countries like Kenya to help them continue to prosecute pirates in national courts<sup>48</sup>.

In August 2021, a high-level debate of the UNSC on the topic “Enhancing Maritime Security: A case for international cooperation” was held in the videoconference format on the initiative of India<sup>49</sup>. The President of the Russian Federation took part in the debate and noted that Russia is aimed at combating crime at sea and promoting international cooperation. One of the most effective initiatives proposed by the President of the Russian Federation is the creation within the UNSC of a special body that would combat crimes at sea, piracy, maritime terrorism, hostage-taking. The involvement of experts, researchers, representatives of civil society and private business in the work of such a body would help improve the situation with maritime safety.

The 2015 Maritime Doctrine of the Russian Federation stipulates that one of the goals of the Russian Navy is to maintain maritime security, including taking part in the fight against piracy<sup>50</sup>. So, in October 2021, Russian sailors prevented the hijacking by pirates of the MSC Lucia, sailing under the flag of Panama in the Gulf of Guinea. After receiving a distress signal from the anti-submarine ship “Vice Admiral Kulakov”, a helicopter was lifted, which immediately flew to the area of the crime. Later, the crew was released and the ship was inspected<sup>51</sup>.

In January 2022, Russia, in cooperation with Iran and China, conducted CHIRU 2022 exercises in the Arabian Sea<sup>52</sup>. These exercises were aimed at countering piracy crimes, as well as at practicing rescue at sea. During the exercises, firing, maneuvering, as well as inspections and the release of ships captured by pirates were carried out. The naval exercises were held within the framework of security and military cooperation between the three countries to counter existing threats.

So, Russia is proposing a large number of specific initiatives that could become important and useful mechanisms in the fight against piracy. However, these initiatives have not yet received support in the international community. Nevertheless, Russia continues to cooperate in the field of maritime security and provide legal and technical assistance to other States.

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<sup>48</sup> “Vitaly Churkin called for the creation of international mechanisms for the trial of sea pirates, July 9, 2009”. *UN*. 2009. Accessed June 25, 2023. <https://news.un.org/ru/story/2009/07/1147791>.

<sup>49</sup> “Remarks at Security Council high-level open debate on ‘Enhancing Maritime Security: A case for international cooperation’ [as delivered], August 9, 2021”. *UN*. 2021. Accessed June 25, 2023. <https://www.un.org/sg/en/content/remarks-security-council-high-level-open-debate-‘enhancing-maritime-security-case-for-international-cooperation’-delivered>.

<sup>50</sup> The Maritime Doctrine of the Russian Federation dated on July 26, 2015. Accessed June 25, 2023. [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_208427](http://www.consultant.ru/document/cons_doc_LAW_208427).

<sup>51</sup> In the Gulf of Guinea, Russian marines prevented an attempt by pirates to seize a civilian vessel, October 26, 2021. Accessed June 25, 2023. [https://www.1tv.ru/news/2021-10-26/415368-v\\_gvineyskom\\_zaliv\\_rossiyskie\\_morpehi\\_predotvratili\\_popytku\\_zahvata\\_piratami\\_grazhdanskogo\\_sudna?ysclid=lfll0g3eu801070170](https://www.1tv.ru/news/2021-10-26/415368-v_gvineyskom_zaliv_rossiyskie_morpehi_predotvratili_popytku_zahvata_piratami_grazhdanskogo_sudna?ysclid=lfll0g3eu801070170).

<sup>52</sup> CHIRU-2022: Iran, China and Russia hold exercises in the Gulf of Oman, January 20, 2022. Accessed June 25, 2023. <https://dfnc.ru/c106-technika/chiru-2022-v-omanskom-zaliv-prohodit-uchenie-irana-kitaya-i-rossii>.



### 3. Conclusions

The historical genesis of piracy shows that the attempts made by States to counteract this crime have not always led to success. It was only in the middle of the 19<sup>th</sup> century that States realized the importance of creating an international agreement. So, in the Paris Declaration Respecting Maritime Law of 1856, privateering was abolished. At the beginning of the 20<sup>th</sup> century, the Draft Regulations on combating piracy of the League of Nations and the Harvard Draft of a group of American scientists were developed. The Harvard Draft laid the foundation for the creation of the 1958 Convention and UNCLOS, which summed up the search for a universally recognized definition of piracy.

Not only the 1958 Conventions and UNCLOS are designed to regulate countering piracy crimes, a number of UNSC resolutions expand and supplement the provisions of these Conventions. The resolutions are binding and contain mechanisms to counter piracy crimes, which have shown positive results in reducing attacks off the coast of Somalia. Regional agreements require additional attention, thanks to which the States of a particular region can cooperate in countering piracy crimes. They are designed to contribute to maintaining maritime security in different regions of the world.

Unfortunately, the existing international legal sources do not contain norms on specific forms of international cooperation, but by a broad interpretation of the general obligation to cooperate to the maximum extent possible, it can be concluded that States have an obligation to extradite pirates and provide legal assistance. This conclusion is also confirmed by the existing judicial practice in cases of piracy. States send requests to law enforcement agencies of foreign countries, exchange information, extradite criminals for prosecution and provide mutual legal assistance on other issues related to the investigation of crimes.

International and regional organizations are countering piracy crimes in different directions, but they pursue one goal, which is to reduce the number of pirate attacks and maintain the safety of maritime navigation. The creation of special mechanisms and the conduct of operations in high-risk regions, the exchange of information, assistance to coastal States and their capacity-building, naval cooperation, the exchange of intelligence data are those areas of activity that, when used in an integrated manner, bring positive results and a real reduction in crime.

Russian proposals to create an international tribunal for the prosecution of pirates and a special mechanism for combating crimes at sea under the auspices of the UN show that Russia is ready to fulfill not only its international obligations, but also to introduce new initiatives of a global nature.

In recent years, it is impossible not to note the positive dynamics and a decrease in the number of pirate attacks. The interested states not only cooperated with each other, but also proposed a large number of initiatives, the result of which was not long in coming. It is too early to talk about the complete eradication of piracy, but statistics for 2022 and the beginning of 2023 showed that the once unprecedented surge in piracy in the Gulf of Aden was reduced to isolated attempts of attacks.

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Received: March 3, 2022

Accepted: May 2, 2023

#### Authors' information:

*Evgenia A. Postoeva* — LLM, Postgraduate Student; [postoeva.j@yandex.ru](mailto:postoeva.j@yandex.ru)

*Viktor A. Shestak* — Dr. Sci. in Law, Associate Professor; [viktor\\_shestak@mail.ru](mailto:viktor_shestak@mail.ru)