International Maritime Security Instruments: Why is the Sea Still Dangerous

By

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Abstract

Maritime piracy and armed robbery against ships continue to pose significant challenges to international trade, maritime security, and the safety of navigation despite the existence of established international legal frameworks designed to suppress unlawful acts at sea. This thesis critically examines the effectiveness of international maritime security instruments in addressing contemporary piracy and ensuring safety and security at sea. It explores whether the existing international legal framework, particularly the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention), remains adequate for responding to the evolving nature of maritime criminality in the twenty-first century.

The research adopts a mixed methodological approach combining doctrinal legal analysis with an empirical examination of piracy and armed robbery incidents reported between 1984 and 2024. Drawing upon an original piracy incident database compiled from International Maritime Organization (IMO) Global Integrated Shipping Information System (GISIS) reports, the study analyses long-term piracy trends and evaluates the practical operation of international maritime security instruments. A comparative case study approach is employed, focusing on Southeast Asia, East Africa (Somalia), and West Africa (Gulf of Guinea), to assess how differing governance environments influence piracy patterns, enforcement outcomes, and the effectiveness of maritime security frameworks.

The findings demonstrate that international maritime security instruments remain necessary but are insufficient as standalone mechanisms for addressing contemporary piracy. While UNCLOS and the SUA Convention provide an essential legal foundation for maritime security governance, their effectiveness is constrained by jurisdictional limitations, inconsistent domestic implementation, varying levels of institutional capacity, and enforcement deficits.

The empirical analysis reveals a significant mismatch between the traditional legal conception of piracy and contemporary operational realities, with the majority of reported maritime attacks occurring within territorial waters rather than on the high seas. The study further demonstrates that piracy is geographically differentiated and evolves in response to changing political, economic, and security conditions. Comparative analysis shows that piracy declined significantly in Southeast Asia through effective regional cooperation and governance mechanisms, whereas piracy in Somalia and the Gulf of Guinea was closely associated with weak governance, institutional fragility, socio-economic marginalisation, and limited enforcement capacity.

The thesis argues that piracy is best understood as a multidimensional governance challenge rather than solely a legal or maritime security problem. It proposes an Integrated Maritime Security Governance Framework that combines legal, operational, institutional, and developmental dimensions of governance as a more effective basis for understanding and addressing maritime insecurity. The research contributes to knowledge by providing a forty-year empirical analysis of global piracy trends, demonstrating the limitations of existing international legal frameworks, and advancing a governance-centred explanation of piracy that bridges international law, maritime security, and governance scholarship.

The thesis concludes that ensuring safety and security at sea requires more than the existence of international legal instruments. Sustainable maritime security depends upon effective domestic implementation, strong governance institutions, regional cooperation, enforcement capacity, and the ability to address the underlying political, economic, and environmental conditions that facilitate maritime criminality. Consequently, future maritime security policies should adopt integrated governance approaches capable of responding to the evolving nature of piracy and maritime insecurity.

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Dedication

To God Almighty, whose grace, mercy, and unfailing love have been my source of strength and inspiration throughout this PhD journey. From the beginning to the successful completion of this work, You have remained faithful. To You alone be all the glory.

I lovingly dedicate this thesis to the memory of my late parents, whose sacrifices, unwavering support, and steadfast commitment to my education made this achievement possible. They gave all they could to ensure that I had opportunities they never had and inspired me to strive for excellence in all that I do. Although they are not here to celebrate this accomplishment, I remain forever grateful for their love, values, and enduring influence on my life. This thesis stands as a tribute to their memory and the dreams they nurtured for me.

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Abbreviation

UNCLOS:	United Nations Convention on the Law of the Sea
SUA Convention:	
	The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention)
RECAPP:	Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia,
DCOC:	Djibouti Code of Conduct
JCOC:	Jeddah Code of Conduct
YCoC:	Yaoundé Code of Conduct
ICC- IMB:	International Chamber of Commerce, International Maritime Bureau
IMO:	International Maritime Organization
UN:	United Nations
UNSC	United Nations Security Council
UNCTAD:	United Nations Convention on Trade and Development
EU:	European Union
GISIS:	Global Integrated Shipping Information System (GISIS)
IMB – PRC:	International Maritime Bureau (IMB) Piracy Reporting Centre (PRC)
RSCT	Regional Security Complex Theory (RSCT),

Declaration

This thesis is submitted in partial fulfilment of the requirements for the award of Doctor of Philosophy at Bournemouth University, United Kingdom. I confirm that the work presented is my own, except where appropriate reference has been made to the work of others. I also declare that this thesis has not been submitted, in whole or in part, for any other academic qualification at Bournemouth or elsewhere.

Chapter 1

Introduction and Overview of the Research

Introduction

This chapter introduces the central problem underpinning this thesis: the persistence of maritime insecurity despite the existence of extensive international maritime security instruments. Although legal frameworks such as the United Nations Convention on the Law of the Sea (UNCLOS), complemented by the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) and its Protocols, provide a comprehensive legal architecture for regulating maritime security, the maritime domain remains vulnerable to piracy, armed robbery against ships, and other forms of transnational maritime crime.

This thesis argues that this apparent paradox arises not from the absence of legal frameworks, but from structural weaknesses in their implementation and enforcement. These include jurisdictional fragmentation, sovereignty constraints, uneven state capacity, and the limited attention afforded to the underlying political, economic, and social drivers of maritime insecurity. Against this backdrop, the chapter outlines the research problem, identifies the gap between the normative aspirations of international maritime security instruments and their practical effectiveness, and presents the central argument, research questions, objectives, scope, and methodology of the study. In doing so, it establishes the conceptual and analytical foundation for examining why international maritime security instruments have not fully translated into effective maritime security outcomes.

1.1 Background to the Study

Maritime transport remains the backbone of global trade, with approximately 80% of goods being transported by sea across increasingly interconnected shipping routes. Therefore, the sea remains a central pillar of economic stability, international trade and order, and geopolitical

interactions.[1] The rapid expansion of international maritime trade since the twentieth century has been largely driven by globalisation. However, this growth has also heightened the vulnerability of commercial shipping to maritime security threats, particularly piracy and armed robbery against ships.[2] As a result, these threats have emerged as persistent and evolving challenges within the global maritime security landscape.[3]

The security of these maritime spaces is therefore of critical importance to the stability of the global economy and the safety of international navigation.[4] Despite the development of comprehensive international legal frameworks to safeguard maritime security, piracy continues to pose a persistent and evolving threat in several regions globally.[5] Over the past four decades, piracy has transformed from relatively opportunistic acts of theft into more sophisticated and organised forms of maritime criminality, including kidnapping for ransom and large-scale resource theft.[6] This persistence raises important questions regarding the adequacy of existing international maritime security instruments and their capacity to respond effectively to contemporary maritime piracy threats. It highlights the need to critically examine whether these legal frameworks adequate and effective in addressing the complex realities of piracy in the twenty-first century.

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[1] UN Trade and Development (UNCTAD), 'Review of Maritime Transport 2021'; International Chambers of Shipping (ICS), 'Shipping and World Trade: World Seaborne Trade'; Spencer Feingold and Andrea Williege, 'These are the world's most vital waterways for global trade' (World Economic Forum, 15 February 2024)

[2] Vijay Sakhuja, Security threats and challenges to maritime supply chains, in Kirstin Vingnard, Jane Linekar, and Valerie Compagnion, Maritime Security, July 2010, United Nations Institute for Disarmament Research (UNIDR), Geneva, 3.

[3] Aditi Chatterjee, 'Non-traditional Maritime Security Threats in the Indian Ocean Region' (2014) 10 Maritime Affairs Journal of the National Maritime Foundation of India, 77-95.

[4] Gov. UK, National Strategy for Maritime Security, August 2022, CP 724, HM Government, Gov. UK; Christian Bueger, Timothy Edmunds, and Jan Stockbruegger, Securing the Seas: A Comprehensive Assessment of Global Maritime Security, 2024, The United Nations Institute for Disarmament Research (UNIDIR), Geneva, Switzerland.

[5] Muhammad Farhad Hosen, 'Piracy: Assessing threats to Global Trade and Legal Responses through Case Studies' (2024) 16 Pakistan Journal of Criminology, 1167 – 1188.

[6] Hugh R. Williamson, 'New Thinking in the Fight Against Marine Piracy: Financing and Plunder Pre-Empting Piracy Before Prevention Becomes Necessary' (2013) 46 Case Western Reserve Journal of International Law, 335; Christian Bueger, Timothy Edmunds, 'Blue crime: Conceptualising transnational organised crime at sea' (2020) 119 Marine Policy

1.1.1 Piracy and Armed Robbery against Ships between 1984 and 2024

The contemporary international legal definition of piracy is contained in Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS III) 1982, hereinafter referred to as UNCLOS. UNCLOS III built upon earlier efforts to codify the law of the sea undertaken during UNCLOS I (1958) and UNCLOS II (1960). Consequently, under Article 101, piracy consists of illegal acts of violence, detention, or depredation committed for private ends by the crew or passengers of a private ship against another ship, its crew, passengers, or cargo on the high seas or in a place outside the jurisdiction of any state.[7] This definition of piracy in UNCLOS is overly restrictive, as it is limited to criminal activities against ships occurring in the high seas, without provisions for similar offences committed within territorial waters or port areas, as is often the case. Although SUA, which complements UNCLOS, providing a comprehensive legal architecture for maritime security, encompassing acts committed within and beyond a state's territorial sea, its provisions are not expressly related to "piracy" as in UNCLOS, but generically to unlawful acts against ships.[8]

To address the gaps arising from the restrictive definition of piracy under UNCLOS, the International Maritime Organization (IMO) adopted Resolution A.1025(26) in 2009.[9] The Resolution broadens the definition of armed robbery against ships to include unlawful acts of violence, detention, or depredation committed within a state's internal waters, archipelagic waters, or territorial sea. While this definition helps bridge the jurisdictional gap left by UNCLOS, its practical impact is constrained by its non-binding nature. This limitation is reflected in the Resolution's stated purpose: *"The purpose of this document is to provide Member States with an aide-mémoire to facilitate the investigation of the crimes of piracy and*

[7] The United Nations Convention on the Law of the Sea (UNCLOS), adopted on 10 December 1982 in Montego Bay and entered into force on 16 November 1994, Article 101
[8] SUA Convention 1988 and 2005 Protocol, Articles 3, 3 biz, 3 ter, 3 quater, and Article 4
[9] IMO, Resolution A.1025(26), adopted on 2 December 2009 (Agenda item 10), 18 January 2010, Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships, Annex Article 2(2)

armed robbery against ships".[10] This wording suggests that, rather than creating enforceable legal obligations, the Resolution primarily serves as a guidance instrument for the reporting, investigation, and classification of piracy and armed robbery incidents occurring within areas subject to state jurisdiction. However, in giving domestic effect to UNCLOS, several states, including France,[11] Spain,[12] the Netherlands,[13] the United States,[14] Kenya,[15] and Nigeria,[16] have adopted the nomenclature *"piracy and armed robbery against ships"* to criminalise analogous maritime offences occurring both within territorial waters and on the high seas.

Notwithstanding the existence of these legal and institutional frameworks, a critical analysis of the International Maritime Organization's (IMO) longitudinal data on piracy and armed robbery against ships between 1984 and 2024 reveals the continued prevalence of maritime crime. During this period, 9,020 incidents were reported globally, with Southeast Asia, East Africa, and West Africa accounting for 85.8% of all reported cases.[17] Southeast Asia alone contributed

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[10] Ibid, Article 1

[11] France Piracy Law, Law n° 2011-13 of 5 January 2011

[12] Spanish Penal Code (Ley Orgánica 10/1995), Title XXIV, Chapter V focuses on crimes of piracy and maritime criminality; Spanish Penal Code 2010

[13] Dutch Penal Code (1881). Articles 4 and 381

[14] 18 U.S.C. §1651

[15] Merchant Shipping Act 2009, Sections 369-371

[16] Suppression of Piracy and Other Maritime Offences Act, 2019

[17] IMO, Piracy and Armed Robbery against ships' (16 June 1999) MSC/Circ.622/Rev.1; IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2001, (31 March 2002) MSC.4/Circ.16; IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2002, (17 April 2003) MSC.4/Circ.32; IMO, Reports on Acts of Piracy and Armed Robbery against Ships: Annual reports 2003 (27 April 2004), MSC.4/Circ.50; IMO, Reports on Acts of Piracy and Armed Robbery against Ships: Annual reports 2004, (5 May 2005) MSC.4/Circ.64; IMO, Reports on Acts of Piracy and Armed Robbery against Ships: Annual reports 2005, (22 March 2006) MSC.4/Circ.81; IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2006, (13 April 2007) MSC.4/Circ.98; IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2007, (10 April 2008) MSC.4/Circ.115; IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2008, (19 March 2009) MSC.4/Circ.133; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2009 (29 March 2010) MSC.4/Circ.152; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2010 (1 April 2011) MSC.4/Circ.169; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2011 (1 March 2012) MSC.4/Circ.180; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2012 (2 April 2013) MSC.4/Circ.193; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2013 (1 March 2013) MSC.4/Circ.208; International

56.9% of global incidents, including 29.4% in the South China Sea, 14.4% in the Malacca Strait, and 13.1% in the Indian Ocean.[18] The African region accounts for 28.9% of reported piracy incidents globally, with West Africa (the Gulf of Guinea) contributing 15.7% and East Africa (the Horn of Africa) accounting for 13.2%.[19] To complement the IMO longitudinal database, this study draws on annual reports of the International Chamber of Commerce (ICC) International Maritime Bureau (IMB) to examine the evolution, geographical distribution, and operational patterns of piracy and armed robbery against ships between 1984 and 2024.[20] Furthermore, given the jurisdictional distinction between piracy and armed robbery against ships, the IMO data reveal that only 34.2% of reported incidents occurring on the high seas qualify as piracy under international law,[21] while the remaining 65.8% fall within the category of armed robbery against ships and are therefore subject to the jurisdiction of coastal states.[22] Although Southeast Asia, East Africa, and West Africa constitute some of the world's most strategically important maritime trade routes, they have also remained among the most piracy-

Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2014 (28 April 2015) MSC.4/Circ.219/Rev.1; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2015 MSC.4/Circ. 232; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2016 (30 March 2017) MSC.4/Circ.245; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2017 (16 April 2018) MSC.4/Circ.258; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2018 (1 April 2019) MSC.4/Circ.263; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2019 (27 April 2020) MSC.4/Circ.264; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2020 (29 April 2021) MSC.4/Circ.265; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2021 (15 April 2022) MSC.4/Circ.266; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2022 (19 April 2023) MSC.4/Circ.267; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2023 (7 June 2024) MSC.4/Circ.268; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2024 (17 April 2025), MSC.4/Circ.269)

[18] Ibid

[19] Ibid

[20] ICC – International Maritime Bureau, Piracy Reporting Centre, London, UK; IMO, Reports on Piracy, n 17

[21] UNCLOS, Article 101, n 7

[22] IMO, Article 2(2), n 9

prone maritime regions.[23] Drawing upon four decades of IMO data, the study investigates global and regional piracy trends, identifies major hotspots and underlying drivers, and evaluates the effectiveness of international legal and institutional responses. In addition, a comparative legal analysis is undertaken to examine the extent to which existing maritime security frameworks address the complex and evolving nature of piracy. Given that approximately 86% of reported incidents occurred in Southeast Asia, East Africa, and West Africa during the study period, these regions are selected as case studies through which to assess the effectiveness of UNCLOS in responding to contemporary maritime piracy.

1.1.2 International Maritime Security Instruments and Enforcement Challenges

In response to the persistent threat of piracy and other forms of maritime insecurity, the United Nations and the International Maritime Organization (IMO) developed a comprehensive legal and regulatory framework aimed at promoting maritime security. Central to this framework is the United Nations Convention on the Law of the Sea (UNCLOS), which defines maritime zones, allocates jurisdictional authority, and codifies the international law of piracy, including the principle of universal jurisdiction for acts committed on the high seas.[24] Complementing UNCLOS is the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention), which broadens the legal response to maritime insecurity by criminalising a wider range of unlawful acts against ships and maritime navigation.[25]

In addition to these conventions, the IMO has established a range of operational and cooperative mechanisms to strengthen maritime security. These include the Regional

[23] ICC International Maritime Bureau, Piracy And Armed Robbery Prone Areas And Warnings, https://icc-ccs.org/piracy-and-armed-robbery-prone-areas-and-warnings/ Accessed 12/12/2025; BBC News, Piracy in West Africa: The world's most dangerous seas? BBC News, (Africa, 19 June 2019)
[24] UNCLOS, Articles, 100-107
[25] The Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988, Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 2005, Articles 3, 3 bis, 3 tier, 3 quater

Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP),[26] the Djibouti Code of Conduct and its Jeddah Amendment (2017),[27] and the Yaoundé Code of Conduct (YCoC),[28] alongside various policy guidelines and capacity-building initiatives aimed at combating piracy and armed robbery against ships.[29] Furthermore, the United Nations Security Council has adopted a series of resolutions intended to support international peace and security and facilitate international cooperation against maritime crime.[30] Collectively, these instruments form the foundation of the contemporary international maritime security regime.

Despite the existence of this extensive legal and institutional framework, piracy and armed robbery against ships continue to threaten maritime security and international commerce.[31] This persistence raises important questions regarding the effectiveness of existing maritime security instruments.[32] Unlike the Somali piracy crisis, where attacks predominantly occurred on the high seas, most contemporary incidents in Southeast Asia and the Gulf of Guinea occur

[26] Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ASIA) (signed on November 2004 and came into force in September 2006)

[27] Djibouti Code of Conduct concerning the repression of piracy and armed robbery against ships in the western Indian and the Gulf of Aden (adopted on 29 January 2009), Jeddah amendment 2017

[28] Yaoundé Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa (West and Central Africa including the Gulf of Guinea) (adopted on June 2013)

[29] IMO, Implementation of Best Management Practice Guidance, 20 May 2011, Annex 29, Resolution MSC.324(89), MSC 89/25/Add.4; IMO, Piracy and Armed Robbery against Ships in Waters off the Coast of Somalia, 16 June 2009, Ref. T2-MSS/2.11.4.1 MSC.1/Circ.1332; IMO, Prevention and Suppression of Piracy Armed Robbery against Ships, and Illicit Maritime Activity in the Gulf of Guinea, 5 February 2014, A 28/Res.1069, Resolution A.1069(28), Adopted on 29 November 2013 (Agenda item 7); IMO, Revised Industry Counter Piracy Guidance, 14 June 2021, MSC.1/Circ.1601/Rev.1

[30] United Nations Security Council, Resolution 1846 (2008), Adopted by the Security Council at its 6026th meeting, on 2 December 2008, S/RES/1846 (2008); UN Security Council, Security Council Resolution 1816 (2008) on acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia, 2 June 2008, S/RES/1816 (2008); UN Security Council, Resolution 2608 (2021) adopted by the Security Council at its 8917th meeting, on 3 December 2021, S/RES/2608 (2021).

[31] IMO, reports on piracy, n 17

[32] Daud Hassan, Sayed Hasan, 'Effectiveness of the Current Regimes to Combat Piracy in the Gulf of Guinea: An Evaluation' (2017) 10 African Journal of Legal Studies, 35; Devotha Edward Mandanda, GUO Ping, 'The Gulf of Guinea Piracy: Impact and Effectiveness of Control Measures' (2016) 55 Journal of Law, Policy and Globalization, 105

within territorial waters and other maritime zones under state jurisdiction. Consequently, the universal jurisdiction provisions of UNCLOS are often inapplicable, leaving enforcement dependent upon the capacity and willingness of coastal states to investigate and prosecute offenders.[33]

Moreover, the effectiveness of these instruments is constrained by a range of legal, political, and institutional challenges,[34] including jurisdictional limitations, sovereignty concerns, evidentiary difficulties, inconsistent domestic implementation, and inadequate enforcement capacity.[35] Collectively, these challenges undermine the practical effectiveness of international maritime security instruments and contribute to the continued prevalence of piracy and armed robbery against ships.[36] The resulting disconnect between the sophistication of the legal framework and the persistence of maritime insecurity forms the central problem addressed in this thesis. It raises the fundamental question of why the seas remain vulnerable despite the existence of extensive international maritime security instruments and whether these frameworks are sufficiently equipped to address contemporary piracy and armed robbery against ships.

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[33] Robert C. Beckman, 'The piracy regime under UNCLOS: problems and prospects for cooperation', in Robert Beckman and J. Ashley Roach (eds), *Piracy and International Maritime Crimes in ASEAN*, (Monograph Book, 2012) 17-37; Jing Jin, Erika Techera, 'Strengthening Universal Jurisdiction for Maritime Piracy Trials to Enhance a Sustainable Anti-Piracy Legal System for Community Interests' (2021) 13 Sustainability, 7268

[34] Barbara Stepien, Mauro Rivera, 'Law Enforcement in Autonomous Shipping: Rethinking Jurisdictional Challenges under UNCLOS' (2025) 74 International and Comparative Law Quarterly, 47-62; Christian Bueger, Timothy Edmunds, and Jan Stockbruegger, 'UNCLOS under Fire: Recalibrating Maritime Security Governance' (2025) 74 International and Comparative Law Quarterly, 85-102.

[35] UK Parliament, UNCLOS: the law of the sea in the 21st century, 1 March 2022, International Relations and
Defence Committee, 2nd Report of Session 2021–2221st century, HL Paper 159, House of Lords, 15-26.

[36] Hellenic Shipping News Worldwide, Piracy: A continuing threat to seafarers, 31 January 2026, Hellenic Shipping News Piracy: A continuing threat to seafarers | Hellenic Shipping News Worldwide Accessed 1/2/2026; ICC News Article, Maritime Piracy Dropped in 2024, but crew safety remains at risk, 14 January 2025, ICC-IMB;

1.2 Problem Statement

The prevailing narrative in international law suggests that the creation of legal instruments enhances order and predictability.[37] However, the maritime domain presents a paradox. Maritime piracy continues to pose a significant threat to international shipping, global trade, and maritime security, despite the existence of well-established international legal frameworks designed to suppress unlawful acts at sea.[38] Instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) provide the legal foundation for addressing piracy and related maritime crimes.[39] However, empirical evidence indicates that piracy has persisted and, in some regions, evolved into more sophisticated and violent forms of maritime criminality, including kidnapping for ransom, petro-piracy, and organised transnational operations.[40]

This persistence raises fundamental concerns regarding the adequacy and effectiveness of existing international maritime security instruments. One of the central challenges lies in the jurisdictional limitations of UNCLOS, which primarily addresses piracy on the high seas and does not fully encompass acts occurring within territorial waters, where a significant proportion of contemporary piracy incidents take place.[41] Although the SUA Convention expands the legal framework by criminalising a broader range of unlawful acts,[42] its practical effectiveness is

[37] House of Lords, Rules-based International Order, Volume 842,16 January 2025, UK Parliament
[38] United Nations Secretary General, As Maritime Security Threats Grow More Complex, 'Enhanced Coordination, Stronger Maritime Governance Essential', Secretary-General Tells Security Council, 20 May 2025, SG/SM/22657
[39] UNCLOS, Article 101; SUA Convention Article 3; SUA Protocol Articles *3bis, 3 ter, 3 quater*
[40] IMO Reports of Piracy and Armed Robbery against Ships, n 17
[41] Christian Bueger, Timothy Edmunds, and Jan Stockbruegger, 'UNCLOS under Fire: Recalibrating Maritime Security Governance' (2025) 74 International and Comparative Law Quarterly, 85-102; Tamsin Phillipa Paige, 'Maritime Piracy' in Pedro Caeiro, and others (eds), *Elgar Encyclopedia of Crime and Criminal Justice* (UK, Edward Elgar Publishing, 2024) 538
[42] SUA Convention and Protocol Articles 3, *3ter, 3 bis, 3 quater*

constrained by uneven ratification, inconsistent domestic implementation, and limited enforcement capacity in several coastal states.[43]

In addition to legal limitations, the effectiveness of maritime security instruments is significantly influenced by variations in state capacity, governance structures, and institutional effectiveness. Regions such as Southeast Asia, East Africa, and West Africa demonstrate differing levels of success in addressing piracy, largely due to disparities in maritime enforcement capabilities, judicial systems, and regional cooperation mechanisms.[44] In areas characterised by weak governance, political instability, and socio-economic marginalisation, piracy continues to thrive despite the presence of international legal frameworks.[45]

Furthermore, this thesis argues that piracy is not merely a legal problem but a manifestation of deeper socio-economic and environmental conditions, including poverty, unemployment, illegal fishing, and environmental degradation in coastal communities.[46] Consequently, the effectiveness of existing maritime security frameworks is constrained by their limited attention to these underlying drivers, thereby restricting their ability to provide sustainable long-term solutions to maritime insecurity.[47]

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[43] Mohamed Elkassar, 'International legal and practical challenges in combating maritime crime, an analysis (based on the UNODC Maritime Crime Manual)' (2025) 11 International Journal of Law, 118-124

[44] Neslihan Küçük, and others, 'Hotspot analysis of global piracy and armed robbery incidents at sea: A decadal review of regional vulnerabilities and security strategies' (2025) 260 Ocean & Coastal Management

[45] Christian Bueger, 'Learning from Piracy: Future Challenges of Maritime Security Governance' (2015) 1 Forthcoming in Global Affairs; M.A Osogi, and others 'Maritime Piracy, Resource Conflict and the Future of Coastal Economies' (2025) 9 International Journal of Scientific and Engineering Research

[46] Funda Yercan, Oktay Cetin & Rahim Conguloglu, 'The economic impact of piracy: a critical assessment of maritime security and trade disruptions in the Gulf of Guinea' (2026) 28 Maritime Economics and Logistics, 163; Parvathi Rajagopal & Fatimath Musskan, 'Waves of Plunder: The Economic Impacts and Legislative Responses to Maritime Piracy' (2022) V, Indian Journal of Integrated Research in Law, 1922; Anup Phayal, 'All maritime crimes are local: Understanding the causal link between illegal fishing and maritime piracy' (2024) 109 Political Geography; Joe Herbig and Henri Fouche, 'Maritime Piracy and Conservative Crime in Africa: Has the Die been Cast for an Environmental Disaster?' (2013) 26 Acta Criminologica: Southern African Journal of Criminology, 37.

[47] United Nations Press Release, 'Without Maritime Security, There Can Be No Global Security', Secretary-General Tells Security Council, Calling on Greater Respect for International Law, 20 May 2025, SC/16065

The core problem addressed by this thesis is the disconnect between the existence of international maritime security instruments and their practical effectiveness in combating piracy and armed robbery against ships. It argues that, while international frameworks such as UNCLOS and the SUA Convention provide an important legal foundation for maritime security governance, their effectiveness is constrained by jurisdictional limitations, enforcement challenges, uneven state capacity, and insufficient attention to the underlying drivers of maritime insecurity. Consequently, the persistence of piracy raises important questions regarding the adequacy of existing legal and governance frameworks. By addressing these issues, the research seeks to contribute to both academic debate and policy development on international maritime security.

1.3 Research Gap

Existing scholarship on maritime piracy generally falls into three broad categories: doctrinal analyses of UNCLOS and the legal definition of piracy;[48] regional studies examining piracy within specific maritime hotspots;[49] and assessments of operational and military responses to

[48] Elizabeth Nyman, 'Modern Piracy and International Law: Definitional Issues with the Law of the Sea' (2011) 5 Geography Compass, 863-874; Nilasari Nilasari and Lorna Steele, 'UNCLOS Definition of Piracy: Is it still Relevant for Modern Piracy?' (2022) Mulawarman Law Review, 89-101; Christian Bueger, Timothy Edmunds, Jan Stockbruegger, 'UNCLOS under Fire: Recalibrating Maritime Security Governance' (2025) 74 International and Comparative Law Quarterly. 85-102; Randall Christopher Bray, 'Implications of the UNCLOS definition of piracy on Seychelles prosecutions specifically addressing the incorporation of the definition of piracy in article 101 of UNCLOS and the implications for Seychelles piracy prosecutions' (2012) 34 War Crimes Memoranda; Musili Wambua, 'A critical review of the global legal framework on piracy: 40 years after UNCLOS' (2022) 18 Maritime Affairs: Journal of the National Maritime Foundation of India, 134–148; Rytis Satkauskas, 'Piracy at sea and the limits of international law' (2011) 1 Aegean Review of the Law of the Sea and Maritime Law, 217–235.

[49] Carolin Liss, 'Piracy in Southeast Asia: Trends, hot spots and responses' in Carolin Liss and Ted Biggs (eds) *Piracy in Southeast Asia* (Routledge 2016); Muhammad Farhad Hosen, 'Piracy: Assessing threats to Global Trade and Legal Responses through Case Studies' (2024) 16 Pakistan Journal of Criminology, 1167-1188; Whitney Akhahenda, and others, ' Analysis of maritime piracy trends and patterns using spatial autocorrelation in Africa' (2024) 8 Journal of International Maritime Safety, Environmental Affairs, and Shipping; Anyu, J. Ndumbe and Samuel Moki. 'Africa: The Piracy Hot Spot and Its Implications for Global Security' (2009) 20 Mediterranean Quarterly, 95-121; Zhaoyang He & Chengjin Wang, 'Evolving regularity and geographical patterns of global piracy incidents distribution' (2025) 38, Security Journal, Article 11; Neslihan Küçük, and others, 'Hotspot analysis of global piracy and armed robbery incidents at sea: A decadal review of regional vulnerabilities and security strategies'

maritime security threats.[50] Comparatively less attention has been devoted to the structural limitations embedded within the design and operation of international maritime security instruments themselves. Insufficient scholarly attention has been paid to the ways in which jurisdictional fragmentation, sovereignty constraints, and dependence on domestic enforcement mechanisms undermine the effectiveness of the international maritime security framework.

This thesis seeks to address this gap by drawing upon comprehensive empirical data on piracy and armed robbery against ships between 1984 and 2024 to critically examine the architecture of international maritime security governance. Rather than merely documenting incidents of maritime crime, it evaluates the extent to which existing international maritime security instruments are capable of responding effectively to contemporary maritime security challenges and explores the factors that continue to impede their implementation and effectiveness.

1.4 Central Argument

This thesis advances the argument that the persistence of maritime insecurity is not merely evidence of regulatory failure, but rather a predictable consequence of a governance model that disperses enforcement responsibility across sovereign states without ensuring uniform capacity, accountability, or coordination. International maritime security instruments provide

(2025) 20 Ocean & Coastal Management; Jennifer C. Bulkeley, 'Regional Cooperation on Maritime Piracy: A Preclude to Creater Multiteralis in Asia?' (2003) 14 Journal of Public and International Affairs

[50] Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62–69; Christian Bueger, 'Learning from Piracy: Future Challenges of Maritime Security Governance (2015) 1 Forthcoming in Global Affairs; Stefan Mair, (Ed.), Research Report, Piracy and maritime security: Regional characteristics and political, military, legal and economic implications, n 31; Robert Snoddon, 'Piracy and Maritime Terrorism: Naval Responses to Existing and Emerging Threats to the Global Seaborne Economy' in Peter Lehr (ed) *Violence at Sea* (Routledge, 2006); Brian Wilson, 'Responding to Asymmetric Threats in the Maritime Domain: Diplomacy, Law and Naval Operations' (2010) 5. Maritime Affairs: Journal of the National Maritime Foundation of India, 68–85; Brandon C. Prins, and others, 'Maritime Piracy and Foreign Policy' (2022) Oxford Research Encyclopedia of Politics

an extensive framework of rights, obligations, and cooperative mechanisms, yet they lack a centralised enforcement authority. Instead, they privilege state sovereignty, depend heavily upon national jurisdiction, and presuppose the existence of effective domestic legal and institutional systems. Where these conditions are absent or weak, enforcement gaps emerge. Such gaps create opportunities for criminal actors to exploit jurisdictional ambiguities and capacity deficiencies, particularly in regions characterised by weak maritime governance and limited enforcement capabilities. Consequently, this thesis argues that the continued prevalence of piracy and armed robbery against ships reflects not a lack of legal regulation, but the limitations of a decentralised enforcement regime that insufficiently addresses both structural enforcement deficits and the underlying land-based drivers of maritime insecurity.

1.5 Research Question

The central purpose of this study is to evaluate the effectiveness of international maritime security instruments in addressing piracy and enhancing maritime security. Considering the challenges associated with the implementation and enforcement of international maritime security frameworks by states, the study is guided by the following overarching research question: To what extent are existing international maritime security instruments effective in combating piracy and enhancing maritime security, particularly in the context of definitional limitations, governance deficits, state capacity constraints, and the land-based drivers of maritime insecurity?

To answer this overarching question, the study addresses the following subsidiary research questions:

1. To what extent do existing international maritime security instruments provide an effective legal and institutional framework for addressing contemporary maritime piracy and enhancing maritime security?

2. To what extent do definitional limitations within international maritime law, particularly the definition of piracy, affect the ability of states and international institutions to respond effectively to maritime insecurity?
3. How do governance weaknesses, state capacity constraints, socio-economic grievances, political instability, resource disputes, and land-based disputes contribute to the incidence and persistence of piracy, particularly in East and West Africa?
4. What insights do piracy incident data from the IMO and IMB databases between 1984 and 2024 provide regarding the effectiveness of international maritime security instruments?
5. What legal, institutional, governance, and capacity-building reforms are necessary to develop a more integrated framework for addressing piracy and maritime insecurity?

1.6 Research Methodology

This research adopts a mixed qualitative and empirical legal methodology. The study employs doctrinal legal analysis to examine the international legal framework governing maritime security, including UNCLOS, the SUA Convention, relevant IMO instruments, and regional maritime security initiatives. A comparative approach is used to assess the implementation of these frameworks in piracy-prone regions, particularly East and West Africa. The doctrinal and comparative analyses are supplemented by an empirical examination of piracy incident data obtained from the International Maritime Organization (IMO) and the International Maritime Bureau (IMB) covering the period from 1984 to 2024. The empirical data are used to assess trends in piracy incidents and to evaluate whether the adoption and implementation of international maritime security instruments have translated into measurable improvements in maritime security outcomes. This methodology approach is discussed in detail in Chapter 3.

1.7 Research Aim

This thesis critically evaluates the effectiveness of international maritime security instruments in combating piracy and armed robbery against ships and examines the factors that constrain their implementation and enforcement. It assesses whether the predominantly legal and security-oriented framework embodied in international maritime law adequately addresses the governance challenges, jurisdictional limitations, state capacity deficits, and underlying socio-economic drivers that sustain maritime insecurity. Through doctrinal, comparative, and empirical analysis, the thesis advances a more integrated approach to maritime security that combines legal regulation, enforcement mechanisms, governance reforms, and measures aimed at addressing the root causes of piracy.

1.8 Research Objectives

To achieve this aim, the study seeks to:

Critically examine the international legal and institutional framework governing maritime security, with particular emphasis on the United Nations Convention on the Law of the Sea (UNCLOS), the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention), and related international and regional maritime security instruments, in order to assess their effectiveness in addressing contemporary piracy and maritime insecurity.

Critically assess the conceptual, definitional, and jurisdictional limitations within the international legal framework on piracy and armed robbery against ships and evaluate the extent to which these limitations facilitate or constrain effective responses to contemporary maritime crime.

Evaluate the effectiveness of international maritime security instruments through an empirical analysis of piracy and armed robbery against ships using data from the International Maritime Organization (IMO) and the International Maritime Bureau (IMB) between 1984 and 2024,

with a view to determining whether these instruments have contributed to measurable improvements in maritime security outcomes.

Investigate the extent to which governance deficits, institutional weaknesses, state capacity constraints, political instability, socio-economic grievances, and land-based disputes contribute to the persistence of piracy and armed robbery against ships and assess how these factors affect the implementation and effectiveness of international maritime security instruments.

Undertake a comparative analysis of piracy dynamics in Southeast Asia, East Africa, and West Africa to examine how variations in governance capacity, institutional development, legal frameworks, and socio-economic conditions influence both the prevalence of piracy and the effectiveness of counter-piracy responses.

Develop an integrated maritime security framework that moves beyond predominantly legal and security-centred approaches by incorporating governance reform, capacity-building, conflict resolution, and measures aimed at addressing the underlying drivers of maritime insecurity.

1.9 Significance and Relevance of the Research

This research is significant in both academic and policy contexts as it addresses the persistent challenge of maritime piracy within the framework of international maritime law and global security governance. Despite the existence of established legal instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA), piracy remains a recurring threat to international shipping, global trade, and regional stability.[51] This raises important

[51] Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62–69; United Nations Conference on Trade and Development (UNCTAD), Maritime Piracy Part II: An Overview of the International legal Framework and Multilateral Cooperation to Combat Piracy, 2014, Studies in Transport Law and Policy – 2014 No.2 UNCTAD/DTL/TLB/2013/3, United nations

questions regarding the continued relevance and effectiveness of these instruments in addressing contemporary maritime security challenges.

From an academic perspective, the thesis contributes to the existing body of knowledge by bridging the gap between doctrinal legal analysis and empirical evidence. While previous studies have often examined piracy either as a legal issue or as a security problem,[52] this research adopts an integrated approach by combining legal analysis with longitudinal piracy data spanning four decades (1984–2024). In doing so, it advances scholarly understanding of how international legal frameworks operate in practice across different governance contexts and highlights the limitations of relying solely on formal legal provisions to address complex transnational crimes. The research is also significant for its comparative regional focus, examining piracy across Southeast Asia, East Africa, and West Africa. By analysing these three major piracy hotspots, the study demonstrates that piracy is not a uniform global phenomenon but rather a context-specific challenge shaped by varying political, economic, and institutional conditions. This comparative approach provides a more nuanced understanding of how

[52] Christian Bueger, 'Piracy studies: Academic responses to the return of an ancient menace' (2014) 49 Cooperation and Conflict, 406-416; Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' n 48; Christian Bueger, Jan Stockbruegger, 'Oceans, Objects, and Infrastructures: Making Modern Piracy' (2024) 4 Global Studies Quarterly; Arabella Thorp, Preventing and prosecuting piracy at sea: legal issues, 28 February 2012, Standard Note: 6237, House of Commons, UK Parliament; Melanie O'Brien, 'Where Security Meets Justice: Prosecuting Maritime Piracy in the International Criminal Court' (2013) 4 Asian Journal of International Law, 81-102; Chatham House, Piracy and Legal Issues: Reconciling Public and Private Interests, 1 October 2009, Africa Programme and International Law Conference Report; Christian Bueger, 'Learning from piracy: future challenges of maritime security governance' (2015)1 Global Affairs, 33–42; Zhaoyang He, and others, 'Assessment of global shipping risk caused by maritime piracy' (2023) 9 Heliyon; Suwita Hani Randhawa, 'When criminalisation fails in global politics: Piracy's unsuccessful recognition as an international crime' (2025) 1 Review of International Studies, 1-20; Robert Beckman & Monique Page, 'Piracy and Armed Robbery Against Ships' In: Martin Gill, (eds) *The Handbook of Security* (Palgrave Macmillan, London, 2014) 234-255; Lisa Otto & Leaza Jernberg, 'Maritime Piracy and Armed Robbery at Sea' In: Otto, L. (eds) *Global Challenges in Maritime Security. Advanced Sciences and Technologies for Security Applications. (*Springer, Cham. 2020) 95-110; Achmad Jaya Muhiddin Saleh, and others, 'Enforcement of Sovereignty and Legal Measures Against Acts of Piracy at Sea Considered as a Form of Maritime Terrorism in Indonesian Waters' (2025) 8 International Journal of Social Science and Human Research, 2969-2979; Panagiotis K. Gerontas, 'Private and Privateering: The Timeless Threats to Maritime Security (2025) 6 Security Science Journal, 92.

governance capacity, regional cooperation mechanisms, and socio-economic factors influence maritime security outcomes.

From a policy perspective, the findings of this research are highly relevant to international organisations, regional bodies, and national governments responsible for maritime security. The study highlights key legal and operational gaps within existing frameworks, including jurisdictional limitations, uneven implementation, and capacity constraints. By identifying these gaps, the research provides evidence-based insights that can inform legal reform, capacity-building initiatives, and regional cooperation strategies aimed at strengthening maritime security governance. Furthermore, the research is relevant to broader discussions on global trade and economic security, as maritime transport remains a critical component of the global economy.[53] Disruptions caused by piracy not only threaten seafarers' safety but also increase shipping costs, insurance premiums, and supply chain risks.[54] Addressing piracy effectively is therefore essential for maintaining the stability and efficiency of international trade. The findings may support governments in piracy-affected states by identifying practical pathways to improving maritime law enforcement, prosecutorial capacity, and inter-agency coordination, thereby contributing to more effective implementation of international obligations.

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[53] UN Trade & Development (UNCTAD), Review of Maritime Transport 2024: Navigating maritime chokepoints, 22 October 2024, UNCTAD; European Commission, Maritime Transport - EU Blue Economy Observatory, 2025, European Union; United Nations Secretary General, Maritime Transport Is 'Backbone of Global Trade and the Global Economy', Says Secretary-General in Message for International Day, 22 September 2016, SG/SM/18129-OBV/1663-SAG/486, United Nations; Yui-yip Lau, and others, 'Maritime transport resilience: A systematic literature review on the current state of the art, research agenda and future research directions' (2024) 251 Ocean & Coastal Management; Alexandra Fratila (Adam) and others, 'The Importance of Maritime Transport for Economic Growth in the European Union: A Panel Data Analysis' (2021) 13 Sustainability, 7961

[54] Karmen Perković, The Influence of Piracy on Security of Ships – an overview of current state, 8-9 May 2025, Conference: 11th International Maritime Science Conference – IMSC 2025.At: Split, Croatia; Zhaoyang He, and others, 'Assessment of global shipping risk caused by maritime piracy' (2023) 9 Heliyon; Funda Yercan, Oktay Cetin & Rahim Conguloglu, 'The economic impact of piracy: a critical assessment of maritime security and trade disruptions in the Gulf of Guinea' (2026) 28 Policy Perspectives, 163–187

Finally, this study is timely. As maritime trade continues to expand and new security challenges emerge, including cyber threats to shipping and geopolitical competition at sea, the limitations of the existing international maritime security instruments become more pronounced. The study has practical relevance in highlighting the need for a more integrated approach to maritime security, as it combines international legal frameworks with effective governance, institutional capacity, and socio-economic development strategies. By demonstrating the interconnected nature of legal, political, and economic factors in shaping maritime security outcomes, the research provides a foundation for more comprehensive and sustainable approaches to addressing piracy in the twenty-first century. In summary, this study is significant because it bridges the gap between theory and practice in international maritime security. By combining legal analysis, empirical evidence, and comparative regional perspectives, it advances academic understanding, informs policy development, and contributes to ongoing efforts to improve international maritime governance and the effectiveness of international maritime security instruments.

1.10 Scope and Delimitation of the Study

This thesis examines the effectiveness of international maritime security instruments in addressing piracy and ensuring safety and security at sea, with a particular focus on the role of state capacity and governance in shaping their implementation. The study is both legal and empirical in scope, combining doctrinal analysis of international maritime law with an examination of piracy incidents over forty years, from 1984 to 2024. The legal scope of the research centres primarily on key international maritime security instruments, particularly the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA). In addition, the study considers relevant regional and national maritime security frameworks where necessary to evaluate how international legal obligations are implemented in practice.

However, the thesis does not seek to provide an exhaustive analysis of all international or domestic maritime laws; rather, it focuses on those most directly related to piracy and maritime security governance.

Geographically, the empirical study is limited to three major piracy hotspots: Southeast Asia (focusing on the Indian Ocean, Malacca Straits, and South China Sea), East Africa (with particular emphasis on Somalia), and West Africa (focusing on the Gulf of Guinea). These regions were selected due to their significance in global piracy trends and their representation of diverse governance, economic, and security contexts. While piracy and maritime crime also occur in other regions, such as parts of Latin America and the Caribbean, these areas fall outside the scope of this research.

The empirical scope of the study is defined by the analysis of reported piracy incidents between 1984 and 2024. This period provides a longitudinal assessment of how piracy has evolved and how international legal frameworks have responded to these changes. However, the study is limited to available data from international piracy reporting organisations, which may not fully capture unreported incidents, particularly in regions with weaker reporting mechanisms.

In terms of thematic focus, the thesis concentrates on the legal and governance dimensions of maritime security, including issues of jurisdiction, enforcement, state capacity, and regional cooperation. While the study acknowledges the importance of operational and technological factors (such as naval capabilities, surveillance systems, and private maritime security) these are considered only insofar as they relate to the implementation of legal frameworks. A detailed technical or operational analysis of maritime security strategies is beyond the scope of this research.

Finally, the study is delimited by its primary focus on piracy and armed robbery against ships. It does not extend to other forms of maritime insecurity, such as illegal fishing, human trafficking, or maritime terrorism, except where they intersect with piracy or inform the broader

legal framework. By clearly defining these boundaries, the thesis maintains a focused and coherent approach to analysing the effectiveness of international maritime security instruments, while acknowledging the complexity and breadth of the wider maritime security landscape.

1.11 Theoretical Framework

This study is informed by a multi-layered theoretical framework drawn from international law theory, sovereignty and global governance debates, regional security theories, legal pluralism, and systematic evidence-based empirical deductions. Together, these perspectives provide an analytical lens for understanding why piracy and armed robbery against ships persist despite the existence of international maritime security instruments. The literature review and theoretical framework of this research are discussed in detail in Chapter 2.

1.12 Structure of the Thesis

This thesis is structured into eight chapters, each addressing a specific aspect of the research. Collectively, they provide a critical examination and comprehensive analysis of the effectiveness of international maritime security instruments in addressing piracy and ensuring **maritime safety at sea.**

Chapter 1: Introduction

Chapter One introduces the research by outlining the background and significance of maritime security in the context of global trade and international law. It presents the research problem, research questions, and objectives of the study, and explains the scope and rationale for focusing on three major piracy hotspots: Southeast Asia, East Africa, and West Africa. The chapter also highlights the significance of the research and provides an overview of the thesis structure.

Chapter 2: Literature Review and Theoretical Framework

Chapter Two examines the conceptual and theoretical foundations of maritime piracy and armed robbery against ships. It reviews the existing academic literature on maritime security governance and explores how piracy has evolved within the broader framework of international maritime law. The chapter also examines theoretical perspectives on maritime governance and piracy, evaluates existing debates regarding the effectiveness of international maritime security frameworks, and identifies the gaps in scholarship that this research seeks to address.

Chapter 3: Research Design and Methodology for Evaluating the Effectiveness of International Maritime Security Instruments

Chapter Three outlines the methodological framework adopted in the study. It explains the use of a mixed research approach that combines doctrinal legal analysis with empirical analysis of piracy incident data obtained from the International Maritime Organisation (IMO) and the International Maritime Bureau (IMB). The chapter also justifies the selection of Southeast Asia, East Africa, and West Africa as comparative case studies and discusses the research limitations.

Chapter 4: Doctrinal and Comparative Critical Analysis of International Maritime Security Legal Instruments and Supplementary Frameworks

Chapter Four critically analyses the international legal framework governing maritime security, with particular emphasis on the United Nations Convention on the Law of the Sea (UNCLOS). It evaluates the definition of piracy under UNCLOS, examines the obligations imposed on states under Articles 100–107, identifies key legal gaps and limitations in addressing contemporary maritime threats, and examines the extent to which these instruments provide an adequate legal basis for addressing contemporary maritime security threats. It highlights the key legal and jurisdictional challenges affecting the effectiveness of their implementation.

Furthermore, it critically analyses additional international legal instruments that supplement UNCLOS, particularly the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA). It evaluates the role of United Nations Security Council resolutions and multinational naval operations in addressing piracy, particularly in the context of the Somali piracy crisis. It also examines the role of regional frameworks and cooperation in combating piracy and armed robbery, with a focus on initiatives such as ReCAAP, the Djibouti Code of Conduct, and the Yaoundé Code of Conduct. Together, the chapter evaluates the extent to which these instruments provide an adequate legal basis for addressing contemporary maritime security threats and highlights key legal and jurisdictional challenges affecting the effectiveness of their implementation.

Chapter 5: Global Piracy Trends and Empirical Analysis: Case Study of Piracy in Southeast Asia and East Africa (1984 -2024)

Chapter Five provides a quantitative analysis of global piracy trends between 1984 and 2024 using empirical data from IMO and IMB piracy reports. The chapter identifies patterns, shifts in piracy hotspots, and changes in the *modus operandi* of maritime criminals over time. This chapter specifically analyses piracy trends in Southeast Asia using empirical data and regional case studies from Southeast East Asia (South China Sea, Malacca Straits, and Indian Ocean) and East Africa, particularly in the waters off Somalia and the Gulf of Aden. It analyses the evolution of piracy in these regions, as well as the key drivers and triggers of maritime crime. The study also evaluates the effectiveness of international maritime security instruments in addressing piracy. Furthermore, it examines international responses, including United Nations Security Council resolutions and multinational military operations. Attention is given to regional mechanisms such as ReCAAP and the Djibouti Code of Conduct and how they contribute to addressing maritime security threats in these regions.

Chapter 6: Piracy and Armed Robbery Against Ships in West Africa (1984-2024)

Chapter Six builds on the analysis presented in Chapter Five by critically examining piracy and armed robbery against ships in West Africa, with particular emphasis on the Gulf of Guinea. The chapter traces the historical evolution of contemporary piracy in the region and analyses its trends, patterns, and operational tactics. Special attention is paid to the rise in kidnapping for ransom and the persistence of violent and organised criminal networks. It further evaluates national and regional counter-piracy initiatives while exploring how weak governance, corruption, and limited enforcement capacity contribute to maritime crime. Finally, the chapter examines why piracy in West Africa has proven more resilient to international and regional interventions than piracy in other regions.

Chapter 7: Comparative Analysis of Piracy in Southeast Asia, East Africa and West Africa

Chapter Seven presents a comparative analysis of piracy and armed robbery against ships across the three case study regions: Southeast Asia, East Africa, and West Africa. Drawing on the empirical findings of the preceding chapters, the chapter evaluates the effectiveness of existing international maritime security instruments in addressing piracy across differing governance and capacity contexts. The analysis highlights the extent to which variations in state capacity and regional governance structures influence the implementation of international maritime law.

Chapter 8: Conclusions and Recommendations

The final chapter synthesises the key findings from the empirical and legal analyses conducted throughout the thesis. The chapter assesses the effectiveness of international maritime security instruments in addressing contemporary maritime threats. It highlights the study's contribution to knowledge, proposes policy-oriented legal reforms and recommendations aimed at

strengthening maritime security governance, enhancing regional cooperation, improving domestic legal capacity, and promoting more effective global maritime governance. It concludes by identifying areas for future research.

Therefore, this structured progression of the thesis, from legal evaluation to empirical analysis and policy recommendations, ensures a coherent and comprehensive examination of piracy and armed robbery against ships.

Conclusion

This chapter has introduced the research by outlining its background, rationale, research problem, aims, objectives, and methodological approach. It has identified the central paradox underpinning the study: the persistence of piracy and armed robbery against ships despite the existence of an extensive international maritime security framework. The chapter has also highlighted the limitations of existing approaches, particularly those relating to jurisdictional constraints, enforcement challenges, uneven state capacity, and the underlying socio-economic drivers of maritime insecurity. By establishing the conceptual and analytical foundations of the study, this chapter provides the basis for a critical evaluation of the effectiveness of international maritime security instruments, particularly UNCLOS and the SUA Convention, in addressing contemporary maritime security challenges. The chapters that follow build upon this foundation through doctrinal, comparative, and empirical analyses of piracy and armed robbery against ships in Southeast Asia, East Africa, and West Africa. The findings from these analyses are subsequently synthesised in Chapter 8 to advance recommendations for a more effective and integrated approach to maritime security governance.

Chapter 2

Literature Review and Theoretical Perspectives on Maritime Piracy and Security

Introduction

This chapter reviews and critiques the existing literature on piracy and armed robbery against ships, which reflects a convergence of perspectives from international law, security studies, and global governance, each emphasising different dimensions of the problem, examining both their legal foundations and broader security implications. It discusses the legal adequacy, enforcement mechanisms, and cooperative implementation. The review critically examines how piracy has been conceptualised, analysed, and addressed in academic literature, with particular reference to international maritime security instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA),[55] highlighting key conceptual and jurisdictional limitations.

The chapter also reviews regional maritime security arrangements, including the ReCAAP,[56] the Djibouti Code of Conduct,[57] and the Yaoundé Code of Conduct,[58] and empirical studies on piracy trends from 1984 to 2024,[59] with a focus on three primary piracy hotspot regions: Southeast Asia, East Africa, and West Africa. In addition, it engages with relevant theoretical

[55] The United Nations Convention on the Law of the Sea (UNCLOS), adopted on 10 December 1982 in Montego Bay and entered into force on 16 November 1994, Articles 100-105; Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, Adopted 10 March 1988; Entry into force 1 March 1992; 2005 Protocols: Adopted 14 October 2005; Entry into force 28 July 2010

[56] Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ASIA) (signed on November 2004 and came into force in September 2006)

[57] Djibouti Code of Conduct concerning the repression of piracy and armed robbery against ships in the western Indian and the Gulf of Aden (adopted on 29 January 2009)

[58] Yaoundé Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa (West and Central Africa including the Gulf of Guinea) (adopted on June 2013)

[59] IMO, Reports of Acts of Piracy and Armed Robbery Against Ships, Annual Reports, n 17; ICC-IMB, Piracy and Armed Robbery Reports Against Ships, Annual Reports 1990-2024

frameworks, including legal positivism, realism, global governance theory, regional security complex theory, and legal pluralism, as well as analytical approaches that have shaped scholarly understanding of maritime insecurity. In evaluating the strengths and limitations of these theoretical perspectives, the chapter identifies conceptual, legal, and methodological gaps, as well as the limited integration of legal design, regional governance mechanisms, and domestic enforcement capacity in explaining persistent maritime insecurity that this thesis seeks to address.

2.1 Conceptualising Piracy and Armed Robbery Against Ships

According to Article 101 UNCLOS, piracy includes any violent attack against ships, passengers and seafarers for private purposes at the high seas. Legal scholarship typically debates the UNCLOS definition limitation of the high sea, distinguishing piracy, as defined under Article 101 of UNCLOS, from armed robbery against ships occurring within territorial waters.[60] Early scholarly work on piracy and armed robbery against ships primarily employed a historical and descriptive approach, characterising piracy as a persistent maritime crime linked to weak governance and limited military presence.[61] Following the resurgence of piracy in the late twentieth century, particularly from the mid-1980s onward, scholars increasingly treated piracy as a contemporary security challenge linked to globalisation, international trade, and maritime governance.[62]

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[60] United Nations, UK -- Prevention and repression of piracy and armed robbery at sea, 28 April 2023, United Nations Office of Legal Affairs; Elizabeth Nyman, 'Modern Piracy and International Law: Definitional Issues with the Law of the Sea' (2011) 5 Geography Compass, 863.

[61] Henry Ormeod*, Piracy in the Ancient World*, (Johns Hopkins University Press, 1997); Philip Gosse, *The History of Piracy* (Dover Publications, New York, 2007); John Coakley, C. Nathan Kwan, and David Wilson. Introduction. In: John Coakley, C. Nathan Kwan, and David Wilson (eds). *The Problem of Piracy in the Early Modern World: Maritime Predation, Empire, and the Construction of Authority at Sea*. (Amsterdam University Press, 2024), 11-30.

[62] Christian Bueger, 'Learning from Piracy: Future Challenges of Maritime Security Governance' (2015) 1 Forthcoming in Global Affairs; Adrian Leonard, Andrew Coburn, Gary Bowman, Political Violence Organised Crime: Piracy, 5 March 2012, Cambridge Centre for Risk Studies Working Paper Series, Working Paper 201203.05; Francis Galgano, 'Contemporary Security Threats on the High Seas'

While this distinction and debates are legally significant, several scholars argue that it complicates enforcement and obscures the operational reality of maritime violence, particularly in regions such as Southeast Asia and West Africa, where most incidents occur within territorial seas.[63] The literature consistently highlights definitional rigidity as a structural weakness of international legal frameworks in their application to modern piracy.[64] Although scholars have extensively debated the adequacy of the UNCLOS definition of piracy, the implications of its definitional limitations have not been systematically examined through a comparative and longitudinal analysis of piracy trends. Accordingly, this research critically reviews the definition of piracy under UNCLOS, identifies its legal and operational gaps, and evaluates how these gaps affect implementation and enforcement by drawing on piracy data and case studies from Southeast Asia, East Africa, and West Africa between 1984 and 2024.

in Aldino Bondesan, Judy Ehlen (eds), *Military Geoscience: A Multifaceted Approach to the Study of Warfare* (Springer International Publishing, 2022), 267; Imre Ágoston Pászka, 'Maritime piracy as an international crime in the 21st century' (2018) 30 Belvedere Meridionale, 96

[63] Arab Kamila, 'Maritime Piracy: A Maritime Crime with an International Dimension' (2025) 11 Law and World, 93; Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62; Stefan Mair (ed), Piracy and Maritime Security, March 2011, Stiftung Wissenschaft und Politik SWP Research paper 3, Berlin; Robert Beckman, 'Piracy and Armed Robbery against Ships in the Southeast Asia: A Critical Evaluation with a Focus on the Singapore Strait' (2023) 8 Asia-Pacific Journal of Ocean Law and Policy, 201; Gerald Aldytia Bunga, 'The Regulation of Piracy and Armed Robbery at Sea in International Law (2021) 9 Jurnal Hukum dan Peradilan, 425; Asif Khan, Muhammad Usman, and Sohail Amjad, 'Jurisdictional Challenges in Prosecuting Maritime Crimes: A Comparative Analysis' (2020) 8 International Review of Social Sciences, 376.

[64] Rosemary Collins and Daud Hassan, 'Applications and Shortcomings of the Law of the Sea in Combating Piracy: A South East Asian Perspective' (2009) 40 Journal of Maritime Law & Commerce, 89; M. Bob Kao, Against a Uniform Definition of Maritime Piracy, (2016) Maritime Safety and Security Law Journal; Ramesh Kumar Singh, 'Piracy Under International Humanitarian Law: A critical Evaluation' (2025) 15 Zenith International Journal of Multidisciplinary Research; Nilasari Nilasari, Lorna Steele, 'UNCLOS Definition of Piracy: Is it still Relevant for Modern Piracy?' (2022) 7 Mulawarman Law Review, 89.

2.2 Piracy as a Maritime Security and Governance Problem

A substantial body of recent scholarship on piracy and armed robbery against ships examines piracy as a maritime security and governance issue.[65] Most of these studies distinguish between traditional and non-traditional maritime security perspectives.[66] Other scholars conceptualise piracy as a form of transnational organised crime and link its occurrence to state fragility, weak governance, and institutional failure.[67] Although these scholarly discussions are significant, especially in the light of the contemporary piracy threats, the literature often identifies these relationships at a theoretical level without systematically testing them through comprehensive empirical analysis.

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[65] Otello Campanelli, 'The Global Governance of Maritime Piracy' (2012) 1. Journal of Global Policy and Governance, 73; Funda Yercan, Oktay Cetin & Rahim Conguloglu, 'The economic impact of piracy: a critical assessment of maritime security and trade disruptions in the Gulf of Guinea' (2026) 1 Maritime Economics and Logistics; Michael J. Struett, Jon D. Carlson, and Mark T. Nance (eds), *Maritime Piracy and the Construction of Global Governance* (Routledge, New York, London, 2013) 226

[66] RS Aswan, 'Non-Traditional maritime security threats in the Indian Ocean Region: Policy alternatives' (2022) 22 Journal of Public Affairs; Ioannis Chapsos, 'Is Maritime Security a Traditional Security Challenge?', in Anthony J. Masys, (ed), *Exploring the Security Landscape: Non-Traditional Security Challenges* (Springer, New York City, 2016), 59; Demetrios N. Tsailas, 'Risks and Threats in the 21st Century Maritime Security' (2025) 6 Security Science Journal; Shivam Kumar Pandey, Ashi Rooth Stuart, 'Defining Maritime Security, Typologies of Non-Traditional Maritime Security Threats' (2024) 8 International Journal of Scientific Research in Engineering and Management (IJSREM), 1-7; Jun Zhao, 'Non-traditional Maritime Security and International Cooperation' (2015) 45 Hong Kong Law Journal, 743; Balusu Sri Charan, 'Non-Traditional Maritime Security Issues In The Philippines: Contemporary Challenges And Regional Responses' (2025) 30 IOSR Journal Of Humanities and Social Science (IOSR-JHSS), 8-18; Rosnani D. Heryadi, Y. M. Yani & O. Sinaga, 'Non-Traditional Maritime Security Threats. The Dynamic of ASEAN Cooperation' (2022) 16 International Journal on Marine Navigation and Safety of Sea Transportation, 419

[67] Paula Miraglia, Rolando Ochoa and Ivan Briscoe, Transnational organised crime and fragile states, OECD Development Co-Operation Working Papers, WP 5/2012, October 2012, Organisation for Economic Co-operation and Development (OECD); Olaf J. de Groot and Anja Shortland, Gov-Arrrgh-Nance: Jolly Rogers and Dodgy Rulers, 14 October 2010, DIW Berlin Discussion Paper No. 1063, Social Science Research Network; Rachel Locke, Organized Crime, Conflict, and Fragility: A New Approach, July 2012, International Peace Institute, 7; Jacobsen, Katja Lindskov Jacobsen, Carina Bruwer, and Amanda Moller Rasmusse, 'Rethinking Contemporary (Counter)Piracy: Lessons from the Western Indian Ocean and the Gulf of Guinea' (2026) 9 Scandinavian Journal of Military Studies, pp. 47–61; Anja Shortland and Federico Varese, 'State-Building, Informal Governance and Organised Crime: The Case of Somali Piracy' (2015) 64 Political Studies, 811-831; Mark James, 'The Other Civil Society: Organised Crime in Fragile and Failing States' (2012) 12 Defence Studies, 218–256

This research argues that piracy should not be conceptualised solely as a maritime criminal act but as a manifestation of governance failure and security fragmentation. While international legal frameworks such as UNCLOS established clear jurisdictional obligations, their effectiveness presupposes functioning state institutions capable of enforcement. In contexts where coercive, administrative, and judicial capacities are weak, maritime crime becomes structurally viable. Economic marginalisation alone does not produce piracy; it is the interaction between economic deprivation and weak governance and limited prosecution that creates enabling environment for piracy. Therefore, to achieve sustainable reduction, military intervention including maritime patrols alone cannot address these maritime security threats but restoring the institutional authority and legitimacy of the coastal states.

2.3 Empirical Studies on Global Piracy Trends

A substantial body of empirical piracy research is based on incident data obtained from the International Chamber of Commerce–International Maritime Bureau (ICC-IMB) and regional reporting mechanisms such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). Comparatively fewer studies utilise the International Maritime Organization (IMO) piracy database. These datasets have provided the foundation for descriptive analyses of piracy incidents and have enabled scholars to document fluctuations in piracy activities across different maritime regions over time. Empirical studies have been particularly influential in explaining major piracy waves, including the rise of organised vessel hijackings in Southeast Asia during the 1990s, the Somali piracy crisis between 2008 and 2012, and the continuing threat of kidnapping-for-ransom operations in the Gulf of Guinea.[68] Through incident reporting and trend analysis, these studies have generated

[68] Christian Bueger, and Jan Stockbruegger, 'Oceans, Objects, and Infrastructures: Making Modern Piracy' (2024) 4 Global Studies Quarterly, 9; George Ad Psarros and others, 'On the Success Rates of Maritime Piracy Attacks' (2011) 4 Journal of Transportation Security; Adrian Leonard, Andrew Coburn, Gary Bowman, Political Violence - Organised Crime: Piracy, March 2012, Cambridge Centre for Risk

valuable insights into the geographical distribution, frequency, and operational characteristics of piracy attacks.

A notable characteristic of the piracy literature is its strong regional orientation. Instead of adopting a global perspective, most studies focus on specific piracy hotspots such as Southeast Asia, the Gulf of Aden (Somali), or the Gulf of Guinea.[69] This regional emphasis reflects the widely accepted view that the causes of piracy are highly context-specific and shaped by local socio-economic, political, and geographical conditions.[70] Across the literature, scholars repeatedly identify factors such as economic deprivation, weak state institutions, governance failures, political instability, and favourable maritime geography as key drivers of piracy.[71] However, the relative importance of these factors varies significantly across regions. As a result, piracy scholarship has tended to develop through region-specific studies designed to explain the unique circumstances underpinning maritime insecurity within particular localities.

Studies Working Paper Series, Working Paper 201203.05, Cambridge Centre for Risk Studies, UK; Stefan Eklof, 'Piracy in Southeast Asia: Real Menace or Red Herring?' (2005) 3 Asia-Pacific Journal; Vincent Okwudiba Anyika, Victor Ojakorotu, Kelechi Ani, 'Piracy in the Gulf of Guinea - Trends, Causes, Effects and Way Forward' (2022) SI African Journal of Development Studies, 5; Jason Abbot & Neil Renwick, 'Pirates? Maritime piracy and societal security in Southeast Asia' (1999) 11, Global Change, Peace & Security, 7-24; Meizhi Jiang, Jing Lu, 'The analysis of maritime piracy occurred in Southeast Asia by using Bayesian network' (2020) 139 Transportation Research Part E Logistics and Transportation Review; Zhaoyang He, and others, 'Assessment of global shipping risk caused by maritime piracy'm(2023) 9 Heliyon; Mohamad Hery Saripudin, 'Radicalism and Maritime Piracy: Comparing the Gulf of Guinea and Gulf of Aden' (2025) 9 Global Political Studies Journal; Paul Benden and others, 'Crime at Sea: A Global Database of Maritime Pirate Attacks (1993–2020)' (2021) 7 Journal of Open Humanities Data; Data Paper; Yang Zhang, and others, 'Quantitative analysis of maritime piracy at global and regional scales to improve maritime security' (2024) 248 Ocean & Coastal Management.

[69] Marios Tsioufis, and others, 'Discovering maritime-piracy hotspots: a study based on AHP and spatio-temporal analysis' (2023) Annals of Operations Research, 6

[70] Carolin Liss, Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses, 2014, Peace Research Institute Frankfurt (PRIF), PRIF Report No. 125, Germany; Neslihan Küçük, and others, 'Hotspot analysis of global piracy and armed robbery incidents at sea: A decadal review of regional vulnerabilities and security strategies' (2025) 260 Ocean & Coastal Management, 8

[71] Whitney Akhahenda, and others, 'Analysis of maritime piracy trends and patterns using spatial autocorrelation in Africa' (2024) 8 Journal of International Maritime Safety, Environmental Affairs, and Shipping; Pedro Merino Laso and Loïc Salmon, 'Maritime piracy bibliometric analysis: A literature overview and map review' (2025) 78 Journal of Navigation. 262-279; Anamika A. Twyman-Ghoshal, 'Contemporary piracy research in criminology: a review essay with directions for future research' (2013) 38 International Journal of Comparative and Applied Criminal Justice, 281-303.

This regional focus has also encouraged an interdisciplinary approach to piracy research. Scholars frequently draw upon perspectives from maritime security studies, criminology, international law, political science, and economics to explain the emergence and persistence of piracy and to formulate policy responses tailored to individual maritime environments.

Despite providing valuable empirical insights, much of the existing literature exhibits important limitations. One significant weakness is its tendency to focus on short-term datasets and isolated regional case studies.[72] While these studies effectively document piracy trends within specific hotspots, they often provide limited opportunities for cross-regional comparison and broader theoretical development.[73] Furthermore, relatively few scholars systematically examine the relationship between piracy trends and the effectiveness of international legal and governance frameworks. Although legal instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) and various regional maritime security initiatives frequently feature in policy discussions, empirical assessments linking these frameworks to measurable piracy outcomes remain limited.

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[72] Nong Hong and Adolf K. Y. Ng, 'The international legal instruments in addressing piracy and maritime terrorism: A critical review' (2010) 27 Research in Transportation Economics, 51-60; Tamsin Paige, 'The Impact and Effectiveness of UNCLOS on Counter-piracy Operations' (2017) 22 Journal of Conflict and Security Law, 97-123; Samiur Rahman Jaki and Al Amin, 'Maritime Security under the Lens: Evaluating its effectiveness in Deterring Piracy and Armed Robbery at Sea' (2024) 2 Legal Research & Analysis, 20-29; Khusrav Gaibulloev & Todd Sandler, 'Decentralization, institutions, and maritime piracy' (2016) 169 Public Choice 357–374.

[73] Xianshi Wang, 'Comparative Analysis of Piracy Governance in the Gulf of Aden and the Strait of Malacca' (2024) 6 Journal of Social Science and Humanities, 47-50; Ursula Daxecker and Ursula Daxecker, *Pirate Lands: Governance and Maritime Piracy Governance and Maritime Piracy (*Oxford University Press, USA, 2021); Asmida Ahmad & Nur Fazini Asro Binti Ramzi Sulaiman, 'Legal Position in Combating Piracy in the Southeast Asia Sea: Solution for Unified and Best Practices' In: Hamdan, A. (eds), *Integrating Artificial Intelligence, Security for Environmental and Business Sustainability* (Springer, Cham. 2025) 781; Aaron Magunna, 'Charting waters: the private sector's evolving governance role in Southeast Asian maritime security' (2024) 78 Australian Journal of International Affairs, 306–325; Michael Mitchell Omoruyi Ehizuelen, 'Assessing the possible influence of maritime piracy on African Continental Free Trade Area (AfCFTA) in Nigeria' (2025) 10 Journal of Shipping and Trade; Robert McCabe, 'Environmental drivers of maritime insecurity: governance, enforcement and resilience in the western Indian Ocean' (2023) 23 Environmental. Conflict, Security & Development, 237–265.

Another limitation is that many studies are primarily descriptive rather than explanatory. Existing research often identifies patterns and trends in piracy incidents but provides insufficient long-term empirical testing of the underlying causal mechanisms driving maritime crime.[74] Consequently, there remains a limited understanding of how governance structures, institutional capacity, and regional contexts interact over extended periods to influence piracy prevalence. A further gap within the literature concerns the absence of comprehensive comparative studies that examine multiple piracy hotspots over extended periods. Most empirical analyses focus on individual regions in isolation, thereby limiting opportunities to assess similarities and differences across distinct governance environments. This fragmented approach constrains understanding of whether successful anti-piracy interventions in one region can be transferred to another or whether piracy dynamics remain fundamentally context specific. Moreover, the predominance of short-term analyses means that long-term trends, cycles, and structural transformations in maritime piracy are often overlooked. As a result, existing scholarship provides only a partial understanding of how piracy evolves over time and how regional and international governance responses shape those developments.

This study addresses these gaps by undertaking a comprehensive analysis of maritime piracy incidents over a forty-year period spanning 1984 to 2024. Unlike most existing studies, which focus on individual regions or limited timeframes, this research adopts a comparative and longitudinal approach encompassing all major contemporary piracy hotspots, including Southeast Asia, the Gulf of Guinea, and the Gulf of Aden and Somali region. By analysing four decades of piracy data, this study identifies long-term trends, patterns, and causal drivers across different maritime environments. It further examines the governance responses adopted within each region and evaluates their effectiveness in mitigating piracy. Through this systematic

[74] Adolf Ng., 'The International Legal Instruments in Addressing Piracy and Maritime Terrorism: A Critical Review' (2010) Research in Transportation Economics

comparative analysis, the research contributes to a more holistic understanding of maritime piracy and helps bridge the gap between regionally focused empirical studies and broader theories of maritime governance and security.

2.4 Literature Review of International Maritime Security Instruments

International maritime security governance is underpinned by a range of legal and institutional frameworks designed to prevent, suppress, and prosecute piracy and other unlawful acts at sea. The literature highlights the central role of international legal instruments in establishing jurisdictional rules, defining maritime offences, and facilitating cooperation among states in the protection of maritime security. Among the most influential instruments are the United Nations Convention on the Law of the Sea (UNCLOS), complemented by the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) and its 2005 Protocol, which collectively form the cornerstone of the international legal response to piracy. This section critically reviews these instruments and examines their effectiveness, strengths, and limitations in addressing contemporary maritime security challenges.

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

The international legal response to piracy is principally founded upon the United Nations Convention on the Law of the Sea (UNCLOS)[75] complemented by the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) and its 2005 Protocol.[76] Within the literature, UNCLOS is universally recognised as the cornerstone of the international legal framework governing piracy due to its near-universal acceptance and its

[75] United Nations Conventions on the Law of the Sea (UNCLOS) 1982
[76] Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), 1988, and its Protocol 2005

codification of customary international law.[77] Article 101 of UNCLOS provides the internationally accepted definition of piracy and establishes the legal basis upon which states may suppress piracy on the high seas.[78] The Convention grants all states universal jurisdiction to seize pirate vessels, arrest offenders, and prosecute those responsible for acts of piracy. Consequently, legal scholars generally regard UNCLOS as providing the foundational jurisdictional framework for international anti-piracy operations.[79]

Despite its central role, the literature consistently emphasises that UNCLOS principally provides a regulatory and jurisdictional framework rather than a comprehensive criminal justice regime. While the Convention authorises states to act against piracy, it does not establish detailed procedural mechanisms for investigation, prosecution, or punishment. Instead, implementation is largely delegated to domestic legal systems and complementary maritime security arrangements.

A significant body of legal scholarship argues that UNCLOS was not designed to create a substantive international crime of piracy but rather to facilitate state action against piracy. Randhawa, for example, argues that:

…. UNCLOS functions principally as a suppression treaty: rather than establishing a substantive offence of piracy under international law, it simply provides a broad regulative framework for states to take individual action against pirates within their domestic legal orders.[80]

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[77] UK Parliament, UNCLOS: the law of the sea in the 21st century, 10 February 2022 and published 1 March 2022,2nd Report of Session 2021–22, HL Paper 159, House of Lords International Relations and Defence Committee; Robert Beckman and Sanjay Palakrishnan, Regional Cooperation to Combat Piracy and International Maritime Crimes: The Importance of Ratification and Implementation of Global Conventions, 3-5 September 2012, Conference on the Practices of the UNCLOS and the Resolution of South China Sea Disputes, National Taiwan Normal University, Centre for International Law.

[78] UNCLOS, Arts 100-105.

[79] Helmut Tuerk, 'Some Developments and Issues after the Adoption of UNCLOS' (2021) 9 Korean Journal of International and Comparative Law, 35–59; UK Parliament, UNCLOS: the law of the sea in the 21st century, n 77

[80] Suwita Hani Randhawa, 'When criminalisation fails in global politics: Piracy's unsuccessful recognition as an international crime' (2025) Review of International Studies, 1-20, at 5.

This interpretation has contributed to broader debates concerning the legal character of piracy. Some scholars, including Guilfoyle and Churchill, conceptualise piracy as a transnational criminal offence,[81] while Boister describes piracy as the "*first historical example of a transactional crime".*[82] Although piracy has existed throughout history, contemporary piracy differs substantially from its historical manifestations because of its close relationship with globalised maritime commerce, transnational criminal networks, and international shipping routes. As a result, many scholars argue that the legal framework established by UNCLOS reflects a traditional approach to maritime crime that has struggled to keep pace with contemporary developments in organised maritime criminality.[83]

One of the most extensively debated issues in the literature concerns the legal definition of piracy contained in Article 101 of UNCLOS. The Convention defines piracy as illegal acts of violence, detention, or depredation committed for private ends against another ship on the high seas. While this definition has provided an essential degree of legal certainty and international consistency, it has also attracted significant criticism. Scholars such as Nyman, Fieducik, Randhawa, and Wambua argue that the definition is overly narrow and fails to capture many contemporary forms of maritime criminality.[84] In particular, the requirement that piracy be

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[81] Douglas Guilfoyle, 'Piracy and suppression of unlawful acts against the safety of maritime navigation', in Neil Boister and Robert J. Currie (eds), *Routledge Handbook of Transnational Criminal Law* (Routledge, UK, 2015), pp. 364–78, at 366; Robin Churchill, 'The piracy provisions of the UN Convention on the Law of the Sea – fit for purpose?', in Panos Koutrakos and Achilles Skordas (eds), *The Law and Practice of Piracy at Sea: European and International Perspectives* (Bloomsbury – Hart Publishing, UK, 2015), pp. 9–31.

[82] Neil Boister, *An Introduction to Transnational Criminal Law*, (2nd Edition, Oxford University Press, 2018)

[83] Douglas Guilfoyle, n 82; Robin Churchill, n 81.

[84] Elizabeth Nyman, 'Modern Piracy and International Law: Definitional Issues with the Law of the Sea' (2011) 5 Geography Compass; Bartosz Fieducik, 'The Definition of Piracy Under Article 101 of the 1982 United Nations Convention on the Law of the Sea – An Attempted Legal Analysis' (2011) 10 Białostockie Studia Prawnicze, 67-79; Suwita Hani Randhawa, 'When criminalisation fails in global politics: Piracy's unsuccessful recognition as an international crime' (2025) Review of International Studies, 1-20; Musili Wambua, 'A critical review of the global legal framework on piracy: 40 years after UNCLOS' (2022) 18 Maritime Affairs: Journal of the National Maritime Foundation of India, 134–148.

committed for "private ends" and occur on the "high seas" excludes numerous maritime attacks that occur within territorial waters or are motivated by political objectives.

The phrase "private ends" has generated scholarly controversy. Fieducik notes that neither UNCLOS nor earlier law of the sea conventions provide a clear explanation of the term. According to him, *"Neither the 1982 Convention on the Law of the Sea nor the 1958 Convention on Territorial Sea and the Contiguous Zone contains any explanation of what private ends are".*[85] Consequently, the concept has remained largely undefined, resulting in conflicting academic interpretations and judicial decisions. The ambiguity surrounding this requirement has prompted extensive debate regarding whether politically motivated maritime violence, insurgency, terrorism, or maritime attacks by militant organisations fall within the legal definition of piracy. Treves and Guilfoyle similarly argue that although Article 101 provides the foundational legal definition of piracy, it simultaneously imposes significant limitations on the ability of international law to address evolving maritime security threats.[86] By restricting piracy to acts committed on the high seas for private purposes, UNCLOS excludes a substantial range of conduct that presents similar operational and security challenges.

Another major theme within the literature concerns the jurisdictional framework established by UNCLOS. Jurisdiction is regarded as fundamental to the effectiveness of any legal regime because, as Christopher argues, "*Jurisdiction is the means of making law functional*."[87] Lowe similarly emphasises that legal enforcement requires states to establish jurisdiction through recognised principles such as territoriality, nationality, passive personality, or the protective

[85] Bartosz Fieducik, ibid

[86] Tullio Treves, 'Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia', (2009) 20 *European Journal of International Law,* 399–414; Douglas Guilfoyle, 'The law of war and the fight against Somali piracy: Combatants or criminals?' (2010) 11 Melbourne Journal of International Law.

[87] Christopher L. Blakesley, 'Extraterritorial Jurisdiction' in M. Cherif Bassiouni (ed.), *International Criminal Law,* vol. 2 (Ardsley, N.Y.: Transnational Publishers Inc, 1999) 36.

principle.[88] Piracy occupies a unique position within international law because it constitutes one of the few offences subject to universal jurisdiction. Under this principle, all states have the authority to prosecute pirates regardless of nationality or the location of the prosecuting state. Kraytman argues that universal jurisdiction represents a significant historical development, enabling courts to prosecute offenders even in the absence of traditional jurisdictional connections.[89]

The practical importance of this principle became particularly evident during the Somali piracy crisis. Courts in Kenya, Seychelles, and several other regional states exercised universal jurisdiction by prosecuting suspected Somali pirates despite having no direct connection to the offences.[90] These prosecutions demonstrated the continuing relevance of universal jurisdiction as a mechanism for addressing crimes committed beyond the territorial jurisdiction of any single state. However, scholars also note that, notwithstanding universal jurisdiction, the implementation and enforcement of piracy laws remain predominantly dependent upon state action and domestic legal systems.[91] Consequently, the effectiveness of anti-piracy efforts varies considerably according to national legal capacity and political willingness.

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[88] Vaughan Lowe, "Jurisdiction" in Malcolm D. Evans, *International Law,* (Oxford University Press, 2003) cited in Yana Shy Kraytman, 'Universal Jurisdiction – Historical Roots and Modern Implications' (2005) 2 Brussels Journal of International Studies, 94; James Crawford, 'The relations of international and national law', in Brownlie's Principles of Public International Law, (9th edn, Oxford University Press, 2019)

[89] Yana Shy Kraytman, 'Universal Jurisdiction – Historical Roots and Modern Implications' (2005) 2 Brussels Journal of International Studies, 95.

[90] *Republic v Aid Mohamed Ahmed and 7 Others*, Criminal Case No 3486 of 2008 (Chief Magistrate's Court, Mombasa, 10 March 2010); *Ali v Republic* [2014] SCCA 34 (Court of Appeal of Seychelles); *Republic v Mohamed Ahmed Ise and Four Others,* Criminal Side No. 75 of 2010, (Supreme Court of Seychelles, 29 June 2011). Other cases include cases prosecuted by the European Court of Human Rights (ECHR) including *Ali Samatar and Others v. France* (applications nos. ECHR/ 17110/10 and 17301/10) and *Hassan and Others v France* (applications nos. ECHR/ 46695/10 and 54588/10). See the European Court of Human Rights, Press Release, 4/12/2014, ECHR 361 (2014); James Thuo Gathii, 'Kenya's Piracy Prosecutions' (2010) 104 American Journal of International Law 416.

[91] See UNCLOS, Article 105; SUA Convention and 2005 Protocol, Articles, 6,7, and 8bis

Although UNCLOS grants state the legal authority to suppress piracy, a substantial body of literature highlights the practical challenges associated with enforcement. Murphy, Churchill, Lowe, and Sander argue that the existence of universal jurisdiction does not automatically translate into effective prosecution or deterrence.[92] Several practical obstacles repeatedly emerge within the literature. These include jurisdictional disputes over prosecutorial responsibility, evidentiary challenges associated with crimes committed at sea, difficulties relating to the transportation and detention of suspects, and concerns regarding human rights protections during arrest, trial, and imprisonment.[93] Consequently, many states have historically been reluctant to prosecute pirates despite possessing the legal authority to do so.[94]

The enforcement difficulties become particularly pronounced in Exclusive Economic Zones (EEZs) and territorial waters where legal responsibilities and enforcement authorities may overlap. Scholars argue that such jurisdictional ambiguities often create enforcement gaps that can be exploited by maritime criminals.[95] Furthermore, limited institutional and operational capacity among many coastal states significantly constrains the implementation of anti-piracy measures, particularly in developing regions such as the Gulf of Guinea.[96]

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[92] Martins, N., Murphy, 'Somali Piracy: Political Lessons for the Navy' (2011) 33 American Foreign Policy Interests, 17-25; Robe Churchill, Vaughan Lowe, and Amy Sander, *The Law of the Sea* (4th Ed, Melland Schill Studies in International Law, Manchester University Press, 2022).

[93] Paul Wambua, 'The jurisdictional challenges to the prosecution of piracy cases in Kenya: Mixed fortunes for a perfect model in the global war against piracy' (2012) 11 WMU Journal of Maritime Affairs; Ilan Fuchs, 'Piracy in the 21st Century: A Proposed Model of International Governance' (2020) 51 Journal of Maritime Law & Commerce; Asif Khan, Muhammad Usman, and Sohail Amjad, 'Jurisdictional Challenges in Prosecuting Maritime Crimes: A Comparative Analysis' (2020) 8 International Review of Social Sciences.

[94] Martin N. Murphy, *Piracy off the Somali coast: is there light at the end of the tunnel?*. (Routledge Handbook of Naval Strategy and Security. Routledge, 2016), 239-250; Martin N. Murphy, 'International cooperation against piracy: China's role, problems, and prospects.' (2012) 11 WMU Journal of Maritime Affairs 11, 71-81; Daud Hassan and Sayed Hasan, 'Effectiveness of the Current Regimes to Combat Piracy in the Gulf of Guinea: An Evaluation' (2017) 10 African Journal of Legal Studies, 35–65.

[95] Richard R. Young and Gary A. Gordon, 'Intermodal maritime supply chains: assessing factors for resiliency and security' (2020) 13, Journal of Transportation Security, 231-244

[96] UK Parliament, UNCLOS: The law of the sea in the 21st Century, 1 March 2022, HL Paper 159, International Relations and Defence Committee, 2nd Report of session 2021-22, House of Lords; Raul (Pete) Pedrozo, 'Reflecting on UNCLOS Forty Years Later: What Worked, What Failed' (2022) 99

Several scholars further contend that UNCLOS remains rooted in a state-centric and sovereignty-based model of maritime governance that is ill-equipped to address highly adaptable transnational criminal networks.[97] The Convention's reliance on state enforcement assumes that states possess both the capacity and willingness to act. However, this assumption is frequently challenged in regions characterised by weak governance, limited maritime capabilities, overlapping jurisdictions, and ineffective flag-state control.[98] According to this perspective, enforcement uncertainty, weak regulatory oversight, and the ability of offenders to exploit stateless vessels or jurisdictional loopholes contribute significantly to impunity at sea.[99] Consequently, critics argue that the effectiveness of UNCLOS is often undermined not by deficiencies in its legal principles but by its dependence upon uneven state implementation.

The cumulative effect of these criticisms has generated significant debate regarding whether UNCLOS remains fit for purpose in addressing contemporary piracy. While few scholars dispute its importance as the foundation of the international anti-piracy legal regime, many argue that its provisions were designed for an earlier era of maritime crime and are therefore insufficient to address modern transnational criminal networks. This position has led scholars such as Fink to advocate for reforms to international legal frameworks that reflect the

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International Law Studies, 874; Sam Bateman, 'UNCLOS and Its Limitations as the Foundation for a Regional Maritime Security Regime' (2007) 19 Korean Journal of Defense Analysis, 27–56; Hai Dang Vu, Lan Nguyen, Viability of UNCLOS amid Emerging Global Maritime Challenges (Singapore, Springer, 2024)

[97] Anish Joseph and Dimitrios Dalaklis, 'The international convention for the safety of life at sea: highlighting interrelations of measures towards effective risk mitigation (2021) 5 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 1-11; Peter Strvroulakis, and others, 'Sustainable maritime legislation: The case of the international ship and Port Facility Security Code' (2024) 23 WMU Journal of Maritime Affairs; James Kraska, Contemporary maritime piracy: international law, strategy, and diplomacy at sea (Santa Barbara, Calif, Praeger, 2011); James Kraska, 'Regulation of private maritime security companies in international law, in Myron H. Nordquist, and others, in Freedom of Navigation and Globalization (Brill Nijhoff, 2014) 120-136; James Kraska, 'International and Comparative Regulation of Private Maritime Security Companies Employed in Counter-Piracy', in Douglas Guilfoyle, ed, *Modern High Seas Piracy* (UNSW Canberra, Australia, 2013) 219- 249; Harding and Smith 2020

[98] Anish Joseph and Dimitrios Dalaklis, *ibid*

[99] Sam Bateman, 'UNCLOS and Its Limitations as the Foundation for a Regional Maritime Security Regime' (2007) 19 Korean Journal of Defense Analysis, 27–56.

increasing sophistication, organisation, and transnational nature of contemporary piracy operations.[100] Calls for reform typically focus on clarifying jurisdictional ambiguities, strengthening enforcement mechanisms, addressing crimes occurring within territorial waters and EEZs, and updating legal definitions to reflect evolving maritime threats.

The literature demonstrates broad agreement that UNCLOS remains the foundational instrument governing piracy under international law. However, scholars consistently identify three principal areas of concern: the restrictive definition of piracy under Article 101, jurisdictional limitations associated with the high-seas requirement and the "private ends" criterion, and the dependence upon state capacity and willingness for effective enforcement. While UNCLOS provides the essential legal architecture for piracy suppression, the literature suggests that its effectiveness is increasingly challenged by the realities of contemporary maritime crime, thereby fuelling ongoing debates concerning the future development of international anti-piracy law and maritime governance.

2.4.2 The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) 1988 and its 2005 Protocol

The literature commonly presents the SUA Convention as a supplementary legal framework that addresses weaknesses in the UNCLOS piracy regime. While UNCLOS restricts piracy to acts committed on the high seas for private ends, 1988 SUA Convention, and its 2005 Protocol, significantly broadens the scope of maritime offences. It criminalises a broader range of unlawful acts against maritime navigation and removes several of the jurisdictional barriers associated with the UNCLOS definition.[101] Consequently, it can be argued that SUA provides

[100] Carsten Fink, Keith E. Maskus, and Yi Qian, The Economic Effects of Counterfeiting and Piracy: A Review and Implications for Developing Countries, February 2016, Policy Research Working Paper 7586, WPS7586, World Bank Group.
[101] SUA Convention & its 2005 Protocol, Article 3; SUA Protocol 2005, *3 bis, 3 Ter, 3 quater*

an alternative legal basis for prosecuting maritime violence that may fall outside Article 101 of UNCLOS.

A significant body of scholarship examines whether SUA Convention and its Protocol 2005 can be used to facilitate the prosecution of pirates where UNCLOS proves inadequate.[102] Ahmad and other maritime law scholars argue that SUA criminalises offences that would not meet the strict legal definition of piracy under UNCLOS. According to Ahmed, *the SUA Convention criminalises offences which do not fall within the definition of piracy under the UNCLOS.*[103] Consequently, SUA is frequently cited as offering greater flexibility for states seeking to prosecute acts of violence against ships, particularly where jurisdictional uncertainties exist. Furthermore, the SUA and its 2005 Protocol strengthen international cooperation in the investigation and prosecution of maritime crimes by establishing obligations relating to extradition and prosecution under the principle of *aut dedere aut judicare* (extradite or prosecute).[104] In this regard, SUA is often viewed as enhancing the practical enforcement of maritime crimes by reducing opportunities for offenders to escape prosecution.

Despite these advantages, the literature questions the extent to which SUA effectively addresses contemporary piracy. Scholars argue that the SUA Convention and its 2005 Protocol were not designed primarily as an anti-piracy instrument and therefore does not directly resolve many of the operational challenges associated with piracy suppression.[105] Whereas UNCLOS specifically recognises piracy as a distinct international crime, SUA addresses unlawful

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[102] James Kraska, and Raul Pedrozo, *International Maritime Security*, (Martinus Nijhoff Publishers, Leiden, 2013) p. 801; Bjørn Møller, Piracy, Maritime Terrorism and Naval Strategy, 2009, DIIS Report 2009:02DIIS REPORT 2009:02, Danish Institute for International Studies.

[103] Ahmad Ibrahim, 'Assessing the Viability of the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, (2012) Kulliyyah of Laws, International Islamic University Malaysia, Australian Journal of Basic and Applied Sciences.

[104] SUA Protocol, Articles 7, *8bis, 11bis,* 13

[105] Martin N. Murphy, 'Suppression of Piracy and Maritime Terrorism' (2007) 60 Naval War College Review, Article 4; Natalie Klein, 'Responding to Maritime Terrorism in Southeast Asia: What Are the Alternatives to the 2005 SUA Protocol?' (2023) 8 Asia-Pacific Journal of Ocean Law and Policy ,221–241

maritime violence more generally.[106] This limitation becomes particularly apparent in the context of contemporary piracy hotspots such as Somalia and the Gulf of Guinea. In these regions, piracy has largely evolved into a commercially driven enterprise involving ransom payments, cargo theft, oil theft, and organised criminal networks.[107] Considering that such activities are motivated primarily by economic gain rather than political objectives, several scholars question the extent to which SUA adequately addresses the operational realities of modern piracy.[108] Consequently, the literature suggests that while SUA is effective in addressing maritime terrorism, it is less suited to responding to the full spectrum of piracy threats encountered in contemporary maritime environments. Furthermore, it has been contended that SUA has had limited practical impact on piracy prosecutions because states continue to rely predominantly on domestic anti-piracy legislation and UNCLOS-based enforcement mechanisms.[109] Consequently, its contribution to piracy suppression remains indirect rather than transformative.

Another prominent theme within the literature concerns the practical implementation of the SUA regime. Although the Convention establishes an extensive legal framework for prosecuting maritime offences, its effectiveness depends largely upon domestic adoption and

[106] UNCLOS, Article 101; SUA Convention & Its 2005 Protocol, *Articles 3, 3 bis, 3 ter, 3 quater*

[107] Funda Yercan, Oktay Cetin & Rahim Conguloglu, 'The economic impact of piracy: a critical assessment of maritime security and trade disruptions in the Gulf of Guinea' (2026) 28 Maritime Economics & Logistics, 163; Xiaowen Fu, Adolf K. Y. Ng, Yui-Yip Lau, 'The impacts of maritime piracy on global economic development: the case of Somalia' (2010) 37 Maritime Policy & Management, 677; United Nations Conference on Trade & Development (UNCTAD), Maritime Piracy: An overview of trends, costs and trade related implications, 2014, Studies in transport law and policy No. 1, UNCTAD/DTL/TLB/2013/1, New York, Geneva, United Nations

[108] Santiago Iglesias Baniela and Juan Vinagre Ríos, 'Piracy in Somalia: A Challenge to The International Community' (2012) 65 Journal of Navigation, 693; Francis A. Galgano, 'Hostis humani generis: Pirates and global maritime commerce' (2024) 8 Research in Globalization; Christian Schaller, 'Combating Acts of Piracy Under International Law' in Stefan Mair (ed), *Piracy and maritime security: Regional characteristics and political, military, legal and economic implications*, March 2011, German Institute for International Affairs SWP Research Paper, Berlin; Anamika A. Twyman-Ghoshal, Glenn Pierce, 'The Changing Nature of Contemporary Maritime Piracy: Results from the Contemporary Maritime Piracy Database 2001' (2014) 54 The British Journal of Criminology, 652

[109] Reto A Durler, 'Suppression of the Unlawful Acts Against Maritime Navigation Safety' in David J Attard and others. (eds), The IMLI manual on international maritime law: Volume II: Shipping Law (II. Oxford University Press 2016) 429; SUA Protocol, Article 6.

enforcement by state parties. Scholars consistently identify uneven ratification, inconsistent domestication, and disparities in state enforcement capacity as significant obstacles to the Convention's effectiveness. Geiss and Petrig, for example, argue that weak domestic implementation and limited prosecutorial capacity in piracy-prone states continue to undermine the practical operation of the Convention.[110] Similarly, other scholars note that legal obligations contained within SUA often fail to translate into effective enforcement because many states lack the institutional, judicial, and operational resources necessary to investigate and prosecute complex maritime crimes.[111] As a result, the practical benefits of SUA often remain unrealised, particularly in regions where maritime governance and judicial institutions are weak.

The literature generally regards the SUA Convention and its 2005 Protocol as important complements to UNCLOS rather than substitutes for it. Scholars acknowledge that SUA successfully addresses several deficiencies within the UNCLOS framework, particularly by criminalising politically motivated violence and expanding opportunities for international cooperation. However, significant concerns remain regarding its emphasis on terrorism, its limited applicability to commercially driven piracy, and the persistent implementation challenges faced by many states. Overall, the literature suggests that while SUA has strengthened the international legal architecture for combating maritime crime, its effectiveness remains constrained by uneven state implementation and its limited capacity to address the increasingly sophisticated and economically motivated forms of piracy that characterise contemporary piracy hotspots. Consequently, many scholars conclude that neither UNCLOS nor SUA alone provides a comprehensive legal response to modern maritime

[110] Robin Geiss and Anna Petrig, *Piracy and Armed Robbery at Sea: The legal framework for counter-piracy operations in Somalia and the Gulf of Aden* (UK, Oxford University Press, 2011).

[111] Jan Klabbers, 'Reflections on Role Responsibility: The Responsibility of International Organizations for Failing to Act', (2017) 28 European Journal of International Law, 1133; Dita Liliansa, 'Home State Jurisdiction over Corporate Harms at Sea in Fisheries in Southeast Asia' (2026) 57 Ocean Development & International Law, 136; Carmel Agius, 'Anchoring Justice in Stormy Seas: the Next Challenge for International Law' (2026 1 Malta Journal of Legal Studies, 7.

insecurity, highlighting the need for a more integrated and adaptive international maritime governance framework.

2.4.3 **Factors Contributing to Regional Piracy Activities**

The piracy literature demonstrates a growing recognition that maritime insecurity is shaped by a combination of geographical, economic, governance, and institutional factors. While scholars such as Bueger, Bridget, Okafor-Yarwood, and Onuoha adopt broader comparative perspectives on maritime insecurity, much of the empirical literature remains regionally focused and concentrated on specific piracy hotspots.[112] Consequently, explanations for piracy frequently reflect the unique political, economic, and geographical contexts of individual regions rather than a universally applicable model. Nevertheless, several recurring themes emerge across the literature, particularly in relation to Southeast Asia, where discussions centre on geographical vulnerability, socio-economic conditions, governance deficits, and institutional responses.

2.4.3.1 Southeast Asia

A prominent explanation within the literature attributes piracy in Southeast Asia to geographical factors. Scholars such as Alexander argue that the region's intricate maritime geography, characterised by numerous islands, narrow straits, and congested shipping routes, creates favourable conditions for maritime attacks.[113] Particular attention is given to the Strait of Malacca, one of the world's busiest maritime chokepoints, where dense shipping traffic and

[112] Christian Bueger, 'Communities of Security Practice at Work? The Emerging African Maritime Security Regime' (2013) 6 African Security, 297-316; Bridget L Coggins, 'Global patterns of maritime piracy, 20009' (2012) 49 Journal of Peace Research, Peace Research Institute Oslo, 605-617; Ifesinachi Marybenedette Okafor-Yarwood &Freedom C. Onuoha, 'Whose security is it? Elitism and the global approach to maritime security in Africa' (2023) 44 Third World Quarterly, 946–966.

[113] Alexander Lott, Threats of Piracy in the Straits of Malacca, Sunda, Lombok, In: *Hybrid Threats and the Law of the Sea* (Brill | Nijhoff, 2022), 226-234; Krishnadev Calamur, High Traffic, High Risk in the Strait of Malacca, 21 August 2017, Atlantic; Hajra Bibi, Um-e-Aimen and Hina Farooq, 'Strait of Malacca and the Maritime Security: Safeties of the Regional Powers' (2024) 5 Annals of Human and Social Sciences (AHSS), 488-498.

navigational constraints increase opportunities for pirate operations.[114] The geographical explanation has considerable explanatory value because it highlights the strategic opportunities available to offenders. However, its analytical utility is limited when geography is treated as an independent causal factor. Maritime chokepoints and complex coastlines do not automatically generate piracy. Instead, they create opportunities that become exploitable only when combined with weaknesses in governance, surveillance, and law enforcement. Geography may therefore be better understood as an enabling condition rather than a primary cause of piracy.

A second strand of literature emphasises socio-economic factors as the underlying causes of piracy. Jennifer, Carolin, and Anup argue that poverty, unemployment, and declining economic opportunities in coastal communities contribute significantly to maritime criminality.[115] Illegal fishing and competition over marine resources have similarly been identified as factors that undermine traditional livelihoods and increase the attractiveness of piracy as an alternative source of income.[116] This perspective is consistent with broader criminological theories linking economic deprivation to criminal activity. However, the relationship between poverty and piracy remains contested. While economic hardship may increase vulnerability to recruitment into piracy networks, poverty alone cannot adequately explain the sophisticated and organised nature of many contemporary piracy operations. Many piracy incidents require substantial financial resources, intelligence gathering, logistical coordination, and access to weapons.

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[114] *Ibid*

[115] Jennifer C. Bulkeley, 'Regional Cooperation on Maritime Piracy: A Prelude to Greater Multilateralism in Asia?' (2003) 14 Journal of Public and International Affairs; Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses Carolin Liss, Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses, 2014, PRIF Report No. 125, Peace Research Institute Frankfurt (PRIF) 2, Germany; Anup Phayal, and others, 'All maritime crimes are local: Understanding the causal link between illegal fishing and maritime piracy' (2024) 109 Political Geography.

[116] *Ibid*

Consequently, socio-economic explanations often provide only a partial account of piracy and must be considered alongside broader governance and institutional factors.

Governance-related explanations dominate much of the Southeast Asian piracy literature. Hastings argues that state weakness facilitates more sophisticated forms of piracy, according to him, "*state weakness encourages more sophisticated attacks"*[117]. In addition, Tan, Khobragade, and Ahmed also identified weak governance and legal gaps.[118] Tan identifies weak governance structures and ineffective maritime policing as key contributors to the persistence of maritime crime.[119] Similarly, Khobragade highlights the absence of robust domestic legal frameworks for apprehending and prosecuting pirates as a major impediment to effective enforcement.[120] These arguments collectively suggest that piracy flourishes where states are unable or unwilling to exercise effective control over maritime spaces. From this perspective, the persistence of piracy is less a consequence of geographical or economic conditions and more a reflection of institutional weaknesses. However, the literature often assumes a direct relationship between weak governance and piracy without adequately explaining variations among states that exhibit similar governance challenges but experience different levels of piracy. This suggests that governance deficiencies alone may be insufficient to explain piracy patterns and should be analysed in conjunction with other contextual factors.

A substantial body of scholarship identifies regional cooperation as the most effective response to piracy in Southeast Asia. Beckman and John argue that piracy is a multifaceted problem

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[117] Justin Hastings, 'Geographies of State Failure and Sophistication in Maritime Piracy Hijackings' (2009) 28 Political Geography, 213-223.

[118] Tan, T. 'Legal and Policy Approaches to Piracy in Southeast Asia' (2013) 17 Asian Yearbook of International Law, 99-112; Asmida Ahmad and Nur Fazini Asro Binti Ramzi Sulaiman, 'Legal Position in Combating Piracy in the Southeast Asia Sea: Solution for Unified and Best Practices' in *Integrating Artificial Intelligence, Security for Environmental and Business Sustainability* (Springer, 2025) 781-793

[119] Tan, T, *ibid*

[120] Jagdish Wamanrao Khobragade, and others, 'The Anti-Maritime Piracy Law in India and Malaysia: An Analytical Study' (2021) 5 Journal of International Maritime Safety, Environmental Affairs and Shipping, 208–219

requiring coordinated regional solutions.[121] Beckman posits that, "*There is no simple solution to the problem of piracy and armed robbery against ships in Southeast Asia. It is a complex, multifaceted problem that requires a multifaceted solution."*[122] This position reflects the broader consensus that maritime threats transcend national boundaries and therefore require collaborative responses involving information sharing, joint patrols, and legal cooperation. John further argues that regional initiatives must be complemented by effective domestic anti-piracy legislation. He posits that:

Since regional cooperation involving the Southeast Asian countries is the most effective way to combat maritime piracy in the region, all interested parties, private and governmental, should endeavour to advocate for and promote the notion of regional cooperation. Before the establishment of any regional system of effective control, all the relevant governments should improve their national laws on piracy control, including prevention and punishment of piracy acts.[123]

According to this perspective, regional frameworks cannot operate effectively in the absence of national legal systems capable of prosecuting offenders and enforcing maritime security measures. The emphasis on both regional and national responses highlights the interdependence between international cooperation and domestic governance capacity.

Despite widespread support for regional cooperation, scholars continue to debate the effectiveness of existing anti-piracy arrangements. Rosemary and Daud argue that shortcomings in Southeast Asia's anti-piracy agreements limit their effectiveness in addressing maritime crime. According to them *"The existing anti-piracy agreements for the Southeast Asian region have shortcomings which limit their effectiveness in combating the piracy problem. The deficiencies in the individual agreements are not fully remedied by the associated*

[121] Robert C. Beckman and J. Ashley Roach, 'The way forward: enhancing legal cooperation between ASEAN member states' in *Piracy and International Maritime Crimes in ASEAN* (Edward Elgar Publishing, 2012) 233

[122] Robert C. Beckman, 'Combatting Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward, Ocean Development & International Law' (2002) 33, 317-341, at 334

[123] John Mo, 'Options to Combat Maritime Piracy in Southeast Asia' (2002) 33 Ocean Development & International Law, 343–358, at 355

agreements"[124] Their criticism focuses on deficiencies relating to legal harmonisation, enforcement authority, and the coordination of anti-piracy initiatives. This criticism warrants careful examination. While agreements such as ReCAAP possess limited enforcement powers, they were never intended to function as operational enforcement bodies. Instead, they were designed primarily to facilitate information sharing, capacity building, and regional coordination.[125] Likewise, initiatives such as the Malacca Strait Patrols (MALSINDO), Eyes in the Sky, and ASEAN (Association of Southeast Asian Nations) maritime cooperation mechanisms address different aspects of maritime security governance.[126] Evaluating these arrangements solely according to their enforcement capacities risks misunderstanding their intended functions within the broader governance framework.

Consequently, the persistence of piracy does not necessarily demonstrate institutional failure. Instead, it may reflect structural constraints embedded within the regional governance environment, including strong sovereignty norms, disparities in state capacity, variations in domestic legal systems, and enduring socio-economic drivers of piracy.[127] From this perspective, regional mechanisms should be viewed as components of a layered governance architecture rather than as comprehensive solutions in their own right. A more convincing critique emerging from the literature concerns the lack of integration between regional and

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[124] Rosemary Collins and Daud Hassan, 'Applications and Shortcomings of the Law of the Sea in Combating Piracy: A South East Asian Perspective' (2009) 40 Journal of Maritime Law & Commerce, 89-113, at 94.

[125] Eric Ang and Chong De Xian, ReCAAP at 20: Why Asia's Counter Piracy Treaty Still Matters, 25 March 2026, S. Rajaratnam School of International Studies (RSIS), No. 58, RSIS Commentary, Singapore

[126] **MALSINDO (Malacca Strait Sea Patrol):** Launched in 2004 by Indonesia, Malaysia, and Singapore, this trilateral naval patrol coordinates national warships within respective territorial waters to suppress armed robbery and piracy; **Eyes in the Sky (EiS):** Introduced in 2005 and later joined by Thailand, this combined maritime air patrol allows multinational teams (including officers from participating nations) to conduct joint surveillance flights and spot threats from above; **ASEAN** provides the overarching diplomatic norms of national sovereignty and non-interference that shape how these littoral states cooperate without yielding control to external global powers

[127] Ministry of Defence of Singapore, Fact Sheet: The Malacca Straits Patrol, 21 April 2015, Ministry of Defence – Mindef; Ayu Praditha Poetri and Yandry Kurniawan, 'The Condition of Possibilities for ASEAN in Adopting International Norms Against Sea Piracy,' (2023) 9 Jurnal Politik, Article 4.

domestic enforcement mechanisms. While regional cooperation has improved surveillance, information sharing, and operational coordination, corresponding progress in judicial cooperation and legal harmonisation has been less pronounced.[128] As a result, intelligence collection and interdiction efforts are not always matched by effective prosecution and conviction processes.

The continued occurrence of piracy incidents in the Malacca Strait despite extensive regional cooperation illustrates this challenge. Although regional mechanisms have enhanced maritime domain awareness, deterrence ultimately depends upon the ability of national legal systems to arrest, prosecute, and punish offenders. Where prosecutorial frameworks remain fragmented or inconsistent, the effectiveness of regional security initiatives may be substantially reduced. Therefore, the literature suggests that piracy in Southeast Asia cannot be explained by a single causal factor. Instead, it emerges from the interaction of geographical opportunities, socio-economic pressures, governance weaknesses, and institutional limitations. While scholars broadly agree on the importance of regional cooperation, there is less consensus regarding the primary source of persistent piracy. Some emphasise structural drivers such as poverty and geography, while others highlight deficiencies in governance, legal harmonisation, and enforcement capacity.

The most persuasive explanation appears to be one that integrates these factors within a broader governance framework. Geography may create opportunities for piracy, and economic deprivation may provide motivations, but piracy becomes sustainable only when institutional weaknesses allow offenders to operate with relative impunity. Accordingly, the persistence of piracy in Southeast Asia appears to be less a consequence of inadequate regional cooperation than of the incomplete integration between regional security arrangements and domestic legal enforcement systems. This suggests that future anti-piracy strategies should focus not only on

[128] Rosemary Collins and Daud Hassan, n 125

surveillance and cooperation but also on strengthening prosecutorial capacity, legal harmonisation, and judicial effectiveness across the region.

2.4.3.2 East Africa

In the context of Somali piracy, the literature consistently identifies governance failure as a central factor in the emergence and persistence of piracy. Peter contends that the collapse of the Somali state in 1991 created an environment in which piracy and militant groups flourished.[129] Menkhaus attributes the growth of piracy to the absence of effective central government authority and maritime governance.[130] Similarly, Stanley and Dominique contend that the lack of effective governance and the absence of a functioning state created an environment conducive to the expansion of piracy.[131] Peter and Hendrick argued that the 26 December 2004 tsunami was a possible contributing factor to the rise in Somali piracy.[132] Collectively, these scholars suggest that piracy in Somalia cannot be understood solely as a maritime security problem but must also be viewed as a consequence of prolonged state failure and institutional weakness.

The literature further links the rise of piracy to broader patterns of conflict and instability. Edward and Ken identify distinct phases in the Somali piracy crisis, each associated with specific political and security developments.[133] Ken characterises the crisis through three interrelated conditions: the collapse of central government, protracted armed conflict, and

[129] J. Peter Pham, State Collapse, Insurgency, and Counterinsurgency: Lessons from Somalia, November 2013, Strategic Studies Institute and U.S. Army War College Press
[130] Ken Menkhaus, 'State Failure, State-Building, and Prospects for a "Functional Failed State" in Somalia' (2014) 656 The Annals of the American Academy of Political and Social Science, 154-172
[131] Stanley Ehiane and Dominique Uwizeyimana, 'Exploring Maritime Piracy and Somalia National Security' (2023) 10 International Journal of Membrane Science and Technology, 3128-3137
[132] Peter Lehr and Hendrick Lehmann, 'Somalia — Pirates' New Paradise' in Peter Lehr (ed) Violence at Sea: piracy in the Age of Global Terrorism (Routledge, 2006)
[133] Edward R. Lucas, Somalia's "Pirate Cycle": The Three Phases of Somali Piracy' (2013) 6 Journal of Strategic Security, Article 8; Ken Menkhaus, 'State College in Somalia: Second Thoughts' (2003) 97 Review of African Political Economy, 405-422

widespread lawlessness.[134] Likewise, Edward's concept of the 'Gosse's circle of piracy' demonstrates how onshore instability contributed directly to increases in piracy incidents, arguing that inter-factional conflict significantly fuelled the escalation of pirate attacks during the mid-2000s.[135] These analyses reinforce the argument that piracy is often rooted in land-based governance and security challenges rather than purely maritime factors.

Environmental degradation and economic deprivation feature prominently in scholarly explanations of Somali piracy. Several studies suggest that the collapse of legitimate economic opportunities in coastal communities contributed significantly to the emergence of piracy. Peter and Hendrick identify the 26 December 2004 tsunami as a contributing factor, arguing that the disaster further weakened already fragile coastal economies and livelihoods.[136] Similarly, Rashid and Mahamudu attribute the growth of piracy to overfishing, the depletion of Somali fish stocks, and the resulting loss of income among local fishing communities.[137] Awet extends this argument by contending that illegal foreign fishing activities and allegations of hazardous waste dumping in Somali waters created grievances that encouraged some coastal communities to view piracy as a form of economic resistance and survival.[138] Collectively, these accounts demonstrate that Somali piracy cannot be adequately understood solely through the lens of maritime crime; rather, it emerged within a broader context of environmental insecurity, economic marginalisation, and weak resource governance.

The literature also demonstrates how these underlying conditions facilitated the evolution of piracy into a sophisticated criminal enterprise. Several scholars argue that the initial grievances

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[134] Ken Menkhaus, n 130
[135] Edward Lucas, n 133
[136] Peter Chalk, Somali Piracy All About Economics Commentary, 11 Oct 2013, RAND Corporation; Jonathan R. Beloff, 'How Piracy is Affecting Economic Development in Puntland, Somalia' (2013) 6 Journal of Strategic Security, 47-54.
[137] Sumaila, U. Rashid and Bawumia, Mahamudu, 'Fisheries, ecosystem justice and piracy: A case study of Somalia' (2014) 157 Fisheries Research, 154-163
[138] Awet Weldemichael, 'Maritime corporate terrorism and its consequences in the western Indian Ocean: Illegal fishing, waste dumping and piracy in twenty-first-century Somalia' (2012) 8 Journal of the Indian Ocean Region, 110-126.

associated with illegal fishing and economic deprivation gradually transformed into a ransom-based business model in which organised pirate groups hijacked vessels, detained crews, and demanded substantial ransom payments.[139] Thomas similarly identifies political instability and economic hardship as the principal factors responsible for the rise of piracy in Somalia.[140] According to him "*Somalia's political vacuum following the 1991 collapse of the government created an enabling environment for illicit activities... entrepreneurial Somali pirates have created a business model that successfully exploits the incentives driving international maritime trade".*[141] He argues that the collapse of central government authority in 1991 created a political vacuum that enabled illicit activities to flourish, while the profitability of ransom payments encouraged the development of organised piracy networks.[142] This perspective suggests that Somali piracy was sustained not merely by poverty, but by the emergence of an economic system that successfully exploited vulnerabilities within international maritime trade.

The importance of governance is further emphasised throughout the literature. Wilson argues that piracy is unlikely to be eradicated in Somalia without the restoration of a functioning and effective government capable of exercising authority over its territory and maritime domain.[143]

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[139] Christian Bueger, 'Practice, Pirates and Coast Guards: the grand narrative of Somali piracy' (2013) 34 Third World Quarterly, 1811-1827; Awet Tewelde Weldemichael, 'The Epic Spiraling of Ransom Piracy', In: *Piracy in Somalia: Violence and Development in the Horn of Africa* (Cambridge University Press; 2019, 99-132); Sarah Percy and Anja Shortland, Anja, The Business of Piracy in Somalia, 2011, DIW Discussion Papers, No. 1033, Deutsches Institut für Wirtschaftsforschung (DIW), Berlin; Anja Shortland, Can we stop talking about Somali Piracy now? A Personal Review of Somali Piracy Studies, 2015, Annual NEPS Lecture 2015 at Warwick University; Lucia Bird and Karsten von Hoesslin, Developments in Somali and South East Asian Piracy, 11 May 2017, Global Initiative Against Transnational Organized Crime; The Financial Action Task Force (FATF), Organised Maritime Piracy and Related Kidnapping for Ransom, July 2011, FATF Report; The World Bank, The Pirates of Somalia: Ending the Threat, Rebuilding a Nation, 2013, International Bank for Reconstruction and Development/The World Bank, Washington DC, USA.

[140] Thomas Keating, 'The Political Economy of Somali Piracy' (2013) 33 SAIS Review of International Affairs Johns Hopkins University Press, 185-191

[141] Ibid

[142] Ibid

[143] Brian Wilson, Effectively Confronting a Regional Threat: Somali Piracy, in Vasu Gounden, (ed), Conflict Trends, Issue 1, 2009, The African Centre for the Constructive Resolution of Disputes (ACCORD), 12

Similarly, Percy and Shortland contend that organised criminal groups are particularly difficult to suppress when they become embedded within weak or fragile state structures.[144] Their analysis further suggests that piracy operates as a business enterprise and may even flourish in relatively stable environments where criminal actors can exploit predictable political and economic conditions.[145] These perspectives reinforce the argument that piracy is fundamentally linked to governance challenges and cannot be fully addressed through maritime enforcement measures alone.

The literature also raises important questions regarding the effectiveness of the international response to Somali piracy. Thomas acknowledges that coordinated naval patrols contributed significantly to the reduction of pirate attacks in the Gulf of Aden. However, he argues that such measures address the symptoms rather than the underlying causes of piracy. According to this view, the incentives that encourage piracy are likely to persist unless effective political institutions, economic opportunities, and governance structures are established onshore.[146] Ginkel and Putten similarly maintain that military responses, although important, are insufficient as a standalone solution.[147] Likewise, Homan and Kamerling observe that while international naval operations significantly reduced piracy incidents, they also exposed operational limitations that necessitated broader international cooperation, including support from non-traditional maritime security partners such as China, Russia, and India.[148]

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[144] Sarah Percy and Anja Shortland, The Business of Piracy in Somalia (Working Paper), August 2011, DIW Discussion Papers, No. 1033, Deutsches Institut für Wirtschaftsforschung (DIW), Berlin

[145] *Ibid*

[146] Thomas Keating, n 140

[147] Susanne Kamerling, Bibi van Ginkel, Frans-Paul van der Putten, Pioneering for Solutions against Piracy: Geopolitical analysis, counterpiracy initiatives, and policy solutions, 8 July 2009 international expert meeting, Netherlands Institute for International Relations 'Clingendael'.

[148] Kees Homan and Susanne Kamerling, Operational Challenges to Counterpiracy Operations off the Coast of Somalia, in Bibi van Ginkel and Frans-Paul van der Putten (eds), *The International Response to Somali Piracy: Challenges and Opportunities* (Martinus Nijhoff, Netherlands, 2010) 103

A growing body of literature therefore questions the long-term sustainability of military-centred anti-piracy strategies. Bueger, Stockbruegger and Werthes argue that deterrence, surveillance, and military operations do not constitute sustainable solutions to piracy.[149] This critique is particularly significant given that the period between 2008 and 2011, when multinational naval deployments were at their highest, also coincided with the peak of Somali piracy incidents.[150] This apparent paradox suggests that maritime enforcement alone does not eliminate the conditions that facilitate piracy. Instead, the evidence indicates that sustainable maritime security requires a broader approach that addresses governance deficits, political instability, economic marginalisation, and resource-based grievances on land.

Consequently, the Somali piracy experience highlights the limitations of predominantly legal and security-centred maritime security frameworks and demonstrates the need for a more integrated approach that combines maritime enforcement with governance reform, capacity-building, and the resolution of underlying land-based drivers of insecurity.

2.4.3.3 West Africa

A critical review of the literature demonstrates that piracy in the Gulf of Guinea (GoG) is driven by a complex interaction of economic, political, governance, and security factors.[151] While scholars differ in their emphasis, most agree that maritime crime in West Africa cannot be attributed to a single cause but rather emerges from a combination of structural vulnerabilities

[149] Christian Bueger, Jan Stockbruegger & Sascha Werthes, 'Pirates, Fishermen and Peacebuilding: Options for Counter-Piracy Strategy in Somalia' (2011) 32 Contemporary Security Policy, 356–381.
[150] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2008, (19 March 2009) MSC.4/Circ.133; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2009 (29 March 2010) MSC.4/Circ.152; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2010 (1 April 2011) MSC.4/Circ.169; International Maritime Organization (IMO): Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2011 (1 March 2012) MSC.4/Circ.180
[151] Funda Yercan, Oktay Cetin, and Rahim Conguloglu, 'The economic impact of piracy: a critical assessment of maritime security and trade disruptions in the Gulf of Guinea' (2026) 1 Maritime Economics & Logistics; Izuehie Queeneth Onyinyechi, 'The Political Economy of Piracy in The Gulf of Guinea' (2022) 6 International Journal of Petroleum and Gas Exploration Management, 37-88; Ginger L. Denton & Jonathan R. Harris, 'Maritime Piracy, Military Capacity, and Institutions in the Gulf of Guinea' (2022) 34 Terrorism and Political Violence, 1–27.

and local grievances. The dominant explanation within the literature links piracy in West Africa to the region's oil economy, particularly oil theft and illegal exploitation of petroleum resources. Ifesinachi and Paul identify oil theft and militancy as key triggers of piracy,[152] while Moses and Olaniyi argue that the extensive oil reserves in Nigeria's Niger Delta have created opportunities for armed groups to target oil infrastructure, steal crude oil, and engage in kidnapping for ransom.[153] In this context, piracy is viewed as an extension of broader resource-based criminal activities linked to the petroleum sector.

Supporting this position, Etienne contends that oil theft often evolves from opportunistic criminality into organised crime networks.[154] According to him:

Oil theft, smuggling, and illicit trade in petroleum products are often seen as lesser forms of crime than human trafficking, the drugs trade, smuggling of weapons, kidnapping, and terrorism. However, oil theft as an act of opportunity tends to evolve into organized crime and, if left unchecked, oil theft may interlink with other organized crime activities and groups… The mixing of legal commercial operations with illegal oil theft activities and fraud obscures many oil theft crimes.[155]

He argues that oil theft is frequently interconnected with other illicit activities, including weapons trafficking, kidnapping, terrorism, and smuggling. Furthermore, the integration of legal commercial operations with illicit petroleum transactions often obscures the true scale of oil-related criminality, making enforcement particularly challenging.

The literature further suggests that economic exclusion and perceptions of resource injustice contribute significantly to maritime crime. Despite being one of Africa's largest oil producers, Nigeria has witnessed longstanding tensions between local communities and the state over the

[152] Ifesinachi Okafor-Yarwood and others, 'Technology and maritime security in Africa: Opportunities and challenges in Gulf of Guinea' (2024) 160 Marine Policy; Paul A. Onuh, and others, 'Artisanal refining of crude oil in the Niger Delta: A challenge to clean-up and remediation in Ogoniland' (2021) 6 Local Economy, 468–486.

[153] Moses D and Olaniyi AT, 'Resurgence of Militancy in the Niger Delta Region of Nigeria' (2017) 5 Journal of Political Sciences & Public Affairs; Katja Lindskov Jacobsen, Amanda Møller Rasmussen, 'Piracy and the broader 'gun business' in the Niger Delta' (2024) 100 International Affairs, 1693–1712.

[154] Etienne Romsom, Global oil theft: impact and policy responses, February 2022, WIDER Working Paper 2022/16, United Nations University World Institute for Development Economics Research (UNU-WIDER)

[155] *Ibid*

distribution of oil wealth.[156] Bueger argues that piracy is often supported or conducted by economically marginalised communities that have been excluded from development opportunities.[157] According to him *"Piracy tends to be conducted or supported by marginalised communities that have not been participating in economic development."*[158] Consequently, maritime crime becomes both a source of income and a form of resistance against perceived economic inequities.

Beyond economic motivations, several scholars emphasise the relationship between piracy and political militancy in the Niger Delta. Kamal-Deen and other maritime security scholars argue that many perpetrators are associated with militant organisations and community defence groups rather than purely criminal enterprises.[159] Groups such as the Movement for the Emancipation of the Niger Delta (MEND) and the Niger Delta Avengers have frequently engaged in maritime attacks as part of broader political struggles concerning resource control, environmental degradation, and regional autonomy.[160] This perspective suggests that piracy in the Gulf of Guinea differs from purely profit-driven maritime crime, as it is often intertwined with political grievances and demands for greater participation in the benefits generated by the region's natural resources. Consequently, maritime insecurity must be understood as both a criminal and political phenomenon.

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[156] Marc-Antoine Pérouse de Montclos, *Niger Delta: The Business of the Oil Curse* (Brill Netherlands, 2024)

[157] Christian Buerger, cited in Nirit Ben-Ari, Piracy in West Africa: A bumpy road to maritime security, 19 November 2013, United Nations Africa Renewal.

[158] *Ibid*

[159] Ali Kamal-Deen, 'The Anatomy of Gulf of Guinea Piracy', (2015) 68 Naval War College Review, Article 7; Katja Lindskov Jacobsen, Giuseppe Sernia, and Hugues Faipoux, Pirates of the Niger Delta: Between Brown and blue Waters, 2019-2021, Ministry of the Foreign Affairs of Denmark, Danish Maritime Security Program for the Gulf of Guinea 2019-2021, Global Maritime Crime Programme of UNODC; Matthew Fiorelli, Piracy in Africa: The Case of the Gulf of Guinea, August 2014, Koffi Annan International Peacekeeping Training Centre, KAIPTC Occasional Paper No. 37; Max Williams, Gulf of Guinea Maritime Security: Lessons, Latency, and Law Enforcement, 15 May 2024, Wars on the Rock.

[160] Ogbuku Samuel and Edward P. Agbai, 'Political Economy of Militancy and the Increase in Criminality in Niger Delta Region of Nigeria: A Retrospective' (2022) 8 IIARD International Journal of Economics and Business Management, 67.

Another major theme in the literature concerns the role of weak governance and corruption. Scholars such as Martin argue that piracy thrives in environments characterised by ineffective governance structures, corruption, and inadequate maritime law enforcement.[161] This view is reinforced by the Royal Institute of International Affairs, which highlights the prevalence of corruption and fraud within Nigeria's oil sector. According to them "*corruption and fraud are rampant in the country's oil sector," and "lines between legal and illegal supplies of Nigerian oil can be blurry." In such a climate pirates have an incentive to steal oil, since they know that they will be able to sell it on the black market".*[162] The organisation notes that the distinctions between legal and illegal oil supplies are often blurred, creating favourable conditions for stolen oil to enter legitimate markets. Such institutional weaknesses increase the profitability of piracy while reducing the risks faced by offenders.

Similarly, Vrey and Rina argue that the inability of governments to effectively exercise authority over coastal areas and offshore installations creates opportunities for piracy.[163] In their assessment, weak state control over maritime spaces enables criminal networks to operate with relative freedom. Vrey further contrasts the Gulf of Guinea with the Horn of Africa, arguing that maritime insecurity in West Africa poses a more direct threat to the economic survival of littoral states because of their dependence on maritime trade and offshore resources. He accordingly posits that:

…the seas around the Horn of Africa, where the threat is to some foreign entity and the reaction configured by a foreign response, the maritime threats in the Gulf of Guinea hold real dangers for the countries of the Gulf of Guinea and their dependency on the resources and commerce originating from the Gulf.[164]

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[161] Martin N. Murphy, Africa's Leaking Wound' (2013) 139, U.S Naval Institute, 1,321

[162] Christina Katsouris and Aaron Sayne, Nigeria's Criminal Crude: International Options to Combat the Export of Stolen Oil, 15 September 2013; see also, This Day, Nigeria's Oil: A Theft without End, *This Day* (Nigeria, 23 February 2020); Adam Nossiter, As Oil Thieves Bleed Nigeria, Report Says, Officials Profit, The New York Times (19 September 2013)

[163] Francois Vreÿ, 'Bad order at sea: From the Gulf of Aden to the Gulf of Guinea' (2009) 18 African Security Review, Institute for Security Studies, 17-30, at 25; Rina Bassist, 'Piracy in the Gulf of Guinea: Those trying to curb it, and those standing in their way' (2022) 7 Ifriqiya Africa Research Program

[164] Francois Vreÿ, *ibid,* p 23

Closely linked to governance challenges is the issue of limited maritime security capacity. The literature consistently identifies insufficient surveillance capabilities, inadequate naval assets, and weak enforcement mechanisms as major contributors to maritime insecurity. Vrey emphasises the need for Gulf of Guinea states to possess the jurisdictional authority, surveillance capabilities, and operational capacity necessary to assert sovereignty at sea.[165] However, he concludes that, except for Nigeria, few coastal states in the region possess the resources required to effectively govern their maritime domains.[166]

Similarly, Ifesinachi argues that regional governments often lack the financial and operational resources needed to monitor and control activities within their maritime zones. According to him, the "*limited capacity for regional states to monitor and control activities at sea, as many countries cannot devote necessary resources to address maritime insecurity".*[167] This capacity deficit limits the ability of states to prevent piracy, respond to incidents, and prosecute offenders effectively. Ogbise further highlights the role of inadequate infrastructure and ineffective security frameworks in facilitating maritime crime.[168] According to his analysis, insufficient investment in critical infrastructure undermines efforts to combat oil theft and piracy, making infrastructural development an important component of maritime security strategies.

Several scholars extend the analysis beyond maritime-specific factors and emphasise broader regional instability.[169] Martins argues that piracy in West Africa is rooted in a combination of geopolitical instability and weak governance. Political unrest and conflict within Gulf of

[165] *Ibid*, p. 24
[166] *Ibid,* p. 25
[167] Ifesinachi Okafor-Yarwood, n 152
[168] Inna Frank Ogbise, 'Infrastructural Development, Security, and Prevention of Oil Theft in the Niger Delta Region of Nigeria' (2025) 9 Social Science and Humanities Journal, 7289-7302
[169] Martin N. Murphy, 'Petro-Piracy: Oil and Troubled Waters Author links open overlay panel' (2013) 57 Orbis, 424-437; Izuehie Queeneth Onyinyechi, 'The Political Economy of Piracy in The Gulf of Guinea' (2022) 6 International Journal of Petroleum and Gas Exploration Management, 37-89. Rossella Marangio, eep Waters: The maritime security landscape in the Gulf of Guinea, Jan 2025, Brief 1, European Union Institute for Security Studies (EUISS); Whitney Akhahenda, and others, 'Analysis of maritime piracy trends and patterns using spatial autocorrelation in Africa' (2024) 8 Journal of International Maritime Safety, Environmental Affairs, and Shipping.

Guinea states, including Nigeria, Benin, Côte d'Ivoire, Ghana, Guinea, Gabon, Liberia, Sierra Leone and Togo create conditions that allow armed groups and criminal networks to flourish.[170] In this context, piracy reflects deeper state fragility and broader security challenges affecting the region.

While most scholars identify weak state capacity as a principal driver of piracy, some studies challenge this assumption. Denton and Harris argue that military capacity alone does not significantly influence the prevalence of piracy incidents in West Africa.[171] Instead, they contend that institutional quality and regime type are more important determinants. Accordingly they argued:

that a state's military capacity has no impact on the prevalence of piracy events, while institutional frameworks and regime type influence the degree and number of maritime attacks off the coast of West Africa. The results imply that institutionally strong and democratic regimes are less likely to experience piracy in the Gulf of Guinea than weak states or anocracies.[172]

Their research suggests that states with stronger institutions and democratic governance structures are less likely to experience piracy than weak states or anocratic regimes. This perspective shifts the focus from military strength towards governance effectiveness and institutional legitimacy.

Drawing together these diverse perspectives, the literature suggests that piracy in the Gulf of Guinea is a multidimensional problem requiring more than military responses. Economic deprivation, resource-based grievances, political militancy, weak governance, corruption, and limited maritime capacity collectively contribute to maritime insecurity. Consequently, Kwaku and Frank advocate for transformative approaches at both national and international levels,

[170] Martin N. Murphy, *ibid*
[171] Ginger L. Denton & Jonathan R. Harris, 'Maritime Piracy, Military Capacity, and Institutions in the Gulf of Guinea' (2022) 34 Terrorism and Political Violence, 1-27.
[172] *Ibid*

arguing that sustainable maritime security requires comprehensive reforms that address both the symptoms and root causes of piracy.[173]

2.4.4 Regional Cooperation and Multilateral Initiatives

The literature on regional maritime security cooperation increasingly emphasises that, although international legal instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) complemented by the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) and its 2005 Protocol establish the overarching legal framework for combating piracy, their effectiveness depends substantially on implementation at regional and national levels. Consequently, scholars have highlighted the importance of regional cooperation mechanisms in facilitating information sharing, operational coordination, capacity building, and the domestic implementation of international maritime security obligations[174]. Within this context, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), the Djibouti Code of Conduct (DCoC), and the Yaoundé Code of Conduct (YCoC) have emerged as significant regional frameworks for addressing piracy and armed robbery against ships.[175]

The establishment of ReCAAP in 2006 is widely regarded as a landmark development in regional maritime security cooperation.[176] ReCAAP is frequently presented in the literature as

[173] Kwaku Danso and Frank O. Okyere, Thinking Beyond Borders: Understanding the Domestic and External Sources of Maritime Insecurity in the Gulf of Guinea, 2023, KAIPTC Occasional Paper 56

[174] Anja Menzel, 'Fragmentation or Effective Governance? The Regime Complex of Counter-Piracy in Asia' (2022) 10 Cogitatio Press, 80–89; Anja Menzel, 'Institutional adoption and maritime crime governance: the Djibouti Code of Conduct' (2018) 14 Journal of the Indian Ocean Region, 1-18

[175] the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) adopted in November 2004 and enter into force in September 2006; Djibouti Code of Conduct (DCoC) concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, adopted in January 2009, revised by The Jeddah Amendment to the Djibouti Code of Conduct 2017; and 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) adopted 25 June 2013

[176] Kornwika Poonnawatt, 'Multilateral cooperation against maritime piracy in the Straits of Malacca: From the RMSI to ReCAAP' (2023) 152 Marine Policy.

one of the most institutionalised and effective regional responses to piracy.[177] Raymond and Beckman argue that its effectiveness derives primarily from structured information-sharing mechanisms, coordinated responses to maritime incidents, and sustained capacity-building initiatives among participating states.[178] Similarly, Bateman and Joshua identify the ReCAAP Information Sharing Centre (ISC) as a critical factor in enhancing maritime domain awareness and facilitating timely responses to piracy incidents.[179] The broader regional security architecture, particularly the Malacca Strait Patrols (MSP) established by Indonesia, Malaysia, Singapore, and later Thailand, has also been cited as an important contributor to the significant reduction of piracy incidents in one of the world's busiest maritime corridors.[180]

Notwithstanding these achievements, scholars have identified important limitations within Southeast Asian cooperative arrangements. The exclusion of certain regional actors and concerns regarding state sovereignty have generated considerable debate within the literature. Patnayak contends that the MSP was developed partly in response to concerns regarding external intervention, particularly proposals for greater United States involvement in securing the Strait of Malacca. Accordingly, he argued that "*the very reason MSP was established, or rather, hastily established, was to forestall the United States' (US) proposal of policing the strait to curb rising piracy*."[181] Similarly, Murphy and Menzel argue that sovereignty

[177] Joshua Ho, 'Combating piracy and armed robbery in Asia: The ReCAAP Information Sharing Centre (ISC)' (2009) 33 Marine Policy, 432; Eric Ang, Chong De Xian, ReCAAP at 20: Why Asia's Counter-Piracy Treaty Still Matters, 25 March 2026, CO26058, S. Rajaratnam School of International Studies (RSIS) Commentary, Singapore.

[178] Catherine Zara Raymond, 'Piracy and Armed robbery in the Malacca Strait' (2009) 62 Naval War College Review, Art. 4; Robert Beckman, 'The UN Convention on the Law of the Sea and the Maritime Disputes in the South China Sea' (2013) 107, American Journal of International Law, 142-163

[179] Sam Bateman, Piracy Monitoring Wars: Responsibilities for Countering Piracy, RSIS Commentary No. 115 – 13 May 2015, S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University, Singapore; Joshua Ho, 'Combating piracy and armed robbery in Asia: The ReCAAP Information Sharing Centre (ISC)', (2009) 33 Marine Policy.

[180] Omar Al-Ubaydli, and others, Maritime Security in the MENA Region: Lessons from the Malacca Straits Patrol, 6 July 2025, The MENA2050 Regional Vision Team, Opinion note, MENA 2050; MINDEF, Fact Sheet: The Malacca Straits Patrol, 21 April 2015, Singapore.

[181] Prisie L. Patnayak, Why India Should Be Included in the Malacca Strait Patrol, 16 October 2025, Observer Research Foundation

sensitivities continue to constrain deeper institutional integration and information sharing among some regional actors.[182] Other scholars note that Indonesia and Malaysia remain outside ReCAAP despite being key maritime states within the region, illustrating the persistent tension between regional cooperation and national sovereignty.[183]

In contrast, scholarly assessments of the Djibouti Code of Conduct and the Yaoundé Code of Conduct are generally more cautious. While both frameworks have strengthened regional cooperation through information sharing, joint patrols, training programmes, and capacity-building initiatives, their implementation has been constrained by broader governance and institutional challenges. Scholars argue that domestic legal weaknesses, inadequate resources, limited funding, political instability, corruption, and inconsistent commitment among participating states continue to undermine the effectiveness of these arrangements.[184] Furthermore, significant disparities in maritime enforcement capabilities and variations in domestic legal frameworks have complicated efforts to achieve coordinated and sustained regional responses to piracy.[185]

Hastings and Phillips, as well as Bueger and Edmunds, acknowledge that these regional initiatives have generated important institutional developments and enhanced communication among participating states.[186] However, they argue that weak legal harmonisation, capacity

[182] Martin Murphy, 'Maritime Piracy and the Construction of Global Governance' (2014) 67 Naval War College Review, Article 15; Anja Menzel, 'Fragmentation or Effective Governance? The Regime Complex of Counter-Piracy in Asia' (2022) 10 Cogitatio Press, 80–89

[183] Ahmad Almaududy Amri, 'Piracy in Southeast Asia: An Overview of International and Regional Efforts' (2014) 1 Cornell International Law Journal, 128; Kornwika POONNAWATT, 'Multilateral cooperation against maritime piracy in the Straits of Malacca: From the RMSI to ReCAAP' (2023) 152 Marine Policy.

[184] Anja Menzel, 'Institutional adoption and maritime crime governance: the Djibouti Code of Conduct' (2018) 14 Journal of the Indian Ocean Region, 1-18

[185] Bradley Beckley Ndibnu, The Legal Frameworks and Challenges in addressing Maritime Security in the Gulf of Guinea: A Comparative Maritime Study, 2024, United Nations – The Nippon Foundation of Japan Fellowship Programme 2024

[186] Justin V. Hastings and Sarah G. Philips, 'Maritime piracy business networks and institutions in Africa' (2015) 114 Africa Affairs, 555; Christian Bueger and Timothy Edmunds, 'Beyond seablindness: A new agenda for maritime security studies' (2017) 93 International Affairs, 1293.

deficits, resource constraints, and political rivalries continue to impede their effectiveness.[187] Similarly, Anja and Kabiru highlight the challenges associated with developing robust national maritime institutions and emphasise the need for stronger coordination among regional actors to avoid duplication of effort and maximise collective security outcomes.[188] These concerns are particularly evident in the Gulf of Guinea, where persistent piracy incidents and maritime insecurity continue to raise questions regarding the long-term sustainability of regional responses in the absence of broader governance reforms and institutional strengthening.

A related strand of scholarship argues that effective maritime security cannot be achieved through regional arrangements alone.[189] Instead, successful implementation requires interaction between international legal frameworks, regional cooperation mechanisms, and domestic legal and institutional structures. From this perspective, the continuing prevalence of piracy in some regions is attributable not only to deficiencies within regional frameworks but also to weaknesses in domestic implementation, enforcement capacity, and political commitment.[190] Consequently, several scholars advocate greater involvement by international organisations, including the International Maritime Organization (IMO), alongside enhanced support from international naval coalitions and development partners.[191]

The persistence of maritime insecurity in the Gulf of Guinea has also attracted attention at the international level. United Nations Security Council Resolutions 2018 (2011), 2039 (2012),

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[187] *Ibid*

[188] Anja Menzel, 'Institutional adoption and maritime crime governance: the Djibouti Code of Conduct' (2018) 14 Journal of the Indian Ocean Region, 1-18; Kabiru Tanimu, 'The 2013 Yaoundé code of conduct: an evaluation' (2025) 3 International Journal of Maritime Crime & Security (IJMCS), 56

[189] Christian Bueger and Mohanvir Singh Saran, 'Finding a regional solution to piracy: Is the Djibouti process the answer?', 18 August 2012, Safe Sea; Bradley Beckley Ndibnu, 'The legal frameworks and challenges in addressing maritime security in the Gulf of Guinea: A comparative study, United Nations – The Nippon Foundation of Japan Fellowship Programme 2024.

[190] Neslihan Kucuk and others, 'Hotspot analysis of global piracy and armed robbery incidents at sea. A decadal review of regional vulnerabilities and security strategies' (2025), 260 Ocean and Coastal Management, 1-18

[191] Kathleen Kao, and others, 'International Cooperation in Combating the Financing of Terrorism' in Chady A El Khoury, (ed), Countering the Financing of Terrorism: Good Practices to Enhance Effectiveness, 12 May 2023, International Monetary Fund

2634 (2022) and subsequent resolutions highlighted growing concerns regarding piracy and armed robbery against ships in the region and called for greater regional and international cooperation.[192] Similarly, Jose Mba Abeso, Executive Secretary of the Gulf of Guinea Commission, has emphasised that while the Yaoundé Architecture represents an important institutional framework, its effectiveness remains dependent upon full domestic incorporation and implementation by participating states.[193]

Overall, the literature suggests that regional cooperation arrangements have made important contributions to maritime security but have produced uneven outcomes across different regions. ReCAAP is frequently cited as a relatively successful example of institutionalised regional cooperation, particularly due to its information-sharing mechanisms, operational coordination, and sustained political commitment among participating states. By contrast, the Djibouti Code of Conduct and the Yaoundé Code of Conduct continue to face greater implementation challenges arising from capacity constraints, resource limitations, governance weaknesses, and varying levels of political commitment among participating states.[194] These variations indicate that the effectiveness of regional maritime security frameworks depends not only on their institutional design but also on the broader political, legal, and socio-economic environments within which they operate.

While the existing literature provides valuable insights into the operation of individual regional frameworks, much of the scholarship remains regionally fragmented. Studies frequently focus on Southeast Asia, East Africa, or West Africa in isolation, with limited systematic comparison

[192] United Nations Security Council Resolution, Resolution 2039 (2012). Adopted by the Security Council at its 6727th meeting, on 29 February 2012, S/RES/2039 (2012); United Nations Security Council Resolution, Adopting Resolution 2634 (2022), Security Council Calls on Gulf of Guinea Countries to Criminalise Piracy, Armed Robbery at Sea under Domestic Laws, 31 May 2022, SC/14915

[193] UN Meeting Coverage and Press Release, Ongoing Decline in Gulf of Guinea's Piracy, Armed Robbery Encouraging, But Support Needed to Fully Implement Yaoundé Architecture, Briefers Tell Security Council, 21 June 2023, SC/15331.

[194] Stephanie Fitzgerald, International Cooperation in Combating Threats to Maritime Security: Global Maritime Security and International Law, (2023) 2013/2014 Interstate - Journal of International Affairs 2013/2014; Kabiru Tanimu, n 188

across regions. Consequently, there remains insufficient understanding of how differences in governance capacity, institutional development, legal implementation, and regional cooperation influence maritime security outcomes. This thesis seeks to address this gap through a comparative analysis of piracy trends and governance responses across Southeast Asia, East Africa, and West Africa, thereby providing a more comprehensive evaluation of the effectiveness of international and regional maritime security frameworks in combating piracy and armed robbery against ships.

2.4.5 Military Operational and Private Sector Responses to Regional Piracy Crisis

A significant body of literature examines the role of military interventions in suppressing piracy, particularly in response to the Somali piracy crisis. Scholars such as Kraska and Wilson generally portray multinational naval cooperation as one of the most successful maritime security responses of the modern era.[195] Similarly, Holmes and Chalk argue that multinational operations, including the European Union Naval Force (Operation Atalanta), Combined Task Force 151 (CTF-151), and NATO's Operation Ocean Shield, contributed substantially to the dramatic decline in piracy incidents off the coast of Somalia between 2009 and 2013.[196] These operations improved maritime surveillance, enhanced naval coordination, disrupted pirate networks, and increased the risks associated with maritime attacks. The literature therefore presents military intervention as an effective short-term mechanism for protecting international shipping and restoring maritime security. In particular, coordinated naval patrols, intelligence

[195] James Kraska and Brian Wilson, 'The Global Maritime Partnership and Somali Piracy' (2009) 25 Defense and Security Analysis, 223-234; Bibi van Ginkel and Frans-Paul van der Putten, 'Introduction: The international response to Somali piracy' In Bibi van Ginkel and Frans-Paul van der Putten, eds, *The International Response to Somali Piracy*: *Changes and Opportunities* (Leiden, Netherlands, Martinus Nijhoff Publishers, 2010)

[196] James Holmes, 'Tackling Somali Piracy Ashore: Maritime Security and Geopolitics in the Indian Ocean' (2010) 34 Strategic Analysis, 717-727; Peter Chalks, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States* (US, Rand Corporation, 2008); Peter Chalk, 'Combating Piracy: The international law dimension' (2012) 43 Journal of maritime law and commerce,429-456

sharing, and escort operations are frequently cited as examples of successful international cooperation in addressing transnational maritime threats.

However, scholarly opinion diverges regarding the extent to which these operations should be regarded as sustainable solutions to piracy. While many scholars celebrate their operational success, others question whether the reduction in piracy can be attributed solely to military intervention. Such critiques challenge assumptions that naval power alone can provide a long-term solution to maritime insecurity. A major debate within the literature concerns the limitations of military-led counter-piracy strategies. Holmes argues that the scale of the international response to Somali piracy was not entirely proportionate to the threat posed by piracy itself.[197] Instead, he suggests that geopolitical considerations, concerns about strategic shipping routes, and fears of diplomatic criticism played an important role in motivating international action. From this perspective, military operations reflected broader political interests as much as security imperatives.

Similarly, Homan criticises the overreliance on military solutions and argues that counter-piracy efforts should incorporate lessons from contemporary peacebuilding and stabilisation operations.[198] He contends that military interventions are inherently limited because they focus primarily on suppressing manifestations of piracy at sea while neglecting the political, economic, and governance conditions that facilitate piracy on land. This argument is reinforced by Percy and Shortland, who contend that naval operations often address the symptoms rather than the causes of piracy.[199] They argue that military deployments create temporary deterrence

[197] James R. Holmes, 'The interplay between counterpiracy and Indian Ocean geopolitics' in Bibi van Ginkel and Frans-Paul van der Putten, eds, *The International Response to Somali Piracy*: *Changes and Opportunities* (Leiden, Netherlands, Martinus Nijhoff Publishers, 2010)

[198] Kees Homan and Susanne Kamerling, 'Operational challenges to counterpiracy operations off the coast of Somalia' in Bibi van Ginkel and Frans-Paul van der Putten, eds, *The International Response to Somali Piracy*: *Changes and Opportunities* (Leiden, Netherlands, Martinus Nijhoff Publishers, 2010) 65-103

[199] Sarah Percy, Anja Shortland, 'Contemporary Maritime Piracy: Five Obstacles to Ending Somali Piracy' (2013) 4 Global Policy.

but do little to resolve the structural conditions that enable piracy to emerge. Consequently, piracy may reappear when naval pressure declines. This position aligns with the view advanced by the European Union, which argues that:

there will be no solution to the problem of piracy without a solution to the root causes of the conflict on land in Somalia…. If the piracy problems of the Gulf of Aden and the Indian Ocean are not robustly tackled, there will be copy-cat piracy elsewhere on the world's shipping lanes adjacent to failed states or regions where a government's writ fails to reach.[200]

Therefore, suggesting that sustainable piracy suppression requires addressing the underlying instability, conflict, and governance deficits within Somalia. According to this perspective, maritime security cannot be separated from conditions on land, and effective counter-piracy strategies must incorporate broader state-building and development initiatives.

The literature therefore highlights a fundamental tension between tactical success and strategic effectiveness. While military operations may successfully suppress piracy incidents in the short term, their capacity to achieve lasting reductions in piracy remains contested. Alongside military interventions, scholars increasingly examine the role of private security measures in countering piracy. The introduction of Best Management Practices (BMPs) and the widespread deployment of Private Military and Security Companies (PMSCs) have attracted considerable attention within the maritime security literature. Clive and other scholars attribute a significant proportion of the decline in Somali piracy to the adoption of these measures.[201] BMPs improved vessel self-protection through the use of enhanced surveillance, defensive manoeuvres, physical barriers, and reporting procedures.[202] Similarly, the deployment of armed security personnel aboard commercial vessels significantly increased the costs and risks facing pirate

[200] House of Lords, UK Parliament, European Union Committee - Twelfth Report, Combating Somali Piracy: the EU's Naval Operation Atalanta, 6 April 2010, Session 2009-10, addressing root causes, Par. 61 and 63

[201] Clive Schofield, 'Arming Merchant Vessels: Enhancing or Imperilling Maritime Safety and Security?' (2014) Korean Journal of International and Comparative Law 2, 46–66

[202] IMO, Private Armed Security, 17 July 2014 Private Armed Security Accessed on 6 February 2026

groups.[203] The literature frequently notes that vessels carrying armed guards were rarely successfully hijacked during the height of Somali piracy.

The growing reliance on PMSCs has consequently been viewed by some scholars as an important evolution in maritime security governance, reflecting a shift towards shared responsibility between states and private actors in protecting global shipping.[204] Despite recognising their operational effectiveness, scholars remain divided on the increasing role of private security actors. Katinka and other researchers highlight concerns regarding the expanding privatisation of maritime security and the implications this has for accountability and governance.[205] Lehr and Homan argue that although PMSCs have strengthened shipboard defence capabilities, their legal status under international law remains ambiguous.[206] Questions persist regarding the lawful use of force, liability for wrongful actions, rules of engagement, and mechanisms for oversight and accountability.[207] Unlike state naval forces, private security providers operate within a fragmented legal environment characterised by varying domestic regulations and limited international oversight.

These concerns raise broader questions about the extent to which maritime security should be delegated to private actors. While PMSCs may enhance operational effectiveness, their growing role challenges traditional state monopolies over the legitimate use of force and

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[203] Yvonne Dutton, 'Gunslingers on the High Seas: A Call for Regulation' (2013) 24 Duke Journal of Comparative & International Law, 107

[204] Oluwatosin S. Osaloni, 'The Legal Frameworks Arising from Using Armed Guards Onboard Ships: Challenges and the Way Forward' (2023) 14 Beijing Law Review, 621

[205] Katinka Svanberg, 'The use of private maritime guards as an innovative means to fulfil states duty to cooperate in the repression of maritime piracy, Part 1' (2020) 1 International Journal of Maritime Crime and Security; Christopher Spearin, 'Against the Current? Somalia Pirates, Security, and American Responsibilization' (2010) 31 Contemporary Security Policy, 553-568; McCabe, R., 'Policing the Seas: Building Constabulary Maritime Governance in the Horn of Africa: The Case of Djibouti and Kenya' (2019) 12 African Security, 330-355

[206] Peter Lehr, 'Piracy and maritime governance in the Indian Ocean' in Jivanta Schottli, 'Power, Politics and Maritime Governance in the Indian Ocean (London: Routledge, 2015) 128; Kees Homan and Susanne Kamerling, n. 198.

[207] *Ibid*

introduces new governance and accountability dilemmas. Consequently, the literature reveals a tension between the practical benefits of private security and the legal uncertainties associated with its deployment. A recurring theme across the literature is that neither military interventions nor maritime security instruments alone are sufficient to address piracy effectively. Numerous studies argue that the effectiveness of international legal frameworks and regional security arrangements ultimately depends upon their implementation at the domestic level.[208] Scholars consistently emphasise the importance of national legal frameworks, law enforcement capabilities, judicial systems, and political commitment in translating international obligations into practical outcomes. The existence of legal instruments and cooperative arrangements may facilitate action against piracy, but successful implementation depends on the willingness and capacity of states to investigate, prosecute, and punish offenders.[209]

The literature further suggests that regional arrangements have generally achieved greater practical success than global legal instruments.[210] Regional organisations and initiatives often possess greater operational flexibility, stronger local knowledge, and more effective information-sharing mechanisms. Their ability to tailor capacity-building programmes to regional conditions has enabled them to address specific security challenges more effectively than broader international frameworks. However, scholars caution against equating operational success with long-term effectiveness. Although regional cooperation mechanisms and international maritime security instruments have contributed significantly to reducing piracy

[208] Tobias Liebetrau, Christian Bueger, 'Advancing coordination in critical maritime infrastructure protection: Lessons from maritime piracy and cybersecurity', (2024) 46 International Journal of Critical Infrastructure Protection; Nong Hong and Adolf Ng, 'The international legal instruments in addressing piracy and maritime terrorism: A critical review' (2010) 27 Research in Transportation Economics, 51-60; Po-Hsing Tseng, Zhao-Chao Her, and Nick Pilcher, 'Piracy defense strategies for shipping companies and ships: A mixed empirical approach' (2021) 2 Maritime Transport Research; security Council Report June 2023 monthly Forecast, 31 May 2923

[209] Gary A. Gordon and Richard R. Young, 'Intermodal maritime security: where do we go from here?' in *Intermodal Maritime Security: Supply Chain Risk Management*, (Netherlands, Elsevier, 2021) 345-360.

[210] Tobias Liebetrau, Christian Bueger, n 208

incidents, questions remain regarding their sustainability.[211] Persistent governance weaknesses, economic inequalities, and institutional deficiencies continue to provide conditions under which piracy may re-emerge.

The literature demonstrates broad agreement that military operations, private security measures, and regional cooperation mechanisms have contributed significantly to reducing piracy, particularly in Somalia. However, scholars remain divided regarding the long-term effectiveness of these approaches. While proponents highlight measurable reductions in piracy incidents, critics argue that such interventions primarily suppress symptoms rather than address underlying causes. A key weakness within much of the literature is its tendency to evaluate success using short-term reductions in piracy incidents rather than long-term resilience against piracy resurgence. The Somali experience suggests that military power, private security, and regional cooperation can create effective deterrence, but their success remains dependent upon parallel improvements in governance, economic development, judicial capacity, and political stability.

Consequently, the literature increasingly points towards a multidimensional understanding of piracy suppression in which military and private security responses are necessary but insufficient components of a broader maritime governance framework. From this perspective, sustainable counter-piracy strategies require not merely enhanced maritime enforcement but the integration of security, legal, economic, and governance reforms capable of addressing both the manifestations and underlying drivers of piracy.

[211] Gary A. Gordon and Richard R. Young, n 209

2.5 Theoretical Frameworks in Piracy

This study is grounded in a multi-layered scholarly theoretical analysis of maritime piracy and armed robbery against ships drawn from international law theory, arguments on sovereignty and global governance, regional security theories, and legal pluralism. This framework provides a critical examination of how international legal norms are interpreted, implemented, and contested at regional and domestic levels, particularly in piracy-prone regions, such as Southeast Asia, East Africa, and West Africa. While these perspectives offer valuable insights into specific dimensions of maritime insecurity, they often operate in isolation, limiting their explanatory power when applied to complex, transnational piracy dynamics. However, together, these perspectives provide an analytical lens for understanding why piracy and armed robbery against ships persist despite the existence of international maritime security instruments.

2.5.1 Legal Positivism and International Maritime Security

Legal positivism has traditionally dominated scholarship on international maritime law and piracy. Much of the legal literature examines piracy through the interpretation of treaties, customary international law, and state obligations, with particular emphasis on the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA). Positivist scholars view international law as a system of rules derived from state consent and embodied in treaties, conventions, and customary practices.[212] According to this positivism perspective, *"law was the creation of sovereign will and that law was administered and enforced by sovereigns as the*

[212] Daud Hassan, The Role of Positivism in the Development of International Law, (2013) 87 Philippine Law Journal, 778

highest authorities. Sovereigns could only be bound by the terms to which they had agreed."[213] Therefore, they posit that international legal obligations derive their legitimacy from state acceptance rather than from moral, political, or natural law considerations.

This positivist approach is founded on "*two fundamental assumptions: (1) valid international law consists only of rules that have been accepted by States (voluntarism); and (2) all rules to which a State has consented bind it (consensualism)"*[214]. These principles of voluntarism and consensualism, assume that states are bound only by those legal obligations to which they have consented. Consequently, international maritime security is primarily understood as a system of legal rights and obligations voluntarily established through international agreements. Instruments such as UNCLOS and the SUA Convention therefore constitute the legal foundation upon which the international regulation of piracy is constructed.[215] From a positivist perspective, legal certainty, clearly defined obligations, and state compliance are regarded as essential prerequisites for effective maritime governance. In application to piracy, legal positivism views UNCLOS as the principal source of international legal authority. The Convention establishes the internationally recognised definition of piracy, allocates jurisdictional competence, and authorises states to suppress piracy on the high seas. Consequently, the effectiveness of international anti-piracy efforts is generally assessed through measures such as treaty ratification, domestic implementation, and formal compliance with legal obligations. In this sense, positivism assumes that the existence of clearly defined legal rules will encourage and facilitate state action against piracy.

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[213] Mieke van der Linden, New Imperialism: Imperium, Dominium and Responsibility under International Law, In: *The Acquisition of Africa (1870-1914): The Nature of International Law* (Brill | Nijhoff, Netherlands, 2016) 13

[214] Randall Lesaffer, European Legal History: A Cultural and Political Perspective (Cambridge University Press, UK, 2009), 437.

[215] Mieke van der Linden, n 213.

Despite its influence, the positivist approach has attracted increasing criticism within maritime security scholarship. Critics argue that it offers a largely normative account of international law that focuses on what states ought to do rather than explaining how legal rules operate in practice. While positivism successfully explains the creation and legal authority of anti-piracy norms, it provides limited insight into why implementation frequently fails despite widespread acceptance of those norms. Consequently, contemporary piracy scholarship has increasingly moved beyond purely doctrinal analysis towards approaches that incorporate political, institutional, economic, and governance-based explanations for maritime insecurity.

2.5.1.1 Limitations of Legal Positivism in Explaining Piracy Implementation Failure

Although UNCLOS provides a comprehensive legal framework for the suppression of piracy, the persistence of piracy and armed robbery against ships raises important questions regarding the explanatory power of legal positivism. A central limitation of legal positivism is that its primary focus on the existence, validity, and formal operation of legal rules provides limited explanatory insight into why states comply with, or fail to comply with, their international obligations.[216] However, evidence from major piracy hotspots demonstrates that legal obligations alone are insufficient to guarantee effective enforcement. The Somali piracy crisis provides a particularly useful illustration of this limitation. During the height of Somali piracy between 2008 and 2012, the international community possessed a well-established legal framework governing piracy, including UNCLOS provisions authorising universal jurisdiction.[217] Nevertheless, states encountered significant difficulties in arresting, prosecuting, transferring, and imprisoning suspected pirates.[218] The challenge was therefore not the absence of legal authority but rather the inability of states and institutions to translate

[216] Randall Lesaffer, n 214
[217] UNCLOS, Article 100
[218] Amarilla Kiss, 'Problems of the investigation and prosecution in case of piracy at sea' (2015) 49 Zbornik radova Pravnog fakulteta Novi Sad, 361-374

legal principles into effective operational outcomes. This demonstrates that the effectiveness of international law depends not only on legal rules but also on the institutional capacity required to implement them.

Scholars have also identified several substantive limitations within the UNCLOS piracy regime itself. Criticisms frequently focus on the restrictive definition of piracy under Article 101, particularly the requirement that piracy must occur on the high seas and be committed for private ends.[219] The ambiguity surrounding the "private ends" requirement, coupled with jurisdictional distinctions between territorial waters and the high seas, has created legal uncertainties that complicate enforcement and prosecution.[220] Furthermore, while Article 105 grants states the authority to seize pirate vessels and prosecute offenders, it does not impose a mandatory obligation to do so.[221] As a result, implementation remains largely dependent upon political will and national capacity. More fundamentally, many of the factors driving piracy fall outside the scope of positivist analysis. Research on piracy in Southeast Asia, Somalia, and the Gulf of Guinea consistently highlights the importance of weak governance, corruption, economic marginalisation, state fragility, limited maritime enforcement capabilities, and political instability.[222] These factors significantly influence the ability of states to fulfil their international obligations but cannot be adequately explained through legal rules alone. For example, while UNCLOS may establish obligations to suppress piracy, states with weak naval

[219] Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62–69.
[220] Girish Chandrakant Gujar & Adolf K. Y. Ng, 'Jurisdictional Issues of the Seas'. In: *Blue Economy and Smart Sea Transport Systems: Maritime Security* (Springer Cham. 2023) 13-15; Anja Menzel, 'Law and Legality in Pirates of the Caribbean and Contemporary Counter-Piracy: More Guidelines than Rules?' (2026) 3 Cogitatio, Article 11459.
[221] Arno Dal Ri Júnior and Erika Louise Bastos Calazans, Transnational Corporations Subjectivity Based on the Criteria of the Bernadotte Case and the Traditional International Law Doctrine, (2018) 1 Mexican Yearbook of International Law, 155–189
[222] Wan Siti Adibah Wan Dahalana, 'The Challenges of Prosecuting Maritime Pirates' (2020) 4 Sriwijaya Law Review, 221-237; Amarilla Kiss, n 218

capabilities or under-resourced judicial systems may lack the practical capacity to enforce those obligations effectively.[223]

The literature therefore increasingly challenges the positivist assumption that legal compliance follows automatically from legal obligation. Institutional and compliance theorists argue that implementation depends on factors such as enforcement capacity, political commitment, administrative competence, and the availability of resources.[224] From this perspective, legal effectiveness is determined not simply by the existence of rules but by the broader institutional environment within which those rules operate. Consequently, contemporary piracy scholarship has increasingly shifted towards interdisciplinary approaches that view piracy as both a legal and governance problem.[225] These approaches emphasise that piracy often reflects deeper structural issues, including weak state institutions, economic inequality, political instability, and governance failures. Rather than viewing piracy solely as a violation of international law, scholars increasingly treat it as a manifestation of broader socio-economic and political conditions that undermine maritime security.

The preceding discussion suggests that implementation challenges arise not only from limitations within the legal framework itself but also from broader questions concerning how international legal obligations are translated into domestic legal and institutional practice. The relationship between international and domestic law therefore becomes particularly important in understanding why states exhibit varying levels of compliance with maritime security

[223] Sandhya Nair, 'The Contemporary Maritime Threat: An Analysis into the Effectiveness of the Law of the Sea in Combating Piracy' (2016) 1 Perth International Law Journal, 42

[224] Funda Yercan, Oktay Cetin & Rahim Conguloglu, 'The economic impact of piracy: a critical assessment of maritime security and trade disruptions in the Gulf of Guinea' (2026) 1 Maritime Economics and Logistics; Otello Campanelli, 'The Global Governance of Maritime Piracy' (2012) 1 Journal of Global Policy and Governance, 73–84; Ursula Daxecker and Brandon Prins, *Pirate Lands: Governance and Maritime Piracy (*Oxford University Press (OUP), USA, 2021)

[225] Jing Jin and Erika Techera, 'Strengthening Universal Jurisdiction for Maritime Piracy Trials to Enhance a Sustainable Anti-Piracy Legal System for Community Interests' (2021) 13 Sustainability, 7268

obligations. The extent to which international obligations are incorporated into domestic legal systems, supported by adequate institutional capacity, and translated into effective enforcement mechanisms frequently determines the practical effectiveness of international legal regimes. These issues are particularly significant in the context of maritime security and are examined in greater detail in Chapter 4 through an analysis of the domestic implementation of international maritime security obligations.

Accordingly, this study adopts a critical international law perspective that recognises international maritime law as both a normative and political system. While UNCLOS and the SUA Convention remain central pillars of the international anti-piracy regime, their effectiveness is shaped by disparities in state capacity, uneven implementation, resource constraints, institutional effectiveness, and geopolitical interests. Legal positivism therefore provides an important framework for understanding the legal foundations of maritime security governance, but it offers only a partial explanation of maritime security outcomes. A fuller understanding of piracy and maritime security governance therefore requires analytical perspectives capable of accounting for the interaction between legal norms, state capacity, institutional effectiveness, political interests, and regional security dynamics. These dimensions are explored through the integrated theoretical framework adopted in this study.

2.5.2 Sovereignty and Global Governance in Maritime Security

A central debate within maritime security scholarship concerns the tension between state sovereignty and global governance. Historically, sovereignty has been regarded as the cornerstone of international law, conferring upon states exclusive authority over their territorial waters, maritime resources, and domestic enforcement processes.[226] Under this traditional

[226] Patrick Balsano, ‘Law of the Sea and the Territorialisation of Maritime Spaces and Islands in the China Seas and Beyond’ (2025) Geopolitics, 1–35; James Crawford, 'The territorial sea and other

conception, maritime security remains primarily the responsibility of individual states, and external intervention is generally constrained by principles of non-interference and territorial integrity.[227] However, the rise of contemporary piracy challenges this sovereignty-based approach. Unlike conventional security threats confined within territorial boundaries, piracy is inherently transnational.[228] Pirate networks frequently operate across multiple jurisdictions, exploit legal and enforcement gaps between states, and target international shipping routes that extend beyond territorial waters. As a result, maritime security increasingly requires forms of collective action that transcend the capabilities of individual states.

The literature suggests that UNCLOS attempts to balance these competing imperatives by preserving state sovereignty while simultaneously creating mechanisms for international cooperation. The Convention grants universal jurisdiction over piracy on the high seas, thereby permitting all states to take enforcement action regardless of nationality.[229] At the same time, it preserves the sovereign authority of coastal states within territorial waters.[230] While this framework reflects a compromise between sovereignty and collective security, scholars argue that it also creates significant enforcement gaps. This is particularly evident in piracy hotspots

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maritime zones', in *Brownlie's Principles of Public International Law*, (9th edn Oxford Law Pro, 1 Sept. 2019)

[227] Ioannis Chapsos, Maritime Security and Sovereignty, in Rethinking Sovereignty and Security at the Maritime Frontier: Pirates, Proxies, Passwords and Pipelines, 2020, Centre for Trust, Peace and Social Relations (CTPSR) – Coventry University, Maritime Security Programme (MSP)CTPSR Maritime Security Programme Special Report; Michael Fabinyi, and others, 'Rethinking maritime security from the bottom up: Four principles to broaden perspectives and centre humans and ecosystems' (2025) 4 Ocean Sustainability, 29; James Sperling, *Global Maritime Security Governance* (Routledge Handbook of Maritime Security, 2022)

[228] Arabella Thorp, Preventing and prosecuting piracy at sea: legal issues, 28 February 2012, International Affairs and Defence Section, Standard Note: 6237, UK Parliament; Mohamed Elkassar, 'International legal and practical challenges in combating maritime crime, an analysis (based on the UNODC Maritime Crime Manual' (2025) 11 International Journal of Law, 118-124; Rick "Ozzie" Nelson and Brianna Fitch, 'Combating Piracy Challenges and Opportunities for Regional and Private-Sector Involvement, 20 June 2012, Centre for Strategic and International Studies; Nusret Soğancilar & Ahmed Yusuf Sarihan 'An examination of the pirate cycle theory: insights from modern piracy dynamics' (2025) 52 Maritime Policy & Management, 1112-1131

[229] UNCLOS, Article 100

[230] Ibid, Article 101

where attacks frequently occur within territorial waters or Exclusive Economic Zones (EEZs), areas in which international responses remain constrained by state sovereignty.[231] Similar observations have been made regarding the SUA Convention. Although SUA expands the legal basis for prosecuting unlawful acts against maritime navigation, enforcement remains dependent upon national legal systems, political will, and state capacity.[232] Consequently, the effectiveness of both international instruments remains closely tied to domestic implementation.

Global governance theorists argue that piracy illustrates the limitations of a purely state-centric approach to maritime security. They contend that maritime governance operates within a fragmented institutional environment involving states, international organisations, regional organisations, naval coalitions, and private actors.[233] From this perspective, piracy exposes a governance paradox: while maritime threats are transnational in character, the authority to respond remains largely national. As a result, tensions frequently emerge between sovereign control and collective security objectives. The explanatory value of sovereignty and global governance theories lies in their ability to illuminate why legal frameworks often struggle to generate effective collective responses.[234] However, critics argue that these theories pay insufficient attention to disparities in state capacity and the broader political economy of

[231] Michael Mitchell Omoruyi Ehizuelen, 'Assessing the possible influence of maritime piracy on African Continental Free Trade Area (AfCFTA) in Nigeria' (2025) 10 Journal of Shipping and Trade, 30; Neslihan Küçüka and others, 'Hotspot analysis of global piracy and armed robbery incidents at sea: A decadal review of regional vulnerabilities and security strategies' (2025) 260 Ocean and Coastal Management, 107480

[232] SUA, Articles 3; United Nations Office on Drugs and Crime, (UNODC), Maritime Crime: A Manual for Criminal Justice Practitioners Global Maritime Crime Programme, 2019, 2nd ed. United Nations, Vienna

[233] Anja Menzel, 'Fragmentation or Effective Governance? The Regime Complex of Counter-Piracy in Asia' (2022) 10 Politics and Governance, 80; Stefan Mair, Piracy and Maritime Security, 2011, SWP Research Paper 3, Berlin; Marc-Antoine Pérouse de Montclos, *Niger Delta: The Business of the Oil Curse* (Brill, 2024)

[234] Patrick Balsano, 'Law of the Sea and the Territorialisation of Maritime Spaces and Islands in the China Seas and Beyond, n 228; Samuel E. Logan, 'The Proliferation Security Initiative: Navigating the Legal Challenges' (2005) 14 Florida State University Journal of Transnational Law & Policy, Article 3

maritime insecurity. While they explain why cooperation may be difficult to achieve, they do not fully explain why some states are more successful than others in implementing maritime security obligations.

Accordingly, this study employs sovereignty and global governance theories to examine how jurisdictional tensions, political sensitivities, and competing national interests influence the practical implementation of international maritime security frameworks across piracy-prone regions.

2.5.3 Realism and Maritime Security

Realist theory offers a contrasting perspective on international maritime security by emphasising power, national interests, and the absence of a central authority within the international system. Realists argue that international law is effective only to the extent that it aligns with state interests or is supported by the power of influential states. Accordingly, Shirley argues "*the characteristic feature of modern realism is its use of the power concept to explain the course of international politics*".[235] Furthermore, Santos posits that

Law and power in international society are deeply intertwined, shaping global order, diplomacy, and conflict resolution. International law establishes norms and principles that govern state behavior, but its effectiveness often depends on the political will of powerful nations.[236]

Consequently, compliance with international legal frameworks is viewed not primarily as a legal obligation but as a strategic calculation shaped by political and security interests. Applied to maritime security, realism highlights the inherently anarchic nature of the international system. According to Waltz, *"the realists believe that the international system is anarchic:*

[235] Shirley V. Scott, 'International Law as Ideology: Theorizing the Relationship between International Law and International Politics' (1994) 5 European Journal of International Law (EJIL) 313-325, at 314
[236] Edmarverson A. Santos, Law and Power in International Society, 13 March 2025, Diplomacy and Law Law and Power in International Society Accessed on 1/2/2026

there is no higher central authority that can enforce rules over individual states".[237] Therefore, since no supranational authority possesses ultimate enforcement power over the world's oceans, responsibility for maintaining maritime order remains dependent upon the willingness and capability of states. While UNCLOS establishes legal rules governing maritime activities, realist scholars contend that such rules ultimately depend upon state power for their implementation and enforcement.[238]

This perspective has been particularly influential in analyses of piracy. Realist scholars argue the high seas are fundamentally lawless because they fall outside the jurisdictional control of any state. Accordingly, Collins argued that *"Recent concern over criminality and perceived impunity at sea (including inter alia piracy, IUU fishing, environmental crime) has resulted in a popular image of the high seas as a lawless space".*[239] Ian also posits that *"The high seas remain an often-dystopian realm where the scant laws that do exist are frequently ignored. This has led to overfishing, illegal dumping, and other environmental abuses that are closely linked to human rights violations aboard thousands of vessels".*[240] Consequently, these realists argue that maritime piracy is not an isolated criminal activity but a direct symptom of weak governance, territorial disputes, state failure, and state sovereignty concerns.[241]

These arguments emphasises that piracy thrives where state authority is weak, contested, or absent. Therefore, instead of viewing piracy as merely a criminal phenomenon, realism interprets maritime insecurity because of governance failures, state fragility, and uneven

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[237] Kenneth Waltz, *Theory of International Politics* (Reading, Massachusetts, Addison-Wesley Publishing, 1979).
[238] UNCLOS, Articles 87-90
[239] Richard Collins, 'Outlaw Oceans' and 'Lawless Seas'?: Revisiting the high seas as a regulatory space under (and after) UNCLOS 1982' in Kristina Siig, Birgit Feldtmann, Fenella M.W. Billing, (eds), *The United Nations Convention on the Law of the Sea: A System of Regulation* (Routledge 2023) ch. 3
[240] Ian Urbina, Lawless Ocean: The Link Between Human Rights Abuses and Overfishing, 20 November 2019, Yale School of the Environment
[241] Funda Yercan, Oktay Cetin & Rahim Conguloglu, 'The economic impact of piracy, n 147
'Theoretical Framework', Pirate Lands: Governance and Maritime Piracy (New York, 2021; online edn, Oxford Academic, 18 Feb. 2021),

distributions of power. The Somali piracy crisis is frequently cited as evidence supporting this argument. Following the collapse of the Somali state in 1991, the absence of effective governmental institutions, naval forces, and law enforcement mechanisms created conditions in which piracy flourished with relatively little resistance.[242] Daxecker and Prins argue that state capacity plays a central role in determining the prevalence of piracy. According to them,

national capacity is important in establishing the equilibrium level of piracy acceptable to the state. In weak or failed states, national governments are either unable or unwilling to counter piracy effectively, while more capable states have sufficient capacity to counter pirates on land and in coastal waters. Yet despite the importance of overall capacity in creating permissive conditions for piracy, it is argued that local governance determines the incidence and organization of piracy.[243]

States possessing strong governance institutions and maritime enforcement capabilities are generally better able to suppress maritime crime, whereas weak or failed states often lack the resources necessary to exercise effective control over their territorial waters. Consequently, piracy can be understood as a manifestation of broader weaknesses in state authority rather than simply a failure of international law.

The realism literature also provides valuable insights into patterns of international anti-piracy intervention. The extensive naval response to Somali piracy between 2008 and 2013 is often interpreted as reflecting strategic interests in protecting global trade routes and safeguarding maritime commerce rather than a purely legal commitment to enforcing UNCLOS.[244] From this perspective, powerful states support anti-piracy operations when their economic or security interests are directly threatened. Despite its explanatory strengths, realism has attracted criticism for underestimating the role of international institutions, norms, and legal frameworks

[242] Santiago Iglesias Baniela and Juan Vinagre Ríos, 'Piracy in Somalia: A Challenge to The International Community' (2012) 65 Journal of Navigation, 693.
[243] Daxecker, Ursula, and Brandon Prins, 'Theoretical Framework', in *Pirate Lands: Governance and Maritime Piracy* (Oxford University Press, New York) 47
[244] Jessica NM Schechinger, 'The European Union and the Fight against Maritime Piracy' In: *The Presence of International Organizations in the Evolution of the International Law of the Sea* (Brill | Nijhoff, Leiden, The Netherlands, 2025) 365

in shaping state behaviour. Critics argue that realist approaches struggle to explain the emergence of extensive regional cooperation mechanisms, information-sharing arrangements, and collective security initiatives that frequently operate even in the absence of direct national interests.[245]

Nevertheless, realism remains particularly useful for understanding the relationship between state capacity, governance failure, and maritime insecurity. It provides an important framework for analysing why piracy has been concentrated in regions characterised by weak governance, including Somalia and parts of the Gulf of Guinea.

2.5.4 Regional Security Complex Theory

Regional Security Complex Theory (RSCT), developed by Buzan and Wæver, provides one of the most important theoretical frameworks for understanding contemporary maritime piracy. Unlike global approaches that treat piracy as a universal maritime threat, RSCT emphasises the regional nature of security dynamics and argues that security threats are often concentrated within geographically interconnected regions.[246] According to this perspective, states and communities within a particular region become linked by shared security concerns, making their security interdependent.[247] Consequently, threats emerging within one state frequently have implications for neighbouring states, generating a need for regional responses.[248] Piracy illustrates this dynamic particularly well because maritime attacks often affect multiple jurisdictions, disrupt regional trade networks, and require coordinated enforcement efforts.

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[245] Ian Urbina, n 240

[246] Barry Buzan, People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era. (Harlow: Pearson Education, 1991); Barry Buzan, and Waevwe Ole, *Regions and Powers: The Structure of International Security.* (Cambridge University Press, Cambridge 2003)

[247] Barry Buzan, 'Regional Security Complex Theory in the Post-Cold War World' In: Fedrick Söderbaum, and Timothy M. Shaw (eds), *Theories of New Regionalism. International Political Economy Series*. (Palgrave Macmillan, 2003) 140

[248] Matha Finnimore, National Interests in International Society, (Cornell University Press, London, 1996) 9

A major strength of RSCT lies in its ability to explain why piracy develops differently across regions.[249] The experiences of Southeast Asia, East Africa, and West Africa demonstrate that piracy cannot be understood as a single global phenomenon. Instead, each region exhibits distinctive interactions between geography, governance structures, economic conditions, political stability, and institutional capacity. In Southeast Asia, piracy has largely been addressed through relatively mature cooperative mechanisms such as ReCAAP and coordinated patrol initiatives.[250]

In contrast, the Somali piracy crisis emerged within the context of state collapse and prolonged political instability. Similarly, piracy in the Gulf of Guinea reflects a combination of resource-related conflicts, weak governance, organised criminality, and sovereignty sensitivities that differ significantly from conditions in either Southeast Asia or East Africa. Regional security theorists argue that these variations explain why anti-piracy initiatives often produce uneven outcomes across regions. Successful cooperation depends not only on shared threats but also on institutional maturity, mutual trust, and political willingness among participating states.[251] Consequently, mechanisms such as information-sharing centres, joint patrols, and regional agreements tend to be more effective where regional cooperation is well established.[252]

However, the literature also identifies limitations in regional security approaches. Critics argue that RSCT may overemphasise regional dynamics at the expense of broader international

[249] Robert Haywood, Roberta Spivak, *Maritime Piracy* (Routledge, London, 2013); Otello Campanelli, 'The Global Governance of Maritime Piracy' (2012) 1 Journal of Global Policy and Governance, 73-84

[250] Dennis Senam Amable, 'Theorizing the Emergence of Security Regions: An Adaptation for the Regional Security Complex Theory', (2022) 2 Global Studies Quarterly

[251] Muhammad Arsy Ash Shiddiqy, Dhianada Salsabila Lugo and Riky Novarizal, 'Regional Security Complex (RSC) in the Security Complexity of the Southeast Asia Region' (2024) 5 International Journal of Religion, 1244-1253; Amitav Acharya, 'Constructing a Security Community in Southeast Asia: ASEAN and the problem of regional order' in Michael Leifer (ed), *Politics in Asia* (Routledge, London, 2001); Jelena Milovanović, Regional Security Complexes – East Asia 2024-2025, Regional Security Monitor, East Africa, 22/12/2025, Centre for International Security

[252] Robert E. Kelly, 'Security Theory in the "New Regionalism", (2007) 9 International Studies Review,197–229

influences.[253] Global shipping networks, international legal frameworks, and the strategic interests of major powers all exert significant influence on maritime security outcomes and cannot be fully captured through a purely regional lens. Despite these limitations, RSCT provides an important framework for the present study because it facilitates comparative analysis across piracy hotspots. It helps explain why piracy assumes different forms in different regions and why regional governance arrangements vary in effectiveness.

2.5.5 Legal Pluralism and Maritime Security Governance

Legal pluralism provides an alternative perspective by focusing on the coexistence and interaction of multiple legal systems within a single governance environment. In the context of maritime security, legal pluralism challenges the assumption that international maritime law operates through a coherent and hierarchical legal structure. Instead, it argues that maritime governance is characterised by overlapping international, regional, and domestic legal regimes that may complement, conflict with, or undermine one another.[254] The relevance of legal pluralism to piracy scholarship has increased as maritime governance has become increasingly fragmented. The suppression of piracy involves a wide range of legal instruments operating at different levels, including UNCLOS, the SUA Convention, regional agreements such as ReCAAP, the Djibouti Code of Conduct, the Yaoundé Code of Conduct, and numerous domestic legal frameworks.[255] Each of these instruments possesses different objectives, enforcement mechanisms, and legal obligations.

[253] Andrew Hurrell, 'Geopolitics and global economic governance', (2024) 40 Oxford Review of Economic Policy, 220–233.
[254] Geoffrey Swenson, 'Legal pluralism in theory and practice' (2018) 20 International Studies Review, 342.
[255]Paul Schiff Berman, 'Understanding Global Legal Pluralism: From Local to Global, from Descriptive to Normative', in Paul Schiff Berman (ed.), The Oxford Handbook of Global Legal Pluralism (Oxford University Press, USA, 2020), 1-35

Scholars argue that this multiplicity of legal regimes contributes to significant implementation challenges.[256] Domestic legal systems often fail to fully incorporate international obligations, regional agreements frequently lack binding enforcement mechanisms, and varying interpretations of jurisdictional authority can create uncertainty regarding the appropriate legal framework for addressing piracy incidents. The practical implications of these overlaps have been widely documented within the piracy literature.[257] Challenges relating to jurisdiction, evidence gathering, extradition, prosecution, imprisonment, and human rights protections frequently arise because multiple legal systems operate simultaneously.[258] The prosecution of Somali pirates by regional states such as Kenya and Seychelles illustrates how international obligations, regional cooperation arrangements, and domestic legal frameworks must interact to produce enforcement outcomes.[259]

Legal pluralism is particularly valuable because it moves beyond debates concerning the adequacy of individual legal instruments and instead examines how legal systems function collectively. This perspective helps explain why implementation failures often occur despite the existence of extensive legal frameworks. Enforcement problems may not necessarily result from deficiencies in UNCLOS or SUA themselves but from inconsistencies and gaps arising between international, regional, and domestic legal systems. Nevertheless, legal pluralism has been criticised for its limited capacity to explain broader political and economic factors that influence maritime security.[260] While it effectively captures legal fragmentation, it does not

[256] Geoffrey Swenson, n 254
[257] Paul Schiff Berman, n 255
[258] Aryan Yadav, Anil Kumar Dixit, Maritime Piracy in the Indian Ocean: Evaluating the Impact of the Maritime Anti-Piracy Act, 2022 (2025) 6 International Journal of Research Publication and Reviews Journal, 16798-16804.
[259] Wan Siti Adibah Wan Dahalana, and others, 'The Challenges of Prosecuting Maritime Pirates' (2020) 4 Sriwijaya Law Review, 221-237; Diana Chang, 'Piracy Laws and the Effective Prosecution of Pirates', (2010) 33 Boston College International and Comparative Law Review, 273.
[260] Paul Schiff Berman, n 256; Benson Nyamweno and Nyamira Enock Nyamorambo, 'Legal Pluralism, Maritime Security, and the Blue Economy: Regional-International Governance Dynamics in Africa's Great Lakes' (2026) 4 National Security: A Journal of the National Defence University-Kenya, 144.

fully address questions of state power, capacity, or strategic interests. Consequently, legal pluralism is most effective when used in conjunction with other theoretical approaches.

For this study, legal pluralism provides an important analytical framework for examining how interactions between international conventions, regional maritime agreements, and domestic legal systems shape the implementation and enforcement of maritime security obligations. It is particularly useful for understanding why legal obligations often produce uneven outcomes across piracy-prone regions despite widespread international acceptance of maritime security norms.

2.5.6 Integrative Framework for Analysis

The complexity of maritime piracy and maritime security governance necessitates an analytical framework capable of capturing the legal, political, institutional, and socio-economic dimensions of the phenomenon. As demonstrated throughout the preceding sections, no single theoretical perspective adequately explains the persistence of piracy, the uneven implementation of maritime security instruments, or the varying effectiveness of regional and international responses. Consequently, this study adopts an integrated analytical framework that combines legal positivism, sovereignty theory, global governance theory, realism, regional security complex theory, and legal pluralism. Collectively, these perspectives provide a multi-dimensional lens through which the effectiveness of international maritime security instruments can be critically examined.

At the normative level, legal positivism provides the foundation for analysing the legal framework governing piracy and maritime security. This perspective facilitates the examination of international legal instruments, particularly the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) and its 2005 Protocol, as formal

sources of legal authority.[261] Through this lens, the study evaluates the extent to which existing legal rules establish clear obligations for states, define jurisdictional competencies, and provide adequate mechanisms for the suppression of piracy and armed robbery against ships. However, while legal positivism explains the formal structure and content of maritime security law, it does not sufficiently account for variations in implementation and enforcement.[262] The inclusion of additional theoretical perspectives therefore becomes necessary.

Sovereignty theory complements legal positivism by illuminating the jurisdictional and political constraints that often impede the application of international maritime law. Although UNCLOS establishes broad obligations regarding the suppression of piracy, the implementation of such obligations remains dependent upon state consent, domestic legal incorporation, and institutional capacity. Sovereignty theory therefore provides a valuable framework for understanding the tension between international legal commitments and national interests, particularly in regions where resource limitations, political instability, or concerns regarding external intervention constrain effective enforcement.[263] This perspective is especially relevant in explaining why legal obligations frequently fail to translate into practical enforcement outcomes.

Global governance theory extends the analysis beyond the state and emphasises the role of international organisations, regional institutions, and cooperative governance mechanisms in addressing transnational maritime security threats. Given the inherently cross-border nature of piracy, effective responses often require collaboration among multiple actors, including states, regional organisations, international organisations, naval coalitions, and maritime industry stakeholders. This perspective facilitates an assessment of the extent to which international and regional governance arrangements, including the International Maritime Organization (IMO),

[261] UNCLOS, Articles 100-105; SUA Convention & its 2005 Protocol
[262] Daud Hassan, n 213
[263] Ioannis Chapsos, n 228

ReCAAP, the Djibouti Code of Conduct, and the Yaoundé Code of Conduct, contribute to maritime security objectives.[264] It also provides a framework for evaluating the strengths and limitations of collective security arrangements in addressing gaps in national enforcement capacity.

Realism contributes an important strategic dimension to the framework by emphasising the influence of power, national interests, and security considerations on state behaviour. While international legal regimes are often presented as cooperative mechanisms, realist theory highlights the extent to which state compliance and participation may be shaped by geopolitical interests rather than purely legal obligations.[265] Maritime spaces constitute strategically significant domains through which states pursue economic, security, and geopolitical objectives. Consequently, the effectiveness of maritime security instruments cannot be fully understood without considering the distribution of power among states and the strategic interests that influence their commitment to maritime governance initiatives.

Regional Security Complex Theory further strengthens the analytical framework by recognising that maritime security challenges are not uniformly distributed across geographic regions. Instead, security threats and responses are shaped by region-specific political, economic, and institutional dynamics. This perspective is particularly valuable for the comparative dimension of the study, as it facilitates analysis of piracy trends and governance responses across Southeast Asia, East Africa, and West Africa.[266] By acknowledging regional variations in security environments, governance structures, and cooperative arrangements, the theory provides a basis for understanding why similar international legal instruments may produce different outcomes across different maritime regions.

[264] Anja Menzel, n 234
[265] Shirley V. Scott, n 236
[266] Barry Buzan, n 248

Finally, legal pluralism provides a framework for understanding the interaction between multiple legal and governance systems operating simultaneously within maritime security governance. Maritime security is governed not only by international conventions but also by regional agreements, domestic legislation, customary practices, and institutional arrangements.[267] As a result, the effectiveness of maritime security instruments depends upon how these overlapping legal orders interact in practice. Legal pluralism therefore enables the study to examine the relationship between international legal norms and domestic implementation mechanisms, while also assessing how regional frameworks mediate the application of international law within specific contexts.

Collectively, these theoretical perspectives form an integrated analytical framework that overcomes the limitations associated with single-theory approaches. Legal positivism explains the normative foundations of maritime security regulation; sovereignty theory examines jurisdictional and enforcement constraints; global governance theory evaluates collective institutional responses; realism highlights the influence of power and strategic interests; regional security complex theory accounts for geographic variation and regional cooperation dynamics; and legal pluralism captures the interaction of multiple legal and governance systems. By combining these perspectives, the framework allows for a more comprehensive understanding of piracy as both a legal and governance challenge.

This integrated framework underpins the empirical and doctrinal analysis undertaken in the subsequent chapters of the thesis. It guides the critical evaluation of UNCLOS, the SUA Convention, and key regional maritime security frameworks by providing analytical tools for examining legal effectiveness, implementation gaps, institutional performance, and regional variation in governance outcomes. More importantly, it enables the research to move beyond a purely descriptive examination of legal rules and towards a deeper understanding of why piracy

[267] Paul Schiff Berman, n 256

persists despite the existence of extensive international legal frameworks, how legal and institutional deficiencies emerge, and what reforms may enhance the effectiveness of maritime security governance at the international, regional, and domestic levels. Against this theoretical backdrop, the following synthesis draws together the principal insights from the literature and identifies the key gaps that necessitate further investigation.

Synthesis of the Literature

The literature reviewed in this chapter demonstrates that piracy extends beyond a purely maritime crime and should be understood as a multidimensional governance and security challenge. Existing scholarship consistently highlights the relationship between piracy, weak governance, institutional fragility, limited enforcement capacity, economic deprivation, and political instability. These factors create enabling environments in which piracy can emerge, evolve, and persist despite the existence of international legal frameworks designed to suppress it. The review also demonstrates that the effectiveness of piracy suppression measures varies considerably across regions. Southeast Asia has generally experienced greater success through regional cooperation mechanisms such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), while the experience of East Africa illustrates the importance of international naval cooperation in reducing large-scale piracy. In contrast, piracy in West Africa continues to present significant challenges due to governance deficits, jurisdictional complexities, and the links between piracy, organised crime, and broader security concerns. These regional variations suggest that international legal instruments alone are insufficient and that effective maritime security governance depends upon the interaction of legal, institutional, political, and socio-economic factors.

The literature further confirms the central importance of international and regional maritime security frameworks. UNCLOS remains the cornerstone of the international legal regime governing piracy, while the SUA Convention expands the legal tools available to states in

addressing unlawful acts against maritime navigation. Regional frameworks, including ReCAAP, the Djibouti Code of Conduct, and the Yaoundé Code of Conduct, have complemented these international instruments by facilitating cooperation, information sharing, capacity building, and coordinated responses to maritime security threats. Nevertheless, the effectiveness of these frameworks continues to be constrained by implementation challenges, disparities in state capacity, jurisdictional limitations, and inconsistent political commitment.

Overall, the literature suggests that maritime security governance is shaped by the interaction of international legal rules, state interests, regional security dynamics, institutional cooperation, and domestic implementation processes. Understanding these interrelationships is therefore essential for assessing the effectiveness of international maritime security instruments in combating piracy.

Research Gaps

Despite the substantial body of scholarship on piracy and maritime security, several important gaps remain within the existing literature.

First, a significant implementation gap exists in current scholarship. While extensive attention has been devoted to the development of international legal frameworks and policy responses, comparatively limited research has systematically examined how these frameworks operate in practice and why implementation and enforcement outcomes vary considerably between states and regions. The relationship between legal obligations and practical enforcement remains insufficiently explored.

Second, the literature exhibits a methodological gap. Much of the existing research relies either on doctrinal legal analysis or on empirical security studies, with relatively few studies integrating legal analysis, empirical piracy data, and institutional assessment within a single analytical framework. This has limited scholarly understanding of how legal norms translate into measurable maritime security outcomes.

Third, a theoretical gap remains evident within the literature. Existing studies frequently adopt single-theory approaches that emphasise either legal, political, security, or governance explanations. While these approaches provide important insights, they often fail to capture the multidimensional nature of piracy and maritime security governance. There remains a need for a more integrated theoretical framework capable of examining the interaction between legal norms, sovereign interests, institutional cooperation, regional dynamics, and plural legal systems.

Fourth, a comparative gap exists in the current body of knowledge. Much of the literature focuses on individual regions, particularly either Southeast Asia, East Africa, or West Africa, with limited comparative analysis across these major piracy hotspots. Consequently, there remains insufficient understanding of how differing regional contexts influence the implementation and effectiveness of international maritime security frameworks.

Finally, there is a governance gap concerning the interaction between international, regional, and domestic legal and institutional arrangements. While scholars have examined individual maritime security instruments and regional initiatives, fewer studies have undertaken comprehensive assessments of how these overlapping governance structures collectively shape maritime security outcomes across different jurisdictions.

Contribution and Direction of the Thesis

This thesis addresses the theoretical, methodological, empirical, and comparative gaps identified in the literature. Its principal contribution lies in developing an integrated analytical framework that combines legal positivism, sovereignty theory, global governance theory, realism, regional security complex theory, and legal pluralism to provide a multidimensional understanding of maritime security governance. By bringing together these complementary perspectives, the study moves beyond the limitations of single-theory explanations and

provides a more comprehensive framework for analysing the effectiveness of international maritime security instruments.

Methodologically, the thesis contributes to existing scholarship through the adoption of a mixed-methods approach that combines doctrinal legal analysis, empirical examination of piracy incident data, and comparative legal analysis of case studies of piracy hotspot regions. This integrated approach enables a more robust evaluation of the relationship between legal frameworks, implementation processes, and maritime security outcomes.

Empirically, this thesis makes an original contribution through the construction of a unique longitudinal piracy dataset covering a forty-year period (1984–2024). Developed from annual piracy incident records obtained from the International Maritime Organization (IMO) and the International Chamber of Commerce International Maritime Bureau (ICC-IMB). The study develops a consolidated dataset to facilitate systematic comparative analysis across Southeast Asia, East Africa, and West Africa. This dataset enables the identification of long-term trends, regional variations, and evolving patterns of piracy and armed robbery against ships that are often overlooked in studies relying on shorter timeframes or single-source data. Through this longitudinal and comparative approach, the thesis evaluates the effectiveness of international and regional maritime security frameworks, including UNCLOS, the SUA Convention, ReCAAP, the Djibouti Code of Conduct, and the Yaoundé Code of Conduct. It further examines how variations in state capacity, governance structures, institutional effectiveness, and regional cooperation mechanisms influence the implementation and practical effectiveness of these instruments across different regional contexts.

More broadly, the thesis bridge the gap between legal normativity and practical maritime security outcomes by critically examining the extent to which international maritime security instruments have succeeded in combating piracy and identifying the factors that continue to undermine their effectiveness. In doing so, the study contributes to ongoing academic and

policy debates concerning the future development of maritime security governance and the strengthening of international and regional responses to piracy.

Conclusion

This chapter has critically examined the literature on piracy, maritime security governance, and the effectiveness of international maritime security instruments. The review demonstrates that piracy remains a complex and evolving transnational security challenge shaped by legal, political, economic, institutional, and socio-economic factors. Although significant progress has been made in developing international and regional legal frameworks to combat piracy and armed robbery against ships, substantial challenges remain regarding their implementation, enforcement, and practical effectiveness across different regions. The literature further reveals that piracy manifests differently across Southeast Asia, East Africa, and West Africa, reflecting variations in governance structures, state capacity, maritime geography, regional cooperation mechanisms, and local socio-economic conditions. Consequently, while international legal instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) provide the principal legal framework for addressing piracy, their effectiveness is often contingent upon broader political, institutional, and regional dynamics.

The chapter also identified several important gaps within the existing literature, including limitations in understanding the relationship between legal frameworks and their practical implementation, the limited integration of doctrinal and empirical approaches, the absence of sufficiently comprehensive theoretical frameworks, and the relative lack of comparative analysis across major piracy hotspots. These gaps highlight the need for a more integrated approach capable of examining the interaction between legal norms, institutional arrangements, governance structures, and the underlying drivers of maritime insecurity.

To address these limitations, the chapter examined the contribution of legal positivism, sovereignty theory, global governance theory, realism, regional security complex theory, and legal pluralism to the study of maritime security. While each provides valuable insights, no single theory sufficiently explains the persistence of piracy or the uneven effectiveness of international maritime security instruments. The integrated analytical framework developed in this chapter therefore provides the conceptual foundation for the thesis and supports a multidimensional analysis of maritime security governance. The next chapter builds upon these theoretical foundations and identifies research gaps by outlining the methodological framework adopted for the study, including the research design, data sources, methods of data collection and analysis, and the comparative approach employed to evaluate the effectiveness of international maritime security instruments in combating piracy across Southeast Asia, East Africa, and West Africa.

CHAPTER 3

Research Design and Methodology for Evaluating the Effectiveness of International Maritime Security Instruments

Introduction

This chapter sets out the methodological framework through which this thesis evaluates whether existing international maritime security instruments are genuinely fit for purpose, particularly considering the implementation capacities of developing and least developed states. Given that the research question interrogates not only the content of maritime legal regimes but also their operational effectiveness, a purely doctrinal or purely empirical approach would be insufficient. Instead, the study adopts a theoretically informed mixed-methods design that integrates doctrinal legal analysis, review of policy and implementation and documentation, comparative regional synthesis, and longitudinal quantitative analysis of piracy data from 1984 to 2024.[268]

This integrated approach enables a structured examination of the relationship between legal design, jurisdictional allocation, enforcement pathways, implementation practices, and observed maritime security outcomes.[269] By combining legal interpretation with empirical trend analysis and regional comparison, the study evaluates not only the normative content of maritime security instruments but also their practical effectiveness across diverse regional and institutional contexts.[270]

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[268] Alysia Blackham, 'When law and data collide: the methodological challenge of conducting mixed methods research in law' (2022) 49 Journal of Law and Society, 587; Michael Q. Patton, *Qualitative Evaluation and Research Methods* (2nd ed., Beverly Hills, CA, 1990) 13.

[269] Ranjit Kumar, *Research Methodology: A Step-by-step Guide for Beginners* (5th edn, Sage Publications, 2019)

[270] C.R Kothari, Research Methodology: Methods and Techniques. (2nd Edn, New Age International Publishers, New Delhi, 2004)

3.1 Research Design

This research employs a convergent mixed-methods design, whereby doctrinal legal analysis, policy implementation document analysis, comparative regional analysis, and quantitative empirical data are analysed concurrently and subsequently integrated during the interpretation stage.[271] The convergent approach enables the study to examine maritime insecurity from both legal and empirical perspectives, facilitating a more comprehensive assessment of the effectiveness of international maritime security instruments and governance frameworks. The adoption of a mixed-methods design is particularly appropriate given the multidisciplinary nature of maritime piracy and maritime security governance. While doctrinal legal analysis provides insights into the normative foundations, legal obligations, and institutional structures established by international and regional maritime security instruments, empirical analysis enables the identification of long-term trends, patterns, and regional variations in piracy and armed robbery against ships. The integration of these approaches allows legal developments, implementation practices, and maritime security outcomes to be examined within a single analytical framework.

Specifically, the quantitative empirical component of the study is based on the author's original longitudinal piracy dataset constructed from annual IMO and ICC-IMB piracy records spanning the period 1984–2024. The dataset is used to identify long-term trends in piracy and armed robbery against ships and to facilitate comparative analysis of major piracy hotspot regions, including Southeast Asia, East Africa, and West Africa.[272] The doctrinal component comprises an analysis of international and regional maritime security instruments, complemented by a documentary examination of implementation practices, institutional

[271] Amy Poteete, Marco A. Janssen, and Elinor Ostrom, *Working Together: Collective Action, the Commons, and Multiple Methods in Practice* (Princeton University Press, 2010) 5.

[272] IMO, Reports of Acts of Piracy and Armed Robbery against Ships, Annual Reports 1984 – 2024, n 17; Global Integrated Shipping Information System (GISIS) IMO | Global Integrated Shipping Information System (GISIS) Accessed 2/2/2025; ICC-IMB, Acts of Piracy and Armed Robbery against Ships, Annual Reports – 1995-2024

frameworks, and governance arrangements. By integrating legal, empirical, and comparative evidence, the study systematically evaluates the relationship between legal frameworks, institutional responses, implementation practices, and maritime security outcomes.[273]

This methodological design was deliberately selected to bridge the gap between legal norms and operational realities. By combining longitudinal empirical evidence with doctrinal legal analysis and comparative regional analysis, the study strengthens the validity and robustness of its findings through methodological triangulation. Furthermore, the approach provides a comprehensive basis for examining implementation gaps, jurisdictional challenges, variations in state capacity, and the broader political and governance factors that continue to influence the effectiveness of international maritime security instruments in combating piracy.

3.1.1 Rationale for a Mixed-Methods Design

Mixed-methods research is particularly appropriate for international legal scholarship, where the gap between normative frameworks and state practice is pronounced.[274] A mixed-methods design allows this research to capture this divergence by combining legal analysis with empirical evidence drawn from regional practices and statistical trends.[275] In the context of piracy and armed robbery, international legal norms are comparatively well-developed, although significant legal gaps and limitations remain, while their implementation and enforcement are often uneven, particularly in developing and least developed countries. The research design is informed by the understanding that maritime insecurity is not solely a legal

[273] Alan Bryman, 'Barriers to Integrating Quantitative and Qualitative Research' (2007) 1 Journal of Mixed Methods Research 8-22, at 9.
[274] Alysia Blackham, When law and data collide: the methodological challenge of conducting mixed methods research in law, n 1
[275] Amina Ahmed, Lucas Pereira, and Kimberly Jane, 'Mixed Methods Research: Combining both qualitative and quantitative approaches' September 2024, Civil Engineer and Researcher, Tunneling and Trenchless Technology, Taipei, Taiwan, 10444; Albert Hunter and John D. Brewer, 'Designing Multimethod Research' in Sharlene Nagy Hesse-Biber, R. Burke Johnson (eds.), *The Oxford Handbook of Multimethod and Mixed Methods Research Inquiry* (Oxford University Press, USA, 2015)

problem, but a multifaceted phenomenon shaped by legal, institutional, political, and socio-economic factors.[276]

A mixed-methods design was therefore considered the most appropriate methodological framework for evaluating the effectiveness of international maritime security instruments because it enables the integration of normative legal analysis with empirical evidence relating to implementation and outcomes.[277] By integrating doctrinal legal analysis with empirical and comparative evidence, the approach enables the study to examine both the normative architecture of maritime security regulation and its practical operation across different regional contexts. In addition, alternative research designs were considered during the development of the study. The following section explains why these alternatives, particularly interviews and questionnaire surveys, were not adopted and why the selected methodological approach was ultimately preferred.

3.1.2 Justification of Alternative Research Designs

Although a mixed-methods approach was ultimately adopted, alternative methodological options were considered during the research design stage. This includes qualitative interviews (with maritime stakeholders, such as government officials, naval personnel, maritime security practitioners, policymakers, and shipping industry representatives), questionnaire surveys, and case-study-based field research. Such an approach could have provided valuable insights into the practical implementation of international maritime security instruments and the operational challenges associated with combating piracy.[278] Similarly, questionnaire surveys could have generated perceptions regarding the effectiveness of existing maritime security frameworks

[276] Laura Beth Nielsen, 'The Need for Multi-Method Approaches in Empirical Legal Research' in Peter Cane and Herbert M. Kritzer (eds), *The Oxford Handbook of Empirical Legal Research*, (Oxford University Press, New York, 2010) 955.
[277] Amina Ahmed, n 276; Albert Hunter, n 276
[278] Barbara DiCicco-Bloom and Benjamin F Crabtree, 'The qualitative research interview' (2006) 40 Medical Education, 314; Nigel King, Christine Horrocks, Joanna Brooks, *Interviews in Qualitative Research, (*2nd ed, Sage Publication Ltd, New York, 2025*)*

and identified areas requiring reform.[279] However, interviews and questionnaire surveys were ultimately not adopted for several methodological reasons:

First, the primary focus of this research is the evaluation of international legal frameworks and their practical effectiveness at the international, regional, and state levels. The research question is concerned principally with the adequacy, implementation, enforcement, and outcomes of legal and regulatory instruments rather than with individual perceptions or experiences. While stakeholder opinions may provide useful contextual insights,[280] they would not in themselves establish whether maritime security instruments are effective in achieving their intended objectives.

Second, piracy and armed robbery against ships are global phenomena that involve multiple jurisdictions, institutions, and stakeholder groups operating across different regions. Obtaining a sufficiently representative sample of respondents capable of reflecting the diversity of experiences across Southeast Asia, East Africa, and West Africa would have presented significant practical and methodological challenges. Findings derived from a limited number of interviews or survey responses could risk reflecting localised perspectives rather than providing a reliable basis for evaluating global and regional legal frameworks.[281]

Third, the study seeks to examine developments over a forty-year period between 1984 and 2024. Interviews and surveys are generally limited to contemporary perceptions and experiences and are therefore less suitable for assessing historical trends, long-term implementation patterns, and the evolution of maritime security governance over several

[279] A.N. Oppenheim, Questionnaire Design, Interviewing and Attitude Measurement (New ed, Continuum, London, 1992) 65; Gill Marshall, 'The purpose, design and administration of a questionnaire for data collection' (2005) 11 Radiography, 131.

[280] Erika Cottrell, and others, Defining the Benefits and Challenges of Stakeholder Engagement in Systematic Reviews, 2015, Comparative Effectiveness Research, Agency for Healthcare Research and Quality (US), 13

[281] Weng Marc Lim, 'What Is Qualitative Research? An Overview and Guidelines' (2025) 33 Australasian Marketing Journal, 199

decades.[282] The research objectives require a methodology capable of examining both historical and contemporary developments through consistent and comparable sources.

For these reasons, a mixed-methods approach combining doctrinal legal analysis, policy and implementation document analysis, comparative regional analysis, and quantitative examination of piracy data was considered the most appropriate methodological framework. This design enables the study to evaluate both the normative structure of international maritime security instruments and their practical operation across different regional contexts. It also allows the research to move beyond subjective perceptions by drawing upon legal texts, official reports, implementation documents, judicial decisions, and longitudinal empirical data.

Furthermore, the integration of doctrinal and quantitative methods strengthens the study's analytical rigour by facilitating triangulation across multiple sources of evidence. Legal analysis provides insight into the design and obligations created by international maritime security instruments, while empirical evidence from piracy datasets, implementation reports, and regional case studies enables assessment of their practical outcomes. The chosen methodology therefore provides a more comprehensive basis for evaluating effectiveness than could be achieved through interviews or questionnaire surveys alone.

Therefore, the mixed-methods design adopted in this thesis is considered best suited to addressing the research question because it captures the interaction between legal norms, implementation practices, regional cooperation mechanisms, and observable maritime security outcomes across both time and geographical space. Importantly, the selection of this methodological approach reflects the study's understanding that the effectiveness of international maritime security instruments cannot be assessed solely through stakeholder perceptions, but requires a systematic evaluation of legal frameworks, implementation

[282] Elaine Batty, 'Reflections on the use of oral history techniques in social research' (2009) 3 People, Place and Policy, 109

practices, enforcement mechanisms, cooperative arrangements, and empirical outcomes. It is therefore necessary to clarify how the concept of effectiveness is understood and operationalised within this research.[283] The following section defines effectiveness and establishes the criteria used throughout the thesis to assess the effectiveness of international maritime security instruments in addressing piracy and armed robbery against ships.

3.1.3 Conceptualisation and Assessment of Effectiveness

Assessing the effectiveness of international maritime security instruments requires a clear understanding of what effectiveness means and how it can be measured. Considering that legal effectiveness extends beyond treaty adoption and formal compliance, this study adopts a multidimensional approach that considers legal adequacy, implementation, enforcement, and measurable maritime security outcomes. The following sections define the concept of effectiveness and establish the analytical framework used to evaluate the performance of international maritime security instruments.

3.1.3.1 Conceptualisation of Effectiveness

The central objective of this thesis is to evaluate the effectiveness of international maritime security instruments in combating piracy and armed robbery against ships and in promoting maritime security. Given the contested and multidimensional nature of effectiveness within international law and international relations scholarship, it is necessary to define how the concept is understood and applied within this study.[284] For the purposes of this research, effectiveness is not equated solely with the existence, ratification, or formal legal validity of an

[283] Enrico Milano, 'The Concept of Effectiveness In international Law' in *Unlawful Territorial Situations in International Law: Reconciling Effectiveness, Legality and Legitimacy* (Brill | Nijhoff, 2006) 21-54; Kal Raustiala, 'Compliance & Effectiveness in International Regulatory Cooperation' (2000) 32 Case Western Reserve Journal of International Law

[284] Kelsen Hans, *Principles of International Law* (Rinehart & Company, New York, 1952) 414; Robert W Tucker, 'The Principle of Effectiveness in International Law' in George A. Lipsky, ed, *Law and Politics in the World Community: Essays on Hans Kelsen's Pure Theory and Related Problems in International Law* (University of California Press, Berkeley 1953) 31–48.

international instrument. Instead, effectiveness refers to the extent to which international maritime security instruments achieve their intended objectives in practice. These objectives include the suppression of piracy and armed robbery against ships, the provision of an adequate legal framework for criminalisation and prosecution, the facilitation of international and regional cooperation, and the enhancement of measurable maritime security outcomes.

Accordingly, effectiveness is conceptualised as a multidimensional construct encompassing legal effectiveness, implementation effectiveness, and operational effectiveness.[285] Legal effectiveness concerns the adequacy and coherence of the legal framework established by international maritime security instruments. Implementation effectiveness relates to the extent to which states incorporate and apply these obligations within domestic legal and institutional systems. Operational effectiveness refers to the practical outcomes generated by such instruments, including improvements in enforcement cooperation, prosecution practices, maritime governance, and trends in piracy incidents.

This conceptualisation therefore extends beyond formal legal compliance to encompass implementation, enforcement, institutional functionality, and practical impact.[286] An instrument may be legally comprehensive yet ineffective where states lack the capacity, resources, or political commitment to implement its provisions. Conversely, an instrument may be regarded as effective where it facilitates cooperation, strengthens enforcement mechanisms, and contributes to improvements in maritime security outcomes. Accordingly, the thesis adopts a functional and outcome-oriented understanding of effectiveness that evaluates both the normative adequacy of maritime security instruments and their practical operation across different regional contexts.

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[285] Neil Gunningham, 'Enforcement and Compliance Strategies', in Robert Baldwin, Martin Cave, and Martin Lodge (eds), *The Oxford Handbook of Regulation* (Oxford University Press (OUP), Oxford-England, 2010), 120 – 145.

[286] *Ibid*

3.1.3.2 Criteria for Assessing Effectiveness

The effectiveness of international maritime security instruments is assessed using five interrelated criteria:

3.1.3.2.1 Legal Adequacy

The first criterion concerns the extent to which the relevant legal instruments provide a clear and comprehensive framework for addressing piracy and armed robbery against ships. This involves examining: the adequacy of legal definitions; jurisdictional provisions; enforcement powers; criminalisation requirements; prosecution mechanisms; and the ability of the legal framework to address contemporary maritime security threats. Accordingly, UNCLOS,[287] the SUA Convention,[288] United Nations Security Council (UNSC) resolutions,[289] and regional instruments (ReCAAP, DCoC, YCoC)[290] are therefore evaluated to determine whether they provide a coherent legal framework capable of addressing the evolving nature of piracy and armed robbery.

3.1.3.2.2 State Implementation and Enforcement

The second criterion focuses on implementation and enforcement at the domestic level. Effectiveness is assessed by examining the domestication of treaty obligations, legislative implementation, arrest, prosecution and conviction practices, institutional capacity, enforcement mechanisms, and the practical application of legal obligations by states. This criterion recognises that international legal obligations can achieve their intended objectives

[287] UNCLOS, Articles 100-105 & 111, n 7
[288] SUA Convention 1988 and its Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation,
[289] United Nations Security Council Resolutions (UNSC), Resolution 1816 (2008); Resolution 1851 (2008); Resolution 1918 (2010); Resolution 2039 (2012); Resolution 2608 (2021); Resolution 2634 (2022); & Resolution 2722 (2024).
[290] Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAPP); Djibouti Code of Conduct (DCoC) & Yaoundé Code of Conduct (YCoC).

only when they are translated into effective national legal and operational frameworks.[291] In assessing domestic implementation, the analysis is informed by monist and dualist theories concerning the relationship between international and domestic law.[292] These concepts provide a useful analytical lens for examining how states incorporate international maritime security obligations into national legal systems and help explain variations in the implementation and enforcement of piracy-related obligations across different jurisdictions.

3.1.3.2.3 International and Regional Cooperation

A third indicator of effectiveness is the extent to which the instruments facilitate cooperation among states. Particular emphasis is given to Article 100 of UNCLOS; provisions of the SUA Convention concerning cooperation and extradition;[293] UNSC counter-piracy initiatives;[294] regional arrangements such as Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP); the Djibouti Code of Conduct; and the Yaoundé Code of Conduct. Assessment focuses on information sharing, joint operations, capacity-building measures, coordinated enforcement activities, and institutional cooperation mechanisms established under these frameworks.

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[291] Giuseppe Cataldi, André Nollkaemper, 'National Courts and the International Rule of Law' (2012) 23 European Journal of International Law, 897; Raffaela Kunz, 'International Law and Domestic Law' in Sué González Hauck, Raffaela Kunz, Max Milas (eds), Public International Law: A Multi-Perspective Approach (Routledge, London, 2024) 143-153

[292] Lando Kirchmair, 'Dualism and Kelsenian Monism' In: *Rethinking the Relationship between International, EU and National Law: Consent-Based Monism* (Cambridge University Press, 2024) 11; Gerrit Ferreira, Anel Ferreira-Snyman, 'The Incorporation of Public International Law into Municipal Law and Regional Law against the Background of the Dichotomy between Monism and Dualism' (2017) 17
April 2017Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad, 1470-1496, DOI:10.17159/1727-3781/2014/v17i4a2171 Accessed 15/7/2026.

[293] SUA Convention, Articles 10, 11 & 12; SUA 2005 Protocol, Articles 8 *bis*, 11 *bis* & 11 *ter*

[294] United Nations Security Council Resolutions (UNSC), n 271

3.1.3.2.4 Operational Outcomes

A fourth criterion concerns observable maritime security outcomes. Effectiveness is assessed through analysis of empirical evidence relating to piracy incidence rates; regional trends in attacks; severity of incidents; hostage-taking and kidnapping patterns; geographical shifts in piracy activity; and long-term changes in maritime insecurity. While reductions in piracy cannot be attributed exclusively to legal frameworks, statistical trends provide valuable evidence regarding the practical impact of maritime security measures.

3.1.3.2.5 Adaptability to Contemporary Maritime Security Challenges

The final criterion examines whether existing instruments remain capable of responding to evolving maritime threats. This includes consideration of changing piracy tactics; armed robbery at sea; organised maritime crime networks; jurisdictional challenges; technological developments; and emerging maritime security risks. An effective legal regime should not only address historical manifestations of piracy but also demonstrate sufficient flexibility to respond to contemporary and future threats.

3.1.3.3 Application of the Effectiveness Framework

These criteria collectively form the evaluative framework used throughout the thesis. No single criterion is treated as determinative. Instead, effectiveness is assessed through a holistic analysis of legal design, implementation, cooperation mechanisms, and observable outcomes. The doctrinal analysis evaluates the legal adequacy and institutional architecture of international maritime security instruments, while policy and implementation document analysis examines enforcement practices, compliance patterns, and operational challenges. Comparative regional analysis investigates variations in implementation and cooperation across Southeast Asia, East Africa, and West Africa. In addition, the empirical analysis of

piracy incidents between 1984 and 2024 provides evidence of operational outcomes and broader patterns of maritime security performance.

By integrating these dimensions, the study moves beyond assessing the mere existence of maritime security instruments and instead evaluates the extent to which they contribute to the suppression of piracy and armed robbery against ships and the enhancement of maritime security. The framework also provides the analytical foundation for Chapters 4, 5, 6, and 7, which, taken together, examine the effectiveness of international maritime security instruments through legal, empirical, and comparative analyses. These chapters assess the adequacy of the legal framework, its domestic implementation, regional variations in piracy dynamics, and the impact of international and regional cooperative responses on maritime security outcomes. Accordingly, these criteria serve as the principal benchmark against which the effectiveness of international maritime security instruments is evaluated throughout the study.

3.2 Doctrinal Legal Research Method

Doctrinal legal research constitutes the principal legal methodology adopted in this study. Commonly referred to as black-letter law research, doctrinal analysis is concerned with the systematic examination, interpretation, and evaluation of legal rules, principles, and institutions as they exist within authoritative legal sources.[295] The method focuses on identifying, analysing, and critiquing the normative content of legal frameworks and is widely regarded as a fundamental approach within legal scholarship.[296] Through the analysis of treaties, legislation, judicial decisions, policy instruments, and scholarly commentary, doctrinal

[295] Khushal Vibhute and Filipos Aynalem, *Legal Research Methods: Teaching Material*, 2009, Ethiopia, Justice and Legal System Research Institute

[296] Kornhauser Lewis A., 'Modeling collegial courts. II. Legal doctrine' (1992) 8 Journal of Law, Economics, & Organization, 441-470.

research facilitates a detailed assessment of the coherence, adequacy, and effectiveness of legal regimes in addressing specific legal problems.[297]

In the context of this thesis, doctrinal legal research provides the framework for evaluating the legal foundations of international maritime security governance and assessing the extent to which existing international maritime security instruments adequately address piracy and armed robbery against ships.[298] The approach enables a critical examination of the scope, content, implementation mechanisms, and enforcement provisions of international and regional maritime security frameworks.

3.2.1 Nature and Scope of Doctrinal Analysis

Doctrinal analysis forms the normative core of the study. It is employed to examine the legal architecture governing maritime security and to assess the effectiveness of international and regional instruments designed to combat piracy and armed robbery against ships.[299] Emphasis is placed on analysing the substantive and procedural provisions of the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention).[300] The analysis

[297] Pradeep M. D, Legal Research- Descriptive Analysis on Doctrinal Methodology, (2019) 4 International Journal of Management, Technology, and Social Sciences (IJMTS); Philip Langbroek & ors, 'Methodology of Legal Research: Challenges and Opportunities (2017) 13 Utrecht Law Review; Myneni SR. *Legal Education, Research Methodology, and Legal Writing* (9th edn, Allahabad Law Agency, India, 2024); Jam B.M Vranken, 'Methodology of legal doctrinal research' In M. A. A. Hoecke (Ed.), *Methodologies of legal research. Which kind of method for what kind of discipline* (Oxford, Hart Publishing, 2010)

[298] Hutchinson, T., & Duncan, N., 'Defining and describing what we do: doctrinal legal research' (2012) 17 Deakin Law Review; Vijay M Gawas, 'Doctrinal Legal Research Method a guiding Principle in Reforming the Law and Legal System towards the Research Development' (2017) 3 International Journal of Law

[299] Vijay M Gawas, 'Doctrinal Legal Research Method a guiding Principle in Reforming the Law and Legal System towards the Research Development' (2017) 3 International Journal of Law; Pradeep M. D, Legal Research- Descriptive Analysis on Doctrinal Methodology, (2019) 4 International Journal of Management, Technology, and Social Sciences (IJMTS); Philip Langbroek & ors, 'Methodology of Legal Research: Challenges and Opportunities (2017) 13 Utrecht Law Review

[300] United Nations Convention on the Law of the Sea (UNCLOS), Articles 100-107, 111, with particular emphasis on Articles 100, 101 and 105; International Conference on the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 (SUA) Protocol of 2005 for the Suppression of

focuses specifically on legal provisions relating to the definition of piracy, jurisdictional competence, criminalisation of maritime offences, enforcement powers, and mechanisms for international cooperation.[301] These instruments are examined not only in terms of their legal content but also in relation to their practical operation and implementation within regional and domestic contexts.

The doctrinal analysis is further complemented by an examination of related international and regional legal frameworks, including relevant United Nations Security Council resolutions,[302] International Maritime Organization (IMO) instruments and guidelines, including the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP),[303] the Djibouti Code of Conduct (DCoC),[304] and the Yaoundé Code of Conduct (YCoC).[305] Collectively, these instruments provide the legal and institutional framework through which international responses to piracy are organised and implemented.

The study also examines the domestic implementation of international maritime security obligations through selected national legislation and judicial decisions. This enables

Unlawful Acts Against the Safety of Maritime Navigation, Articles 3*, 3bis, ter, 3quarter*, 5, *5bis,* 6, 8, 8bis, 9, 10, 11, *11bis, 11ter,* 12, and *12bis.*

[301] Mark Van Hoecke (ed), *Methodologies of Legal Research Which Kind of Method for What Kind of Discipline?* (Hart Publishing, 2011); Sanne Taekema, & Bart van Klink, P., 'On the border: limits and possibilities of interdisciplinary research. In Bart van Klink and Sanne Taekema (eds), *Law and Method. Interdisciplinary research into Law* (Tübingen: Mohr Siebeck, 2011).

[302] United Nations Security Council, Resolution 1816 (2008), adopted by the Security Council at its 5902nd meeting, 2 June 2008, S/RES/1816 (2008); UN Security Council, Resolution 1851 (2008) [on fight against piracy and armed robbery at sea off the coast of Somalia], 16 December 2008, S/RES/1851 (2008); United Nations Security Council, Resolution 2015 (2011) adopted by the Security Council at its 6635th meeting, 24 October 2011, S/RES/2015 (2011); United Nations Security Council, Resolution 2554 (2020), adopted by the Security Council on 4 December 2020, 4 December 2020, S/RES/2554 (2020); United Nations Security Council, Resolution 2608 (2021), adopted by the Security Council at its 8917th meeting, on 3 December 2021, 3 December 2021, S/RES/2608 (2021); United Nations Security Council, Resolution 2634 (2022), Security Council Calls on Gulf of Guinea Countries to Criminalize Piracy, Armed Robbery at Sea under Domestic Laws, 31 May 2022, SC/14915

[303] Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) adopted in November 2004 and came into force in November 2006.

[304] Djibouti Code of Conduct, adopted on 29 January 2009

[305] Yaoundé Code of Conduct, adopted in June 2013

assessment of the extent to which international legal norms are incorporated into domestic legal systems and applied in practice across different jurisdictions.

3.2.2 Doctrinal Analysis and the Assessment of Effectiveness

While doctrinal legal research provides a systematic framework for identifying legal obligations and evaluating the normative adequacy of legal instruments,[306] it has been criticised for its tendency to focus predominantly on legal rules without adequately accounting for practical implementation and real-world outcomes.[307] Although the doctrinal research method is significant in establishing the legal obligations of states, analysing legal principles, case laws, statutes, and scholarly articles.[308] The existence of legal obligations does not necessarily guarantee compliance, enforcement, or effectiveness. For this reason, doctrinal analysis alone is insufficient for evaluating whether international maritime security instruments have successfully contributed to reducing piracy and armed robbery against ships. Assessing effectiveness requires consideration of how legal frameworks operate in practice and whether they produce measurable maritime security outcomes.

Accordingly, this study combines doctrinal analysis with quantitative empirical research.[309] The doctrinal component evaluates the content, scope, and limitations of international maritime security instruments, while the empirical component examines piracy trends over time and across regions. This integrated approach enables the thesis to move beyond questions of legal adequacy and assess the practical effectiveness of maritime security instruments in achieving their intended objectives.

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[306] Terry Hutchinson, The Doctrinal Method: Incorporating Interdisciplinary Methods in Reforming the Law (2015) 8 Erasmus Law Review

[307] Vijay M Gawas, 'Doctrinal Legal Research Method a guiding Principle in Reforming the Law and Legal System towards the Research Development' (2017) 3 International Journal of Law, 4

[308] Nasir Majeed, Amjad Hilal, and Arshad Nawaz Khan, 'Doctrinal Research in Law: Meaning, Scope and Methodology' (2023) 12 (4) Bulletin of Business and Economics

[309] Bhagyamma G., 'A Comparative Analysis of Doctrinal and Non-Doctrinal Legal Research' (2023) 1 Ile Journal of Goverance and Policy Review

3.2.3 Policy and Implementation Document Analysis

In addition to legal instruments, the study analyses policy and implementation documents issued by international organisations, regional institutions, and maritime security stakeholders. These include United Nations Security Council resolutions, IMO piracy reports and maritime security strategies, ICC-IMB piracy reports, ReCAAP annual reports, and other implementation and capacity-building documents.[310] The purpose of this analysis is to evaluate patterns of implementation, institutional performance, policy development, and regional cooperation.[311] Examining implementation documents enables assessment of whether observed gaps in effectiveness arise from deficiencies within legal frameworks themselves or from broader governance, capacity, and enforcement challenges.

3.3 Quantitative Empirical Analysis

To complement the doctrinal analysis, the study employs quantitative methods to examine long-term patterns and trends in piracy and armed robbery against ships. Quantitative empirical analysis provides an evidence-based means of assessing whether international maritime security instruments have been associated with measurable changes in maritime security outcomes over time.[312] The use of quantitative methods is particularly important because piracy is often discussed in legal and policy literature without systematic evaluation of empirical trends.[313] By analysing incident data spanning four decades, the study is able to move beyond normative assessments of legal frameworks and evaluate their practical effectiveness within different maritime regions.

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[310] United Nations Security Council, n 304; IMO, Reports on Acts of Piracy, n 17; ICC-IMB Reports on Piracy and Armed Robbery against Ships.

[311] Ekaterina Domorenok, Paolo Graziano & Laura Polverari, 'Introduction: policy integration and institutional capacity: theoretical, conceptual and empirical challenges' (2021) 40 Policy and Society, 1.

[312] Kasphia Nahrin, 'Objectivity and Ethics in Empirical Research' (2015) 5 International Journal of Scientific and Research Publications

[313] *Ibid*

3.3.1 Scope of the Quantitative Empirical Analysis

The quantitative component of the study examines piracy and armed robbery incidents between 1984 and 2024. Statistical analysis is used to identify temporal trends, regional variations, concentrations of criminal activity, and shifts in piracy patterns across major maritime regions. The analysis focuses on Southeast Asia, East Africa, and West Africa, reflecting the regions selected for comparative study. These regions were selected because they represent the piracy hotspot between 1984 and 2024. The analysis focus on periods of escalation, decline, and transformation in piracy activity and to the relationship between these trends and the introduction or strengthening of international and regional maritime security initiatives. The empirical analysis facilitates comparison of piracy patterns across different governance and security environments. It also enables an assessment of how variations in implementation, institutional capacity, and regional cooperation shape maritime security outcomes.

3.3.2 Construction of the Longitudinal Piracy Dataset (1984–2024)

A key methodological contribution of this thesis is the construction of an original longitudinal piracy dataset covering the period from 1984 to 2024. The dataset was developed through the systematic extraction, compilation, and harmonisation of piracy and armed robbery incident records obtained from two principal sources: the International Maritime Organization (IMO) and the International Chamber of Commerce International Maritime Bureau (ICC-IMB).[314] By integrating data from these sources, the study establishes a comprehensive forty-year record of piracy incidents suitable for both longitudinal and comparative analysis.

The dataset was constructed by extracting annual incident records, reviewing reporting categories, standardising geographical classifications, and reconciling variations in reporting

[314] IMO, Annual Reports on Piracy and Armed Robbery against Ships 1984-2024, n 17; ICC-IMB Annual Reports of Piracy and Armed Robbery against Ship, 1995 to 2024

practices between the two organisations. This process enabled the creation of a unified dataset capable of identifying long-term piracy trends, regional patterns, and changes in the nature and severity of attacks. The resulting dataset constitutes the primary empirical foundation of the thesis and provides a systematic basis for assessing the effectiveness of international maritime security instruments across different regional contexts.

3.3.3 International Maritime Organization (IMO) Dataset

The International Maritime Organization (IMO) dataset constitutes the principal empirical foundation of this study. As the specialised agency of the United Nations responsible for maritime safety, security, and environmental protection, the IMO maintains a comprehensive database of piracy and armed robbery incidents through its Global Integrated Shipping Information System (GISIS).[315] The database collects information submitted by member states, flag administrations, regional reporting centres, and other recognised maritime organisations.[316]

The IMO dataset was selected as the primary quantitative source for three principal reasons. **First,** it provides the most comprehensive and consistent longitudinal record of piracy and armed robbery incidents available over the forty-year study period (1984–2024). **Second,** its categorisation of incidents reflects internationally recognised legal distinctions between piracy and armed robbery against ships, thereby aligning closely with the doctrinal legal analysis undertaken in this thesis. **Third,** because the data are derived from official state and institutional reporting mechanisms, they provide valuable insight into state practice and the

[315] IMO, Piracy Reports, 1 October 2020, Piracy Reports Accessed on 22/2/2026
[316] IMO, Global Integrated Shipping Information System (GISIS), Resolution A.1029(26) adopted on 26 November 2009 (Agenda item 8), 18 January 2010, A 26/Res.1029; IMO, Global Integrated Shipping Information System (GISIS) IMO | Global Integrated Shipping Information System (GISIS); accessed 9/2/2026; IMO, Piracy Reports Piracy Reports Accessed 9/2/2026; Marketa Pape, Briefing, The IMO – for 'safe, secure and efficient shipping on clean oceans, February 2016, European Parliamentary Research Service (EPRS), European Parliament

operation of international maritime security governance. Furthermore, the dataset includes information relating to the location of incidents, type of attack, nature of the offence, vessels involved, and consequences for crews and cargo.[317] These data facilitate temporal, regional, and comparative analysis of piracy trends across the selected case-study regions.

3.3.4 The International Chamber of Commerce International Maritime Bureau (ICC-IMB) Dataset

The International Maritime Bureau (IMB), a specialised arm of the International Chamber of Commerce (ICC), collaborates with the International Maritime Organisation as an independent monitoring body, tracking and reporting maritime crimes, including piracy and armed robbery.[318] The ICC-IMB dataset is utilised in a supplementary capacity to support, verify, and contextualise the IMO data. The ICC-IMB operates the Piracy Reporting Centre (PRC) in Kuala Lumpur, which receives reports directly from shipmasters, vessel operators, shipping companies, and maritime stakeholders.[319]

Unlike the IMO reporting system, which depends substantially upon state and institutional submissions, the ICC-IMB Piracy Reporting Centre collates global reports on maritime piracy and armed robbery against ships primarily from ship masters, vessels owners and operators, and shares the information to IMO, maritime industries and other governmental institutions.[320] Consequently, ICC-IMB compiles annual reports of piracy and armed robbery against ships and its records frequently contain detailed operational information regarding the nature of

[317] IMO, Reports on Piracy and Armed Robbery against Ships, 1984 to 2024, n 17
[318] IMCO (now IMO) 'Barratry unlawful seizure of ships and their cargoes and other forms of maritime fraud' Resolution A 504 (XII) (5) and (9) adopted on 20 November 1981; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2024, p. 2 2024-Jan-Dec-IMB-Piracy-and-Armed-Robbery-Report-2.pdf Accessed 22 March 2025.
[319] ICC-International Maritime Bureau (IMB), Piracy reporting centre IMB Piracy Reporting Centre – ICC – Commercial Crime Services Accessed 14 February 2025
[320] *Ibid;* ICC-IMB, Piracy and Armed Robbery Report Against Ships, n 315

attacks, weapons employed, hostage taking, crew treatment, and tactical developments in piracy activities.[321]

While numerical differences occasionally exist between IMO and ICC-IMB statistics due to variations in reporting procedures, verification mechanisms, and incident classification, both datasets generally demonstrate similar long-term trends.[322] The ICC-IMB dataset is therefore employed primarily for triangulation, contextualisation, and validation purposes, providing additional operational insights that complement the broader governance perspective offered by the IMO data.[323]

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[321] IMO, Reports of Act of Piracy and Armed Robbery Against Ships 2010 to 2024, n 17; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2010, January 2011; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2011, January 2012 https://www.safety4sea.com/wp-content/uploads/2014/09/pdf/IMB%20REPORT%202011.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2012, January 2013; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2013, January 2014 2013-imb-report.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2014, January 2015 2014-Annual-IMB-Piracy-Report-ABRIDGED.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2015, January 2016 2015-Annual-IMB-Piracy-Report-ABRIDGED.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2016, January 2017 iccimb-2016-annual-piracy-report-published.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2017, January 2018 2017-Annual-IMB-Piracy-Report.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2018, January 2019 2018_Q3_IMB_Piracy_Report.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2019, January 2020 2019_Annual_Piracy_Report.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2020, January 2021 2020_Annual_Piracy_Report.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2021, January 2022 2021_Annual_IMB_Piracy_Report.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2022, January 2023 2022_Annual_IMB_Piracy_and_Armed_Robbery_Report.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2023, January 2024 2023_Annual_IMB_Piracy_and_Armed_Robbery_Report_live.pdf; ICC-IMB, Piracy and Armed Robbery Report Against Ships, Reports for the period of 1 January to 31 December 2024, January 2025 2024_Jan_Mar_IMB_Piracy_and_Armed_Robbery_Report.pdf. (Accessed 22 March 2025).

[322] *Ibid*; IMO, Reports on Piracy and Armed Robbery against Ships, annual reports 1984 to 2024, n 17.

[323] Nancy Carter, and others, 'The use of triangulation in qualitative research' (204) 41 Oncology Nursing, 545.

3.4 Comparative Analysis of Piracy Hotspots

Following the quantitative analysis of piracy incident data, a comparative analysis is undertaken of the principal piracy hotspots identified from the empirical dataset. Hotspots are identified based on the concentration, frequency, and persistence of reported piracy incidents within specific maritime regions over the study period. This process enables the research to move beyond the identification of piracy trends to an examination of the contextual factors that may explain variations in piracy prevalence and the effectiveness of counter-piracy responses. The comparative analysis focuses on Southeast Asia, East Africa and West Africa because they are the major piracy-affected regions, and have experienced differing trajectories of piracy escalation, decline, and transformation. The analysis examines variations in legal frameworks, institutional capacity, enforcement mechanisms, regional cooperation arrangements, and implementation practices. By comparing these factors across piracy hotspots, the study seeks to identify patterns and relationships that may help explain differences in maritime security outcomes and levels of piracy activity.

This comparative stage of the analysis is particularly important because it facilitates an assessment of whether similar international legal frameworks and maritime security initiatives produce different outcomes under varying governance and operational conditions. It therefore provides insight into the extent to which implementation capacity, inter-state cooperation, and institutional effectiveness influence the practical success of counter-piracy measures. The findings from this analysis are subsequently integrated with the doctrinal examination of international and regional legal frameworks, enabling a more comprehensive evaluation of the effectiveness of contemporary anti-piracy governance arrangements.

3.5 Data Sources and Collection

The study relies on a combination of legal, institutional, documentary, and empirical data sources. The integration of these materials facilitates a comprehensive assessment of

international maritime security instruments by combining normative legal analysis with empirical data evidence and implementation outcomes. Data collection was guided by the study's objective of evaluating the effectiveness of international maritime security instruments in combating piracy and armed robbery against ships.

3.5.1 Primary Sources

Primary sources provide the legal foundation for the doctrinal component of the study. These materials are examined to evaluate the content, scope, implementation mechanisms, and effectiveness of international maritime security instruments and related governance frameworks.

3.5.1.1 International and Regional Legal Instruments

The principal legal instruments examined include the United Nations Convention on the Law of the Sea (UNCLOS), complemented by the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention), and its 2005 SUA Protocol.[324] Additional primary materials include relevant United Nations Security Council resolutions addressing piracy and maritime security, as well as regional frameworks such as ReCAAP, the Djibouti Code of Conduct, and the Yaoundé Code of Conduct.[325] These instruments were selected because they constitute the primary international and regional legal frameworks governing piracy suppression, maritime security cooperation, and maritime law enforcement.

3.5.1.2 National Legislation and Judicial Decisions

National legislation from selected jurisdictions was reviewed to examine the domestic implementation of international maritime security obligations. Primary attention was given to legislation that incorporates piracy provisions under UNCLOS and the SUA Convention, as

[324] UNCLOS & SUA Convention and Protocol, n 301
[325] See notes 304-306

well as domestic adaptations designed to address perceived limitations in international law. Judicial decisions concerning piracy and armed robbery against ships were also analysed to assess how international and domestic legal frameworks have been interpreted and applied in practice. These decisions provide valuable insights into jurisdictional issues, prosecution practices, and enforcement challenges.

3.5.2 Secondary Sources

Secondary sources provide theoretical, analytical, and contextual support for the study. They assist in identifying scholarly debates, theoretical perspectives, implementation challenges, and policy developments relevant to maritime security governance.

3.5.2.1 Academic Literature

A comprehensive review of academic literature was undertaken using both physical and electronic resources. Sources included peer-reviewed journal articles, books, conference proceedings, doctoral theses, legal commentaries, policy documents and grey literature. Electronic databases used included LexisNexis, Lexis+, EBSCOhost, JSTOR, Scopus, ResearchGate, and Google Scholar. Key search terms included maritime security, piracy, armed robbery against ships, UNCLOS, SUA Convention, maritime governance, regional maritime cooperation, and implementation challenges.

3.5.2.2 Institutional and Industry Reports

Institutional reports produced by organisations such as the IMO, ICC-IMB, ReCAAP Information Sharing Centre, Lloyd's List Intelligence, and other maritime organisations were reviewed. These reports provide data on piracy trends, implementation practices, operational responses, and maritime security governance developments.

3.5.2.3 News and Media Sources

News reports and media publications were used selectively to identify emerging developments, contemporary incidents, and evolving policy debates. Information obtained from media sources was critically evaluated and cross-checked against official reports and academic sources before incorporation into the research.

3.6 Mixed-Methods Integration and Analytical Strategy

A key feature of the research design is the integration of doctrinal legal analysis, comparative case studies, and quantitative empirical analysis. Instead of treating legal and empirical evidence as separate strands of inquiry, the study adopts a convergent mixed-methods approach in which each form of evidence is analysed independently and subsequently integrated during the interpretation stage. The doctrinal analysis evaluates the legal adequacy and normative framework of international and regional maritime security instruments.[326] The quantitative empirical analysis examines trends, patterns, and outcomes associated with piracy and armed robbery against ships across the study period.[327] In addition, comparative case studies of piracy hotspots identified from the empirical data are undertaken to provide a contextualised assessment of how legal frameworks and maritime security initiatives operate within different governance and security environments.[328]

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[326] P. Ishwara Bhat, 'Doctrinal Legal Research as a Means of Synthesizing Facts, Thoughts, and Legal Principles', Idea and Methods of Legal Research (Oxford Academic, Delhi, 2020) 143; Michael McConville, Wing Hong Chui (eds), Research Methods for Law, (2nd ed. Edinburgh University Press, 2007).

[327] Agus Budianto, 'Legal Research Methodology Reposition in Research on Social Science' (2020) 9 International Journal of Criminology and Sociology; J.H. Schlegel, American Legal Realism and Empirical Social Science (Chapel Hill, NC: University of North Caroline Press, 1995); Christopher McCrudden 'Legal Research and the Social Sciences' (2006) 122 Law Quarterly Review 632.

[328] Juwel Rana, Juwel, Patricia Lorena Luna Gutierrez, John Oldroyd, 'Quantitative Methods', in Ali Farazmand (ed.), Global Encyclopaedia of Public Administration, Public Policy, and Governance (Springer, Switzerland, 2021); Weng Marc Lim, 'What Is Quantitative Research? An Overview and Guidelines' (2024) Australasian Marketing Journal; Gary King, Robert O. Keohane, and Sidney Verba, Designing Social Inquiry: Scientific Inference in Qualitative Research (Princeton University Press, New Jersey 1994) 46

The comparative case analysis examines variations in implementation practices, institutional capacity, enforcement mechanisms, and regional cooperation arrangements across selected piracy-affected regions. By comparing these cases, the research seeks to identify factors that may explain differences in piracy trends and maritime security outcomes, thereby providing insight into the practical effectiveness of anti-piracy measures beyond their formal legal design.[329] The integration of these methodological approaches enables the study to assess not only whether international maritime security instruments are legally robust but also whether they contribute to measurable improvements in maritime security outcomes under varying institutional and operational conditions.[330]

This mixed-methods strategy strengthens the explanatory power of the research by facilitating the identification of relationships between legal design, implementation practices, institutional effectiveness, and observed piracy trends across different regions.[331] Through the triangulation of legal, empirical, and comparative evidence,[332] the study develops a more comprehensive understanding of the factors that influence the success or limitations of contemporary maritime security governance.

3.7 Reliability, Validity and Data Quality

Reliability and validity are essential considerations in both doctrinal and empirical research.[333] This study adopts several measures to enhance methodological rigour and ensure the trustworthiness of its findings. Reliability is strengthened using authoritative and

[329] Lee Epstein and Gary King, 'The Rules of Inference' (2002) 69 University of Chicago Law Review
[330] T.E. George, "An Empirical Study of Empirical legal scholarship: the top law school" (2006) 81 Indiana Law Journal 141
[331] Achmad Irwan Hamzani, and others, 'Trends in the Use of Data Analysis Methods in Legal Research (Analysis of Scopus-Indexed Law Journals in Indonesia and Malaysia)' (2026) 54 International Journal of Legal Information, 11-26.
[332] Nancy Carter, n 324
[333] Robin Wittemore, Susan Chase, Carol Lynn Mandle, 'Validity in Qualitative Research' (2001) 11 Qualitative Health Research, pp. 522-537; Nahid Golafshani, 'Understanding Reliability and Validity in Qualitative Research' (2003) 8 The Qualitative Report, pp. 597-606.

internationally recognised data sources, including the IMO and ICC-IMB databases. The use of official legal instruments, judicial decisions, and institutional reports further enhances consistency and replicability.[334] Validity is enhanced through methodological triangulation.[335] The study combines legal analysis, policy implementation assessment, and longitudinal piracy data. Findings derived from one source are compared and cross-validated against evidence obtained from other sources, thereby reducing the risk of single-source bias.[336] The construction of the original longitudinal piracy dataset further enhances data quality by allowing inconsistencies between reporting systems to be identified and addressed through cross-verification. The use of multiple sources enables the study to develop a more comprehensive and balanced understanding of piracy trends and maritime security governance.

3.8 Limitations of the Methodology

Despite the strengths of the research design, several methodological limitations are acknowledged:

First, this study relies heavily on secondary incident data. Although the International Maritime Organization (IMO) and the International Chamber of Commerce International Maritime Bureau (ICC-IMB) databases are widely recognised as authoritative sources of piracy data, the true extent of maritime piracy may not be fully captured due to the persistent problem of underreporting.[337] This challenge is particularly evident in relation to non-commercial vessels,

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[334] Mohammad Zohrabi, 'Mixed Method Research: Instruments, Validity, Reliability and Reporting Findings' (2013) 3 Theory and Practice in Language Studies, pp. 259-260.
[335] Jeff Rose and C.W Johnson, 'Contexualising Reliability and Validity in Qualitative Research: Toward More Rigorous and Trustworthy Qualitative Social Science in Leisure Research' (2020) 51 Journal of Leisure Research, pp. 434-436
[336] *Ibid*
[337] ICC – Commercial Crime Services, News Article, Maritime piracy dropped in 2024, but crew safety remains at risk, 14 Jan 2025, Maritime piracy dropped in 2024, but crew safety remains at risk – ICC – Commercial Crime Services Accessed 13 March 2025; UK Parliament, House of Commons, Transport - Eighth Report, 6 July 2006 Parliament UK House of Commons - Transport - Eighth Report

such as fishing boats, which are less likely to be represented in official reporting systems.[338] Furthermore, ship operators may choose not to report piracy incidents because of commercial sensitivities, concerns regarding insurance implications, the risk of operational delays, or potential reputational damage.[339] Consequently, the available data may underrepresent the actual scale of piracy and armed robbery against ships in certain regions.

Second, variations in reporting practices and incident classification present challenges for data consistency across the forty-year study period. Differences in definitions, reporting procedures, reporting channels, and verification standards between the IMO and ICC-IMB can result in variations in recorded incident totals. As shown in Table 1, a comparison of IMO and ICC-IMB piracy data reveals notable discrepancies in reported incident and hostage figures during the period 2010-2024. These differences are largely attributable to the distinct institutional mandates and data-collection processes of the two organisations. While the IMO primarily relies on reports submitted by Member States, flag States, port authorities, and recognised organisations, the ICC-IMB receives information directly from shipmasters, vessel operators, and other maritime industry stakeholders. Consequently, variations may arise in reporting coverage, verification procedures, reporting timelines, and incident classification criteria. To minimise the impact of these limitations, incident data were cross-referenced where possible, with the IMO GISIS database serving as the primary source and the ICC-IMB database used to validate and supplement the analysis. Accordingly, the study places greater emphasis on long-term trends and patterns rather than absolute incident figures, thereby reducing the influence of reporting inconsistencies on the overall findings.

[338] Bryan Peters and Letizia Paoli, Pirate Attacks on Fishermen are Underreported - And Deadly, 24 August 2025, The Maritime Executive Pirate Attacks on Fishermen are Underreported - And Deadly Accessed 12 December 2025

[339] James Hallam Insurance Broker, Sanctions Challenges in Marine Insurance: The Impact on Insurers, Brokers, and Maritime Clients, 26 Mar 2026 Sanctions Challenges in Marine Insurance: The Impact on Insurers, Brokers, and Maritime Clients Accessed on 23 April 2026.

Table 1: Comparison of IMO and ICC-IMB Reported Piracy Incidents and Hostage Figures (2010-2024)

Year	Global Piracy Annual Report		Kidnappings/Hostages	
Year	IMO	IMB	IMO	IMB
2010	489	445	1027	1181
2011	544	432	569	802
2012	341	297	313	585
2013	298	264	137	304
2014	291	245	137	442
2015	303	246	71	271
2016	221	191	98	213
2017	203	180	137	166
2018	223	201	93	224
2019	193	162	173	193
2020	229	195	135	169
2021	172	132	48	65
2022	131	115	24	43
2023	150	120	92	87
2024	146	116	132	138

Source: compiled by the author from IMO GISIS and ICC-IMB piracy datasets (2010-2024).

Table 1 demonstrates that annual incident and hostage figures reported by the IMO and ICC-IMB are not identical and, in some years, diverge substantially. The purpose of presenting the table is not to determine which dataset is more accurate, but rather to illustrate the

methodological challenges associated with maritime piracy data collection. The observed discrepancies reflect differences in reporting pathways, verification procedures, and institutional mandates. Consequently, the table highlights the limitations inherent in relying on any single piracy dataset and supports the study's use of a triangulated approach to data analysis.

Third, the study focuses on three major piracy regions - Southeast Asia, East Africa, and West Africa. While these regions capture most of the contemporary piracy activity, the findings may not be directly transferable to all maritime regions.

Finally, establishing direct causal relationships between legal frameworks and piracy outcomes remains inherently challenging because piracy is influenced by a wide range of legal, political, economic, institutional, and socio-economic factors. The study therefore seeks to identify associations and explanatory relationships rather than claim direct legal causation. These limitations are acknowledged and mitigated through triangulation, comparative analysis, and the integration of multiple sources of evidence throughout the study.

3.9 Ethical Approval and Research Governance

Although this research is primarily a desktop-based study involving doctrinal legal analysis, documentary sources, and secondary piracy datasets, ethical approval was sought and obtained from Bournemouth University prior to the commencement of the research. The study did not involve human participants, interviews, surveys, or the collection of personal or sensitive data and therefore presented minimal ethical risk. Nevertheless, ethical approval was obtained to ensure compliance with institutional research governance requirements and to provide oversight of the research design and data management procedures. Throughout the study, the research was conducted in accordance with the University's ethical standards and principles of academic integrity.

Conclusion

This chapter has established the methodological framework adopted to evaluate the effectiveness of international maritime security instruments in addressing piracy and armed robbery against ships. Recognising that maritime security is both a legal and governance challenge, the study employs a convergent mixed-methods design that combines doctrinal legal analysis, policy and implementation document analysis, comparative regional analysis, and quantitative empirical investigation. This integrated methodological approach enables the research to move beyond an examination of legal rules in isolation and assess how international maritime security instruments operate in practice across different regional and institutional contexts.

A key contribution of the methodology is the development of a multidimensional framework for assessing effectiveness. Rather than equating effectiveness solely with treaty adoption, ratification, or formal legal validity, the study conceptualises effectiveness in terms of legal adequacy, domestic implementation and enforcement, international and regional cooperation, operational outcomes, and adaptability to evolving maritime security challenges. These criteria provide the principal analytical framework through which the effectiveness of international maritime security instruments is evaluated throughout the thesis.

The chapter has also demonstrated the value of combining doctrinal and empirical approaches. The doctrinal analysis facilitates a critical examination of the legal architecture governing maritime security, including UNCLOS, the SUA Convention, United Nations Security Council resolutions, and regional maritime security frameworks. In parallel, the empirical component provides a systematic assessment of piracy trends and maritime security outcomes across different regions and over time. Collectively, these methods enable a more comprehensive understanding of the relationship between legal frameworks, implementation practices, and practical security outcomes.

A further methodological contribution lies in the construction of an original longitudinal piracy dataset covering the period from 1984 to 2024. Developed through the systematic extraction, harmonisation, and analysis of piracy incident records from both the International Maritime Organization (IMO) and the International Chamber of Commerce International Maritime Bureau (ICC-IMB), the dataset provides the empirical foundation for assessing long-term trends, regional variations, and changes in patterns of maritime insecurity. The integration of official legal materials, institutional reports, policy documents, and piracy datasets strengthens the reliability and validity of the study through methodological triangulation and cross-verification of evidence.

The chapter has further acknowledged the methodological limitations associated with maritime crime research, including underreporting, variations in reporting standards, definitional inconsistencies, and differences in institutional reporting practices. However, these limitations have been addressed through careful source selection, triangulation, comparative analysis, and critical interpretation of both legal and empirical evidence.

In summary, the methodological framework developed in this chapter provides a rigorous and interdisciplinary basis for evaluating whether international maritime security instruments are capable of achieving their intended objectives in practice. By integrating legal analysis with empirical evidence and regional comparison, the study is positioned to assess not only what international maritime security instruments require, but also how effectively they function in addressing contemporary maritime security threats.

The next chapter builds upon this methodological foundation by undertaking a critical doctrinal analysis of the principal international maritime security instruments, with particular focus on UNCLOS and the SUA Convention, in order to assess the extent to which their legal design, jurisdictional provisions, and enforcement mechanisms contribute to the suppression of piracy and armed robbery against ships.

Chapter 4

Doctrinal and Comparative Critical Analysis of International Maritime Security Legal Instruments and Supplementary Frameworks

Introduction

International maritime security law plays a central role in regulating acts of piracy and other forms of violence at sea. Among the key legal instruments governing this area are the United Nations Convention on the Law of the Sea (UNCLOS)[340] and the International Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) together with its Protocol,[341] which together form the core legal framework for addressing piracy and unlawful acts against ships. While UNCLOS establishes the foundational definition of piracy and outlines the obligations of states to cooperate in its suppression,[342] the SUA Convention was developed to complement this framework by criminalising a broader range of maritime offences that fall outside the traditional definition of piracy.[343]

This chapter critically examines the effectiveness of these international legal instruments in addressing contemporary maritime security challenges. It analyses the definition of piracy under UNCLOS and identifies several conceptual, legal and operational limitations, particularly in relation to jurisdictional restrictions, attempted piracy, and the evolving nature of maritime threats. The chapter's comparative focus is limited to Southeast Asia, East Africa and West Africa. However, brief references to the United States, the United Kingdom and the European Union are incorporated to provide contextual examples of the implementation of

[340] United Nations Convention on the Law of the Sea (UNCLOS), adopted in Montego Bay, 10 December 1982, Entry into force 16 November 1994, in accordance with article 308(1).
[341] Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (SUA Convention), Adopted 10 March 1988; Entry into force 1 March 1992; 2005 Protocols: Adopted 14 October 2005; Entry into force 28 July 2010
[342] UNCLOS, Articles 100-107, 111
[343] SUA Convention and Protocol, Articles 3, *3bis, 3 ter, 3 quater*

UNCLOS and related maritime security frameworks in other influential maritime jurisdictions and governance systems.

In addition, the chapter explores the role of supplementary mechanisms in strengthening maritime security governance, including interventions by the United Nations Security Council and the development of regional cooperative frameworks such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP),[344] the Djibouti Code of Conduct (DCoC),[345] and the Yaoundé Code of Conduct (YCoC).[346] Through this doctrinal and comparative analysis, the chapter assesses whether the existing international maritime security regime remains adequate to address the modern evolving patterns of piracy and maritime violence, particularly in regions such as Southeast Asia, East Africa, and West Africa.

It argues that while these instruments remain normatively central to maritime security governance, their practical effectiveness is constrained by definitional limitations, jurisdictional fragmentation, enforcement deficits, and uneven implementation. By situating legal analysis within the empirical realities of regional piracy, the chapter evaluates whether the existing international legal framework is fit for purpose in responding to contemporary maritime threats.

[344] Regional Cooperation Agreement on combating piracy and armed robbery against ships in Asia (ReCAAP), adopted in Tokyo on 11 November 2004, came into force 22 November 2006

[345] The Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, also referred to as the Djibouti Code of Conduct, was adopted on 29 January 2009, and its Jeddah amendment (2017).

[346] The 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), adopted in Yaoundé (Cameroon), in June 2013 by Heads of State or their representatives from 25 West and Central African countries.

4.1 **The United Nations Convention on the Law of the Sea (UNCLOS) 1982**[347]

UNCLOS forms the cornerstone of the contemporary international maritime legal order and provides the primary legal framework for the suppression of piracy. Despite its widespread acceptance and significant contribution to maritime governance, questions remain regarding its capacity to address evolving forms of maritime insecurity in the modern era. This section reviews the key provisions of UNCLOS relating to piracy, examines its strengths and limitations, and evaluates its effectiveness as an instrument of international maritime security governance.

4.1.1 **Overview of UNCLOS**

The United Nations Convention on the Law of the Sea (UNCLOS), often referred to as the "Constitution of the Ocean", provides the primary legal foundation for addressing piracy and related maritime offences and the legal basis for international anti-piracy operations and jurisdictions.[348] UNCLOS has been successful in establishing a stable multilateral legal framework. Although adopted in 1982 and became effective in 1994, it represents a global consensus on maritime law balancing the interests of coastal states, maritime powers, and landlocked nations and providing legal certainty and predictability, while regulating all aspects of ocean space, from navigation rights, maritime security, and boundaries to resource exploitation and environmental protection.[349] This comprehensive coverage makes it a coherent and unified framework rather than a fragmented set of rules and is often described as the

[347] United Nations Convention on the Law of the Sea 1982 (UNCLOS) (adopted on 10 December 1982, came into force on 16 November 1994).
[348] Article 100-107, 111, UNCLOS
[349] Preamble, UNCLOS

"Constitution for the Ocean". The wide ratification of UNCLOS reveals its universality and enhances its legitimacy and stability as a legal framework.[350]

Although adopted in 1982, UNCLOS remains adaptable, allowing the framework to evolve with new challenges such as deep-sea mining,[351] overfishing,[352] marine biodiversity protection,[353] and IMO guidance and regional counter–piracy arrangements,[354] while preserving its original structure. UNCLOS codifies the rights, duties, and responsibilities of states across multiple maritime zones, mandating states' cooperation in suppressing piracy on the high seas and providing a normative foundation for multilateral security initiatives.[355]

Despite this comprehensive legal and institutional framework, several challenges continue to undermine its effectiveness. One such challenge is weak enforcement capacity.[356] In the Gulf of Guinea, limited maritime surveillance assets, inadequate inter-agency coordination, and

[350] United Nations Treaty Collection, Chapter XXI Law of the Sea UNTC, 170 parties and the European Union (EU)
[351] United Nations, Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea, of 10 December 1982, A/RES/48/263, 17 August 1994, Forty-eighth session Agenda item 36 (1994 Agreement on Deep Seabed Mining)
[352] United Nations, United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks (sixth session) A/CONF.164/37, 8 September 1995, Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the c0nservation and management of straddling fish stocks and highly migratory fish stocks (1995 UN Fish Stocks Agreement)
[353] United Nations, Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of the Marine Biological Diversity of Areas Beyond National Jurisdiction 2023 (2023 BBNJ (Biodiversity Beyond National Jurisdiction) Agreement)
[354] IMO, Code of Conduct for the Investigation of Crimes of Piracy and Armed Robbery against Ships, Resolution A.1025(26) adopted on 2 December 2009 (Agenda item 10), 18 January 2010; IMO piracy incidents reports Global Integrated Shipping Information System (GISIS); Regional Cooperation-Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAPP) 2004; Djibouti Code of Conduct concerning the repression of piracy and armed robbery against ships in Western Indian Ocean and the Gulf of Aden 2009 and its Jeddah Amendment to the Djibouti Code of Conduct 2017 (IMO, Protection of vital shipping lanes, sub-regional meeting to conclude agreements on maritime security, piracy and armed robbery against ships for states from the Western Indian Ocean, Gulf of Aden and Re Sea areas, C 102/14, 3 April 2009; and the Yaoundé Code of Conduct concerning the repression of piracy and armed robbery against ships and illicit maritime activity in West and Central Africa, 2013
[355] UNCLOS, Articles 100-107; Part VII of UNCLOS
[356] Arabella Thorp, Preventing and prosecuting piracy at sea: legal issues' 28 February 2012, UK Parliament, House of Commons, International Affairs and Defence Section 6237.

resource constraints have hindered the effective prevention and suppression of piracy and other maritime crimes. Similarly, during the height of the Somali piracy crisis, Somalia lacked the institutional and maritime enforcement capacity necessary to effectively police its territorial waters and adjoining maritime zones.[357] This governance vacuum contributed significantly to the proliferation of piracy in the region between 2005 and 2011.

The effectiveness of the framework is further constrained by jurisdictional limitations arising from Article 101 of UNCLOS, particularly the exclusion of attacks occurring within territorial waters and the requirement that piracy be committed on the high seas.[358] In addition, insufficient prosecution capacity remains a significant obstacle, as many states have been reluctant or unable to prosecute captured pirates owing to evidentiary difficulties, the financial costs of detention and prosecution, and gaps in domestic implementing legislation.[359] Therefore, piracy and armed robbery against ships remain contemporary pressing maritime security issues affecting the global community today.[360] This poses a significant security threat to the maritime industry, compromising the safety of seafarers, global peace, and hindering economic development in all regions, as well as the sustainable development and use of the world's oceans.[361] Finally, a lack of political will in some states has resulted in inconsistent implementation of international maritime security obligations and inadequate investment in maritime law-enforcement institutions and capabilities.[362]

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[357] Kees Homan and Susanne Kamerling, 'Operational Challenges to Counterpiracy Operations off the Coast of Somalia' in Bibi van Ginkel and Frans-Paul van der Putten, eds, *The International Response to Somali Piracy*: *Changes and Opportunities* (Leiden, Netherlands, Martinus Nijhoff Publishers, 2010) 65-103.
[358] Asif Khan, Muhammad Usman, Sohail Amjad, 'Jurisdictional Challenges in Prosecuting Maritime Crimes: A Comparative Analysis' (2020) International Review of Social Sciences, 11
[359] Jing Jin and Erika Techera, 'Strengthening universal jurisdiction for maritime piracy trials to enhance a sustainable anti-piracy legal system for community interests' (2021) 13 Sustainability, 7268;
[360] Robert Haywood, Roberta Spivak, *Maritime Piracy* (US, Routledge, 2012)
[361] Daud Hassan, 'Effectiveness of the current regimes to combat piracy in the Gulf of Guinea: An Evaluation' (2017) 10 African Journal of Legal Studies, 36
[362] Robert Haywood, n 361.

Consequently, the United Nations (UN) described piracy as the primary security threat in the maritime sector.[363] According to Ban Ki-Moon, the then Secretary-General of the United Nations (UN), in his remarks to the Security Council on maritime piracy as a threat to international peace and security, described piracy and armed robbery against ships as *"Piracy and armed robbery against ships is a global concern. It affects the freedom of shipping and the safety of shipping lanes that carry about 90 per cent of the world's trade".*[364] In his remark, he postulated piracy constitutes a serious maritime security threat and a major danger that impacts not only international shipping routes and maritime trades but also endangers lives and significantly inhibits sustainable development, recommending a multidimensional approach in the fight against piracy.[365]

Furthermore, considering the relevance of the world's oceans to the global economy,[366] and the impacts of persistent piracy threats in these essential and significant shipping routes (Southeast Asia, East Africa and West Africa),[367] raise some critical and fundamental questions about the practical efficacy, effectiveness, and enforcement of these international maritime security

[363] U.N. Secretary-General, Oceans and the Law of Sea: Rep. of the Secretary-General, 54–71, U.N. Doc. A/63/63 (Mar. 10, 2008). U.N. Secretary-General, Oceans and the Law of Sea: Rep. of the Secretary-General, 127–134 (Mar. 13, 2009) U.N. Doc. A/64/66; U.N. Secretary-General, Oceans and the Law of Sea: Rep. of the Secretary-General, (Aug. 31, 2010) U.N. Doc. A/65/69/Add.2.

[364] United Nations Secretary-General, Ban Ki-Moon: Remarks to Security Council debate on maritime piracy as a threat to international peace and security, 19 November 2012, United Nations Security Council.

[365] *Ibid*

[366] United Nations Conference on Trade and Development UNCTAD, 2024 Review of Maritime Transport: Navigating Maritime Chokepoints, UNCTAD/RMT/2024 and corr. 1, 2024, Geneva, United Nations; Spencer Feingold and Andrea Willige, Supply chains and transportation: These are the world's most vital waterways for global trade, 15 February 2024, World Economic Forum; UNCTAD, Review of Maritime Transport 2021, UNCTAD/RMT/2021, Geneva, United Nations.

[367] IMO, Reports of Piracy and Armed Robbery Against Ships between 1984 and 2024, n 17; ICC-IMB, Annual Piracy reports 1990 to 2024. Note the figures are derived from the compilation of the IMO reported data on piracy and armed robbery against ships annual reports, from 1984 to 2024; Marios Tsioufis, and others, 'Discovering maritime piracy hotspots: a study based on AHP and spatio-temporal analysis' (2023) 335, Annals of Operations Research, 1-23; Po-Hsing Tseng, Zhao-Chao Her, Nick Pilcher, 'Piracy defense strategies for shipping companies and ships: A mixed empirical approach', (2021) 2 Maritime Transport Research; Dean Crossley, Malacca and Singapore Straits – Increase of piracy incidents, 2 March 2023, West of England P & I Club.

instruments.[368] Despite attempts by regional and international arrangements to combat maritime security threats,[369] there remains significant danger and risk to the safety of seafarers, affecting the stability of international supply chains and coastal economies.[370]

The relevance of UNCLOS in this research is its definition and provisions of piracy as outlined in Articles 100 – 107 and 111 of UNCLOS. In addition to its delimitation of jurisdictional powers of the use of the oceans, which encompasses legal obligations, principles, and jurisdictions related to maritime security. These principles are derived from several key provisions discussed below.

4.1.2 UNCLOS and the Classical Legal Framework for Piracy

This section examines the classical legal framework governing piracy under UNCLOS, which remains the cornerstone of the contemporary international legal regime for the suppression of piracy. Understanding the doctrinal foundations, scope and legal elements of the UNCLOS piracy regime is essential for assessing its effectiveness in addressing contemporary maritime security challenges. The discussion therefore provides the analytical basis for the subsequent evaluation of the strengths, limitations and practical implementation of the UNCLOS framework across different jurisdictions.

[368] Tamsin Paige, 'Piracy and Universal Jurisdiction' (2013) 12 Macquarie Law Journal 131, 147.
[369] House of Commons, Foreign Affairs Committee, Piracy off the coast of Somalia, Tenth Report of Session 2010–12, 5 January 2012, HC 1318 London, UK Parliament; Peter Jennings, Calming troubled waters: global and regional strategies for countering piracy, August 2012, special report, Issue 47, Australian Strategic Policy Institute (ASPI); Mathew Fiorelli, Piracy in Africa: The case of the Gulf of Guinea, Kofi Annan International Peacekeeping Centre (KAIPKC) August 2014, KAIPKC Occasional Paper No. 37.
[370]United Nations, Press Release, As maritime security threats grow more complex, 'enhanced coordination, stronger maritime governance essential', Secretary-General tells Security Council, 20 May 2025, SG/SM/22657; Christian Bueger, Timothy Edmunds, Jan Stockbruegger, Securing the seas: A roadmap for enhancing UN Maritime Security Governance, 2024, Geneva, Switzerland, United Nations Institute for Disarmament Research (UNIDR)

4.1.2.1 Doctrinal Foundation and Definition and Scope of Piracy under UNCLOS

UNCLOS has been instrumental in establishing the legal foundation of the contemporary international anti-piracy regime. It provides the authoritative international definition of piracy, delineates the circumstances under which acts may be classified as piracy, and recognises the principle of universal jurisdiction, thereby enabling all states to act against pirates irrespective of nationality or location. Under Article 101, piracy is defined as any illegal acts of violence, detention or depredation committed for private ends by the crew or passengers of a private ship and directed against another ship, or against persons or property on board such ship, on the high seas or in a place outside the jurisdiction of any state. The provision further extends to participation in the operation of a pirate ship with knowledge of its status, as well as acts that intentionally facilitate or incite piracy.[371] Collectively, the UNCLOS definition embodies four key elements: the commission of an illegal act of violence, detention or depredation; the requirement of private ends; the involvement of two ships; and the occurrence of the act on the high seas or outside the jurisdiction of any state.

The UNCLOS definition of piracy did not emerge in isolation. Rather, it was first codified in Article 15 of the 1958 Convention on the High Seas and was subsequently reproduced almost verbatim in Article 101 of UNCLOS.[372] As a result, the contemporary international legal framework governing piracy is largely rooted in a traditional conception of piracy developed under customary international law, which viewed piracy primarily as a crime occurring on the high seas and subject to universal jurisdiction. While this classical framework has provided an important legal foundation for international cooperation against piracy, questions have arisen regarding its continued suitability for addressing contemporary maritime security challenges.

[371] UNCLOS, Article 101

[372] Convention on the High Seas 1958, held at Geneva on 29 April 1958. Entered into force on 30 September 1962. United Nations, Treaty Series, vol. 450, p. 11, p. 82, Article 15; now contained in Articles 100-107, 111 of UNCLOS 1982.

The nature of piracy and maritime violence has evolved significantly since the adoption of the 1958 and 1982 conventions, particularly with the emergence of attacks occurring within territorial waters, the increasing involvement of organised criminal networks, and the blurring of distinctions between piracy and armed robbery at sea.[373] Consequently, scholars and practitioners have criticised aspects of the UNCLOS definition as being overly restrictive, particularly its geographical limitations and other definitional requirements.[374] These criticisms raise important questions regarding the adequacy of the existing legal framework, which are examined in the following sections.

4.1.2.2 Challenges and Limitations of Piracy Definition in UNCLOS

Although Article 101 of UNCLOS provides the internationally accepted definition of piracy, its effectiveness as the foundation of the international anti-piracy regime has been the subject of considerable academic and practical debate. Since the legal obligations relating to the suppression, prosecution and punishment of piracy are dependent upon this definition, any ambiguity or limitation within its provisions may affect the effectiveness of maritime security governance. Consequently, a critical examination of the constituent elements of the UNCLOS definition is necessary to determine whether it remains suitable for addressing contemporary forms of piracy and maritime violence. This section therefore analyses the principal limitations associated with the definition and evaluates their implications for implementation, enforcement

[373] IMO, Reports on Acts of Piracy 1984-2024, n 17

[374] Elizabeth Nyman, 'Modern Piracy and International Law: Definitional Issues with the Law of the Sea' (2011) 5 Geography Compass, 863, at 874; Nilasari Nilasari, and Lorna Steele. 'UNCLOS Definition of Piracy: Is It Still Relevant for Modern Piracy?' (2022) 7 Mulawarman Law Review, 89-101; Ramesh Kumar Singh, 'Piracy under International Humanitarian Law – A Critical Evaluation' (2025) 15Zenith International Journal of Multidisciplinary Research, 5780; Musili Wambua, 'A critical review of the global legal framework on piracy: 40 years after UNCLOS' (2022) 18 MaritimAffairs: Journal of the National Maritime Foundation of India, 134

and prosecution, particularly within piracy-prone regions such as Southeast Asia, East Africa and West Africa.

4.1.2.2.1 Any illegal acts of violence, detention, or depredation

The definition of piracy under Article 101 of UNCLOS extends beyond acts of theft and encompasses broader forms of aggression at sea. In particular, the inclusion of the term depredation expands the scope of piracy beyond robbery to cover unlawful seizure, hijacking, kidnapping, or destruction of property. Consequently, piracy may be constituted by a single unlawful act of violence, detention, or depredation directed against a vessel, persons, or property.[375] Despite its breadth, the phrase *"any illegal acts of violence, detention, or depredation"* has been criticised for its ambiguity. The term violence is not expressly defined in UNCLOS and may potentially encompass a wide spectrum of conduct, ranging from minor acts of force to serious attacks causing injury, loss of life, or significant damage to property.[376] Likewise, the concept of detention does not necessarily require the use of physical force, creating uncertainty as to the threshold of conduct required for an act to be regarded as piratical. Consequently, scholars have argued that these concepts may be interpreted so broadly that they blur the distinction between ordinary maritime offences and piracy.[377]

Although the primary geographical focus of this study is Southeast Asia, East Africa, and West Africa, judicial decisions from other jurisdictions are considered where relevant because piracy

[375] Robin Geiss and Anna Petrig, *Piracy and armed robbery at sea: The legal framework for counter-piracy operations in Somalia and the Gulf of Aden* (Oxford University Press, Oxford, 2011) 60
[375] Douglas Guilfoyle, Shipping interdiction and the law of the sea (Cambridge University Press, 2009) 31-32
[376] Mark Chadwick, Piracy and the origins of universal jurisdiction: On Stranger Tides? Queen Mary Studies in International Law v.34, (Brill Nijholf, Leiden, 2019); Barry Hart Dubner & Claudia Pastorius, 'On the Ninth Circuit's New Definition of Piracy: Japanese Whalers v. the Sea Shepherd-Who are the Real "Pirates" (i.e. Plunderers)?', (2014) 45 Journal of Maritime Law & Commerce
[377] Mark Chadwick, Piracy and the origins of universal jurisdiction: On Stranger Tides? Queen Mary Studies in International Law v.34, (Brill Nijholf, Leiden, 2019); Barry Hart Dubner & Claudia Pastorius, 'On the Ninth Circuit's New Definition of Piracy: Japanese Whalers v. the Sea Shepherd-Who are the Real "Pirates" (i.e. Plunderers)?', (2014) 45 Journal of Maritime Law & Commerce

under UNCLOS is governed by a universal legal framework. Consequently, interpretations of Article 101 by national courts provide useful insight into the strengths, ambiguities, and practical application of the UNCLOS definition of piracy, irrespective of where the case arose. This ambiguity is illustrated by the decision of the Belgian Court of in *Castle John and Nederlandse Stichting Sirius V NV Mabeco and NV Parfin.*[378] The case arose from a Greenpeace campaign against the vessels Falco and Wadsy Tanker, during which activists boarded the vessels, occupied them, and caused damage.[379] Although the activists argued that their conduct did not amount to piracy because it was not committed for private ends,[380] the court held that the actions were undertaken to advance the objectives of the organisation and therefore satisfied the *"private ends"* requirement. The court further concluded that the conduct involved violence within the meaning of the piracy provisions. According to the Court:

It appears from the facts available that, at the time of their action against the Wadsy Tanker and the Falco, the applicants resorted to "violence".... The actions in question were committed for personal ends, in furtherance of ... [their] objects. Furthermore, more personal motivation such as hatred, the desire for vengeance and the wish to take justice into their own hands are not excluded in this case. [381]

The decision remains controversial. It questioned whether acts of environmental protest should be classified as piracy and whether the level of force involved was sufficiently serious to fall within the classical understanding of piracy under international law. The case highlights the potential breadth of Article 101 and demonstrates how vague terminology can result in divergent interpretations of conduct at sea.

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[378] (1988) 77 International Law Reports, pp 537-541 (Cambridge University Press, 1980). Note that this decision was made pursuant to the piracy definition in Article 15 of the Geneva Conventions of 1958, which is impari material with the 1982 Convention on the Law of the Sea. However, the decision is used here because of its relevance.
[379] *Ibid, Castle John and Nederlandse Stichting Sirius V NV Mabeco and NV Parfin,* at 537
[380] *Ibid*, at 539
[381] *Ibid,* 542-543

A further limitation is that the acts of violence, detention, or depredation must be illegal under the applicable legal framework.[382] In practice, the prosecution of piracy often depends upon the incorporation of UNCLOS provisions into domestic law. Where domestic legislation does not criminalise piracy in terms consistent with Article 101, states may face difficulties prosecuting suspected pirates, notwithstanding their obligations under international law. To address these challenges, several states have incorporated the UNCLOS definition of piracy into their domestic legal systems. Examples include the United States,[383] the UK,[384] Japan,[385] Australia,[386] Kenya,[387] India,[388] Nigeria and several European States,[389] all of which recognise piracy through legislation reflecting, or substantially incorporating, Article 101 of UNCLOS. Although implementation approaches vary, the existence of domestic legislative frameworks facilitates the arrest, prosecution, and punishment of suspected pirates.[390]

In contrast, the domestication of UNCLOS piracy provisions has been uneven across regions most affected by contemporary piracy. Despite the Gulf of Guinea's status as one of the world's most piracy-affected maritime regions,[391] only a limited number of its coastal states, including

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[382] UNCLOS, Article 101

[383] 18 U.S.C. § 1651, Piracy under law of nations," makes piracy a federal crime punishable by life imprisonment for anyone who commits piracy as defined by international law on the high seas and is later found or brought into the United States,

[384] The United Kingdom incorporated the definition of piracy in Article 101 UNCLOS into its Merchant Shipping and Maritime Security Act 1997, Section 26.

[385] Law on Punishment of and Measures against Acts of Piracy" (2009). This law defines piracy and related offences in its domestic legislation. It criminalises piracy and provides legal grounds for the Japan Self-Defence Force and other authorities to respond effectively,

[386] Crimes Act 1914 (Cth), Part IV (Sections 51-56)

[387] The Merchant Shipping Act (2009). This Act governs maritime activities and integrates international conventions on piracy.

[388] Maritime Anti-Piracy Act, 2022. This Act specifically defines piracy according to Article 101 of UNCLOS and applies to the high seas and Exclusive Economic Zone (EEZ).

[389] Several European States, including Belgium, France, Spain, the Netherlands, and Germany, have also integrated the definition in Article 101 UNCLOS into their national laws

[390] While some adopt the direct approaches, others use the reference approach, broader applications extending to territorial waters, and implement the SUA Convention to incorporate acts not strictly covered in the UNCLOS piracy description.

[391] International Chamber of Commerce (ICC), Gulf of Guinea remains world's piracy hotspot in 2021, according to IMB's latest figures, 14 April 2021 Gulf of Guinea remains world's piracy hotspot in 2021, according to IMB's latest figures - ICC - International Chamber of Commerce Accessed on 22 April 2025; Gulf of Guinea states include Liberia, Ivory Coast, Ghana, Togo, Benin, Nigeria, Cameroon,

Nigeria, Togo, Senegal, Liberia, and Cape Verde, have enacted domestic legislation specifically incorporating the piracy provisions of UNCLOS.[392] Although many other states in the region are parties to UNCLOS and regional maritime security frameworks such as the Yaoundé Code of Conduct, significant gaps remain in the adoption of comprehensive national legislation criminalising piracy as defined under Article 101.

A similar pattern exists in Southeast Asia and East Africa. In Southeast Asia,[393] states such as Singapore,[394] Indonesia,[395] Philippines,[396] Vietnam,[397] and Malaysia[398] have adopted legislative or enforcement measures reflecting UNCLOS piracy obligations. However, several states continue to rely primarily on regional cooperative mechanisms, particularly the ReCAAP framework, in addressing piracy and armed robbery at sea.[399] In East Africa, Kenya,[400]

Equatorial Guinea, Gabon, São Tomé and Príncipe, Republic of the Congo, Democratic Republic of the Congo, and Angola

[392] Nigeria (Suppression of Piracy and Other Maritime Offences Act, 2019); Togo (Act No. 2016-004 concerning measures to counter piracy and other unlawful acts, and the exercise of national police powers at sea); Cape Verde Law No. 117/IX/2021, enacted on February 11, 2021, (amending the Penal Code); Liberia (Section 1.4 and 15.31(2) of the Penal Law Liberian Code of Laws revised, volume IV, title 26); and Senegal (Art 279-32, Law No 2021, 23 Juillet 2021, modifiant la loi n°65-60 du 21 juillet 1965 portant Code pénal).

[393] Although Southeast Asia has eleven sovereign states, Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), Philippines, Singapore, Thailand, Timor-Leste (East Timor), and Vietnam.

[394] Penal Code 1871 (Cap 224), Chapter VIA, ss. 130B and 130C, providing punishments ranging from life imprisonment to death sentence, see s. 130(b)(2)

[395] Indonesia Penal Code (Law No. 1 of 2023), Chapter 31 explicitly defines and penalises acts of piracy and armed robbery at sea with stringent penalties.

[396] Revised Penal Code8 (RPC) and under Presidential Decree No. 532 (P.D. 32), otherwise known as the Piracy and Highway Robbery Act of 1974, for offences committed in Philippine waters; and Revised Penal Code as amended by Republic Act No. 7659, dealing with piracy activities in the high seas.

[397] Socialist Republic of Vietnam, 2015 Criminal Code of Vietnam (Law No. 100/2015/QH13), Article 302

[398] Malaysian Maritime Enforcement Agency Act No. 633 of 2004, s. 6(3)(c)

[399] Ahmad Almaududy Amri, 'Piracy in Southeast Asia: An Overview' (2014) 1 Cornell International Law Journal; Joshua Ho, 'Combating piracy and armed robbery in Asia: The ReCAAP Information Sharing Centre (ISC)', (2009) 33 Marine Policy, 432

[400] Kenya Merchant Shipping Act, 2009 (Act No. 4 of 2009), Section 370 empowers Kenyan courts to exercise jurisdiction to prosecute piracy suspects regardless of their nationality or the location where the act occurred (high seas or in Kenyan waters).

Tanzania,[401] Seychelles,[402] and Mauritius[403] have incorporated piracy offences into their domestic legal systems, whereas other states, including Somalia, have historically relied more heavily on regional cooperation mechanisms, including the Djibouti Code of Conduct, than on comprehensive domestic piracy legislation.[404]

The uneven domestication of UNCLOS piracy provisions has significant practical implications. States that have not incorporated piracy offences into their domestic legal systems may face considerable difficulties in prosecuting suspected pirates, particularly where offences occur beyond territorial waters and fall within the scope of international piracy under Article 101. To address these gaps, regional maritime security frameworks have increasingly been utilised to strengthen prosecutorial cooperation and overcome deficiencies in national legal and institutional capacity. Where a state lacks the necessary legislative framework or prosecutorial capability, suspected pirates may be transferred to another state with the requisite legal and judicial mechanisms. This practice is illustrated by the transfer of ten suspected pirates arrested by the Ghana Navy to Nigerian authorities for prosecution, demonstrating how neighbouring states with established piracy legislation and prosecutorial capacity can support regional enforcement efforts.[405] It is further supported by regional arrangements such as the ECOWAS Supplementary Act on the Transfer of Piracy Suspects and Associated Property and/or Evidence, which provides a legal basis for the transfer of piracy suspects, evidence, and related property among member states.[406] Although the framework has yet to be extensively tested in

[401] Tanzanian Penal Code [Cap. 16 R.E. 2019], Section 66
[402] Seychelles Penal Code (Cap 158), as amended by the Penal Code (Amendment) Act, 2010, Section 65
[403] Mauritius Piracy and Maritime Violence Act 2011 (Act No. 39 of 2011), section 3
[404] Peter Viggo Jakobsen &Troels Burchall Henningsen, 'Success defying all expectations: How and why limited use of force helped to end Somali piracy' (2024) 47 Journal of Strategic Studies, 263.
[405] Ghana Armed Forces, , Ghana Navy arrests 10 Nigerian stowaways, 3 November 2025, Ghana Armed Forces GHANA NAVY ARRESTS TEN NIGERIAN STOWAWAYS - Ghana Armed Forces, Accessed on 12/1/2026; Emmanuel Ajarfor Abugri, Ghana Navy arrests 10 Nigerian stowaways aboard Panamanian Vessel off Tema Coast, Modern Ghana, (Ghana, 3 November 2025)
[406] United Nations Office on Drugs and Crime (UNODC), Heads of State and Government of ECOWAS Member States adopt Supplementary Act for the Transfer of Piracy Suspects and their Associated

practice, it represents an important mechanism for enhancing regional cooperation and addressing jurisdictional and prosecutorial challenges in the suppression of piracy.

Nevertheless, reliance on such arrangements underscores the continuing limitations arising from the incomplete domestication of UNCLOS piracy provisions across several piracy-prone regions. Accordingly, while Article 101 establishes an internationally recognised definition of piracy, its practical effectiveness ultimately depends on domestic implementation. The limited incorporation of UNCLOS piracy provisions in several states has weakened prosecutorial capacity, contributed to inconsistencies in enforcement, and created gaps in the overall effectiveness of the international anti-piracy regime.

4.1.2.2.2 The "private ends" requirement is ambiguous and exclusionary

According to the piracy definition in the UNCLOS, the illegal activity at high sea has to be committed "for private ends". The phrase "private ends" expressly distinguishes piracy (an act motivated by personal motives, ransom payments, greed, or material gains) from acts motivated by political, ideological, or public purposes and therefore not legally classified as piracy.[407] Although this distinction helps to separate piracy, which is a universal crime, from acts of war or terrorism, which come under a different area of international law,[408] it however, creates

Property and /or Evidence for prosecution, 29 August 2022, Accra. Heads of State and Government of ECOWAS Member States adopt Supplementary Act for the Transfer of Piracy Suspects and their Associated Property and /or Evidence for prosecution Accessed on 17/7/2026; Economic Community of West African States (ECOWAS), Draft Communique, 3 July 2022, Accra, Republic of Ghana UK_Final-Communique-Summit-July-2022-VF.pdf

[407] Geneva Academy, Counterpiracy under international law, August 2012, International Humanitarian Law and Human Rights, Academy Briefing 1; Yacouba Cisse, Special Rapporteur, first report on prevention and repression of piracy and armed robbery at sea, United Nations General Assembly, International Law Commission seventy-fourth session, 22 March 2023, A/CN.4/758

[408] Elizabeth Nyman, 'Modern Piracy and International Law: Definitional Issues with the Law of the Sea' (2011) 5 Geography Compass, 863-874; Walter Rech, 'Rightless Enemies: Schmitt and Lauterpacht on Political Piracy' (2012) 32 Oxford Journal of Legal Studies, 235-263; Rebekah Te Rito, 'Piracy and Transnational Criminal Law' (2022) 30 Waikato Law Review, 57-69

ambiguity that makes it difficult to prosecute criminal activities at sea with mixed motives, such as terrorism or politically motivated acts, as they fall outside the scope of piracy.

Consequently, the interpretation of "private ends" has attracted long debates, resulting in inconsistent judicial decisions in modern times.[409] While some maritime scholars have argued that the term is ambiguous, and whether politically motivated violence (e.g. militancy, insurgency) falls outside the ambit of piracy,[410] others opined that "private ends" should include politically motivated acts that still involve private gain, as seen in cases of Somali piracy, where the pirates claimed political motives but acted primarily for ransom and financial gain.[411]

The question then is whether the determining factors for defining piracy are the subjective motivation of the pirates or whether the state objectively sanctions their acts?[412] This is because modern piracy attacks sometimes mix criminal and political motives, creating uncertainty over whether UNCLOS applies to these unique cases, which complicates arrest, detention, and prosecution.[413] Although academic critiques show that this is not merely theoretical, the "private ends" phrase has been used to deny piracy charges and push cases into messy jurisdictional territory. These challenges of the interpretation and application of the "private ends" requirement have resulted in several controversial and contradicting judicial decisions,

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[409] Martin N. Murphy, Small boats, weak states, dirty money: piracy and maritime terrorism in the modern world (Hurst Publishers, London, 2008) 21

[410] Arron N Honniball, 'Private political activists and the international law definition of piracy: "Acting for private ends" (2015) 36 Adelaide Law Review, 279-328; Alfred P. Rubin, *The Law of Piracy* (University Press of the Pacific, USA, 2006) 366-367

[411] Ingvild Magnaes Gjelsvik, and Tore Bjorgo, 'Ex-pirates in Somalia: Processes of engagement, disengagement, and reintegration' (2012) 13 Journal of Scandinavian Studies in Criminology and Crime Prevention, 94-114; Chatham House, Piracy and Legal Issues: Reconciling Public and Private Interests, 1 October 2009, Africa Programme and International Law Conference Report, 13.

[412] Peter MacDonald Eggers, 'What is a Pirate?: A common law answer to an age-old question' In Douglas Guilfoyle (ed), Modern Piracy: Legal Challenges and Responses (Edward Elgar Publishing, Cheltenham, 2013) 263-265.

[413] Robert C. Blackman, 'The piracy regime under UNCLOS: Problems and prospects for cooperation' in Robert C. Beckman and J. Ashley Roach (eds), *piracy and international maritime crimes in ASEAN: Prospect for cooperation* (Edward Elgar Publishing, USA, 2012) 17, 28

as evidenced by a plethora of cases[414] and scholarly articles.[415] For instance, in *Castle John and Nederlandse Stichting Sirius v NV Mabeco and NV Parfin* case discussed above, the Court of Appeal held that the defendants' actions were committed for "private end" to achieve their group corporate goal.[416]

However, in the case of the *Institute of Cetacean Research v Sea Shepard Conservation Society.*[417] The Japanese Whalers brought an action against Sea Shepherd, a conservation organisation, alleging infringement of their right to free navigation at sea and piracy. The US District Court denied the Whalers' preliminary objection prohibiting an attack on the Whalers' crew member or ship.[418] It dismissed the claim of piracy, holding that environmental interventionism to protect marine life, which does not constitute harm to any person, *is not piracy*.[419] The Court also held that the defendant's conduct does not amount to violent conduct,[420] nor did the defendant present an authority to suggest that saving the lives of Whale qualifies as a "private end" as provided in Article 101 UNCLOS.[421]

On appeal, the Ninth Circuit reversed the lower Court's decision, holding that the District Court's interpretation of "private ends" and "violence" was erroneous.[422] According to the

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[414] *Republic v Dahir* [2009] SCSC 81 (25 July 2010) 18 [37]; *Republic v Ahmed* [2011] (unreported, Supreme Court of Seychelles, Criminal side No 21, 30 June 2011) 15 [21]; Shepherd, 708 F 3d 1099, 1102 (9TH Cir, 2013); *United States v. Ali* 718 F.3d 929 (D.C. Cir. 2013)

[415] Arron Nicholas Honniball, 'Private Political Activists and the International Law Definition of Piracy: Acting for 'Private Ends'. (2015) 36 Adelaide Law Review; Samuel Pyeatt Menefee, 'Piracy, Terrorism, and the Insurgent Passenger: A Historical and Legal Perspective' in Natalino Ronzitti (ed), Maritime Terrorism and International Law (Martinus Nijhoff Publishers, 1990); Samuel Pyeatt Menefee, 'The case of the Castle John, or Greenbeard the Pirate?: Environmentalism, Piracy and the Development of International Law' (1993) 24 California Western International Law Journal Western International Law Journal

[416] Castle John and Nederlandse Stichting Sirius v NV Mabeco and NV Parfin (1986) 77 ILR 537 at 542 (Court of Cassation, Belgium)

[417](2013) 708 F.3d 1099 (9th Cir.), amended by (2013) 725 F.3d 940 (9th Cir.).

[418] Institute of Cetacean Research v Sea Shepherd Conservation Soc 2012 AMC 869 (WD Wash.).

[419] 860 F. supp 2d 1216, 1233, (2012); 725 F.3d at 943-44

[420] *Ibid* 891

[421] *Ibid* 888

[422] (2013) 725 F 3d 940, 947.

Court, *"the lower court erred by limiting the piracy definition of "private end" to only financial private gain, and that the meaning of private "is far broader"*.[423] According to the Ninth Circuit, *"Private ends" include those pursued on personal, moral or philosophical grounds…* and "private ends" simply means acts not taken on behalf of the state.[424] Accordingly, Judge Alex Kozinski famously argued that, regardless of how "high-minded" the purpose (environmental protection), violent acts against ships and crew make the perpetrators "pirates" regardless *of whether the perpetrators believe themselves to be serving the public good does not render their ends public.*[425]

The classification of *"private ends"* in the *Sea Shepherd environmental activism as piracy* by the US Court raised several issues on the broad interpretation of "pirate ends" under Article 101 of UNCLOS.[426] This interpretation has raised several debates. While several maritime scholars criticised the decision, a few others, including Eugene Kontorovich, supported the decision. According to critics, the decision is overly broad and a misapplication of the historical and legal contexts of piracy in UNCLOS.[427] They argued that the Sea Shepherd's goals were purely ideological/political and do not fit into the traditional definition of piracy, and that labelling political protesters as "pirates" ignores the distinction between violent criminals seeking gain and activists.[428]

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[423] *Ibid,* 943
[424] *Ibid,* 943–944.
[425] *Ibid,* 944
[426] Lucas VM Bento, 'The "Privatisation" of Environmental Activism: Institute of Cetacean Research v Sea Shepherd' (2014) Lloyd's Maritime and Commercial Law Quarterly
[427] Barry Hart Dubner & Claudia Pastorius, 'On the Ninth Circuit's New Definition of Piracy: Japanese Whalers v. the Sea Shepherd-Who are the Real "Pirates" (i.e. Plunderers)?' (2014) 45 Journal of Maritime Law & Commerce,415; Samuel Shnider, 'Universal Jurisdiction Over "Operation of a Pirate Ship": The Legality of the Evolving Piracy Definition in Regional Prosecutions', (2017) 38 North Carolina Journal of International Law, 473, 482-485
[428] Malen Nousari, 'From Pirate to Partner: Sea Shepherd's Evolution in Maritime Conservation and the Pursuit of High Seas Legitimacy' (2024) 78 University of Miami Law Review; Tamsin Phillipa Paige, Arrrrrrrrr the Sea Shepherds really pirates?, 27 February 2013, The Conversation

However, other maritime scholars, including Eugene Kontorovich, disagree with this narrow interpretation of "private ends". Kontorovich contends that the phrase should be understood as distinguishing the actions of private actors from those carried out under state authority.[429] Consequently, the decisive issue is not the nature of the motive but whether the conduct was undertaken by private individuals or by a state. According to him:

It does not turn on whether the actor's motives are pecuniary, political, operating under mistake of fact, or simply insane. Private ends are those ends held by private parties. The converse is also true: a government-owned ship in government service cannot commit piracy even if it attacks another vessel solely to enrich itself.[430]

Kontorovich's opinion was challenged by Kevin Jon Heller, who argued that the private end requirement in UNCLOS excludes politically motivated acts, not only those committed by the government and its agencies.[431] According to Heller *"Politically-motivated acts of violence on the high seas were not traditionally considered piracy under international law, but were instead simply criminal acts that the offended state could prosecute as it saw fit."*[432]

Apparently, while both argued over whether the shepherd's case satisfied the "private ends" requirement, they both agreed that their action could be considered maritime violence under the SUA Convention. Consequently, Milena Sterio argued that the Sea Shepherd's case does not fit within the traditional piracy paradigm, as their goals and intent are political and non-pecuniary.[433] Therefore, although the "private end" requirement is to ensure that piracy remains a crime of personal and commercial greed, universally punishable by any state, and distinct

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[429] Eugene Kontorovich, Yes, Sea Shepherd Engages in Piracy Under International Law, 27 February 2013, The Volokh Conspiracy Yes, Sea Shepherd Engages in Piracy Under International Law - The Volokh ConspiracyThe Volokh Conspiracy. Accessed on 22/1/2026

[430] *Ibid*

[431] Kevin Jon Heller, A Response to Kontorovich and Gallagher About Piracy (Updated), 27 February 2013, OpinioJuris https://opiniojuris.org/2013/02/27/a-response-to-kontorovich-and-gallagher-about-piracy/ Accessed 22/1/2026

[432] *Ibid*

[433] Milena Sterio, The "Private Ends" Requirement of UNCLOS in the 9th Circuit: Are Sea Shepherds Pirates?, 4 March 2013, Communis Hostis Omnium The "Private Ends" Requirement of UNCLOS in the 9th Circuit: Are Sea Shepherds Pirates? | Communis Hostis Omnium Accessed on 22/1/2026

from political or state-sponsored violence at sea, while these distinct features are easily identifiable in traditional piracy incidents, the complex nature of modern piracy makes it difficult to identify what constitutes a "private end" for the purpose of implementing and prosecuting piracy activities.

4.1.2.2.3 Commission by the crew or passengers of at least two ships

For an act of piracy to occur, it must be between "two private ships".[434] Although these "two ships' requirement" is a central element of piracy, as it historically distinguishes piracy from mutiny, its effectiveness in the modern era is constrained and limited, as it excludes internal seizures, as was the case of hijacking the *Achille Lauro* cruise ship.[435] Besides other modern serious maritime crimes, such as cyber-attacks against ships or maritime infrastructure, do not typically fall under the strict legal definition of piracy in UNCLOS, as they involve remote, non-physical or, in the case of infrastructure, fixed-location attacks.[436]

Similarly, modern piracy attacks frequently involve the use of small, fast-moving skiffs or speedboats against larger commercial vessels.[437] During the Somali piracy crisis, pirate groups commonly deployed skiffs from mother ships to attack merchant vessels across the Western

[434] UNCLOS, Articles 101(a), 102, and 103

[435] *Klinghoffer v. S.N.C. Achille Lauro*, 739 F. Supp. 854 (S.D.N.Y. 1990). Subsequent proceedings include 795 F. Supp. 112 (S.D.N.Y. 1992); Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' (2020) 4. Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62–69; Elizabeth Nyman, 'Modern Piracy and International Law: Definitional Issues with the Law of the Sea' (2011) 5 Geography Compass, 863-874. Although this shortcoming has been addressed in SUA; Elizabeth Nyman, 'Modern Piracy and International Law: Definitional Issues with the Law of the Sea' (2011) 5 Geography Compass, 863-874

[436] Ishii Yurika, 'Attacks on Commercial Maritime Autonomous Surface Ships at Sea' (2023) 8 Asia-Pacific Journal of Ocean Law and Policy, 266–286; Henrik Ringbom, 'New Threats—Old Rules: Law of the Sea Issues Raised by Suspected Attacks on Submarine Infrastructure in the Baltic Sea' (2025) 56 Ocean Development & International Law, 390–414; Jacques Hartmann and Alexander Lott, The Prosecution 'Gap' for Attacks on Subsea Cables and Pipelines, 13 November 2025, European Journal of Internal Law

[437] Nicolas Florquin, 'Escalation at Sea: Somali Piracy and Private Security Companies' in *Small Arms Survey* (Cambridge University Press, 2012) 191

Indian Ocean. Likewise, piracy incidents in the Gulf of Guinea and attacks reported in Southeast Asian waters, particularly within the Straits of Malacca and Singapore, have often involved small craft used to board larger vessels.[438] Data from the International Maritime Organization and International Maritime Bureau (IMB) demonstrate that such attack methods remain characteristic of contemporary piracy. Consequently, the “two-ships-rule” questioned whether the traditional "two-ships" conception reflected in Article 101 adequately captures the operational realities of modern piracy.

Therefore, the Houthi attacks against commercial vessels in the Red Sea, involving the use of drones, missiles, and other advanced technologies, highlight significant gaps within the UNCLOS piracy framework, particularly in relation to contemporary non-state actor threats operating in strategically important maritime chokepoints.[439] These incidents expose the difficulties of applying the traditional UNCLOS definition of piracy to technologically sophisticated, land-based attacks that do not conform to the conventional piracy paradigm.[440] In particular, the use of unmanned aerial vehicles (UAVs), unmanned surface vehicles (USVs), and missile systems challenges key elements of the UNCLOS definition, including its assumptions regarding the involvement of two ships, physical boarding, and direct attacks by one vessel against another.[441] As a result, the existing piracy provisions under UNCLOS

[438] ICC-IMB Annual Reports on Piracy and Armed Robbery against Ships, 2000-2024; IMO, Reports on Act of Piracy, 2000 – 2024, n 17

[439] Riya Sultana & Ronen A. Cohen, ‘China’s Red Sea gambit: a paradigm shift of NSAGs and the Maritime strategic dilemma in the Middle East’ (2025) 12 Cogent Arts & Humanities; Security Council Report, Maritme Security, 30 July 2025, August 2025 Monthly Forecast

[440] Elisabeth Braw, What attacks on shipping mean for the global maritime order, 9 August 2024, Atlantic Council; Nick Childs, Global implications of the shipping attacks in the Red Sea, 19 December 2023, International Institute for Strategic Studies; Christian Bueger, Timothy Edmunds, Jan Stockbruegger, ‘UNCLOS under Fire: Recalibrating Maritime Security Governance’ (2025) 74, 85

[441] UNCLOS, Article 101; United Nations Security Council, Letter dated 23 July 2025 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General, 24 July 2025, S/2025/483; UK Parliament, UNCLOS: the law of the sea in the 21st century, 2nd Report of Session 2021-22 - published 1 March 2022 - HL Paper 159

provide limited guidance for addressing such emerging maritime security threats.[442] This regulatory gap has contributed to a greater reliance on multinational security responses, including Operation Prosperity Guardian, established to protect commercial shipping and freedom of navigation in the Red Sea, rather than on the UNCLOS framework alone.[443]

Therefore, these developments demonstrate that, although UNCLOS remains a foundational instrument of international maritime governance, it is not a comprehensive solution to all contemporary maritime security challenges. Instead, it operates as part of a broader and evolving maritime security architecture that increasingly depends on regional and multinational cooperation to address emerging threats. The ongoing Red Sea crisis underscores the need to reassess the adequacy of existing international maritime law in responding to technologically advanced forms of maritime violence capable of disrupting global trade and supply chains while originating from conflict-affected coastal regions. Consequently, the crisis raises important questions as to whether the traditional legal framework governing piracy and maritime security remains fully equipped to address the realities of twenty-first-century maritime threats.

[442] Arsenio Dominguez, Applying the Law of the Sea to Protect International Shipping, 24 February 2024, United Nations (UN Chronicle)

[443] House of Commons, Situation in the Red Sea, 24 January 2024, Volume 744, Col. 350; House of Lords, UNCLOS: the law of the sea in the 21st century, 1 March 2022, HL Paper 159, International Relations and Defence Committee, 2nd Report of Session 2021-22; Patrick Wintour, US to announce expanded protection force for Red Sea shipping, *The Guardian* (UK,17 December 2023); Sean Gaudialmo and Jelang Ramadhan, 'The United States' Strategic Culture in Handling the Red Sea Crisis Through Operation Prosperity Guardian' (2025) 4 Journal Research of Social Science Economics and Management, 1211-1226

4.1.2.2.4 Acts committed on the high seas against a ship, persons, or property outside the jurisdiction of any state.

The UNCLOS limits the definition of piracy to acts that occur only on the "high seas" or in areas outside any state's jurisdiction.[444] This creates a geographic limitation that confines piracy to acts committed in specific high-sea locations, expressly excluding acts occurring in territorial waters where most modern maritime piracy activities actually take place.[445] Thereby leaving any acts of violence or robbery committed within a state's territorial or archipelagic waters as domestic crimes, and not piracy under UNCLOS.[446] Consequently, while piracy traditionally occurs mostly on the high seas, most of the modern piracy in recent times as revealed in this research, often occurs in the territorial waters of coastal states, which fall outside the scope of the UNCLOS definition of *"piracy"*.

Furthermore, this definition of piracy has been widely criticised by maritime scholars and practitioners for being overly restrictive, particularly because it excludes attacks occurring within territorial waters, where many contemporary piracy incidents take place.[447] However, several academics and the United Nations Security Council have affirmed that UNCLOS largely codifies customary international law relating to piracy and continues to provide the

[444] UNCLOS, Article 101 (a)(i)
[445] Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62–69.
[446] Hugh Fleming, Rethinking Contemporary Counter-Piracy Policy, 189 (2020) 94-106, Minnesota Law Review Headnotes, 189; Abdul Haseeb Ansari, Kyaw Hla Win, and Abdul Ghafur Hamid, Combating Piracy Under the United Nations Convention on the Law of the Sea 1982' (2014) 56 Journal of the Indian Law Institute, 320-347
[447] H.E. Joséluis Jesus, 'Protection of Foreign Ships against Piracy and Terrorism at Sea: Legal Aspects' (2003) 18 The International Journal of Marine and Coastal Law, 363-400; Joseph M. Isanga, 'Countering Persistent Contemporary Sea Piracy: Expanding Jurisdictional Regimes' (2010), 59 American University Law Review, 1267; Tina Garmon, 'International Law of the Sea: Reconciling the Law of Piracy and Terrorism in the Wake of September 11th' (2002) 27 Tulane Maritime Law Journal, 257, 264; Arron N Honniball, 'Private Political Activists and the International Law Definition of Piracy: Acting for 'private ends' (2015) 36 Adelaide Law Review 280. A detailed discussion on the challenges with the definition will be discussed in the preceding paragraph.

primary legal framework for its suppression.[448] In reaffirming this position, the Security Council stated that "*that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities"*[449] To address the definition gap in UNCLOS, especially as it relates to incidents occurring within territorial waters, the International Maritime Organisation (IMO), in its Resolution A.1025(26), Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships, defined piracy and armed robbery against ships, defines "*piracy as an act defined in Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS)".* Whereas it defined armed robbery against ships as:

Armed robbery against ships" means any of the following acts: .1 any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea; .2 any act of inciting or of intentionally facilitating an act described above.[450]

Although IMO emphasised that the purpose of this definition is to facilitate the investigation of crimes of piracy and armed robbery against ships,[451] it nonetheless provided a more elaborate definition. Consequently, these combined definitions of piracy in both UNCLOS and IMO have been integrated into several international agreements, including the Regional Cooperation

[448] Erik Barrios, 'Casting a Wider Net: Addressing the Maritime Piracy Problem in South East Asia', (2005) 28 Boston College International and Comparative Law Review 149, 152.

[449] UN Security Council, Resolution 1950 (2010) Adopted by the Security Council at its 6429th meeting, on 23 November 2010, S/RES/1950 (2010), p.1

[450] IMO, Code of Conduct for the Investigation of Crimes of Piracy and Armed Robbery against Ships, Resolution A.1025(26), A 26/Res. 1025 18 January 2010, adopted on 2 December 2009 (Agenda item 10), Annex Articles 1 and 2 (2(1)(2)

[451] Ibid, Article 1

Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) 2004,[452] and the Revised Djibouti Code of Conduct 2017 (Jeddah Agreement).[453]

To illustrate the geographical limitations of the UNCLOS piracy definition, Figures 1 and 2 present a global analysis of piracy and armed robbery incidents reported to the International Maritime Organization (IMO) between 2001 and 2024. The data demonstrate that a significant proportion of incidents occur within territorial waters, ports and anchorages rather than on the high seas.

Fig. 1: Global Distribution of Reported Piracy and Armed Robbery Incidents by Location, 2001-2024 (IMO Data)

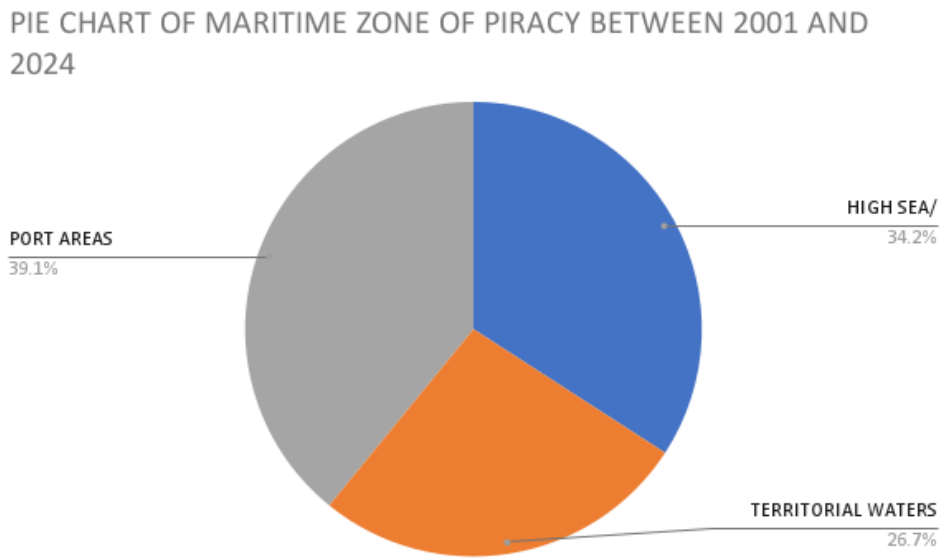
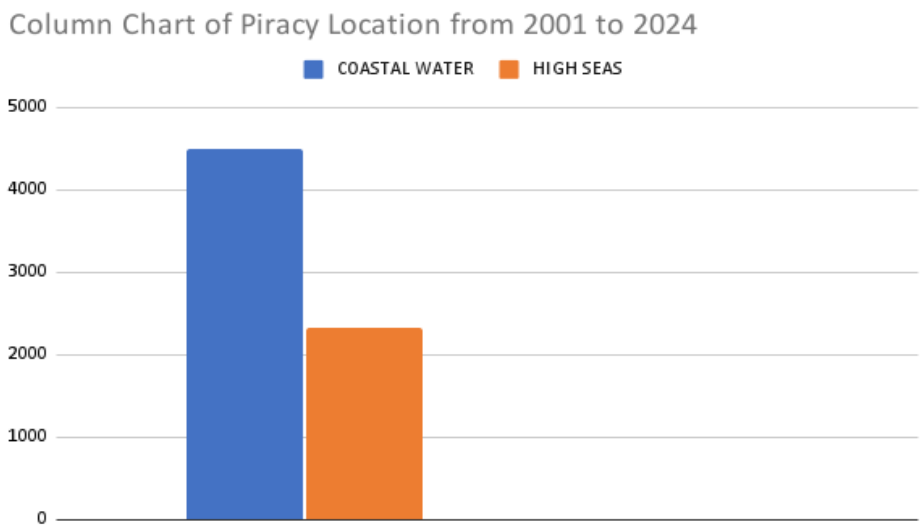


Fig. 2 Column Chart Distribution of Reported Piracy and Armed Robbery Against Ships by Location (2001-2024)

[452] Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) 2004, Article 1

[453] Revised Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in the Western Indian Ocean and the Gulf of Aden Area, 2017, Article 1 (1)(2)



Source: Author's compilation from IMO Acts of Piracy and Armed Robbery against Ships Annual Reports (2001–2024). The figure represents reported global incidents and is not limited to Southeast Asia, East Africa or West Africa.

Figures 1 and 2 indicate that most of the reported piracy and armed robbery incidents between 2001 and 2024 occurred within territorial waters, ports and anchorages, with only 34.2% occurring on the high seas. This pattern highlights a significant limitation of the UNCLOS definition of piracy, which applies only to acts committed on the high seas or outside the jurisdiction of any state. Therefore, while this restrictive scope of "piracy" as defined in UNCLOS makes it difficult to prosecute other similar maritime crimes, such as internal vessel hijacking, boarding while at anchor, or crew kidnapping under international piracy laws,[454] it also discourages states' collaborative efforts to combat "piracy" activities occurring within territorial waters.

Consequently, the restrictive definition and description of piracy in UNCLOS create several practical and political limitations and challenges that hinder its suitability for effective

[454] J. Ashley Roach, 'Piracy Prosecutions Countering Piracy off Somalia: International Law and International Institutions' (2010) 104 The American Journal of International Law, 397

maritime governance.[455] This controversial definition and classification of piracy has sparked legal debates among maritime experts and scholars,[456] while also attracting criticisms and conflicting interpretations, thereby raising the issue of whether UNCLOS is "fit for purpose".[457] Accordingly, several maritime scholars opined that in the early 20th century, when UNCLOS was drafted and adopted, piracy was not considered a problem and was merely for academic purposes.[458] They argued that the piracy provisions were incorporated without serious deliberation on whether they properly reflect realities.[459] As such, although the four elements of the definition of piracy appear simple and straightforward, their application and interpretations have attracted considerable debate and inconsistencies among maritime scholars and the courts.[460]

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[455] Robin Churchill, 'The Piracy Provisions of the UN Convention on the Law of the Sea: Fit for Purpose?' in Panos Koutrakos and Achilles Skordas (eds), *The Law and Practice of Piracy at Sea: European and International Perspectives* (Hart Publishing, Oxford, 2014), 9-32

[456] Samuel Pyeatt Menefee, 'Piracy, Terrorism, and the Insurgent Passenger: A Historical and Legal Perspective' in Ronzitti. N., (ed) *Maritime Terrorism and International Law* (Netherlands, Kluwer Academic Publisher, 1990); Philip A. Buhler, 'New Struggle with an Old Menace toward a revised definition of Maritime Piracy' (1999) 61 Currents: International Trade Law Journal; Alfred P Rubin, *The Law of Piracy* (University Press of the Pacific, Newport, 2006) 341; Tamsin Paige, 'Piracy and Universal Jurisdiction' (2013) 12 Macquarie Law Journal, 131

[457] Natalie Klein, Maritime Security and the Law of the Sea (Oxford University Press, 2011) 119; Nilasari Nilasari, Lorna Steele, 'UNCLOS Definition of Piracy: Is it Still Relevant for Modern Piracy?' (2022) 7 Mulawarman Law Review; Mazyar Ahmad, 'Maritime Piracy Operations: Some Legal Issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping; M. Bob Kao, 'Against a Uniform Definition of Maritime Piracy' (2016) 3 Maritime Safety and Security Law Journal; Randall Christopher Bray, 'Implications of the UNCLOS definition of piracy on Seychelles prosecutions specifically addressing the incorporation of the definition of piracy in article 101 of UNCLOS and the implications for Seychelles piracy prosecutions' (2012) War Crimes Memoranda; Donna Sinopoli, 'Piracy-A modern perspective' (1998) QUT Law Review; Ella Ihrig, 'piracy and UNCLOS: Modern Problems Require Modern Solutions' (2024) Denver Journal of International Law and Policy; Michał Wallner, Artur Kokoszkiewicz, 'Maritime Piracy and Limitations of the International Law of the Sea' (2019) 28 Historia i Polityka; Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' (2020) 4 Journal of international maritime safety, environmental affairs, and shipping.

[458] HE Joséluis Jesus, 'Protection of Foreign Ships against Piracy and Terrorism at Sea: Legal Aspects' (2003) 18 The International Journal of Marine and Coastal Law 363, 364; Daniel Heller-Roazen, The Enemy of All - Piracy and the Law of Nations (Zone Books, New York, 2009) 24

[459] Barry Hart Dubner, *The Law of International Sea Piracy* (Martinus Nijhoff (Brill) Publishers, Netherlands, 2024) 37; Eugene Kantorovich, 'International Legal Response to Piracy of the Coast of Somalia', The American Society of International Law (ASIL) Insights Vol. 13, Issue 2, Feb 6, 2009.

[460] Robin Geiss and Anna Petrig, *Piracy and Armed Robbery at Sea: The legal framework for counter-piracy operations in Somalia and the Gulf of Aden* (Oxford University Press, Oxford, 2011); Yvonne M

4.1.2.3 Summary and Critical Argument on the UNCLOS Definition of Piracy

The foregoing analysis demonstrates that while UNCLOS remains the cornerstone of the international legal framework governing piracy, its definition of piracy reflects a traditional conception of maritime violence that is increasingly challenged by contemporary maritime security realities. Although Article 101 has provided a common legal basis for international cooperation and the exercise of universal jurisdiction, its constituent elements have generated significant legal and practical difficulties relating to interpretation, enforcement and prosecution. Modern piracy increasingly demonstrates a fluid and "nomadic" character, with attacks occurring across multiple maritime zones, including territorial waters and coastal areas, rather than exclusively on the high seas. This trend was particularly evident during the Somali Piracy Crisis, where pirate groups operated across extensive maritime areas, including strategic corridors such as the Gulf of Aden. The geographical limitations embedded within the UNCLOS definition restrict its applicability to many contemporary incidents.

Furthermore, although Article 100 of UNCLOS establishes a general obligation for states to cooperate in the repression of piracy, it provides little procedural guidance on how such cooperation should be operationalised. The absence of detailed mechanisms for enforcement, coordination, and prosecution has often necessitated supplementary political and military interventions, particularly through actions authorised by the United Nations Security Council during periods of heightened piracy activity, as seen in the Somali and presently in Houthis/Red cases.[461] Another significant limitation is that the UNCLOS framework is largely reactive

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Dutton, 'Maritime Piracy and the Impunity Gap: Insufficient National Laws or a Lack of Political Will?' (2012) 86 Tulane Law Review 1111; Jonathan Bellish, 'A High Seas Requirement for Inciters and Intentional Facilitators of Piracy Jure Gentium and Its (Lack of) Implications for Impunity' (2013) 15 San Diego International Law Journal 115; Douglas Guilfoyle, 'Prosecuting Somali Pirates: A Critical Evaluation of the Options' (2012) 10 Journal of International Criminal Justice 767, 772-73

[461] UN Security Council, Security Council resolution 1816 (2008) [on acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia], 2 June 2008, S/RES/1816 (2008); UN Security Council, Resolution 1851 (2008) adopted by the Security Council at its 6046th meeting, on 16 December 2008 S/RES/1851 (2008); United Nations Security Council, Resolution 2722

rather than preventative. The piracy provisions do not explicitly address attempted piracy, making it difficult for states to prosecute individuals involved in failed or preparatory attacks at sea.[462] As many piracy incidents involve aborted attempts or early interception by naval forces, this omission creates practical challenges for enforcement authorities and undermines the deterrent effect of international maritime law, as it falls short of the strict legal threshold established under Article 101, thereby limiting the capacity of states to prosecute offenders effectively.[463]

Moreover, the evolving technological landscape of maritime operations has introduced new forms of threats that were not envisaged when UNCLOS was drafted. These emerging technological threats, including cyber-enabled attacks on navigation systems and shipboard communication networks, fall outside the traditional conception of piracy envisaged by UNCLOS.[464] The growing number of technology-driven disruptions targeting commercial shipping underscores the inadequacy of a legal framework designed primarily to address physical acts of violence at sea, highlighting the increasing mismatch between the historical framework of UNCLOS and the evolving nature of maritime security threats.[465]

(2024), adopted by the Security Council at its 9527th meeting, on 10 January 2024, S/RES/2722 (2024); United Nations Security Council, Resolution 2787 (2025), adopted by the Security Council at its 9958th meeting, on 15 July 2025, S/RES/2787 (2025); UK Parliament, Research Briefing 9930, UK and international response to Houthis in the Red Sea 2024/25, 04 February 2025, House of Commons.

[462] Jessica Larsen, What shall we do with the suspected pirates? Why piracy prosecution doesn't always work, 30 March 2023, DIIS Policy Brief, Danish Institute for International Studies.

[463] IMO, Reports on Acts of Piracy and Armed Robbery against Ships: Annual reports 1984 – 2024

[464] Theo Notteboom, Hercules Haralambides & Kevin Cullinane, 'The Red Sea Crisis: ramifications for vessel operations, shipping networks, and maritime supply chains' (2024) 26 Maritime Economics & Logistics, 1–20; Emilio Rodriguez-Diaz, J. I. Alcaide, and R. Garcia-Llave, 'Challenges and Security Risks in the Red Sea: Impact of Houthi Attacks on Maritime Traffic' (2024) 12 Journal of Marine Science and Engineering, 1900

[465] Ece Göksedef, War zone GNSS interference surges across the Middle East Gulf, 4 March 2026, Lloyd's List; Africa Center for Strategic Studies, Expanding Al Shabaab–Houthi Ties Escalate Security Threats to Red Sea Region, 28 May 2025; Safety4Sea, Windward: GPS jamming is a rising cyber threat in the Red Sea, 13 May 2025, Safety4Sea; Organized Crime and Corruption Reporting Project, More Than 1,100 Ships Hit by Widespread GPS Disruption After Iran Strikes, 5 March 026, OCCRP; Adam James Fenton and Ioannis Chapsos, Ships without crews: IMO and UK responses to cybersecurity, technology, law and regulation of maritime autonomous surface ships (MASS) (2023) 5 Frontiers in Computer Science

In addition, while UNCLOS establishes the general legal framework for piracy, the responsibility for implementation rests with individual states.[466] Although many states have ratified UNCLOS,[467] its domestication and enforcement within national legal systems remain inconsistent due to conflicting national laws.[468] Some states have incorporated the UNCLOS definition directly into domestic legislation, while others have adopted broader or modified definitions of piracy.[469] These discrepancies create uneven regulatory standards and complicate the universal application of anti-piracy laws.[470] The absence of a single international judicial mechanism dedicated to prosecuting piracy offences further complicates enforcement. Unlike other areas of international law adjudicated by institutions such as the International Court of Justice, piracy prosecutions rely primarily on national courts exercising jurisdiction under domestic law.[471] Consequently, the effectiveness of the UNCLOS framework depends significantly on the willingness and capacity of individual states to implement and enforce its provisions.[472]

Therefore, these limitations suggest that while UNCLOS remains the cornerstone of the international legal regime governing piracy, its provisions are increasingly misaligned with contemporary maritime security realities. The reliance on supplementary measures, including

[466] UNCLOS, Articles 100 and 105

[467] United Nations Treaty Collections, Chapter XXI, Law of the Sea United Nations Convention on the Law of the Sea, 10 December 1982, Montego Bay, 1, with 157 Signatories and 172 Parties as at 7 March 2026 UNTC Accessed on 7 March 2026

[468] House of Lords, UNCLOS: the law of the sea in the 21st century, HL Paper 159, 1 March 2022, International Relations and Defence Committee, 2nd Report of Session 2021–22, UK Parliament; Raul (Pete) Pedrozo, 'Reflecting on UNCLOS Forty Years Later: What Worked, What Failed' (2022) 99 International Law Studies, 874; Kishore Vaangal, 'Reexamining the UNCLOS: a Lack of Compliance and Enforceability' (2022) 8 Lex Portus, 7–27.

[469] For instance, some states in Europe and Southeast Asia, including Spain and the Netherlands, have special and distinct maritime security laws, while African states, such as Nigeria, Cameroon, Kenya, and Seychelles. Details of this will be discussed in the next subsection

[470] UNCLOS, Article 101; Eugene Kontorovich, 'International Legal Responses to Piracy off the Coast of Somalia' (2009) 13 The American Society of International Law (ASIL)

[471] M.D Saiful Karim, Prosecution of Maritime Pirates: The National Court is Dead – Long live the National Court? (2014) 32 Wisconsin International Law Journal, 39; Maggie Gardner, 'Piracy Prosecutions in National Courts' (2012) 10 Journal of International Criminal Justice, 797

[472] UNCLOS, Articles 101 and 105

United Nations Security Council resolutions and multinational naval operations during the Somali piracy crisis, illustrates the extent to which additional mechanisms have been required to address gaps within the existing legal framework.[473] Consequently, the evolving nature of maritime threats raises important questions regarding the continuing adequacy of UNCLOS as a comprehensive instrument for addressing modern forms of piracy and maritime violence. Furthermore, the effectiveness of the UNCLOS piracy regime depends largely on its implementation at the domestic level. As states differ considerably in the way international law is received and applied within national legal systems, the incorporation and enforcement of UNCLOS piracy provisions have been uneven across jurisdictions, contributing to variations in legal definitions, jurisdictional approaches and enforcement practices.

4.2 Monism, Dualism and the Domestic Application of International Law

The effectiveness of international piracy law depends largely on its implementation within domestic legal systems. The implementation of international piracy law is influenced not only by the substantive provisions of UNCLOS but also by the constitutional relationship between international and domestic law. Traditionally, this relationship has been explained through the theories of monism and dualism.[474] Under the monist approach, international and domestic law are regarded as forming a single legal order.[475] Consequently, ratified treaties may become part of domestic law without the need for additional legislative measures, subject to constitutional

[473] UN News, Somalia: Security Council adopts resolution to keep pirates at bay, 3 December 2021 United Nations News; European Union, EU NAVFOR ATALANTA Statement on the UNSC Resolution on Fighting Piracy off the Coast of Somalia Non-Extension Announcement, 9 March 2022, EUNAVFOR; Barış Şahiner, 'Multinational responses to Somali piracy: the emergence and contribution of combined task force 151 (2009–2023)' (2026) 19 Journal of Transportation Security, 1.

[474] Francois Rigaux, 'Hans Kelsen on International Law' (1998) 9 European Journal of International Law, 325-34; Paul Gragl, *Legal Monism: Law Philosophy & Politics* (Oxford University Press, UK, 2018) 99

[475] Madelaine Chiam, 'Monism and Dualism in International Law' (27 June 2018), in Anthony Carty (ed.), *Oxford Bibliographies in International Law* (Oxford Academic, New York, 2012); Beatrice I. Bonafé, 'International law in domestic and supranational settings' in: Jörg Kammerhofer and Jean D'Aspremont (eds). *International Legal Positivism in a Post-Modern World.* (Cambridge University Press, England, 2014) 378

requirements.[476] Domestic courts may therefore be able to apply treaty provisions directly where they are sufficiently clear and self-executing. By contrast, the dualist approach views international and domestic law as separate legal systems.[477] Under this model, international treaties do not automatically acquire domestic legal effect upon ratification. Instead, states must enact implementing legislation before treaty obligations can be enforced by domestic courts. Accordingly, the extent to which international legal norms are reflected in national law depends largely on legislative action.

Although the distinction between monism and dualism is not always absolute,[478] it remains useful in explaining differences in the implementation of piracy law. While some states have incorporated the UNCLOS definition of piracy directly or relied heavily on customary international law, others have enacted specific legislation that modifies, expands or supplements the Convention's provisions. As a result, the domestic regulation of piracy varies significantly across jurisdictions despite the existence of a common international framework under UNCLOS. The following section examines how selected states and regional frameworks have incorporated and applied piracy law, highlighting the extent to which domestic legal systems have adopted, adapted or supplemented the UNCLOS regime in response to contemporary maritime security challenges.

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[476] Lando Kirchmair, 'Dualism and Kelsenian Monism' In: *Rethinking the Relationship between International, EU and National Law: Consent-Based Monism*. (Cambridge University Press, UK, 2024) 11-58.

[477] Shrome Garg, 'Monist vs. Dualist Theory of International Law' (2023) 5 International Journal of Legal Science and Innovation, 60

[478] Lars Vinx, 'The Kelsen-Hart Debate: Hart's Critique of Kelsen's Legal Monism Reconsidered' In: D.A. Jeremy Telman (ed.), *Hans Kelsen in America - Selective Affinities and the Mysteries of Academic Influence* (Springer, Dordrecht, 2018) 59

4.3 Definition of Piracy Across Different Continents

Although the definition of piracy under UNCLOS has been criticised for its jurisdictional and conceptual limitations, its recognition of universal jurisdiction has contributed significantly to its widespread acceptance and incorporation into domestic legal systems. As a result, many states have adopted the UNCLOS definition of piracy within their national legislation, while others have enacted broader or more specific legal provisions to address maritime insecurity. Given that the effectiveness of international maritime law depends largely on domestic implementation, this section examines how the UNCLOS definition of piracy has been incorporated and applied within selected national and regional legal frameworks.

The primary focus of this analysis is on states within Southeast Asia, East Africa and West Africa, which constitute the geographical scope of this study. However, limited reference is also made to the legal frameworks of the United States, the United Kingdom and states in the European Union. While these jurisdictions do not fall within the study's principal regional focus, they played a significant role in international counter-piracy efforts during the Somali piracy crisis through naval operations, enforcement actions and, in some instances, the arrest, transfer and prosecution of suspected pirates under the universal jurisdiction framework recognised by UNCLOS. Their inclusion therefore provides useful comparative and contextual benchmarks for assessing how different states and regional governance systems have adopted, adapted or supplemented the UNCLOS definition of piracy. The goal is to discuss the extent to which domestic and regional frameworks address recognised limitations within the UNCLOS regime, including issues relating to jurisdiction, armed robbery at sea and other contemporary maritime security challenges.

4.3.1 Piracy Law and Its Application in Europe

European states have generally incorporated the UNCLOS definition of piracy into their domestic legal systems, albeit with variations in jurisdictional scope and enforcement mechanisms. In addition to domestic legislative frameworks, European responses to maritime piracy have been shaped by regional initiatives and international counter-piracy operations, particularly during the Somali piracy crisis. As several European states participated in the arrest, transfer and prosecution of suspected pirates, the region provides a useful illustration of how UNCLOS piracy provisions have been implemented and applied beyond the areas most directly affected by piracy.

4.3.1.1 France

France incorporated the UNCLOS definition of piracy through the French Piracy Law of 2011, while also strengthening the powers of national law enforcement authorities operating at sea.[479] Article 1 of this law empowers France to exercise jurisdiction over any piracy activities that occur in the high seas, within its territorial waters and in any other state's national waters, if authorised by international law. Before the enactment of the French Piracy Law, following the authorisation of the Security Council Resolution 1816 (2008), which permitted states cooperating with the Somali Transitional Federal Government to enter Somalia's territorial waters to repress acts of piracy,[480] the French High Court established the right of French authorities to pursue pirates from the high seas into the territorial waters of Somalia and arrest pirates for prosecution in its criminal chamber judgment in the French Court of Cessation (*Cour*

[479] France Piracy Law, Loi n° 2011-13 (Law No. 2011-13 of January 5, 2011)
[480] UNSC, Security Council Condemns Acts of Piracy, Armed Robbery off Somalia's Coast, authorises for six months 'all necessary means' to repress such Acts, 2 June 2008, SC/9344
Abdulahi Z, Yacoub X, Cheik Nour Y, Awil A, The French State

de Cessation).[481] Therefore, piracy cases were prosecuted on the basis of the Court Order. For instance, in *Abdulahi Z v The French State (The 'Carré d'As')*,[482] the accused were prosecuted and convicted in the French Court for hijacking, seizure, and kidnapping of people with a view to obtaining the payment of a ransom as part of an organised criminal group. Other Somali pirate cases tried in France include *Ali Samatar and Others v. France*[483] and *Hassan and Others v. France,*[484] and these judgments of the High Court were also upheld by the Appeal Court.[485]

4.3.1.2 Spain

Unlike some states that have incorporated the UNCLOS definition with limited modification, Spain has adopted a broader legislative approach to the criminalisation of piracy. Through amendments to the Spanish Organic Law 10/1995 (Spanish Penal Code) and the Organic Law on the Judiciary,[486] Spain established jurisdiction over piracy and related maritime offences committed by both Spanish and foreign nationals on the high seas.[487] This piracy law defines piracy as the use of violence, intimidation or deception to seize, damage or destroy a ship or other vessel or platform at sea, or harm persons, cargo or goods.[488] The legislative reforms also introduced Articles *616 ter and 616 quater,* which define piracy broadly and extend criminal

[481] Abdulahi Z v The French State (The 'Carré d'As'), CaseID: CMI1278, Abdulahi Z v The French State (The 'Carré d'As') | CML CMI Database Accessed 16/1/2026; Court of Cassation, Criminal, Criminal Chamber, 17 February 2010, 09-87.254, Published in the Bulletin 2010, n° 32 Court of Cassation, Criminal, Criminal Division, 17 February 2010, 09-87.254, Published in the bulletin - Légifrance Accessed 15/1/2026

[482] *Abdulahi Z v The French State (The 'Carré d'As'),* CaseID: CMI1278, Bulletin criminel 2010, n° 32

[483] *Ali Samatar and Others v. France*, Application no. 17110/10 and 17301/10

[484] *Hassan and Others v. France* - 46695/10 and 54588/10

[485] BBC News, Somali pirates jailed in France for kidnapping couple, *BBC News* (Africa, 30 November 2011)

Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal, Title XXIV, Chapter V, Art. 616 ter-616 quater (in Spanish),

[486] Spanish Penal Code (Organic Law No. 10/1995 of November 23)

[487] Ibid, Article 23; see also Carlos Espaliú Berdud*, Maritime Piracy in the 2010 Reform of the Spanish Penal Code*, in Spanish Yearbook of International Law XVI (Brill NV, Leiden, 2012) 55–93

[488] Ley Organica, ibid; See also PILPG, The, 'Piracy Definitions in Domestic and Regional Systems' (2013) 297 War Crimes Memoranda, School of Law, Case Western Reserve University

liability to acts of violence, intimidation or depredation directed against ships, persons or property at sea, thereby strengthening Spain's capacity to prosecute contemporary forms of maritime piracy.[489]

This reform addresses modern, complex maritime threats, including those occurring in the territorial waters of failed states. Accordingly, Article 616 *ter* expands the scope for prosecuting acts of piracy to include universal jurisdiction for acts committed in any location, including territorial waters and by any nationality, irrespective of the motive. Furthermore, Article 616 *quáter* criminalises other related piracy acts such as resistance or disobedience to authority. Therefore, Spanish Penal Code reform, which covers both traditional and modern piracy, including politically motivated acts and any form of violence at sea, combines international standards (UNCLOS) with robust national piracy legislation to enhance the ability to prosecute broader piracy activities, issuing stringent sentencing including imprisonment and penalties.

Consequently, Spanish courts have adjudicated several high-profile maritime piracy cases arising from attacks on Spanish vessels off the coast of Somalia between 2009 and 2012, demonstrating Spain's willingness to exercise jurisdiction over piracy offences affecting its maritime interests. In *Spain v Abdu Willy and Anr*., concerning the hijacking of the tuna-fishing vessel Alakrana in October 2009, the defendants held 36 crew members hostage for 47 days.[490] The Spanish National Court subsequently convicted them of multiple offences, including unlawful detention and robbery with violence, imposing cumulative sentences amounting to 439 years' imprisonment on each defendant.[491] The case illustrates Spain's robust approach to prosecuting piracy-related offences through its domestic criminal justice system. This commitment to prosecuting maritime crimes was further demonstrated in *Spain v Hamoud Elfaf*

[489] Spanish Penal Code 2010, Articles 616 *ter and 616 quáter*
[490] *Spain v Abdu Willy and Anr (*2009) unreported
[491] Al Goodman, Somali pirate suspects face Spanish Court, *CNN* (Europe 16 November 2009); BBC News, Spain sentences Somali pirates to 439 years' jail each, *BBC News* (Europe, 3 May 2011)

Mahou and Others, where six Somali nationals arrested following an attack on the Spanish Navy oiler Patino in the Indian Ocean in January 2012 were charged with piracy-related offences and unlawful possession of firearms.[492] Although initially sentenced to eight years' imprisonment, the appellate court subsequently increased the sentences to between thirteen and seventeen-and-a-half years after concluding that the defendants' conduct constituted completed acts of piracy rather than merely attempted piracy.[493] Collectively, these cases highlight Spain's proactive use of domestic courts to prosecute piracy offences and reinforce its implementation of international anti-piracy obligations.

4.3.1.3 Netherlands

The Netherlands criminalises piracy under Article 381 of the Dutch Penal Code 1881. Unlike jurisdictions that have incorporated the UNCLOS definition directly into domestic legislation, the Dutch approach focuses on participation in and service aboard vessels intended for the commission of acts of violence on the high seas. The provision criminalises both the operation of, and participation in, pirate vessels, reflecting a broader focus on the suppression of piracy-related activities.[494] A significant feature of the Dutch framework is its recognition of universal jurisdiction. Article 4 of the Dutch Penal Code extends Dutch criminal jurisdiction to piracy offences committed outside the territory of the Netherlands, thereby enabling the prosecution of offenders irrespective of their nationality or the location of the offence. This jurisdictional basis reflects the universal jurisdiction principle established under UNCLOS and facilitates the prosecution of piracy as an offence against the international community.

[492] *Spain v Hamoud Elfaf Mahou and others* (2012) unreported
[493] BBC News, Somali pirates convicted of attacking Spanish warship, *BBC News* (Europe, 30 October 2013)
[494] Dutch Penal Code 1881, Article 381(1)

The application of these provisions was demonstrated in the *MS Samanyolu case*. On 17 June 2010, the Rotterdam District Court sentenced five Somali nationals to five years' imprisonment each for the attempted hijacking of the Netherlands Antilles-flagged cargo vessel MS Samanyolu in the Gulf of Aden in January 2009.[495] In affirming its jurisdiction, the Court emphasised that:

it must be noted that the legislature of the Netherlands has vested so-called universal jurisdiction for criminal proceedings in cases of piracy (Article 381 of the Criminal Code…. that the Criminal Code of the Netherlands applies to anyone committing any of the criminal offences described in the Articles 381 up to and including Article 385 Sr outside of the Netherlands.[496]

The Court observed that the Dutch Criminal Code applies to any person who commits the offences contained in Articles 381 to 385, irrespective of where the conduct occurred. Accordingly, while the Dutch anti-piracy framework does not replicate the UNCLOS definition of piracy verbatim, it incorporates one of its most significant features, **universal jurisdiction**, thereby enabling the effective prosecution of piracy offences committed on the high seas.

4.3.2 Piracy Law and its Application in the United Kingdom (UK)

Unlike several jurisdictions that have enacted dedicated anti-piracy legislation, there is no single law designated for piracy or armed robbery against ships in the United Kingdom (UK). Instead, the United Kingdom addresses piracy through a combination of statutory provisions and common law principles. The definition of piracy contained in Article 101 of UNCLOS is recognised through the Merchant Shipping and Maritime Security Act 1997.[497] Consistent with UNCLOS, however, this definition applies only to acts committed on the high seas.

[495] Henry Foy and agencies in Rotterdam, Somali pirates jailed by Dutch court, *The Guardian* (17 June 2010); Kenneth Manusama, Prosecuting Pirates in the Netherlands: the Case of the MS Samanyola' (2010) 49 Military Law and the Law of War Review, 141
[496] The case of MS Samanyola, LJN: BM8116, Rotterdam District Court, 10/600012-09, 17 June 2010
[497] Merchant Shipping and Maritime Security Act 1997, section 26(1), Schedule 5,

Consequently, attacks against vessels occurring within British territorial waters are generally prosecuted under other domestic criminal offences, including robbery, assault, attempted murder pursuant to the Territorial Waters Jurisdiction Act 1878,[498] or hijacking offences under the Aviation and Maritime Security Act 1990.[499]

The limitations of the UNCLOS definition have generated concern within the United Kingdom, particularly regarding the distinction between "piracy on the high seas" and similar acts occurring within territorial waters as "armed robbery". These concerns were highlighted by the House of Commons Transport Committee in its 2005 report on piracy.[500] According to the committee:

Many violent maritime attacks are not included in the definition of piracy. For example, the Department told us that the two attacks on ships at Goole in July 2002 are classified as 'maritime robbery', not piracy, because the UNCLOS definition of piracy is the one on which UK law is based.[501]

The Committee noted that many violent maritime attacks fall outside the UNCLOS definition, citing attacks on vessels at Goole in July 2002 that were classified as maritime robbery rather than piracy because UK law is based on the UNCLOS framework. It further observed that the existence of multiple definitions of piracy, particularly those adopted by UNCLOS and the International Maritime Organization (IMO), created uncertainty regarding the classification of maritime incidents and the reliability of piracy statistics. According to the report,

The absence of a single definition means that the classification of violent maritime incidents can become a matter of dispute and confusion. This leads to uncertainty about the real extent of piracy. In the absence of accurate and agreed statistics about the scale of the problem, it is unlikely that the correct level of resources will be deployed to meet the threat. The absence of a single definition encompassing all violent maritime attacks contributes to this muddle. It must not be tolerated any longer. The Government must promote a single definition of piracy vigorously with its international partners.[502]

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[498] Territorial Waters Jurisdiction Act 1878, ss. 2,3,6
[499] Aviation and Maritime Security Act 1990, ss. 9-12
[500] UK Parliament, ibid, House of Commons Transport Committee, Piracy - Eighth Report of Session 2005–06, 28 June 2006, HC 1026
[501] *Ibid,* Par. 26, p. 10
[502] *Ibid,* Par. 31 p. 11

According to the Committee, the absence of a single, universally accepted definition encompassing all violent maritime attacks contributed to inconsistency in reporting and hindered an accurate assessment of the scale of maritime insecurity. Such inconsistencies, it argued, could adversely affect policy responses and resource allocation, as governments and maritime stakeholders may be unable to determine the true extent of the threat. Consequently, the Committee recommended that the UK Government work with its international partners to promote a single definition capable of encompassing all forms of violent maritime attack.

Despite these recommendations, the United Kingdom continues to rely primarily on the UNCLOS framework and related domestic criminal legislation rather than a comprehensive piracy statute. As a result, while the UK has successfully incorporated the international definition of piracy into its legal framework, the distinction between piracy and armed robbery at sea remains a notable limitation. The UK approach therefore illustrates both the influence of UNCLOS on domestic piracy legislation and the continuing challenges associated with addressing maritime violence that falls outside the Convention's jurisdictional scope.

4.3.3 Piracy Law and Its Application in the United State of America (USA)

Although the United States is not a party to UNCLOS,[503] it has long recognised piracy as an offence under both domestic and international law and possesses one of the most developed legal frameworks for prosecuting piracy. Piracy is principally criminalised under Title 18 of the United States Code, particularly §1651, which provides for the prosecution of piracy

[503] Caitlin Keating-Bitonti, Matthew C. Weed, Implementing Agreements Under the United Nations Convention on the Law of the Sea (UNCLOS), 20 January 2026, IF 12578, United State Congress Implementing Agreements Under the United Nations Convention on the Law of the Sea (UNCLOS) | Congress.gov | Library of Congress Accessed on 13/2/2026; Office of the Staff Judge Advocate, U.S. Indo-Pacific Command, U.S. Position on the U.N. Convention on the Law of the Sea, (2021) 97 International Law Studies, 81.

committed "as defined by the law of nations."[504] The United States also exercises jurisdiction over a range of piracy-related offences, including attacks against vessels, acts of violence on the high seas, and the provision of assistance to pirates, imposing penalties up to life imprisonment for piracy and related crimes, such as supporting pirates or attacking U.S. Vessels.[505] These provisions reflect the customary international law character of piracy and enable the United States to prosecute individuals involved in piracy regardless of nationality, consistent with the principle of universal jurisdiction.

The interpretation of piracy under United States law has been significantly influenced by judicial decisions. In *United States v Smith,*[506] the Supreme Court considered whether the offence of piracy was sufficiently defined under the law of nations. In resolving the issue, the Court relied on earlier admiralty authorities, including Sir Charles Hedges' charge in *Rex v Dawson*, which stated that ***"piracy is only a sea term for robbery**, piracy being a robbery committed within the jurisdiction of the admiralty"*[507]. Similarly, Sir Leoline Jenkins observed that ***"a robbery, when committed upon the sea, is what we call piracy."*** [508] These early judicial formulations reflected the traditional conception of piracy as robbery at sea and played an important role in shaping the customary international law understanding of piracy.

However, in more recent cases, the U.S Court has shifted its position. For instance, in the case of *United States v Mohamed Ali Said and ors*,[509] the defendants (Somali pirates) attacked a United States Navy warship that they confused for a merchant vessel and were arrested and

[504] GovInfo (.gov), 387 TITLE 18—Crimes and Criminal Procedure § 1655 https://tile.loc.gov/storage-services/service/ll/uscode/uscode1964-00401/uscode1964-004018081/uscode1964-004018081.pdf Accessed 3/2/2026
[505] United States Department of Justice, Sea Piracy (18 U.S.C. 1651), Criminal Resource Manual CRM 1-499 Justice Manual | 9. Sea Piracy (18 U.S.C. 1651) | United States Department of Justice Accessed 2/2/2026
[506] *United States v. Smith*, 18 U.S. (5 Wheat.) 153, 162, 5 L.Ed. 57 (1820)
[507] Rex v. Dawson, (England, 1696); 5 State Trials of Joseph Dawson, Edward Forseith, William May, William Bishop, James Lewis, and John Sparkes: For several Piracies and Robberies,"
[508] *United States v. Smith*, 18 U.S. (1820) 162
[509] *U.S. v. Muhamed Ali Said,* 757 F.Supp.2d 554 (E.D. Va. 2010)

transported to the Eastern District of Virginia. They were tried and convicted of multiple offences, including piracy as proscribed by 18 U.S.C. § 1651.[510] At sentencing, the district court declined to impose statutorily mandated life sentences on the defendants, which provides that *"Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life"*[511]

According to the Court's reasoning, such sentences would contravene the Eighth Amendment's prohibition against cruel and unusual punishment. Instead, the court pursued an appeal seeking relief from the imposition of life sentences required by § 1651.[512] The defendants cross-appealed, challenging the court's failure to dismiss the conviction on the charge of piracy in contravention of 18 U.S.C. § 1651.[513] They contend that piracy under § 1651 requires *a robbery at sea*, and because their effort to seize the Ashland was unsuccessful, they should be dismissed of the charge of piracy under § 1651. The district court agreed with the defendants and dismissed the piracy charge against them.[514]

However, the Fourth Circuit reached a different conclusion in *United States v. Dire and ors,*[515] a case involving a separate group of Somali nationals convicted for attacking the USS Nicholas in the Indian Ocean. The defendants had intended to seize what they believed to be a merchant vessel, but their plan was thwarted when the USS Nicholas, a United States Navy warship, responded to the attack. Similar to the arguments advanced in *Said's case*, the defendants contended that § 1651 requires proof of robbery, namely the actual seizure of, or taking of property from, a vessel before an act can constitute piracy. In support of this argument, they

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[510] *United States of America v. Mohamed Ali SAID et al*, No. 2:10–cr–00057 (E.D.Va. Feb. 28, 2014), ECF No. 260 (the "Eighth Amendment Order") United States District Court, E.D. Virginia, Norfolk Division, Aug. 17, 2010.
[511] 18 U.S.C. § 1651.
[512] *United States v. SAID (*2015) appeal No. 14–4413 United States Court of Appeals, Fourth Circuit.
[513] *Ibid* cross-appeals in Nos. 14–4420, 14–4421, 14–4423, 14–4424, and 14–4429.
[514] *Ibid*
[515] *United States v. Dire*, 680 F.3d 446, 452 (4th Cir.2012)

relied on the Supreme Court's decision in *United States v. Smith*, where the Court stated that it had *"no hesitation in declaring that piracy, by the law of nations, is robbery upon the sea."*[516] The defendants therefore argued that, because § 1651 derives from an 1819 Act of Congress, the meaning of piracy should be interpreted according to its ordinary understanding at the time of enactment, as authoritatively articulated in Smith. Consequently, they maintained that an unsuccessful attack that did not result in the seizure or robbery of a vessel could not amount to piracy under § 1651.

However, the court rejected the defendants' contention that the meaning of piracy under § 1651 was fixed in the early nineteenth century.[517] Instead, it held that Congress intentionally linked the offence to the "law of nations", thereby allowing the definition of piracy to evolve in accordance with developments in customary international law.[518] According to the court, *"we excluded a static interpretation of § 1651 that would 'render it incongruous with the modern law of nations and prevent us from exercising universal jurisdiction in piracy cases'".*[519] Finally, the Court relied on the substantially identical piracy provisions contained in the Geneva Convention on the High Seas and UNCLOS as evidence of contemporary customary international law.[520] In reaffirming its decision in *Dire's case*, the Court stated that, for decades, piracy under the law of nations has included:

...any illegal act of violence or detention, or any act of depredation; (2) committed for private ends; (3) on the high seas or a place outside the jurisdiction of any state; (4) by the crew or the passengers of a private ship; (5) and directed against another ship, or against persons or property on board such ship; or .... any act of voluntary participation in the operation of a ship; (2) with knowledge of the facts making it a pirate ship; or ... any act of inciting or of intentionally facilitating (2) an act described in subparagraph (A) or (B").[521]

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[516] *United States v. Smith*, 18 U.S. (5 Wheat.) 153, 162, 5 L.Ed. 57 (1820)
[517] *United States v. Dire*, (n 511) 680 F.3d at 467.
[518] *Ibid,* at 469
[519] *Ibid,* at 468–69.
[520] Geneva Conventions on the Law of the Sea 1958, Article 15; now contained in Articles 100-107, 111 of UNCLOS 1982.
[521] *United States v. Dire*, (n 512) 680 F.3d at 465

Therefore, relying on this interpretation of piracy under international law, the Court of Appeals affirmed the defendants' convictions under § 1651. The court also overturned the district court's dismissal of the piracy charge under § 1651 in *United States v Said,* holding that they be "*remand[ed] for such other and further proceedings as may be appropriate, consistent with our decision in Dire."*[522]

This decision demonstrates that, although the United States is not a party to the 1982 UNCLOS, it remains a party to the 1958 Geneva Convention on the High Seas, whose piracy provisions are substantially identical to those contained in UNCLOS. As a result, the development of United States piracy law has been shaped by both domestic legislation and the evolving law of nations. U.S. courts have therefore treated customary international law as an important interpretative guide when applying domestic piracy statutes, a position clearly reflected in the Court's reasoning in *United States v Dire.*

4.3.4 Piracy Law and Its Application in Southeast Asia

Southeast Asia has long been regarded as one of the world's most significant maritime regions, owing to its strategic waterways, including the Strait of Malacca, the Singapore Strait and the South China Sea. The region has experienced persistent incidents of piracy and armed robbery against ships, many of which occur within territorial waters rather than on the high seas.[523] Consequently, the UNCLOS definition of piracy has often proved inadequate in addressing the full range of maritime security threats encountered in the region.[524] In response, Southeast Asian states have adopted a variety of legislative and enforcement measures, supplemented by regional cooperation mechanisms such as the Regional Cooperation Agreement on Combating

[522] *United States v. Said*, 680 F.3d 374, 375 (4th Cir.2012)

[523] IMO, Reports on Piracy and Armed Robbery Against Ships, 1984-2024, n 17

[524] UNCLOS, Article 100

Piracy and Armed Robbery against Ships in Asia (ReCAAP). While some states have incorporated elements of the UNCLOS piracy framework into their domestic legal systems, others continue to rely on general criminal law provisions and broader maritime security legislation. The region therefore provides a useful illustration of the diverse approaches adopted by states in implementing and adapting international piracy law to local maritime security challenges.

4.3.4.1 Indonesia

Indonesia does not have a specific "Anti-Piracy Law", although it has ratified UNCLOS. Maritime offences such as piracy and armed robbery against ships are often classified as armed robbery or hostage- taking rather than "high-seas piracy" and prosecuted using articles related to theft, violence, and hijacking in the Indonesian Criminal Code (KUHP).[525] However, the Indonesian Criminal Code has a universality principle which allows for the prosecution of an offender whose criminal acts were made pursuant to international laws that are stipulated as a crime in Indonesia or whose prosecution is taken over by the Indonesian government or authorised based on an international agreement. According to the Criminal Code

Criminal provisions in the Law shall be applicable to Any Person who is located outside of the territory of the Unitary State of the Republic of Indonesia who committed a Crime pursuant to international laws that has been stipulated as a Crime in the Law.[526]

Criminal provisions in the Law shall be applicable to Any Person who committed a Crime outside of the territory of the Unitary State of the Republic of Indonesia whose prosecution is taken over by the Indonesian Government on the basis of an international agreement which authorizes the Indonesian Government to carry out criminal prosecutions.[527]

Therefore, in Indonesia, suspected pirates are prosecuted under the "shipping crime" chapter of the Indonesian Criminal Law with penalties ranging from maximum imprisonment of ten to fifteen years for general piracy offences,[528] and capital punishments, life imprisonment, and

[525] Indonesia Criminal Code (KUHP), Law of the Republic of Indonesia, 2023, Articles 446-451
[526] *Ibid,* Article 6
[527] *Ibid*, Article 7
[528] *Ibid,* sections 438-443

maximum temporary imprisonment of 20 years for piracy offences resulting in casualties and death.[529] Although the term "piracy" in the Indonesian Criminal Code is used generically for "armed robbery against ships". However, most "piracy" offences in Indonesia are technically "armed robbery against ships" because they occur within territorial waters.

Although Indonesia remains a significant hotspot for piracy and armed robbery against ships, it has not fully incorporated the UNCLOS piracy regime into its domestic anti-piracy legislation and remains outside the ReCAAP framework.[530] As a result, maritime offences are generally prosecuted under the Indonesian Criminal Code as theft, robbery, or violence rather than as piracy under international law.[531] While this approach enables domestic prosecution, concerns have been raised regarding the consistency and deterrent effect of sentencing practices, particularly when compared with neighbouring states such as Malaysia and Singapore.[532] This highlights the broader challenge of uneven domestic implementation of international maritime security norms and its implications for effective piracy suppression.

4.3.4.2 Malaysia

Malaysia although a signatory to UNCLOS does not have a single "anti-piracy law". However, the Court of Judicature Act 1964 (Act 91) specifically empowers the High Court with jurisdiction to try offences of piracy. Accordingly, Paragraph 22(1)(a)(iv) provided that *"The*

[529] *Ibid,* section 444

[530]ReCAAP, Information Sharing Centre About ReCAAP Information Sharing Centre Accessed 22/1/2026; Masafumi Kuroki, Executive Director's Report 2021, ReCAPP; Achmad Ismail, 'Indonesia's Policy in Delaying the Ratification of Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) 2006 – 2019' (2021) 3 Indonesian Journal of Peace and Security Studies (IJPSS), 1-13.

[531] Criminal Code, n 525

[532] Achmad Jaya Muhiddin Saleh, Setyo Widagdo, Dhiana Puspitawati, 'Enforcement of Sovereignty and Legal Measures Against Acts of Piracy at Sea Considered as a Form of Maritime Terrorism in Indonesian Waters' (2025) 8 International Journal of Social Science and Human Research, 2969; Adam Fenton, Ioannis Chapsos, 'Prosecuting Pirates: Maritime Piracy and Indonesian Law' (2019) 19 Australian Journal of Asian Law; ICC, Indonesia should bring captured pirates to justice, IMB says, 22 October 2001 Indonesia should bring captured pirates to justice, IMB says - ICC - International Chamber of Commerce Accessed on 11/1/2026

High Court shall have jurisdiction to try all offences committed by any person on the high seas where the offence is piracy by the law of nations".[533] Other laws empowered to try maritime piracy in Malaysia include the Criminal Procedure Code and the Penal Code. Accordingly, although the Criminal Procedure Code empowers the Malaysian Attorney General to arrest and prosecute all cases of offences against the state, terrorism and organised crime as contained in the Penal Code, piracy is not specifically mentioned; references were to activities committed on the high seas.[534] However, the Penal Code made provisions for the punishment of all offences committed within the state's territorial jurisdiction and beyond the state. According to the Penal Code:

Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within Malaysia. Punishment of offences committed beyond, but which by law may be tried within Malaysia.[535]

Any person liable by law to be tried for an offence committed beyond the limits of Malaysia shall be dealt with according to the provisions of this Code for any act committed beyond Malaysia, in the same manner as if such act had been committed within Malaysia.[536]

While it may be argued that a combined reading of Section 127 of the Criminal Code and Sections 2 and 3 of the Penal Code implies that piracy falls within the scope of the legislation, uncertainty remains as to whether the references to "*acts committed on the high seas*" and the *"punishment of offences committed beyond the limits of Malaysia"* were intended specifically to encompass piracy. Not all unlawful acts committed on the high seas constitute piracy under international law. Consequently, the legislative basis for these provisions remains ambiguous, making it difficult to determine whether they were designed to confer universal jurisdiction over piracy or merely to extend Malaysia's criminal jurisdiction beyond its territorial boundaries.

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[533] Court of Judicature Act 1964 (Act 91), section 22(1)(a)(iv)
[534] *Ibid,* section 127(a)(1)(a)-(c)
[535] Laws of Malaysia, Act 574, Penal Code, 2015, Section 2
[536] *Ibid,* section 3

Furthermore, Malaysia and Indonesia, both of which are located within one of the world's most piracy-prone maritime regions, have yet to accede to the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), which incorporates the piracy-related provisions and definitions contained in UNCLOS and the SUA Convention.[537] Their reluctance to join the arrangement has generally been attributed to concerns over national sovereignty and external involvement in the policing of their maritime spaces, particularly within the Straits of Malacca.[538] Nevertheless, the ReCAAP Information Sharing Centre continues to cooperate with Malaysian authorities at the operational level despite the absence of formal treaty participation.[539]

The limited incorporation of UNCLOS piracy provisions into domestic legislation, coupled with non-membership in ReCAAP, may be interpreted as reflecting a preference for addressing maritime offences primarily through domestic criminal law and within areas subject to national jurisdiction. As a result, Malaysia and Indonesia appear to place greater emphasis on combating offences occurring within their territorial waters than on exercising or facilitating universal jurisdiction over piracy committed on the high seas. This raises important questions regarding the consistency of national implementation of international maritime security obligations and their implications for the effectiveness of the global anti-piracy regime.

[537] ReCAAP ISC Anti-Piracy and Sea Robbery Conference 2024, 16 APRIL 2024, Singapore https://www.recaap.org/resources/ck/files/others/APSR%202024%20report-.pdf Accessed on 2/1/2026; Anja Menzel, Regional Maritime Security Governance and the Challenges of State Cooperation on Piracy, 24 July 2020, Center for International Maritime Security (CIMSEC)
[538] Joshua Ho, CO08069 | Combating Piracy and Armed Robbery In Asia: Boosting Recaap's Role, 23 June 2008, S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University, Singapore; Marianne Péron-Doise, ReCAAP and Maritime Governance in Southeast Asia: A Catalyzing Role, 12 July 2020, Institute for Strategic Research, IRSEM.
[539] Joshua Ho, 'Combating piracy and armed robbery in Asia: The ReCAAP Information Sharing Centre (ISC)', (2009) 33, Marine Policy, 432-434

4.3.4.3 Singapore

Although Singapore is a signatory to UNCLOS, its piracy law, as contained in its Penal Code, is patterned in accordance with the Admiralty Offences (Colonial) Act 1849.[540] The Admiralty Offences (Colonial) Act is a UK legislation that empowered the colonial courts to try and prosecute offences committed on the high seas, such as treason, murder, and piracy, as though they were committed within the colony's local jurisdiction.[541] According to the Admiralty Offences (Colonial) Act, *"All persons charged in any colony with offences committed on the sea, may be dealt with in the same manner as if the offences had been committed on waters within the local jurisdiction of the courts of the colony."* [542] Therefore, in Singapore, piracy activities include stealing, destroying, damaging, counselling or attempting to do mutinous acts on a Singapore ship, with a punishment of imprisonment for not less than 15 years and the death penalty.[543] The Singapore Penal Code defines piracy as an offence against the law of nations.[544] According to it:

A person commits piracy who does any act that, by the law of nations, is piracy. Whoever commits piracy shall be punished with imprisonment for life and with caning with not less than 12 strokes, but if while committing or attempting to commit piracy he murders or attempts to murder another person or does any act that is likely to endanger the life of another person, he shall be punished with death.[545]

Therefore, in Singapore, the word "piracy" generally means both piracy activities in the high seas and armed robbery against ships within territorial waters. Although the definition and description of piracy in Singapore's Anti-Piracy is not specifically patterned to align with UNCLOS piracy provisions, it is a key partner in the ReCAAP regional anti-piracy

[540] UK legislation, Admiralty Offences (Colonial) Act 1849, Chapter 96 (12&13 Victoria)
[541] *Ibid*, par. 1-3
[542] *Ibid,* Par. 1
[543] *Ibid,* 130C
[544] Singapore, Penal Code 1871, s. 130 B (1)
[545] *Ibid,* 130B (1)(2)

arrangement on piracy, which defines piracy and armed robbery against ships in accordance with UNCLOS and IMO.[546]

Therefore, the analysis suggests that, despite Southeast Asia accounting for approximately 56.8% of global piracy incidents between 1984 and 2024, the domestic incorporation of UNCLOS piracy provisions remains inconsistent across the region. Except for Singapore, Malaysia and Indonesia have not fully codified the UNCLOS piracy regime within their national anti-piracy legislation. As a result, their legal frameworks place greater emphasis on offences occurring within territorial waters than on the prosecution of piracy committed on the high seas under the principle of universal jurisdiction. This inconsistency highlights a broader implementation gap between international maritime security obligations and domestic legal practice.

4.3.5 Piracy Law and Its Application in East Africa

East Africa occupies a particularly significant position in the development and enforcement of contemporary piracy law due to its proximity to the Gulf of Aden and the Western Indian Ocean, which were the epicentre of the Somali piracy crisis. As piracy incidents increased in the region during the late 2000s, several East African states strengthened their legal frameworks to enable the arrest, transfer and prosecution of suspected pirates, often in cooperation with international naval forces and foreign governments. While many states in the region adopted the UNCLOS definition of piracy, some also expanded their domestic legislation to address armed robbery at sea and other maritime security threats occurring within territorial waters. Consequently, East African states provide important examples of how domestic legal systems

[546] ReCAPP information Sharing Centre, Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, Article 1

have incorporated, adapted and applied international piracy law in response to evolving maritime security challenges.

4.3.5.1 Kenya

In Kenya, the Merchant Shipping Act 2009 provides a comprehensive legal framework for maritime security, which includes the prosecution of maritime piracy and armed robbery, implementing the UNCLOS and SUA piracy framework.[547] This definition adopted the UNCLOS definition of piracy, while also including attacks that occur within territorial waters. Accordingly, it provides that

"armed robbery against ships" means any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, directed against persons or property on board such a ship, within territorial waters or waters under Kenya's jurisdiction;

"piracy" means— (a) any act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship … and directed— (i) against another ship…, or against persons or property on board such ship … in a place outside the jurisdiction of any State; (b) any voluntary act of participation in the operation of a ship …[548]

This provision aligns the Kenyan definition of piracy with Article 101 of UNCLOS, while also expanding the scope to include acts of armed robbery committed within the territorial waters, prescribing a stringent penalty of life imprisonment without any option for lesser punishments. It states: *"…any person who commits any act of piracy; in territorial waters, commits any acts of commits any acts of armed robbery against ships, shall be liable upon conviction to imprisonment for life".*[549] This law also extends jurisdiction to non-nationals for piracy acts committed on the high seas,[550] it also makes it an offence to destroy unlawfully and intentionally, and damage properties used for maritime navigation.[551]

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[547] Kenya Merchant Shipping Act 2009 (No.4 of 2009), Cap 389 2009, (as amended on 11 December 2023), part XVI Maritime Security
[548] *Ibid,* s. 369(1) (this section reinforced the repealed provisions of s. 69 in the Penal Code)
[549] *Ibid,* s. 371
[550] *Ibid* s. 370
[551] *Ibid* s. 372

This law, backed up with several MOUs between Kenya and other states, including USA, UK, EU, was used to combat the rising incidents of piracy in Somalia, prosecuting and sentencing several arrested alleged piracy offenders.[552] However, despite the significant and timely relevance of the Kenya Maritime Piracy law, the jurisdiction of the Kenyan Magistrate Court to try piracy cases was argued in *Re. Mohamud Mohamed Dashi & 8 ors.*[553] In this case, the suspects applied for *Judicial Review Proceedings* from the High Court of Kenya, an *Order of Prohibition* directing that the Magistrates' Court has no jurisdiction to try Charges of piracy against them, offences allegedly committed outside the jurisdiction of the Kenyan Court or Kenyan waters, after the repeal of section 69 of the Penal Code during the pendency of the case.[554] According to the accused persons:

…the jurisdiction of the Courts of Kenya is donated by sections 5 and 6 of the offence alleged was committed outside the territorial jurisdiction of Kenya and outside the Kenyan waters. - That neither a Kenyan citizen or Kenya property was involved… The arrest was made by the German Navy, taking part in operations in the Gulf of Aden. - The arresting officer was not a Kenyan, and there was no nexus or Kenyan connection… That jurisdiction could only be conferred by written law, namely, the Kenya Constitution, the Judicature Act and the Magistrate's Court Act… That the enactment of the Merchant Shipping Act and operationalisation on 1st September 2009 do not affect the Applicants.[555]

In defence, the prosecution argued that the Magistrate's Court has appropriate jurisdiction to try the case under *Section 69 of the Penal Code for charges of piracy* ***"Jure Gentium"*** *and that the section gives "Universal" jurisdiction to the Magistrate's Court of First Class in Kenya"* to try and punish offences against nations and humanity by any state or jurisdiction by virtue of *section 4 of the Offences against Crown and Government Chapter 12 of Laws of the United*

[552] European Union External Action, Press Release: European Union Signs Prosecution Agreement with Kenya, 6 March 2009, EU Naval Force Operation ATALANTA; David Morgan, Kenya agrees to prosecute U.S.-held pirates: Pentagon, *Reuters* (England, 29 January 2009).
[553] *Re. Mohamud Mohamed Dashi & 8 ors.* [2009] eKLR (criminal case No. 840 of 2009 commenced on 11th March 2009).
[554] *Ibid,* S. 69 Penal Code, repealed by s. 454(1) of the Merchant Shipping Act 2009, (without any saving or transitional provision) which came into force on 1 September 2009. Although piracy was reinforced in s. 369-371 of this Act and that applying the new law to charges before the old law would mean applying the new law retrospectively
[555] *Ibid*

Kingdom, even when there is no nexus between the offenders and the state.[556] Accordingly, ***section 69 of the penal code*** provides as follows:

69. (1) …any person who in territorial waters or upon the high seas, commits any act of piracy jure gentium is guilty of the offence of Piracy.

"69. (3) …any person who is guilty of the offence of piracy is liable to imprisonment for life.[557]

Although the High Court per Justice M.K Ibrahim upheld the argument of the applicants, and granted an Order of Prohibition, prohibiting the Chief Magistrate, Mombasa and other magistrates' courts under her from prosecuting criminal cases.[558] He finally ordered the release of the suspects and the Kenyan government to hand them over to the United Nations Refugee Agency (UNHCR) as displaced persons for the safe return to their home countries.[559] On appeal, the decision of the High Court was appealed by the Kenyan government and on appeal, the order of Justice M.T Ibrahim of November 9, 2010, was set aside, and the Appeal Court directed the trial court, Chief Magistrate's Court at Mombasa, to resume the trial of the Respondents immediately.[560] According to the Court of Appeal @per dk Maraga,

…Besides its obligation under the universal jurisdiction in international law…Kenya had also codified the offence of piracy as an international crime in Section 69 of the Penal Code which has now been repealed and replaced by Section 369 as read with Section 371 of the Merchant Shipping Act of 2009. For the piracy offences committed after the 27th August 2010 when the current Constitution was promulgated, Article 2(5) and (6) which have respectively incorporated the general rules of international law and the treaties Kenya has and continues to ratify into Kenyan law, Kenyan courts, have added constitutional authority to prosecute piracy and other international crimes. For these reasons, I find and hold that Kenyan courts have jurisdiction to try the offence of piracy irrespective of the place of its commission or the nationalities of its perpetrators or victims. It follows therefore that the learned judge erred in holding otherwise.[561]

Furthermore, during the pendency of the judicial review proceedings at the high court, the Kenyan government terminated its agreement with the EU, UK and USA in 2010 due to

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[556] *Ibid*
[557] Kenyan Penal Code by Act 24 of 1967, section 69
[558] *Re. Mohamud* (n 554) per Justice M.K. Ibrahim, 9 November 2010
[559] *Ibid*
[560] Attorney General v Hashi & 8 others [2011] Court of Appeal, Civil Appeal No 113 of 2011, per DK Maraga JA at par. 45, order made on 18 October 18, 2012
[561] *Ibid,* at per DK Maraga JA at paragraphs. 39-41

strained resources, citing a lack of international support and the heavy burden on its justice system.[562] Although the agreements were supported by international aid to improve Kenya's judicial and prison facilities, they ultimately proved difficult for Kenya to sustain.[563] However, as seen in the ***Re. Mohamud Mohamed Dashi*** case, Kenyan legal experts and jurists are certainly overwhelmed by the varying interpretations of piracy as contained in several legal instruments, including UNCLOS, which lead to several contrasting judgments and legal arguments. However, this case further reveals several legal challenges, including modalities for transferring alleged piracy offenders to other jurisdictions and the broad extra-territorial scope over non-nationals created by international laws, such as UNCLOS.

4.3.5.2 Seychelles

The Seychelles Penal Code incorporated the UNCLOS definition of piracy broadly to include acts of violence or detention committed for private ends against ships, aircraft or persons on the high seas.[564] Furthermore, this amended Seychelles Penal Code granted the Seychelles Court universal jurisdiction to try and prosecute cases of piracy irrespective of where the crime occurs (within and outside its territorial waters), including offences committed in the High Seas.[565] It imposes strict penalties for offences relating to actual and attempted piracy, with convictions of 30 years imprisonment and a fine of 1 million Seychelles Rupees[566]

As a result of the Republic of Seychelles comprehensive and established legal framework with stringent penalties, it recently established long-standing cooperative agreements with several

[562] Lillian Leposo, Kenya ends agreement with EU to prosecute suspected Somali pirates, *CNN* (Africa, 4 October 2010); BBC News, Kenya ends co-operation in hosting Somali pirate trials, *BBC News* (Africa, 1 October 2010)
[563] UK Parliament, Combating Somali Piracy: the EU's Naval Operation Atalanta, 6 April 2010, Session 2009-10 European Union Committee - Written Evidence, Twelfth Report, House of Lords.
[564] Seychelles Penal Code, Chapter 158, (Amended Act) 2021, section 65(4)

[565] *Ibid,* section 6(2)
[566] *Ibid,* section 6(1)(3). This includes the attempts or conspiracies to commit, or incites, aids and abets, counsels or procures the commission of piracy.

international governments, including the European Union (EU), the United Kingdom (UK), and the United States (USA), to accept, prosecute, and imprison Somali pirates captured in the Somalia waters and the Indian Ocean.[567] This arrangement also includes several supports from the EU and partners (including UNODC), which provide logistical, financial, and technical support to the Seychelles judiciary and police for the detention, investigation, and prosecution of suspects in these cases,[568] resulting in many prosecuted cases.[569]

To avoid the recurrence of the Kenyan challenging experience of overcrowded prison facilities, the Seychelles, having become a key regional hub for prosecuting most Somali piracy cases, signed prisoner transfer agreements with Somalia, Puntland, and Somaliland to return convicted pirates, reducing overcrowding in its own Montagne Posée prison.[570] These agreements, supported by the UNODC, ensure that convicted pirates do not remain in

[567] State House, Office of the President of The Republic of Seychelles News, Seychelles And Britain Partner To Target The Financiers Of Piracy, 23 February 2012 Seychelles And Britain Partner To Target The Financiers Of Piracy - News - State House Seychelles | Office of the President Accessed 22/1/2026; UK Parliament, Combating Somali Piracy: the EU's Naval Operation Atalanta Report with Evidence Ordered,14 April 2010, HL Paper 103, European Union Committee 12th Report of Session 2009–10, House of Lords; Seychelles Nations, Seychelles and US sign transfer of pirates agreement, *Seychelles Nations* (Seychelles, 15 July 2010); United Nations Security Council (UNSC), Report of the Secretary-General on specialized anti-piracy courts in Somalia and other States in the region, 20 January 2012, S/2012/50

[568] United Nations, Combating Transnational Organized Crime Committed at Sea Issue Paper, March 2013, United Nations Office on Drugs and Crime (UNODC) Vienna- New York, 7-9; European Union, Letter from the Republic of Seychelles: Exchange of Letters between the European Union and the Republic of Seychelles on the Conditions and Modalities for the Transfer of Suspected Pirates and Armed Robbers from EUNAVFOR to the Republic of Seychelles and for their Treatment after such Transfer, 2/12/2009, L 315/37 - EUR-Lex - European Union https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:315:0037:0043:EN:PDF Accessed 12/12/2025; Seychelles Nations, UK, US pledge added support to Rappicc, *Seychelles Nations* (Seychelles, 03 May 2013)

[569] Rita Joubert-Lawen, Trial of 6 suspected Somali pirates set for January 2025 in Seychelles, Seychelles News Agency (Victoria, Seychelles, 9 August 2024)

[570] Ministry of Foreign Affairs and the Diaspora, Press Release, Transfer of Somali Prisoners to Somaliland and Puntland, 4 December 2012 Ministry of Foreign Affairs and the Diaspora » TRANSFER OF SOMALI PRISONERS TO SOMALILAND AND PUNTLAND TRANSFER OF SOMALI PRISONERS TO SOMALILAND AND PUNTLAND - Ministry of Foreign Affairs and the Diaspora Accessed 22/1/2026; Republic of Seychelles, Seychelle Nations, New law will allow transfer of pirates to Somalia, *Seychelles Nation,* (Seychelles, 22 July 2010)

Seychelles for the entirety of their long sentences (30 years) and allow Somali nationals to serve their sentences closer to home.[571]

Although these synergies have helped in prosecuting some recent Somali cases, there are, however, some legal challenges and procedures which affect the possibility of securing a conviction in Seychelles. These challenges include the reliability of evidence, challenges arising from suspects' claims of being underage "child pirates", which require specialised management, and UNCLOS jurisdictional limits of piracy incidents involving two ships, rather than robbery within Somalia territorial waters.[572] Therefore, the Seychelles Anti-Piracy Law mirrors and integrate UNCLOS definition of piracy, and it has been instrumental in prosecuting suspected pirates arrested in the Indian Ocean.

4.3.5.3 Tanzania

Similar to Seychelles, Tanzania amended its Penal Code in 2010 to strengthen its legal capacity to prosecute maritime piracy with a focus on piracy activities on the High Seas. Its piracy definition aligns significantly with Article 101 of UNCLOS.[573] However, it also has the pitfall of the UNCLOS definition of "*piracy as acts committed outside the jurisdiction of any state"*.[574] Although this law empowers the Tanzanian Courts to prosecute alleged piracy offenders with a stringent sanction of life imprisonment,[575] it only applies to piracy activities that occur on the High Seas, unlike the Kenyan and Seychelles Piracy Laws discussed above.

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[571] Seychelles Nations, Somali prisoners repatriated to complete their sentences, Seychelles Nations, (Seychelles 04 December 2012); Seychelles News Agency, 9 Somali piracy convicts transferred to Puntland in Somalia, Seychelles News Agency (Victoria, Seychelles 30 March 2014); Anthony Denselow, Seychelles cells: The Somali pirates 'jailed in paradise' BBC News (Seychelles, 19 May 2013)

[572] Arabella Thorp, Preventing and prosecuting piracy at sea: legal issues, 28 February 2012, Standard Note: 6237, Section International Affairs and Defence Section, UK Parliament; Jamil Ddamulira Mujuzi, 'The Prosecution in Seychelles of Piracy Committed on the High Seas and the Right to a Fair Trial' (2020) 31 Criminal Law Forum, 1–48.

[573] Tanzania Penal Code, Chapter 16, section 66(1)

[574] *Ibid*, section 66(1)(ii)

[575] *Ibid*, section 66(2)

Furthermore, the consent of the Director of Public Prosecutions (DPP) must be obtained before the trial and prosecution of any piracy cases and for ships not registered in Tanzania, the law provides for special arrangements between the arresting states/agency and Tanzania before Tanzania can take over the prosecution of the case.[576]

Therefore, a critical review of Tanzania's piracy law demonstrates its alignment with the UNCLOS framework on piracy. Nevertheless, the legislation is limited in scope, as it focuses predominantly on piracy occurring on the high seas and does not extend comprehensively to acts of armed robbery against ships within territorial waters. In addition, the prosecution of piracy offences remains significantly reliant on international cooperation and partnerships, as reflected in section 66(3) of the Penal Code. This suggests that the legislative reforms were motivated not only by the need to address piracy domestically, but also by a desire to facilitate international collaboration in the prosecution of suspected pirates apprehended during multinational counter-piracy operations.

4.3.5.4 Somalia

In Somalia, the Kidnapping Law has been the closest anti-piracy law operational in Somalia since 1975.[577] This law, which deals with offences such as kidnapping and hijacking committed within Somalia's territory or "abroad",[578] prescribes a death sentence for offenders and 20 to 30 years imprisonment for persons involved in the organisation of the offence.[579] This law also mandates the Supreme Revolutionary Council to decide offences that are not against public interest and the trial and prosecution of offences generally in a special Court, "the National

[576] *Ibid,* section 66(3)(4)
[577] 1975 Kidnapping Law (Law No. 36 of 30 April 1975)
[578] *Ibid,* section 1
[579] *Ibid,* section 5

Security Court", to prosecute offences without any option of appeal against its decision.[580] However, this law was repealed by the Somali Constitution of 2012.[581]

Consequently, a new revised Anti-Piracy and Hostage Prevention Law 2025, recently passed by the House of the People, is intended to update the previous Kidnapping Law of 1975.[582] This new intended maritime security bill (piracy regulation), which significantly aligns with international law (UNCLOS), distinguishes between piracy in international waters and kidnapping on Somali waters,[583] and is intended to also boost the relationship with international partners and strengthen the legal capacity of the Somali Court to deter the commission of piracy and related offences. It covers a wider range of piracy and kidnapping offences and introduces stringent penalties for hijacking and illegal fishing, while also mandating the federal government to seize assets acquired through piracy and hostage-taking.[584] Furthermore, it provided an enhanced procedural mechanism that clarifies investigation proceedings, prosecution and the right of the accused under the Somali Procedure Code. While this proposed legal framework by the lower house (House of the People) comprehensively addresses piracy offences, aligning with UNCLOS, its lifeline is dependent upon its official acceptance by the Senate (upper house), and the final assent of the President.

Furthermore, historically, with the Somali piracy incidents and the recent spate of maritime insecurity, increasing attacks against ships in East Africa and the Western Indian Ocean,[585]

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[580] *Ibid,* sections 2 and 6
[581] Somalia Constitution of 2012, Article 130
[582] Somalia Revised Anti-Piracy and Hostage Prevention Law 2025, passed by the House of People on 10 November 2025, is intended to replace Anti-Piracy and Anti-Kidnaping Law (Law No. 36) of 30 April 1975; subject to the ratification of the Senate and Assent of the President
[583] *Ibid,* Article 2
[584] *Ibid,* Articles 4 and 5; For instance, this bill proposed 20 years imprisonment for offences of piracy and hostage-taking, from 5 and 10 years respectively in the previous law. It also imposes a penalty of 10 years imprisonment for illegal fishing, unlike 5 years under the previous law.
[585] ICC-IMB, Piracy and Armed Robbery Against Ships, Reports for the Period 1 January – 30 September 2024, January 2025; ICC-IMB, Piracy and Armed Robbery Against Ships, Reports for the Period 1 January – 30 September 2025, January 2026

states in East Africa are not always self-sufficient or capable of addressing maritime security threats such as piracy within their waters, despite the enactment of several national anti-piracy regulations. Instead, states in this region collaborate using regional frameworks and international military forces (EUNafor) to combat maritime crimes in the region and prosecute arrested suspects.[586]

The foregoing analysis demonstrates that East African states have made significant efforts to incorporate international piracy norms into their domestic legal frameworks. Kenya, Seychelles, and Tanzania have largely adopted the UNCLOS definition of piracy and introduced legislative mechanisms to facilitate the prosecution of piracy offences, while Somalia has recently sought to strengthen its legal framework through proposed legislative reforms. However, the application of these laws reveals continuing challenges relating to jurisdiction, evidentiary requirements, prosecutorial capacity, resource constraints, and dependence on international cooperation. Consequently, while the region reflects a relatively high degree of alignment with international maritime security instruments, the effectiveness of domestic piracy laws remains closely dependent on institutional capacity, regional cooperation, and sustained international support.

[586] Anthony Kitimo, Kenya gets mandate to help in piracy fight, *The EastAfrican* (Kenya, 26 May 2024); Wedaeli Chibelushi, Somalia piracy: Are we witnessing its return off the country's coast? BBC News (Africa, 3 February 2024); UN News Seychelles to launch UN-backed courts to combat piracy, 5 May 2010, UN; Ministry of Homeland Security and Civil Affairs, Press Release: Strengthening Maritime Security and Police Reform: Seychelles and United Kingdom Deepen Collaboration, 08 May 2025, Republic of Seychelles; UNODC, Secretary-General visits UNODC-built courtroom in Seychelles, 11 May 2016, Reliefweb Secretary-General visits UNODC-built courtroom in Seychelles - Seychelles | ReliefWeb Accessed on 11/1/2026; Rita Joubert-Lawen, Trial of 6 suspected Somali pirates set for January 2025 in Seychelles, *Seychelles News Agency* (Victoria, Seychelles, 9 August 2024); APA News, Seychelles urges SADC to boost fight on maritime crime, *Agence de Presse Africaine – APAnews (*Victoria Seychelles, 26 January 2026)

4.3.6 Piracy Law and Its Application in West Africa (Gulf of Guinea)

West Africa has emerged as one of the regions most affected by maritime piracy and armed robbery at sea, particularly within the Gulf of Guinea. Unlike the Somali piracy crisis, which predominantly occurred on the high seas, many maritime attacks in West Africa have taken place within territorial waters and exclusive economic zones, raising complex jurisdictional challenges under the UNCLOS definition of piracy. In response, states within the region have increasingly strengthened their legal and institutional frameworks for combating maritime crime through both domestic legislation and regional cooperation mechanisms, including the Yaoundé Code of Conduct.

Nevertheless, the extent to which West African states have incorporated or adapted the UNCLOS definition of piracy varies considerably. Nigeria provides a particularly significant case study given its strategic location in the Gulf of Guinea and its adoption of dedicated anti-piracy legislation through the Suppression of Piracy and Other Maritime Offences Act 2019. The Nigerian framework therefore offers an important example of how a West African state has sought to address the limitations of international piracy law while responding to the region's unique maritime security challenges.

4.3.6.1 Nigeria

In West Africa, Nigeria is the primary country with specialised, standalone maritime security legislation, the Suppression of Piracy and Other Maritime Offences (SPOMO) Act, for regulating piracy and armed robbery against ship activities.[587] Prior the adoption of this law in 2019, there was no comprehensive national legislation in West Africa addressing the modern maritime insecurity threats, especially piracy and armed robbery against ships.

[587] Suppression of Piracy and Other Maritime Offences (SPOMO) Act 2019, laws of the Federation of Nigeria

The Suppression of Piracy and Other Maritime Offences (SPOMO) Act is widely regarded as an important step in Nigeria's implementation of international maritime security obligations under UNCLOS and the SUA Convention. The Act provides a domestic legal framework for addressing piracy and other maritime security offences and incorporates the international definition of piracy contained in UNCLOS.[588] Despite these advances, concerns remain regarding certain provisions of the Act, its implementation, and its overall effectiveness. One area of concern relates to prosecutorial authority under the Act. While the SPOMO Act empowers the Attorney General of the Federation to prosecute offences and to delegate prosecutorial powers to law officers or designated agencies, it further provides that prosecutions may be undertaken by *"the agency"* with the consent of the Attorney General.[589]

However, the Act does not define or identify the agency to which this provision refers. nor does it establish a clear framework for determining which institution is responsible for investigating and prosecuting offences under the Act. This lack of statutory clarity creates uncertainty regarding the appropriate prosecuting authority and may give rise to jurisdictional disputes among agencies with overlapping maritime security responsibilities, including the Nigerian Navy, the Nigeria Police Force, and the Nigerian Maritime Administration and Safety Agency (NIMASA). As a result, the absence of a clearly designated prosecuting agency may undermine the effective implementation of the Act by creating procedural uncertainty regarding which institution is authorised to obtain the Attorney General's consent and initiate prosecutions.

Furthermore, the provisions for the use of an ex parte order to detain suspected offenders up to 90 days and renewable for a similar period until the conclusion of the investigation are a potential violation of the fundamental human right to personal liberty as contained in the

[588] SPOMO Act, sections 3 and 4; Article 101 UNCLOS, Sections 3, *3bis, 3ter, 3quater,* 3 SUA Convention and Protocol
[589] *Ibid,* section 5(1)(c)

Nigerian Constitution.[590] According to section 35(4)(a), any person arrested or detained for a criminal prosecution should be brought before a court of law within a reasonable time or be released unconditionally if arrested and detained for two months without trial. Section 35 of the Nigerian Constitution describes detention for a *"reasonable time"* as taking the alleged offender before a court within 24 hours if the competent court is within forty kilometres, and 48 hours (2 days or more) if the competent court is more than forty kilometres.[591] Therefore, detaining a suspected offender for 90 days or 180 days pending trial is not only inconsistent with the Nigerian Constitution, but it is also inconsistent with other regional and international treaties to which Nigeria is a party.[592]

Additionally, the vesting of exclusive jurisdiction on the Federal High Court to hear and determine cases of maritime piracy,[593] has been argued to potentially result in undue delays in prosecuting piracy cases, as the few Federal High Courts in Nigeria are often burdened with backlogs of other cases.[594] Furthermore, the reasons for this undue delay in prosecuting cases in the Federal High Court include an overstretched judiciary and manpower shortage, abuses of court processes, outdated infrastructures in modern case management, and insufficient criminal justice procedure.[595] Despite the establishment of the Administration of Criminal Justice Act (ACJA 2015), to ensure efficient management of criminal justice institutions and speedy disposition of justice,[596] delays in investigating, receiving advice from the attorney

[590] Nigerian 1999 Constitution (as amended), section 35(5)
[591] *Ibid*
[592] International Covenant on Civil and Political Rights (ICCPR) 1966: Article 9 of the ICCPR explicitly prohibits arbitrary arrest and detention; African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act: Article 6 guarantees the right to liberty and security of person.
[593] *Ibid,* Section 5(2)
[594] Ameh Ochojila, How lack of support for ADR strains Nigeria's legal system, *The Guardian* (Nigeria, 25 February 2025)
[595] Omoniyi Bukola Akinola and Chibuzo Mercy Onwuzuruoha, 'Justice delayed in courts in Nigeria: Causes, Effects, and Way Forward' (2025) 8 African Journal of Law, Ethics, & Education [AJLEE]; Amakiri, Chizike and Manuchim Favour Chichezum, 'Delays in the Nigerian Criminal Justice System: Causes and Consequences' (2025) 11 International Journal of Social Sciences and Management Research, IIARD – International Institute of Academic Research and Development, 351
[596] Administration of Criminal Justice Act, 2015, section 1(1)

general and Director of Public Prosecution (DPP) to prosecute criminal cases and logistics in transporting prison innate has resulted in extended pre-trial detention, resulting in severe congestion of prison facilities.[597] This has also reduced the trust the public had in the legal system.

Given the transnational nature of piracy, which frequently involves multinational actors, cross-border operations and offences committed on the high seas, the effective prosecution of piracy cases often requires specialised judicial expertise and institutional capacity. It might therefore be expected that dedicated judicial mechanisms, specialised maritime courts, or targeted training programmes for judges, prosecutors and law enforcement officials would accompany the enactment of comprehensive anti-piracy legislation. However, neither the Admiralty Jurisdiction Procedure Rules 2011,[598] which govern admiralty proceedings, nor the Administration of Criminal Justice Act, the Federal High Court Act, or the relevant Practice Directions contain specific procedural provisions tailored to the prosecution of piracy and other complex maritime offences.[599] As a result, piracy cases are generally prosecuted within existing criminal justice frameworks that were not specifically designed to address the unique evidential, jurisdictional and transnational challenges associated with maritime crime.

Furthermore, although the SPOMO Act represents a significant legislative development in Nigeria's response to piracy and maritime insecurity, its effectiveness depends largely on the broader institutional and enforcement framework within which it operates. The enactment of a standalone anti-piracy statute, without corresponding reforms to related criminal justice procedures and investigative mechanisms, raises questions regarding the extent to which the

[597] *Ibid,* sections 104-106
[598] Admiralty Jurisdiction Procedure Rules 2011, B217, Laws of the Federal Republic of Nigeria, Section 1(3)
[599] Federal High Court Act 1973, Chapter 134, Laws of the Federal Republic of Nigeria; Federal High Court (Criminal Trials) Practice Directions 2013

legal framework adopts a comprehensive approach to addressing piracy as a form of organised transnational crime. These concerns are particularly relevant given the links between piracy and other criminal activities, including kidnapping for ransom, illicit financial flows and money laundering. In addition, limitations in technical expertise, forensic capabilities, surveillance infrastructure and inter-agency coordination may affect the ability of enforcement authorities to gather and present admissible evidence necessary for successful prosecutions.

Consequently, the effectiveness of the SPOMO Act depends not only on the adequacy of its legal provisions, but also on the institutional capacity of the agencies responsible for its implementation and enforcement, as well as the consistent interpretation and application of the Act by the courts. To strengthen deterrence, the Act prescribes severe penalties for piracy offences, including life imprisonment, monetary fines, and the forfeiture or restitution of proceeds derived from piracy. Under section 12(1), a person convicted of piracy is liable to life imprisonment and a fine of not more than N50,000,000 (fifty million naira), and forfeiture/ restitution of gains for piracy offences.[600] Similarly, the Act provides that a person who attempts to commit piracy is liable upon conviction to a fine of at least N100,000 or imprisonment for at least 12 years. According to the law *"A person who attempts to commit any act of piracy is on conviction to a fine of at least N100,000:00 or for an imprisonment of at least 12 years"*[601] The use of the phrase "at least" is significant, as it grants courts discretion to impose higher fines or longer terms of imprisonment where the circumstances of the offence justify a more severe penalty.

The application of these provisions can be illustrated by *Federal Republic of Nigeria v Binaebi Johnson & Co.*, the first conviction secured under the SPOMO Act.[602] The case arose from the

[600] SPOMO Act, section 12(1)
[601] *Ibid,* section 13(1)(a)
[602] *Federal Republic of Nigeria v. Binaebi Johnson & Co*, Suit No. FHC/PH/62c/2020

hijacking of the *MV Elobey VI* off the coast of Equatorial Guinea in March 2020 and the subsequent demand for ransom for the release of the crew. The proceedings were concluded through a plea bargain agreement, following which the Federal High Court imposed fines on the convicted defendants while discharging others for lack of sufficient evidence.

While the case marked an important milestone in the implementation of the SPOMO Act and demonstrated Nigeria's willingness to prosecute maritime offences,[603] it provides limited guidance on the full application of the Act's sentencing provisions because the proceedings were resolved through plea bargaining rather than a contested trial. Consequently, it is difficult to draw definitive conclusions regarding the court's interpretation of the SPOMO Act or its approach to sentencing for piracy offences. Nevertheless, the case highlights the importance of developing specialised prosecutorial and judicial capacity to ensure the effective enforcement of Nigeria's anti-piracy framework.

In the more recent case of *Federal Republic of Nigeria v Frank Abaka & 9 Others*,[604] the defendants, who were Nigerian, Togolese and Ghanaian nationals were prosecuted for the hijacking of the Chinese fishing vessel *FV Hai Lu Feng II* off the coast of Côte d'Ivoire in May 2020. Justice Ayokunle Faji of the Federal High Court convicted the defendants on charges of conspiracy to commit a maritime offence and hijacking and sentenced them to twelve years' imprisonment on all counts, with the sentences running concurrently, in addition to a fine of N1 million each. Although the case has been widely regarded as a significant achievement in the implementation of the SPOMO Act and Nigeria's efforts to combat maritime crime,[605] it

[603] Philip Kyanet, Antipiracy War: Nigeria Secures Premier Conviction under SPOMO ACT, 12 August 2020, Nigerian Maritime Administration and Safety Agency (NIMASA); Vanguard Newspaper, Federal High Court, Port Harcourt convicts Pirates involved in hijack of vessel, Vanguard Newspaper (Nigeria, 12 August 2020)
[604] *Federal Republic of Nigeria v. Frank Abaka & 9 Ors,* FHC/L/33C/2020
[605] Osagie Edward, Maritime Security: Ten Pirates Bag 48 Years Imprisonment Under SPOMO Act, 23 July 2021, Nigerian Maritime Administration and Safety Agency (NIMASA); Joseph Onyekwere, 10 pirates get 12 years jail terms for hijacking Chinese ship, *The Guardian*, (Nigeria, 24 July 2021)

also illustrates some of the practical challenges associated with prosecuting piracy offences. Notably, the defendants were ultimately convicted of conspiracy to commit maritime offences and hijacking rather than piracy itself. This outcome may reflect the evidential complexities associated with proving the constituent elements of piracy under the SPOMO Act, particularly where prosecutors consider alternative charges more likely to secure a conviction. The case therefore demonstrates the difficulties that may arise in the prosecution of piracy offences despite the existence of a comprehensive legislative framework.

Similarly, in *Federal Republic of Nigeria v MT Heroic Idun and 26 Crew Members*,[606] the defendants were arrested in August 2022 and subsequently transferred to Nigerian custody for alleged maritime offences relating to the operation of the vessel. The crew were charged under the SPOMO Act and other applicable laws with conspiracy to commit a maritime offence, attempting to deal in crude oil without authorisation and related offences.[607] The matter was ultimately resolved through a plea bargain agreement in January 2023, following which fines were paid, an apology was issued and the defendants were released.[608] The increasing reliance on plea bargaining and negotiated settlements in maritime cases may contribute to the efficient resolution of proceedings. However, such outcomes provide limited judicial guidance on the interpretation of key provisions of the SPOMO Act and restrict opportunities for the development of a substantial body of piracy jurisprudence. Consequently, while successful prosecutions demonstrate the practical utility of the Act, they do not necessarily clarify the precise scope and application of its piracy provisions.

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[606] *Federal Republic of Nigeria vs. MT Heroic Idun & 26 Crew,* FHC Port Harcourt, (unreported)
[607] Michelle Wiese Bockmann, Crew of Heroic Idun to appear before Nigerian court, 09 January 2023, Lloyd's List
[608] Joseph Onyekwere, Crew prays court to stop 'extraordinary rendition' to Nigeria, The Guardian (Nigeria, 11 November 2022); Jasmina Ovcina Mandra, 9-month ordeal of Heroic Idun crew approaching resolution after a plea bargain, 8 May 2023, Offshore Energy 9-month ordeal of Heroic Idun crew approaching resolution after a plea bargain - Offshore Energy Accessed on 15/2/2026; Lloyd's List, Heroic Idun leaves Nigeria, 30 May 2023, Heroic Idun leaves Nigeria :: Lloyd's List Accessed on 12/2/2026

The foregoing cases suggest that, despite the enactment of the SPOMO Act, the prosecution of piracy offences in Nigeria continues to present practical and evidential challenges. While the Act provides a robust legal framework and prescribes severe penalties for piracy, prosecutions frequently result in convictions for related offences, such as conspiracy, hijacking or attempted piracy, or are resolved through plea bargaining arrangements. Although these outcomes contribute to accountability and enforcement, they provide limited judicial interpretation of the Act's substantive piracy provisions and may reduce the deterrent effect intended by the legislation.

Nevertheless, the SPOMO Act remains a significant legislative development and has been widely credited with strengthening Nigeria's capacity to prosecute maritime offences and contribute to the reduction of piracy incidents in the Gulf of Guinea.[609] Despite continuing challenges relating to inter-agency coordination, enforcement capacity and regional cooperation, the Act has established a legal foundation for addressing piracy and related maritime crimes. However, while piracy incidents have declined significantly in Nigerian waters in recent years, violent maritime attacks, kidnapping for ransom and other forms of maritime insecurity continue to pose serious threats across the wider Gulf of Guinea region.[610]

4.3.6.2 Togo

[609] Anozie Egole, NIMASA battles piracy, records 23 convictions, *Punch* (Nigeria, 28 August 2022); Osagie Edward, Effective Judiciary Key to Success of Maritime Sector-Jamoh, 26 August 2022, Nigerian Maritime Administration and Safety Agency (NIMASA)

[610] ICC-IMB, Piracy and Armed Robbery Against Ships, Report for the Period of 1 January 2018 -31 December 2018, January 2019; ICC-IMB, Piracy and Armed Robbery Against Ships, Report for the Period of 1 January 2019 -31 December 2019, January 2020; ICC-IMB, Piracy and Armed Robbery Against Ships, Report for the Period of 1 January 2020 -31 December 2020, January 2021; ICC-IMB, Piracy and Armed Robbery Against Ships, Report for the Period of 1 January 2021 -31 December 2021, January 2022; ICC-IMB, Piracy and Armed Robbery Against Ships, Report for the Period of 1 January 2022 -31 December 2022, January 2023; ICC-IMB, Piracy and Armed Robbery Against Ships, Report for the Period of 1 January 2023 -31 December 2023, January 2024; ICC-IMB, Piracy and Armed Robbery Against Ships, Report for the Period of 1 January 2024 -31 December 2024, January 2025. (GoG, including Ghana, Benin, Togo, Gabon, Equatorial Guinea, Cote d'Ivoire, Sao Tome and Principe, and Cameroon)

Following the rise of piracy in the Gulf of Guinea, Togo significantly updated its legislative legal framework to align with Article 101 of UNCLOS in combating maritime piracy.[611] The Togo Piracy law defined piracy and armed robbery at sea, allowing for the prosecution of acts committed on the high seas, territorial waters and in designated maritime zones under the Togolese jurisdiction.[612] It also contains prescribed punishments ranging from severe penalties, including long-term imprisonment, fines, and banishment from Togo territory.[613] This updated legal framework provides universal jurisdiction, allowing the Togolese Courts to exercise jurisdiction over pirates regardless of their nationality or the flag of the ship, provided the incident occurred in relevant waters, or the suspects were apprehended by the Togo enforcement agencies.[614] This Togolese law provided a standard operating procedure that empowers the Togolese Navy to arrest and prosecute piracy offences and has seen several cases tried in the Court of Appeal in Lomé.

Consequently, in the landmark case of the *trial of nine/ten pirates in the Assize Court of the Court of Appeal of Lomé,* involving *Peter Paul and 9 others,*[615] the accused (seven Nigerians, two Togolese, and one Ghanian), were charged for maritime piracy, wilful violence, and criminal association, for their involvement in the attempted hijacking of the tanker G-Dona 1 in May 2019.[616] Nine of the accused were convicted on 5 July 2021, by *Judge Dindangue Kominte* of the Togolese Criminal Court at Lomé, sentencing them to prison terms ranging

[611] Law on the Suppression of Acts of Piracy and Other Unlawful Acts Against the Safety of Maritime Navigation (2015 Act) Act No. 2016-004
[612] *Ibid,* Article 2
[613] *Ibid,* Article 5
[614] *Ibid,* Art. 3
[615] Arise News, Seven Nigerians Jailed in First Togo Pirate Trial, Arise News (Nigeria, 6 July 2021)
[616] Times of India, Nine jailed in first Togo pirate trial, *Times of India* (Lomé, 6 July 2021)

from 12 to 20 years, accompanied by a fine of $45,000 to $90,000 and a five-year ban from Togo.[617]

Consequently, the Togo Courts have taken significant steps in prosecuting maritime piracy with the notable landmark judgment of July 2021, which aligns with the broader UN Security Council calls in Resolution (2634),[618] encouraging states in the Gulf of Guinea to criminalise and actively prosecute piracy offences, and prosecution in this case is globally celebrated.[619] However, despite these achievements, the prosecutions of piracy cases highlighted several challenges, common to the region, including the critical need for specialised training of judicial personnel and implementation of robust domestic evidence collection mechanisms, as the Court heavily relied on international partners and regional cooperation for evidence.[620] Therefore, to legally address piracy in the region, there is a need for a long-term investment for intensive specialised training to strengthen the capacity of judges, prosecutors, and law enforcement agencies on the application of international and national regulatory frameworks and proper evidence handling in maritime criminal trials, and development of a legal infrastructure that would aid the capacity of local courts to independently and effectively conduct trials.

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[617] Maritime Executive, Nine Pirates Convicted in a First of its Kind Trial in West Africa, 7 July 2021, The Maritime Executive; However, the tenth accused, a Togolese, was acquitted for undisclosed reasons.

[618] United Nations Security Council, Press Release, Adopting Resolution 2634 (2022), Security Council Calls on Gulf of Guinea Countries to Criminalize Piracy, Armed Robbery at Sea under Domestic Laws, 31 May 2022, SC/14915

[619] Pascaline Odoubourou, Togo becomes the first francophone country in the sub-region to be able to arrest or prosecute ships and persons involved in maritime crime and piracy, 31 May 2022, Maritime security – Maritimafrica Maritime security: Togo becomes the first francophone country in the sub-region to be able to arrest or prosecute ships and persons involved in maritime crime and piracy - Maritimafrica Accessed on 20 January 2026; United Nations Security Council, Situation of piracy and armed robbery at sea in the Gulf of Guinea and its underlying causes, 1 November 2022, S/2022/818, Report of the Secretary-General, page 6/25

[620] Prince Bright Majiga, 'Combating Piracy in African Waters'. In: Dan Kuwali,(eds) *The Palgrave Handbook of Sustainable Peace and Security in Africa* (Palgrave Macmillan, Cham., 2022) pp 343–364; Maisie Pigeon, Atlantic piracy, current threats, and maritime governance in the Gulf of Guinea, 21 July 2025, Issue Brief, Atlantic Council Africa Center.

4.3.6.3 Cameroon

Besides Nigeria and Togo, Cameroon has also incorporated the UNCLOS definition of piracy into its domestic legal framework to facilitate the prosecution of piracy offences.[621] The Cameroonian piracy law largely adopts the definition of piracy contained in Article 101 of UNCLOS but extends its scope by including fixed and floating platforms within the definition of a ship and by incorporating certain unlawful acts at sea reflected in the SUA Convention and its 2005 Protocol.[622] Consequently, the legislation reflects a combination of UNCLOS and SUA principles in its approach to maritime security. Consequently, while the law defines piracy as criminal conduct occurring on the high seas and prescribes severe penalties, including life imprisonment and fines ranging from 20 million CFA Francs to 200 million CFA Francs,[623] it does not criminalise comparable acts occurring within the territorial waters of Cameroon.

Furthermore, the law is silent on the procedural methods, agencies, and the jurisdiction of the courts responsible for prosecuting piracy offences of piracy, although it states that the provisions of the Penal Code, Criminal Code and Criminal Procedure Code of Military Justice are not contrary to the law remains applicable.[624] However, considering the complex nature of piracy, it is uncertain which of these laws, if any, apply in the trial of suspected offenders.

Therefore, although this law has been in operation since 2022, it has not been used to prosecute any suspected pirates despite the increasing number of incidents occurring off the Cameroonian waters. Although Cameroon relied primarily on regional cooperation, reinforcing its commitment to the Yaoundé Code of Conduct,[625] it has, however, been criticised for facing

[621] Republic of Cameroon, Law No 2022/017 Relating to the Suppression of Piracy, Terrorism and Offences against the Safety of Maritime Navigation and Platforms, of 27 December 2022.
[622] *Ibid,* Sections 2(1), 4, 5 and 6
[623] *Ibid,* sections 2(2) and 3
[624] *Ibid,* section 17
[625] Raoul Sumo Tayo, Criminal Convergence on Cameroon's Coast: Financing conflict and sustaining violence in the Gulf of Guinea, 10 December 2025 Report, Institute for Security Studies (ISS); The

significant maritime security challenges, including limited resources for maritime patrols, surveillance, and judicial capacity, inadequate ports and coastal infrastructures, and the lack of trust between coastal communities and law enforcement agencies.[626]

4.3.6.4 Definition and Application of Piracy Law in Other Regions in the Gulf of Guinea

Other piracy hotspot regions and coastal states in the Gulf of Guinea, including Ghana, Benin, Togo, and Côte d'Ivoire, often rely on their national penal codes and international and regional arrangements (such as the Yaoundé Code of Conduct). This is often in coordination with their military forces, rather than with dedicated national anti-piracy legislation, to prevent and prosecute piracy cases.

Finally, although UNCLOS remains the most significant international instrument governing piracy and provides the broadest basis for the exercise of universal jurisdiction, its definition of piracy, together with the IMO definition of armed robbery against ships, has been incorporated into domestic legal systems in different ways. Some states, including the United Kingdom, Belgium, France, Kenya, Seychelles, and Nigeria, have largely adopted the UNCLOS framework in their national legislation, while others, such as Spain and the United States, have developed alternative legislative or judicial approaches. Despite these efforts, the absence of a uniformly adopted and universally implemented definition of piracy continues to present significant challenges. The fragmentation of legal approaches has contributed to uncertainty, inconsistent interpretation, and differing enforcement practices, thereby undermining the development of a coherent global response to contemporary piracy.[627]

Maritime Executive, Cameroon Adopts Maritime Security Law to Fight Gulf of Guinea Piracy, 1 January 2023, The Maritime Executive.

[626] Emmanuel Yenkong Sobseh and Richard Tanto Talla, 'Piracy and the Porosity of Cameroon's Maritime Security Borders in the Gulf of Guinea: Legal Framework, Challenges and Policy Recommendations' (2025) 10 Saudi Journal of Humanities and Social Science, 272-285.

[627] Lucas Bento, 'Toward An International Law of Piracy Sui Generis: How the Dual Nature of Maritime Piracy Law Enables Piracy to Flourish' (2011) 29 Berkeley Journal of International Law (BJIL)

Furthermore, despite the concentration of piracy incidents within major maritime hotspots, including the Gulf of Guinea, the Gulf of Aden, the Indian Ocean, the Malacca Strait, and the South China Sea, relatively few states have enacted comprehensive legislation addressing both piracy on the high seas and armed robbery against ships within territorial waters.[628] Instead, many continue to rely on general criminal or penal codes, supplemented by regional and international cooperative arrangements, to address maritime crime.[629] As a result, the prosecution of piracy offences often remains dependent upon the adequacy of domestic legal frameworks and the capacities of individual states. This has contributed to situations in which suspected pirates apprehended during military or naval operations have not been prosecuted due to jurisdictional constraints, legislative gaps, or procedural difficulties.

Consequently, the effectiveness of the international anti-piracy regime continues to be constrained by inconsistencies in domestic implementation and enforcement.[630] While numerous states impose substantial custodial and monetary penalties on convicted pirates, relatively little attention has been paid to victim restitution, particularly in cases involving kidnapping for ransom and other forms of economic loss. This highlights a broader limitation

[628] For instance, only a few states have enacted piracy laws in their national laws. In the Gulf of Guinea, states including Nigeria and Cameroon enacted Piracy regulations such as the Nigerian SPOMO Act 2019 and Cameroon Law No. 2022/017 of 27 December 2022 relating to the suppression of piracy, terrorism and offences against the safety of maritime navigation and platforms. (Law No 2022/017). In East Africa, only a few states, including Kenya (Kenya Merchant Shipping Act, 2009 (Act No. 4 of 2009, s. 370; Tanzania (Penal Code [Cap. 16 R.E. 2019], Section 66); Seychelles (Penal Code (Cap 158), as amended by the Penal Code (Amendment) Act, 2010, Section 65); and Mauritius (Piracy and Maritime Violence Act 2011 (Act No. 39 of 2011), section 3). In Southeast Asia, states including Singapore (Penal Code 1871 (Cap 224), Chapter VIA, ss. 130B and 130C); Indonesia (Indonesia Penal Code (Law No. 1 of 2023), Chapter 31); Philippines (Piracy and Highway Robbery Act of 1974, for offences committed in Philippine waters; and Revised Penal Code as amended by Republic Act No. 7659); Vietnam (2015 Criminal Code of Vietnam (Law No. 100/2015/QH13), Article 302); and India (India Maritime Anti-Piracy Act, 2022.

[629] Such as YCoC (in West and Central Africa), DCoC (in West Indian Ocean and Gulf of Aden), and the ReCAAP (in Asia); see also, United Nations General Assembly, Second report on prevention and repression of piracy and armed robbery at sea, by Yacouba Cissé, Special Rapporteur, A/CN.4/770, March 2024, International Law Commission Seventy-fifth session Geneva, 29 April–31 May and 1 July–2 August 2024

[630] Chatham House, 'Piracy and Legal Issues: Reconciling Public and Private Interests' (1 October 2009), Africa Programme and International Law Conference Report

within the contemporary legal framework, which remains primarily focused on criminal prosecution rather than comprehensive justice and redress for victims of piracy and armed robbery against ships.

The foregoing discussion demonstrates that, although UNCLOS provides the principal international definition of piracy and the legal basis for its suppression, significant variations remain in the manner in which states interpret, incorporate, and enforce these provisions within their domestic legal systems. These definitional inconsistencies have important implications for the operation of universal jurisdiction, which constitutes one of the most distinctive features of the international piracy regime. While UNCLOS permits all states to exercise jurisdiction over piracy committed on the high seas irrespective of nationality or territorial connection, the practical implementation of this principle is often constrained by legislative gaps, jurisdictional uncertainties, evidentiary challenges, and limitations in state capacity. Consequently, an examination of universal jurisdiction and its practical limitations is essential to understanding the effectiveness of the contemporary international anti-piracy framework.

4.4 Universal Jurisdiction and Its Practical Limitation

UNCLOS grants all states both the authority and responsibility to cooperate in the suppression of piracy. Article 100 provides that *"All States **shall** cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State"*[631] This provision establishes a general duty of international cooperation in the repression of piracy and reflects the collective interest of the international community in maintaining maritime security. However, Article 100 does not expressly require states to seize pirate vessels, arrest suspects, or prosecute offenders. By contrast, Article 105 confers powers of

[631] UNCLOS, Article 100

enforcement on states by providing that any state may seize a pirate ship or aircraft on the high seas, arrest the persons on board, and determine appropriate penalties through its domestic courts. The provision further authorises the seizing state to determine the disposition of the ship, aircraft, or property, subject to the rights of third parties acting in good faith.[632]

A combined reading of Articles 100 and 105 therefore suggests that, while states are under a legal obligation to cooperate in the repression of piracy, they are not under a corresponding obligation to arrest suspected pirates or prosecute them under domestic law. Rather, Article 105 provides that states may exercise enforcement jurisdiction over suspected pirates. The use of the term ***"may"*** indicates that the exercise of seizure, arrest and prosecution powers remains discretionary rather than mandatory.[633]

Furthermore, Article 105 establishes a principle of universal enforcement jurisdiction, allowing any state, regardless of its direct connection to the incident, to seize pirate vessels and prosecute suspected offenders. In this respect, the provision reduces reliance on flag-state jurisdiction as the sole mechanism for ensuring maritime security and supplements the framework established under Articles 92 to 94 of UNCLOS. However, the discretion afforded to states under Article 105 has contributed to what has frequently been described as a "prosecution gap".[634] In practice, states have sometimes released suspected pirates without prosecution due to limitations in domestic legislation, evidential difficulties, resource constraints, or uncertainty regarding procedural requirements.[635] Therefore, the principal challenge is often not the existence of jurisdiction to prosecute piracy, but rather the adequacy of domestic legal frameworks and institutional capacity to support the effective investigation and prosecution of piracy offences.

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[632] *Ibid,* Article 105

[633] UK Parliament, Piracy off the coast of Somalia: legal issues relating to counter-piracy operations off the coast of Somalia, 21 July 2011, Session 2010-12, PIR 06, UK Parliament.

[634] Elizabeth Nyman, 'Modern Piracy and International Law: Definitional Issues with the Law of the Sea' (2011) 5 Geography Compass, 863-874

[635] *Ibid*

Consequently, the United Nations Security Council (UNSC) resolutions authorising the transfer of suspected pirates to foreign jurisdictions for prosecution and their eventual repatriation to Somalia highlighted the practical limitations of the UNCLOS piracy regime.[636] These limitations became particularly apparent where the state most directly affected by piracy lacked the domestic legal framework or judicial capacity necessary to prosecute suspected offenders effectively. The Somali piracy crisis therefore exposed significant gaps in the operational implementation of UNCLOS, despite the Convention's establishment of a framework for international cooperation and enforcement.

The Security Council's adoption of a series of Chapter VII resolutions effectively supplemented the existing UNCLOS framework by providing legal authority for measures that were not expressly contemplated by the Convention.[637] This includes cross-border enforcement operations, the transfer of suspected pirates to third states for prosecution, and enhanced international cooperation mechanisms.[638] In this respect, the resolutions enabled the Security Council to function as a temporary legislative body to remedy the practical defects and enforcement gaps within the UNCLOS piracy regime. However, the temporary nature of these resolutions and their subsequent expiration further demonstrate that they were intended as exceptional measures designed to address a specific crisis rather than permanent solutions to the structural limitations of UNCLOS.[639]

The expiration of the Somalia-related piracy resolutions in 2022, following their final short-term renewal in 2021, reinforces the conclusion that the Security Council's objective was not

[636] United Nations Security Council, Resolution 1816 (2008), Adopted by the Security Council at its 5902nd meeting on 2 June 2008, S/RES/1816 (2008)
[637] Ibid; United Nations Security Council, Resolution 1918 (2010) Adopted by the Security Council at its 6301st meeting, on 27 April 2010, S/RES/1918 (2010); United Nations Security Council, Resolution 1976 (2011), Adopted by the Security Council at its 6512th meeting, on 11 April 2011, S/RES/1976 (2011)
[638] *Ibid*
[639] United Nations Security Council Distr.: General, Resolution 2608 (2021) Adopted by the Security Council at its 8917th meeting, on 3 December 2021, S/RES/2608 (2021)

to amend or permanently reform UNCLOS, but rather to provide a temporary mechanism for responding to the immediate piracy crisis. Consequently, the absence of a permanent framework governing the transfer and prosecution of suspected pirates continues to create legal and practical challenges in the exercise of universal jurisdiction in Article 105 UNCLOS.

Furthermore, the absence of detailed procedural standards within UNCLOS for the investigation, prosecution and punishment of piracy leaves states with considerable discretion in implementing their international obligations. As a result, piracy offences are prosecuted under different procedural frameworks, evidentiary standards and sentencing regimes, giving rise to variations in enforcement and punishment across jurisdictions. In addition, UNCLOS contains no specific provisions enabling victims of piracy or civilians affected by counter-piracy operations to seek compensation or other forms of redress for injuries, loss of life or damage arising from such operations.[640] This omission further highlights the limitations of the Convention in addressing the broader consequences of piracy and anti-piracy enforcement measures.[641]

Consequently, although universal jurisdiction is intended to facilitate the global suppression of piracy, its practical application has been uneven. In many instances, states have been reluctant to exercise jurisdiction over suspected pirates due to a combination of legal, political and operational challenges. These include difficulties in gathering and presenting admissible evidence, the financial and logistical costs associated with detention and prosecution, concerns relating to human rights and asylum claims, the absence of adequate domestic implementing legislation, and broader political and jurisdictional considerations. As a result, the principal

[640] Clare Marlow Downing, Between the Devil and the Deep Blue Sea: The Plight of Civilian Victims of Anti-Piracy Operations, (2022) 1 Chicago Journal of International Law, 24

[641] Arabella Thorp, Preventing and prosecuting piracy at sea: legal issues, Research Briefing, 28 February 2012, Standard Note 06237, UK Parliament, House of Commons; Yvonne M. Dutton, 'Maritime Piracy and the Impunity Gap: Insufficient National Laws or a Lack of Political Will?' (2012) 86 Tulane Law Review, 1111 at 1119-1121; Mette Kaalby Vestergaard, Legal challenges in combating piracy in the Gulf of Guinea – gaps between national and international law, 30 January 2021, Human Security Centre

obstacle to the effective prosecution of piracy is often not the existence of universal jurisdiction itself, but the capacity and willingness of states to exercise that jurisdiction in practice.

Therefore, several international and regional initiatives have sought to address these shortcomings. One notable example is the ECOWAS Supplementary Act on the Transfer of Piracy Suspects and their Associated Property, which seeks to provide a legal framework for the transfer, detention and prosecution of piracy suspects within the West African region.[642] By facilitating cooperation among member states and providing greater procedural clarity regarding the transfer of suspects, the Act has the potential to reduce some of the practical difficulties associated with the exercise of universal jurisdiction. However, questions remain regarding its implementation, effectiveness and capacity to address the broader structural limitations of the UNCLOS piracy regime. Furthermore, some commentators, including Dutton, have advocated for piracy to be included within the jurisdiction of the International Criminal Court as a means of addressing persistent enforcement and prosecution gaps.[643]

4.4.1 **Universal Jurisdiction versus State's Exclusive Jurisdiction**

One of the defining features of the UNCLOS piracy regime is the principle of universal jurisdiction, which permits any state to arrest and prosecute suspected pirates regardless of nationality or any direct connection between the offence and the prosecuting state.[644] However, this principle applies only to acts of piracy committed on the high seas or in places outside the

[642] Economic Community of West African States (ECOWAS), The ECOWAS Supplementary Act on the Conditions of Transfer of Persons Suspected of Having Committed Acts of Piracy and Their Associated Property and/or Evidence was adopted on July 3, 2022, in Accra, Ghana; United Nations Office of Drugs and Crime (UNODC), Heads of State and Government of ECOWAS Member States adopt Supplementary Act for the Transfer of Piracy Suspects and their Associated Property and /or Evidence for prosecution, 29 August 2022 Heads of State and Government of ECOWAS Member States adopt Supplementary Act for the Transfer of Piracy Suspects and their Associated Property and /or Evidence for prosecution Accessed on 17 July 2026.

[643] Yvonne M. Dutton, 'Bringing Pirates to Justice: A Case for Including Piracy within the Jurisdiction of the International Criminal Court' (2010) 11 Chicago Journal of International Law, 197, at 203

[644] UNCLOS, Articles 56 & 57, Part V.

jurisdiction of any state.[645] Consequently, universal jurisdiction exists alongside the principle of state sovereignty, under which coastal states exercise exclusive jurisdiction within their territorial waters and sovereign rights within their Exclusive Economic Zones (EEZs).[646]

This jurisdictional framework reflects an attempt to balance international cooperation with respect for state sovereignty. While coastal states retain primary responsibility for maintaining security within their maritime zones, the international community is empowered to suppress piracy occurring beyond national jurisdiction.[647] The implication is that coastal states generally cannot take any action against a foreign vessel on the high seas, even for security reasons, without the consent of the flag state.[648] In practice, however, this distinction has created significant enforcement difficulties.[649] For instance, in the case of *Bankovic and others v Belgium and other 16 contracting States*,[650] the court affirmed that a state has jurisdiction over

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[645] UNCLOS, Article 73

[646] Mathew Gianni, Real and Present Danger: Flag State Failure and Maritime Security and Safety, June 2008, Oslo/London, World Wide Fund for Nature, WWF International Transport Workers' Federation (ITF)

[647] UNCLOS, Articles 87-90; Tara Maria Davenport, 'The United Nations Convention on the Law of the Sea and Territorial Rights', In Kevin W. Gray (ed), *Global Encyclopedia of Territorial Rights* (2024, Springer, Cham.) pp 1-14; UNCLOS, Article 25; Davor Vidas, 'The delimitation of the Territorial Sea, the Continental Shelf, and the EEZ: A comparative perspective' in Alex G.Oude Elferink, Tore Henrisken, and Signe Veierud Busch, (eds)., Maritime boundary delimitation: the case law. Is it consistent and predictable? (UK Cambridge University Press, 2018) 33-61

[648] House of Lords, International Relations and Defence Committee, 2nd Report of Session 2021–22 UNCLOS: the law of the sea in the 21st century, I March 2022, HL Paper 159, paragraphs 66-67, pp 23-24.

[649] Lan Ngoc Nguyen, Flag State' Rights and Obligations under the Law of the Sea, in Nguyen L.N, *The Development of the Law of the Sea by UNCLOS Dispute Settlement Bodies*, (Cambridge University Press, UK, 2023) 66-102; Mahmood Marzana, 'Flag State Exclusivity Principle: Relevancy and Adequacy under International Maritime Law (1 July 2023) Flag-State-Exclusivity-Principle-Relevancy-and-Adequacy-Under-International-Maritime-Law.pdf; United Nations office on Drugs and Crime (UNODC), Flag state jurisdiction and transnational organised crime at sea, November 2023, Issue Paper 1, Global Maritime Crime Programme, Vienna; European Commission, Proposal for a Directive of the European Parliament and of the Council: Amending Directive 2009/21/EC on compliance with flag state requirements, Brussels, 1.6.2023, Com (2023) 272 final 2023/0172 (COD); Doris Konig, Tim Rene Salomon, Flags of Convenience, February 2022, Oxford Public International Law, Oxford Public International Law: Flags of Convenience; UK Parliament, House of Lords International Relations and Defence Committee UNCLOS: The law of the sea in the 21st century 2nd report of session 2021-22, 24 November 2022, HL Paper 159, Chapter 2, Par. 77 and 78.

[650] *Banković and Others v Belgium and other 16 Contracting States* (2001) (Application no.52207/99) at 31-32, 67, 73

a vessel flying its flag and over persons on board vessels intercepted by its state agents.[651] Unlike the Somali piracy crisis, where attacks largely occurred on the high seas, many contemporary incidents in Southeast Asia and the Gulf of Guinea occur within territorial waters and are therefore classified as armed robbery against ships rather than piracy under UNCLOS.[652]

As a result, the effectiveness of universal jurisdiction is often constrained by the geographical location of attacks. The prosecution of incidents occurring within territorial waters remains dependent upon the legal frameworks, political will, and enforcement capacities of coastal states. Consequently, the division between universal jurisdiction and exclusive state jurisdiction creates a significant enforcement gap within the contemporary maritime security framework and raises important questions regarding the effectiveness of UNCLOS in addressing modern forms of piracy and armed robbery against ships.

The limitations of universal jurisdiction reveal a broader structural challenge within the UNCLOS piracy regime. While the Convention establishes international legal obligations relating to piracy, its effectiveness ultimately depends upon national implementation and enforcement. However, UNCLOS does not expressly require states to domesticate its piracy provisions within their national legal systems. This creates significant variation in the way states define, criminalise, and prosecute piracy offences. The following section therefore examines the extent of states' responsibilities to incorporate UNCLOS into domestic law and considers how the absence of a mandatory domestication requirement contributes to uneven enforcement outcomes.

[651] *Ibid*
[652] IMO, Acts of Piracy and Armed Robbery against Ships, Annual Reports – 1984 - 2024

4.4.2 **States Responsibilities to Domesticate UNCLOS in National Laws**

A critical examination of UNCLOS reveals that, although it establishes the substantive legal framework governing piracy, it does not expressly require states to domesticate its piracy provisions within their national legal systems, nor does it prescribe detailed procedures for investigation, prosecution, sentencing, or the application of its provisions to similar offences occurring within territorial waters.[653] Consequently, the implementation and enforcement of piracy laws remain largely dependent on national legal frameworks, resulting in significant variations in how states criminalise, prosecute, and punish piracy-related offences.[654]

This lack of a mandatory domestication requirement has contributed to uneven implementation across piracy-prone regions. While states such as Singapore, Nigeria, Kenya, Seychelles, and Togo have enacted dedicated legislation largely reflecting the UNCLOS piracy regime, others, including Indonesia, Malaysia, and, until recently, Somalia, have relied primarily on general criminal or penal codes to prosecute maritime offences. As a result, offences that may constitute piracy under international law are often prosecuted under domestic provisions relating to robbery, theft, violence, or kidnapping, leading to inconsistencies in legal classification, jurisdiction, and sentencing.[655]

[653] UNCLOS Articles 100-105; Bob Kao M., 'Against a Uniform Definition of Maritime Piracy' (2016) 3 Maritime Safety and Security Law Journal

[654] Adam James Fenton and Ioannis Chapsos, 'Prosecuting Pirates: Maritime Piracy and Indonesian Law' (2019) 19 Australian Journal of Asian Law, 217-232.

[655] Melanie O' Brien, Where Security Meets Justice: Prosecuting Maritime Piracy in the International Criminal Court' (2014) 4 Asian Journal of International Law, 81-102; Mazyar Ahmad, 'Maritime piracy operations: some legal issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62-69.

The absence of detailed procedural provisions within UNCLOS further compounds these challenges. Although Articles 100 and 105 oblige states to cooperate in the repression of piracy and grant universal jurisdiction over piracy committed on the high seas, the Convention leaves the practical implementation of these provisions to individual states.[656] Effective prosecution therefore depends upon the existence of adequate domestic legislation, judicial capacity, prosecutorial expertise, and political willingness to pursue piracy cases.[657] In many piracy-affected developing states, these requirements are often constrained by limited resources, institutional weaknesses, and the financial burden associated with prosecuting foreign nationals for offences committed across multiple jurisdictions.[658]

Consequently, the effectiveness of the UNCLOS piracy regime remains heavily dependent on domestic implementation and state capacity.[659] The absence of a clear obligation to enact national piracy legislation has resulted in fragmented enforcement practices and significant disparities in prosecution outcomes.[660] This implementation gap represents one of the principal

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[656] Maggie Gardner, 'Piracy Prosecutions in National Courts' (2012) 10 Journal of International Criminal Justice, 797 – 821; Aaron Magunna, A, 'Charting waters: the private sector's evolving governance role in Southeast Asian maritime security' (2024) 78 Australian Journal of International Affairs, 306–325; Natalie Klein, *Maritime Security and the Law of the Sea*, (Oxford University Press, USA, 2011); Douglas Guilfoyle, *Shipping interdiction and the law of the sea* (Cambridge University Press, New York, USA, 2009)

[657] United Nations Security Council, Resolution 1976 (2011), 11 April 2011, S/RES/1976 (2011), preamble

[658] Douglas Guifoyle and Rob McLaughlin, 'The Crime of Piracy' in Charles C. Jalloh, Kamari M. Clarke, and Vincent O. Nmehielle (eds), *The African Court of Justice and Human and Peoples' Rights in Context: Development and Challenges*. (Cambridge University Press, 2019) 388-408; United Nations Office on Drugs and Crime (UNODC), Maritime Crime: A Manual for Criminal Justice Practitioners, Global Maritime Crime Programme, 2017, New York, United Nations; James Harrison, 'Patrolling the boundaries of Coastal State enforcement powers: The interpretation and application of UNCLOS safeguards relating to the arrest of foreign-flagged ships' (2018) 42 Journal L'Observateur des Nations Unies, 117-143

[659] Diana Chang, 'Piracy Laws and the Effective Prosecution of Pirates' (2010) 33 Boston College International & Comparative Law Review, 273; Adam Mohammed, 'Maritime security Governance in the Gulf of Guinea' (2023) 10 Journal of Territorial and Maritime Studies, 60-77; Aleeza Moseley, The implementation of international maritime security instruments in CARICOM states, New York, 2009, United Nations – Nippon Foundation Fellow 2009-2010.

[660] Deniece M. Aiken, Jonne Kotta, and Ulla Pirita Tapaninen, 'Exploring the multifaceted challenges and complexities involved in the effective implementation of maritime conventions' (2025) 17 Sustainability, 478

limitations of the contemporary international anti-piracy framework and helps explain the persistence of piracy despite the existence of an extensive international legal regime.[661]

4.4.3 A Case Study of the Potentials and Limitations of Universal Jurisdiction in UNCLOS: The Somalia Piracy Crisis

The Somali piracy crisis represents one of the most significant piracy outbreaks in modern maritime history and provides a useful case study for evaluating the practical operation of the UNCLOS piracy regime. Between the mid-2000s and early 2010s, Somali pirates carried out numerous attacks against commercial vessels navigating the Gulf of Aden and the Western Indian Ocean, threatening international trade, maritime safety and regional security.[662] The scale and persistence of these attacks prompted an unprecedented international response involving naval coalitions, regional organisations, international institutions and domestic courts across multiple jurisdictions.

From a legal perspective, the Somali piracy crisis serves as an important test of the effectiveness of universal jurisdiction as embodied in Articles 100 and 105 of UNCLOS. While the crisis demonstrated the capacity of the international community to cooperate in the suppression of piracy, it also exposed several legal, jurisdictional and operational challenges relating to the arrest, transfer, detention and prosecution of suspected pirates. The following discussion critically examines the extent to which the UNCLOS framework could address these challenges and the supplementary mechanisms developed to overcome its limitations.

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[661] UK Parliament, European Union Committee – Third Report: Turning the Tide on Piracy, Building Somalia's Future: Follow-up report on the EU's Operation Atlanta and beyond, 24 July 2012
[662] IMO, Reports on Act of Piracy, 2005-2012, n 17

4.4.3.1 Critical Review of UNCLOS in Addressing the Somalia Piracy Crisis

The Somalia piracy crisis provides a valuable case study for assessing the effectiveness of the UNCLOS piracy regime, particularly the operation of universal jurisdiction in practice. This case study illustrates both the strengths and limits of the universal jurisdiction provided in UNCLOS.[663] For instance, while Article 100 mandates all states to fully cooperate in repressing piracy on the high seas, the Somali piracy crisis, which peaked with hundreds of incidents, highlights the inability of individual nations to address the threat alone. In compliance with UNCLOS, an unprecedented level of global military cooperation, including the EU Naval Force Atalanta, Nato's Ocean Shield, Combined Task Force (CTF) 151, and other independent deployments by China, India, and Russia, was deployed to intervene in the Somalia piracy threat.[664] While this revealed that the duty to cooperate in repressing piracy exists, there was no specific, predefined, or binding framework for how that cooperation should function, necessitating new UN Security Council Resolutions to complement and facilitate actions.[665] Revealing a significant limitation in UNCLOS for addressing piracy.

UNCLOS definition of piracy as an act of violence against ships on the high sea was tested in the Somali piracy crisis involving the use of "a mother ship" and involving piracy activities spreading to the Somali territorial waters. Although in Somali 80% of piracy activities usually occur in the high seas, their tactics include hijacking ships in the high seas and taking the

[663] Ibid, Article 100

[664] UNSC, Report of the Secretary-General pursuant to Security Council resolution 1846 (2008), 16 March 2009, S/2009/146; Gov. UK, Policy paper 2010 to 2015 government policy: piracy off the coast of Somalia, 8 May 2015; Combined Maritime Forces, CTF 151: Counter-piracy; NATO's Operation Ocean Shield, Counter-piracy operations (2008-2016), 16 May 2022; European Union Naval Force Operation Atalanta – EUNAVFOR ATALANTA; UK Parliament Hansard, Somalia: Piracy vol. 490: debated on 31 March 2009, House of Common

[665] Santiago Iglesias Baniela and Juan Vinagre Ríos, 'Piracy in Somalia: A Challenge to The International Community' (2012) 65 Journal of Navigation, 693-710; Eugene Kontorovich, 'International Legal Responses to Piracy off the Coast of Somalia' (2009) 13 American Society of International Law (ASIL); UNSC, Resolution 1816 (2008), Adopted by the Security Council at its 5902nd meeting on 2 June 2008, S/RES/1816 (2008)

captives to their territorial waters.[666] This meant that many Somali piracy incidents could not be characterised exclusively as piracy under Article 101 UNCLOS. While attacks were often initiated on the high seas, pirates frequently transported vessels, cargo and hostages into Somali territorial waters. Consequently, the phenomenon involved elements of both piracy and armed robbery at sea, exposing a jurisdictional limitation within the UNCLOS framework. To address this gap, the United Nations Security Council passed several resolutions temporarily extending the authority to combat piracy in Somalia's territorial waters.[667] While these resolutions effectively bridge the gap between piracy (High Seas) under UNCLOS and territorial sea constraints, it also reveals a crisis in maritime international law.[668]

Additionally, the UNCLOS definition of piracy does not expressly address attempted piracy, as Article 101 focuses on completed acts of violence, detention and depredation. This omission

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[666] IMO, Acts of piracy and armed robbery against ships, annual ports 2008-2011; see also ICC-IMB, Piracy and armed robbery against ships annual reports 2008 – 2011.

[667] UNSC, Resolution 1816 (2008), Adopted by the Security Council at its 5902nd meeting on 2 June 2008, S/RES/1816 (2008); UNSC, Resolution 1851 (2008), adopted by the Security Council at its 6046th meeting, on 16 December 2008, S/RES/1851 (2008); United Nations Security Council (UNSC), Resolution 1816 (2008) Adopted by the Security Council at its 5902nd meeting on 2 June 2008, S/RES/1816 (2008); UNSC, Resolution 1838 (2008) Adopted by the Security Council at its 5987th meeting, on 7 October 2008, S/RES/1838 (2008); UNSC, Resolution 1846 (2008) Adopted by the Security Council at its 6026th meeting, on 2 December 2008, S/RES/1846 (2008); UNSC, Resolution 1816 (2008) Adopted by the Security Council at its 5902nd meeting on 2 June 2008 , S/RES/1816 (2008); UNSC, Resolution 1851 (2008) Adopted by the Security Council at its 6046th meeting, on 16 December 2008, S/RES/1851 (2008); UNSC, Resolution 1897 (2009) Adopted by the Security Council at its 6226th meeting, on 30 November 2009, S/RES/1897 (2009); UNSC, Resolution 2015 (2011) Adopted by the Security Council at its 6635th meeting, on 24 October 2011, S/RES/2015 (2011); UNSC, Resolution 2077 (2012) Adopted by the Security Council at its 6867th meeting, on 21 November 2012, S/RES/2077 (2012); UNSC, Resolution 2125 (2013) Adopted by the Security Council at its 7061st meeting, on 18 November 2013, S/RES/2125 (2013); UN Press Release, Security Council Unanimously Adopts Resolution 2316 (2016), Renewing Authorization for International Naval Forces to Combat Piracy off Somali Coast, (9 November 2016) SC/12582, Security Council Unanimously Adopts Resolution 2316 (2016), Renewing Authorization for International Naval Forces to Combat Piracy off Somali Coast | Meetings Coverage and Press Releases; UNSC, 'Statement of the president of the security council' (25 April 2016) S/PRST/2016/4; UNSC, Resolution 2383 (2017) Adopted by the Security Council at its 8088th meeting, on 7 November 2017, S/RES/2383 (2017); UNSC, Resolution 2500 (2019) Adopted by the Security Council at its 8678th meeting, on 4 December 2019, S/RES/2500 (2019); UNSC, Resolution 2608 (2021) Adopted by the Security Council at its 8917th meeting, on 3 December 2021, S/RES/2608 (2021),

[668] Milena Sterio, 'International Law in Crisis: Piracy off the Coast of Somalia' (2011) 44 Case Western Reserve Journal of International Law, 290

created practical challenges during the Somali piracy crisis, where naval forces frequently intercepted suspected pirates before attacks were completed. Several cases, including *Re Mohamud Mohamed Dashi & 8 Others*,[669] raised arguments concerning whether suspects could be prosecuted in the absence of a successfully completed act of piracy. Consequently, the absence of an express provision on attempted piracy created uncertainty and required domestic courts to rely on national legislation and judicial interpretation to fill this gap.

UNCLOS Article 105, which allows any state to seize a pirate ship on the high seas and authorises the courts of the seizing state to punish the offenders (universal jurisdiction), was also tested in the Somali piracy crisis. This created a significant legal bottleneck, as nations were reluctant to try suspected pirates in their own domestic courts due to complex legal procedures, risk of asylum claims, and human rights concerns. This demonstrates that, although UNCLOS clearly authorises states to seize pirate vessels and arrest suspected offenders, many states lacked the legal, institutional and political capacity necessary to prosecute those offenders effectively.

Consequently, the Somali piracy crisis gave rise to a widely recognised "catch-and-release" practice whereby international naval forces apprehended suspected pirates but frequently released them without prosecution because states were unwilling or unable to exercise jurisdiction.[670] For instance, reports revealed that between August 2008 and September 2009, five hundred and fifty-five suspected pirates were captured, but only a few were prosecuted.[671] This necessitated an innovative and difficult development of alternative mechanisms of transferring suspects to neighbouring third-party states, such as Kenya, Mauritius and

[669] *Re. Mohamud Mohamed Dashi & 8 ors.* [2009] eKLR (criminal case No. 840 of 2009

[670] M.D Saiful Karim, 'Prosecution of Maritime Pirates: The National Court is Dead – Long live the National Court?' (2014) 32 Wisconsin International Law Journal, 38; Piracy in Somalia: Santiago Iglesias Baniela and Juan Vinagre Ríos, 'A Challenge to The International Community' (2012) 65 The Journal of Navigation, 693 - 710

[671] United Nations Office on Drugs and Crime (UNODC), Maritime Piracy, 16 June 2010, 193; Jon Ungoed-Thomas and Marie Woolf, Navy releases Somali pirates caught red handed: A legal loophole has helped scores of Somali gunmen escape justice, The Times (UK, 29 November 2009)

Seychelles, for the prosecution of suspects captured by foreign military forces.[672] However, the alternative operational mechanism is not supported by UNCLOS, reflecting a significant gap in international maritime law and practice.

Therefore, the Somali piracy crisis served as a significant test of the effectiveness of the UNCLOS piracy regime and its principle of universal jurisdiction. It demonstrated that, while UNCLOS provides a robust legal foundation for the suppression of piracy, it is insufficient on its own to address piracy in contexts characterised by state collapse, weak governance, and limited enforcement capacity. Consequently, the international response relied not only on UNCLOS but also on a series of United Nations Security Council Resolutions, regional cooperation arrangements, and capacity-building initiatives to establish an effective counter-piracy framework. The Somali experience therefore highlighted both the strengths and limitations of UNCLOS-based piracy enforcement.

Although Article 100 facilitated unprecedented cooperation among multinational naval forces operating in the Gulf of Aden and the Western Indian Ocean, significant practical challenges limited the effectiveness of the UNCLOS framework. While piracy attacks often occurred on the high seas, hostages and pirate infrastructure were typically located within Somali territory, beyond the scope of traditional UNCLOS enforcement mechanisms. Furthermore, although Article 105 authorises states to seize pirate vessels and prosecute offenders, responsibility for prosecution rests with the capturing state, creating legal, logistical, financial, and human rights challenges associated with transferring and prosecuting suspects in distant national courts. In response, the United Nations Security Council adopted a series of resolutions authorising states to enter Somali territorial waters and, with Somalia's consent, undertake operations on land that would otherwise have fallen outside the jurisdictional framework established by UNCLOS.

[672] Milena Sterio, 'International Law in Crisis: Piracy off the Coast of Somalia' (2011) 44 Case Western Reserve Journal of International Law

The Somali piracy crisis therefore demonstrated the practical limitations of relying exclusively on Article 105 and underscored the necessity of supplementary legal, political, and regional mechanisms to support effective piracy suppression.[673]

4.4.3.2 Courts' Interpretation and Application of UNCLOS in Judicial Cases

As reflected in several cases discussed below, arrested Somali piracy suspects were prosecuted in several jurisdictions pursuant to transfer agreements concluded with regional states willing to undertake prosecutions. This approach was first tested through an arrangement between the United States and the Government of Kenya, under which captured piracy suspects were transferred to Kenya for trial.[674] In December 2008, the United Kingdom similarly concluded a Memorandum of Understanding (MOU) with Kenya to facilitate the transfer and prosecution of suspected pirates.[675] Similar arrangements were subsequently concluded by other states, including Denmark,[676] as well as by the European Union, to facilitate the prosecution of Somali piracy suspects in Kenya.[677]

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[673] Eugene Kontorovich, 'A Guantanamo on the Sea: The Difficulty of Prosecuting Pirates and Terrorists'; M.D. Saiful Karim, 'Prosecution of Maritime Pirates: The national court is dead – Long live the national court?'

[674] U.S Department of State, United States actions to counter piracy off the Horn of Africa, 1 September 2009, Fact Sheet, Bureau of Political-Military Affairs; Barney Jopson, Kenya signs deal to prosecute Somali pirates, Financial Times (12 December 2008); Jacquelyn S. Porth, Kenya accepts seven alleged pirates from U.S Navy for trial, 9 March 2009, United States Africa Command. https://www.africom.mil/article/6531/kenya-accepts-seven-alleged-pirates-from-us-navy-f Accessed 1/12/2025; Richard Meade, US to sign Kenya deal to prosecute Somali pirates, Lloyd's List, 19 January 2009 https://www.lloydslist.com/LL050798/US-to-sign-Kenya-deal-to-prosecute-Somali-pirates Accessed 3/12/2025; Derek Kilner, Kenya, US agree to deal on piracy, Voice of Arica News, (2 November 2009)

[675] UK Parliament, Kenya: Piracy, V.492, 7 May 2009, House of Commons; International Criminal Court (ICC), Annex 15, Status of Piracy cases being tried in Kenya; ICC No. icc-01-09/11, 21 April 2011.

[676] ANITA Rienstra, Danish Navy forges deal with Kenya over Somali piracy, ICENEWS (Denmark 27 August 2009)

[677] European Union (EU), Exchange of Letters between the European Union and the Government of Kenya on the conditions and modalities for the transfer of persons suspected of having committed acts of piracy and detained by the European Union-led naval force (EUNAVFOR), and seized property in the possession of EUNAVFOR, from EUNAVFOR to Kenya and for their treatment after such transfer, 22009A0325(01), Official Journal L 079, 25/03/2009 P. 0049 – 0059; EU-Kenya, Mar. 6, 2009, 2009 O.J. (L 79) 49, reprinted in 48 ILM 751 (2009) [EU Naval Force Operation Atalanta, European Union

The transfer of suspected Somali pirates to Kenya for prosecution generated significant legal and practical concerns. Maritime commentators questioned the heavy reliance on the Kenyan legal system, citing concerns relating to Kenya's strategic interests in maritime trade, the sustainability of outsourcing piracy prosecutions to a single jurisdiction, and the broader capacity of domestic courts to manage a growing number of complex piracy cases.[678] In addition, the legality of transferring piracy suspects from the capturing state to a third-party prosecuting state raised questions regarding the interpretation and scope of Article 105 of UNCLOS.[679]

These issues were considered in *Republic of Kenya v Hassan M Ahmed*.[680] In that case, the accused were alleged to have attacked an Indian vessel approximately 280 nautical miles off the coast of Somalia in January 2006. Following their arrest by the United States military, they were transferred to Kenya for prosecution. The defendants challenged the jurisdiction of the Kenyan courts, arguing that the offence had occurred outside Kenyan territorial waters and that any prosecution should instead take place in Somalia or India. The Kenyan court rejected this argument, holding that it possessed jurisdiction under the principle of universal jurisdiction and

signs prosecution agreement with Kenya, 6 March 2009, European Union External Action (EEAS); Lillian Leposo, Kenya ends agreement with EU to prosecute suspected Somali pirates, CNN (World, 4 October 2010)

[678] Joseph M. Isanga, 'Countering Persistent Contemporary Sea Piracy: Expanding Jurisdictional Regimes.' (2010) 59 American University Law Review, 1273; Oliver Hawkins, What To Do With A Captured Pirate, BBC News, (Africa, 10 March 2009); Scott A. Vignos, 'Pirates trials: an examination of the United States non refoulement duties pursuant to the United Nations Convention against Torture' (2010) 17 University of California Davies Journal, 199; James Thuo Gathii, 'Kenya's Piracy Prosecutions' (2010) 104, The American Journal of International Law, 418-421

[679] Joseph M. Isanga, 'Countering Persistent Contemporary Sea Piracy: Expanding Jurisdictional Regimes.' (2010) 59 American University Law Review, 1273; Oliver Hawkins, What To Do With A Captured Pirate, BBC News, (Africa, 10 March 2009); Scott A. Vignos, 'Pirates trials: an examination of the United States non refoulement duties pursuant to the United Nations Convention against Torture' (2010) 17 University of California Davies Journal, 199; James Thuo Gathii, 'Kenya's Piracy Prosecutions' (2010) 104, The American Journal of International Law, 418-421

[680] *Republic v. Hassan Mohamud Ahmed*, Crim. No. 434 of 2006 (Chief Magis. Ct. Nov. 1, 2006) (Jaden, Acting Sr. Principal Mag.)

was therefore competent to try piracy offences committed on the high seas regardless of any territorial connection to Kenya.[681]

Although the court's reasoning in Ahmed has been criticised for its interpretation of UNCLOS, the legality of transferring suspected pirates to third-party states for prosecution was subsequently reinforced by United Nations Security Council Resolution 1851 (2008), which authorised cooperating states to take all necessary measures to suppress piracy and armed robbery off the coast of Somalia.[682] Consequently, in subsequent cases, including *Republic v Aid Mohammed Ahmed,*[683] the Kenyan courts reaffirmed the principle of universal jurisdiction and upheld their competence to prosecute suspected pirates apprehended in Somali waters and on the high seas.[684]

Given the limitations of UNCLOS regarding the transfer and prosecution of suspected pirates, the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) and its 2005 Protocol could potentially provide an alternative legal framework.[685] Unlike UNCLOS, the SUA Convention and its Protocol contain the principle of *aut dedere aut judicare* (extradite or prosecute), requiring State Parties either to prosecute suspected offenders found within their jurisdiction or extradite them to another State

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[681] *Hassan M. Ahmed v. Republic,* Crim. App. Nos. 198, 199, 201, 203, 204, 205, 206, & 207 of 2008 (High Ct. May 12, 2009) (Azangalala, J.).
[682] UNSC Resolution 1851 (2008) Adopted by the Security Council at its 6046th meeting, on 16 December 2008, S/RES/1851 (2008)
[683] *Republic v. Aid Mohamed Ahmed* (aka Sicid Mahamud Ahmed), at 10 –11, Crim. No. 3486 of 2008 (Chief Magis. Ct. Mombasa, 10 Mar. 2010); see also, *Republic v. Said* [sic] Mohamed Ahmed, Crim. No. 3486 (Chief Magis. Ct. filed Nov. 19, 2008); *Republic v. Said Abdallah Haji*, Crim. No. 2127 (Chief Magis. Ct. filed June 26, 2009).
[684] *Republic v. Mohamed Hassan Ali,* Crim. No. 1694 (Chief Magis. Ct. filed May 18, 2009), and *Republic v. Aidid Mohamed Mohamud,* Crim. No. 1784 (Chief Magis. Ct. filed May 27, 2009) (consolidated by the court's order of Sept. 2, 2009); *Republic v. Liban Ahmed Ali*, Crim. No. 1374 (Chief Magis. Ct. filed Apr. 23, 2009); *Republic v. Jama Abdikadir Farah,* Crim. No. 1695 (Chief Magis. Ct. filed May 18, 2009).
[685] SUA Convention 1988, Protocol 2005

Party for prosecution.[686] At first sight, this framework appears capable of facilitating the transfer of suspected pirates to third states for trial.

However, the applicability of the SUA Convention to piracy cases is constrained by its jurisdictional requirements. Under Articles 6, 8, and 10, jurisdiction generally depends upon a recognised nexus between the prosecuting state and the offence, vessel, victim, or alleged offender.[687] Consequently, unlike UNCLOS, the SUA Convention and its 2005 Protocol does not provide a general mechanism for transferring piracy suspects to any willing prosecuting state in the absence of such a connection.

During the Somali piracy crisis, these limitations reduced the practical utility of the SUA Convention, particularly as key prosecutorial states, including Kenya at the relevant time, were not parties to the Convention.[688] As a result, neither UNCLOS nor the SUA Convention provided a comprehensive legal framework for the transfer and prosecution of Somali piracy suspects. While UNCLOS established universal jurisdiction, it offered limited guidance on transfers to third-party prosecuting states,[689] whereas the SUA Convention's application depended upon the existence of a jurisdictional nexus.

Consequently, states relied on ad hoc agreements and regional arrangements to facilitate prosecutions in jurisdictions such as Kenya, Seychelles, Germany, and the Netherlands. Although these arrangements proved effective in securing convictions, they depended heavily on international funding, technical assistance, and political commitment.[690] The eventual

[686] SUA, Articles 4, 6, 10; Tullio Treves, 'The Rome Convention for the Suppression of Unlawful Acts Against the Safety of Navigation', in Natalino Ronzitti (ed), *Maritime Terrorism and International Law* (Brill 1990), 73

[687] SUA, Articles *11bis* and *12bis*

[688] United Nations Treaty Convention (UNTC), Treaty series, 1999, Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, RN 29004, 201, https://treaties.un.org/doc/Publication/UNTS/Volume%201678/v1678.pdf Accessed 2/12/2025

[689] UNCLOS, Articles 100 & 105

[690] M.D. Saiful Karim, 'Prosecution of maritime pirates: the national court is dead – long live the national court? (2014) 32 Wisconsin International Law Journal, 72; James Thuo Gathii, Kenya's Piracy

withdrawal of Kenya from some transfer agreements due to resource constraints highlighted the practical difficulties of sustaining such arrangements.[691]

The Somali piracy experience therefore demonstrated both the value and limitations of UNCLOS-based universal jurisdiction.[692] While international cooperation successfully reduced piracy, effective enforcement depended upon supplementary legal arrangements, Security Council authorisations, and substantial international support. This suggests that universal jurisdiction alone is insufficient to address contemporary piracy and is unlikely to operate effectively in regions lacking comparable political commitment, resources, and international engagement.

4.4.4 Operational Challenges and Human Rights Complexity in Prosecuting Arrested Suspected Pirates

The operational risk, legal difficulties and complexity in the arrest, detention and prosecution of suspected pirates became a legal question affecting the effective prosecution of suspected pirates.[693] According to UNCLOS, when a pirate ship is arrested on the high seas outside the jurisdiction of any state, the domestic law of the arresting state (and not international law) determines the trial, arrest, and punishment of the convicted persons.[694] The dependence on the arresting state's domestic law for the enforcement and prosecution of suspected pirates has led to notable failures in the trial of suspected pirates, as seen in the Somali cases. Although with

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Prosecutions, (2010) 104, The American Journal of International Law, 430-434; Voice of Africa, Paris-based group says accused Somali pirates denied rights, VOA News (Africa 2 November 2009)

[691] Australian Broadcasting Corporation, Kenyan turns away Somali pirates, ABC News (2 April 2010); BBC News, Kenya has ended an agreement with the European Union to host trials of suspected Somali pirates, (Africa, 1 October 2010); Lillian Leposo, Kenya ends agreement with EU to prosecute suspected Somali pirates, CNN, (4 October 2010)

[692] D. Duda and T. Szubrycht, 'The Somali piracy new and old challenge for international community' (2009) 3 International Journal on Marine Navigation and Safety of Sea Transportation, 348 - 352

[693] Barry Hart Dubner and Brian Otero, 'The Human Rights of Sea Pirates: Will the European Court of Human Rights Decisions Get More Killed?' (2016) 15 Washington University Global Studies Law Review, 215

[694] UNCLOS, Article 105

a rare experience, the United States successfully prosecuted a suspected pirate involved in the hijacking of the M/V Maersk Alabama in *Hicks v. Waterman Steamship Corporation*.[695]

Hundreds of suspected pirates arrested by NATO and other multinational naval forces during the Somali piracy crisis were never prosecuted or brought to justice.[696] A significant factor was the difficulty of transferring suspects to jurisdictions where detention conditions, trial procedures, or the potential imposition of the death penalty could breach international human rights obligations.[697] As a result, states were often reluctant to transfer suspects for prosecution, creating an enforcement gap within the international anti-piracy regime.[698] These human rights constraints reflect broader obligations under international law to protect the right to life, prohibit torture and inhuman or degrading treatment, and ensure fair trial guarantees.[699]

The importance of these obligations was reaffirmed by the European Court of Human Rights in *Finogenov and others v Russia,*[700] which emphasised the positive duty of states to take reasonable measures to protect individuals from violations committed by non-state actors. In *Re 'MV Courier',* the Cologne administrative Court in Germany ruled that the transfer of

[695] *Richard Hicks v. Waterman S.S. Corp.,* No. H-09-1601, 2009 WL 4572776 (S.D. Tex. Sept. 16, 2009).
[696] Joseph M. Isanga, 'Countering Persistent Contemporary Sea Piracy: Expanding Jurisdictional Regimes.' (2010) 59 American University Law Review, 1267-1319, at 1280; Eugene Kontorovich, 'International Legal Responses to Piracy off the Coast of Somalia' (2009) 13 American Society of International Law (ASIL).
[697] Robin Geiss, & Anna Petrig, *Piracy and Armed Robbery at Sea* (Oxford: Oxford University Press, 2011) 28-29, 174-177; UNSC, Report of the Secretary-General on specialised anti-piracy courts in Somalia and other States in the region, 20 January 2012, S/2012/50, 21, par. 69-70; James Thuo Gathii, 'Kenya's Piracy Prosecutions' (2010) Albany Journal of International Law, No. 104, 430-435
[698] Mazyar Ahmad,'Maritime piracy operations: Some legal issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62–69; Selina Wai-Ming Robinson, 'The Law the Sea Left Behind: Reforming Maritime Criminal Law' (2026) 15 Laws, 87; Yvonne M. Dutton, 'Maritime Piracy and the Impunity Gap: Insufficient National Laws or a Lack of Political Will?' (2012) 86 Tulane Law Review, 1111.
[699] the Universal Declaration of Human Rights (UDHR), the International Convention on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Amongst other regional human rights treaties.
[700] (2012) (Applications nos.18299/03 and 27311/030)

suspected pirates to Kenya was unlawful due to poor detention conditions.[701] Accordingly, the court found that Germany violated the prohibition against inhuman and degrading treatment by knowingly transferring the suspects to conditions that violated their human rights.[702]

Human rights concerns, including the risk of capital punishment and unfair trial, as well as legal and jurisdictional complications under domestic and international law, led some states, including Denmark, to release captured piracy suspects off the coast of Somalia rather than pursue prosecution or transfer them to another jurisdiction for trial.[703] Furthermore, the prosecution of suspected pirates was complicated by numerous legal, practical, and political challenges. These included jurisdictional uncertainties,[704] human rights concerns,[705] significant financial costs, logistical constraints, and deficiencies within domestic legal frameworks. Prosecution was further impeded by the absence of a clear jurisdictional nexus between many piracy offences and the states responsible for apprehending suspects.[706] Collectively, these

[701] *Re MV Courier* [2011] 25 K 4280/09 (Verwaltungsgericht Köln, 25. Kammer); Anna Petrig, Arrest, Detention and Transfer of Piracy Suspects: A Critical Appraisal of the German Courier Case Decision', in Gemma Andreone, and others, (eds), Insecurity at sea: Piracy and other risks to navigation, (Naples Italy, Giannini Editore, 2013, 153-171

[702] *Re MV Courier*, *ibid*

[703] Barry Hart Dubner and Brian Otero, 'The human rights of sea pirates: Will the European Court of Human Rights decisions get more killed?' (2016 15 Washington University Global Studies Law Review, 215; Andrew Murdoch, 'Recent Legal Issues and Problems relating to Acts of Piracy off Somalia' in Clive Ralph Symmons (ed) *Selected Contemporary Issues in the Law of the Sea* (Leiden: Brill, 2011) 150–51

[704] Rebecca Strating, Sunil Rao, and Sallie Yea, 'Human rights at sea: The limits of inter-state cooperation in addressing forced labour on fishing vessels', (2024) 159 Marine Policy; Brian Wilson, 'Human Rights and Maritime Law Enforcement' (2016) Stanford Journal of International Law, 243; Asif Khan, Mohammad Usman, and Sohail Amjad, 'Jurisdictional Challenges in Prosecuting Maritime Crimes: A Comparative Analysis' (2020) 8 International review of Social Sciences, 376-382; Diana Chang, Piracy laws and the effective prosecution of pirates' (2010) 33 Boston College International & Comparative Law Review, 273-288; Wan Siti Adibah Wan Dahalan and others, 'The Challenges of Prosecuting Maritime Pirates' (2020) 4 Sriwijaya Law Review, 221-237

[705] Roger Middleton, Chatham House, Pirates and How to Deal With Them, 22 April 2009, Africa Programme/International Law Briefing Note: AFP/IL BN 2009/01, Chatham House; Anna Petrig, *Human rights and law enforcement at sea: arrest, detention and transfer of piracy suspects* (Brill Nijhoff, Netherlands, 2014) 149-211; Stefabo Piedimonte Bodini, 'Fighting Maritime piracy under the European Convention on Human Rights' (2011) 22 European Journal of International Law, 829-848.

[706] Donald R. Rothwell, Maritime Piracy and International Law, Crimes of War Project, Feb. 24, 2009, cited in Joseph M. Isanga, 'Countering Persistent Contemporary Sea Piracy: Expanding Jurisdictional Regimes.' (2010) 59 American University Law Review, 1275; Eugene Kontorovich, 'International

factors undermined the effectiveness of piracy prosecutions and contributed to a number of failed or discontinued cases.[707] As a result, many states became reluctant to exercise jurisdiction over captured pirates.[708] This reluctance often led either to the transfer of suspects to Somalia, driven by concerns regarding human rights protections and fair trial guarantees, or to a practice of non-prosecution whereby suspects were released without charge following their apprehension.[709]

Consequently, many counter-piracy operations adopted a "catch-and-release" or disruption strategy, whereby suspected pirates were apprehended, disarmed, and subsequently released without prosecution.[710] Although this approach may have disrupted piracy attacks in the short term, it failed to provide a sustainable deterrent and risked facilitating repeat offending. The widespread use of this practice reflected the significant legal, jurisdictional, financial, and human rights challenges associated with prosecuting piracy suspects, thereby contributing to a persistent enforcement and prosecution gap within the international anti-piracy regime.[711] The

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Legal Responses to Piracy off the Coast of Somalia' (2009) 13 American Society of International Law (ASIL); Eugene Kontorovich, 'A Guantanamo on the Sea: The Difficulty of Prosecuting Pirates and Terrorists' (2010) 98 California Law Review, 244-246; Tullio Treves, 'Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia' (2009) 20 European Journal of International Law, 399; M.D. Saiful Karim, 'Prosecution of Maritime Pirates: The national court is dead – Long live the national court?' (2014) 32 Wisconsin International Law Journal, 57

[707] *Samanyolu Case*, Judgment of 17 June 2010, LJN: BM8116, Rotterdam District Court, 10/600012-09, 6-7; *Ali Samatar and Others v France* (2014) (Application nos.17110/10 and 17301/10); Hassan and Others v France (2014) (Application nos.46695/10 and 54588/10); *Medvedyev and others v France* (2010) 51 E.H.R.R. 39; *Othman (Abu Qatada) v UK* (2012) (Application no.8139/09); Hirsi Jamaa and Others v Italy (2012) (Application no.27765/09) at 81

[708] Douglas Guilfoyle, 'Counter-piracy law enforcement and human rights' (2010) 59 International and Comparative Law Quarterly, 141-169; Elizabeth Nyman, 'Modern piracy and international law: Definitional issues with the law of the sea' (2011) 5 Geography Compass, 863-874; Bob Kao, 'Against a uniform definition of maritime piracy' (2016) 3 Maritime Safety and Security Law Journal; Naama Omri and Gershon Hasin, 'Rethinking ocean exclusivity: The case of human rights' (2023) 44 University of Pennsylvania Journal of International Law, 947

[709] Brian Brady, Whitehall Editor, Royal Navy may be forced to free captured pirates, Independent, (UK, 5 April 2009); Oliver Hawkins, What To Do With A Captured Pirate, *BBC News,* (Africa, 10 March 2009)

[710] *Ibid*

[711] UNSC, Report of the Secretary-General on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, including, in particular, options for creating special domestic chambers possibly with international

Somali piracy crisis consequently exposed the limitations of UNCLOS-based enforcement in practice and highlighted broader deficiencies in both domestic and international mechanisms for the investigation, transfer, prosecution, and punishment of piracy offences.

4.5 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) 1988, and its 2005 Protocol.[712]

The preceding analysis has demonstrated that, although UNCLOS remains the cornerstone of the international legal framework governing piracy, its narrow definition of piracy and limited enforcement provisions have created significant practical challenges in addressing contemporary maritime security threats. In response to some of these limitations, the international community developed additional legal instruments designed to strengthen maritime security governance. Among the most significant of these instruments is the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) 1988 and its 2005 Protocol. This section critically examines the extent to which the SUA framework complements UNCLOS by expanding the scope of maritime offences, strengthening prosecutorial obligations, and addressing gaps in the international legal regime governing piracy and other unlawful acts at sea.

components, a regional tribunal or an international tribunal and corresponding imprisonment arrangements, taking into account the work of the Contact Group on Piracy off the Coast of Somalia, the existing practice in establishing international and mixed tribunals, and the time and resources necessary to achieve and sustain substantive results, 26 July 2010, S/2010/394; UNSC, Letter dated 24 January 2011 from the Secretary-General to the President of the Security Council, 25 January 2011, S/2011/30, 13

[712] Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988, 1678 UNTS 201 (SUA Convention) (Adopted in Rome, 10 March 1988; entered into force March 1992) as amended by the 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts against Safety of Maritime Navigation, IMO Doc. LEG/CONF.15/21.

4.5.1 SUA Convention: Expanding Legal Architecture in Maritime Security Governance

The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) 1988 and its 2005 Protocol were developed under the auspices of the International Maritime Organization (IMO) to complement the UNCLOS framework and address a broader range of maritime security threats.[713] The Convention was adopted following the 1985 *Achille Lauro* incident, in which passengers hijacked an Italian cruise ship and murdered a hostage.[714] The incident exposed significant limitations in the existing international legal framework, particularly the inability of the UNCLOS definition of piracy to address politically motivated attacks involving the seizure of a vessel by persons already on board. Consequently, the SUA Convention was designed to fill important gaps in international maritime law by criminalising a wider range of unlawful acts against maritime navigation.[715]

The SUA Convention therefore represents a significant expansion of the international legal architecture governing maritime security. While UNCLOS provides the foundational legal framework for the suppression of piracy and establishes universal jurisdiction over piracy committed on the high seas, its scope remains limited in addressing the full spectrum of contemporary maritime security threats.[716] Article 101 of UNCLOS defines piracy narrowly as acts committed for private ends, involving two ships, and occurring on the high seas or in areas beyond the jurisdiction of any state. As a result, numerous maritime offences fall outside the

[713] IMO, 'Circular letter concerning information and guidance on elements of international law relating to piracy', (17 May 2011) Circular letter No.3180

[714] Malvina Halberstam, 'Terrorism on the High Seas: The Achille Lauro, Piracy and the IMO Convention on Maritime Safety' (1988) 82 American Journal of International Law, 269–310; Gerald P. McGinley, 'The Achille Lauro Case: A Case Study in Crisis Law, Policy and Management' in M. Cherif Bassiouni, (ed), *Legal Responses to International Terrorism: U.S. Procedural* Aspect (Brill | Nijhoff, Netherlands, 1988) 323-362

[715] SUA Convention, Article 3

[716] UNCLOS Articles 100 and 101

UNCLOS piracy regime, including attacks occurring within territorial waters, politically motivated maritime violence, and incidents that do not satisfy the two-ship requirement.[717]

In contrast, the SUA Convention adopts a broader criminal law approach by criminalising a range of unlawful acts against ships, including the seizure of vessels, acts of violence against persons on board, the destruction of ships, and the placement of devices capable of damaging or destroying a vessel.[718] Consequently, the Convention extends legal protection beyond the narrow confines of piracy and enables states to prosecute conduct that would otherwise fall outside the UNCLOS framework.[719]

Furthermore, it addresses the prosecution gaps in Article 105 of UNCLOS, especially relating to the transfer of suspects to other jurisdictions for prosecution, which was a challenge in the Somali piracy cases. Therefore, the SUA Convention strengthens the prosecutorial framework for maritime offences by requiring States parties to establish jurisdiction over offences committed against or on-board ships flying their flag, within their territory, or by their nationals.[720] It also incorporates the principle of "extradite or prosecute" (*aut dedere aut judicare*), obligating states to either prosecute offenders found within their jurisdiction or extradite them to a state willing to do so.[721] This provision addresses a significant enforcement

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[717] M. Bob Kao, 'Against a Uniform Definition of Maritime Piracy' (2016) 3 Maritime Safety and Security Law Journal; Yvonne M. Dutton, 'Maritime Piracy and the Impunity Gap: Insufficient National Laws or a
Lack of Political Will?' (2012) 86 Tulane Law Review, 111; Douglas Guilfoyle and Rob McLaughlin, 'The Crime of Piracy' In: Charles C. Jalloh, Kamari M. Clarke, and Vincent O. Nmehielle, (eds). *The African Court of Justice and Human and Peoples' Rights in Context: Development and Challenges*. (Cambridge University Press; 2019) 388-408.

[718] SUA Convention and Protocol, Articles 3, *3bis, 3ter, 3quater,* 5, *5bis*

[719] United Nations Secretary-General, in Message to Committee, Says Counter-Terrorism Actions Must Be Consistent with International Human Rights, Humanitarian Law (30 September 2014) SG/SM/16225; Ali Kamal-Deen, 'The anatomy of Gulf of Guinea piracy' (2015) 68 Naval War College Review, 93; SUA 2005, Article 3, Articles *3bis, 3 quater, 3ter*

[720] SUA, Article 5

[721] SUA Convention 1988 and Protocol 2005, Articles 6(4), 7 & 10; Douglas James Adrian Guilfoyle, 'Piracy and terrorism' In Panos Koutrakos and Achilles Skordas (Eds.), *The Law and Practice of Piracy at Sea: European and International Perspectives* (Hart Publishing, Oxford, UK, 2014), pp. 33 – 52, at 50.

gap under UNCLOS, which provides for universal jurisdiction but does not impose a clear obligation on states to prosecute suspected pirates.[722]

Another important contribution of the SUA Convention is its holistic geographical jurisdiction and applicability to acts occurring within territorial waters, an area where UNCLOS places primary responsibility on coastal states and does not extend the piracy regime.[723] This is particularly relevant in regions such as the Gulf of Guinea, where a substantial proportion of maritime attacks occur within national jurisdictions and therefore fall outside the high-seas framework of UNCLOS.[724] By providing a legal basis for criminalising such acts, SUA enhances the ability of states to respond to contemporary maritime security threats.[725] Its applicability to all maritime zones makes it particularly relevant for regions where UNCLOS piracy provisions are inadequate.[726] Therefore, given that 66% of incidents between 2001 and 2024 occurred in territorial waters, SUA is a better complement to UNCLOS, providing a regulatory framework for addressing piracy incidents.[727]

Despite its strengths, the effectiveness of the SUA Convention is not without limitations. Its impact is constrained by uneven ratification and inconsistent domestic implementation, particularly among states with limited legal and institutional capacity.[728] For instance, while

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[722] UNCLOS 100

[723] Anna Petrig and Robin Geib, *Piracy and Armed Robbery at Sea: The Legal Framework for Counter-Piracy Operations in Somalia and the Gulf of Aden (*Oxford University Press, 2011); SUA Convention, Articles 1 and 4.

[724] Jing Jin and Erika Techera, 'Strengthening Universal Jurisdiction for Maritime Piracy Trials to Enhance a Sustainable Anti-Piracy Legal System for Community Interests' (2021) 13 Sustainability, 7268; Daud Hassan and Sayed Hasan, 'Effectiveness of the Current Regimes to Combat Piracy in the Gulf of Guinea: An Evaluation' (2017 10 African Journal of Legal Studies, 35-65

[725] Mohamed Elkassar, 'International legal and practical challenges in combating maritime crime, an analysis (based on the UNODC Maritime Crime Manual)' (2025) 11 International Journal of Law, 118-124

[726] Musili Wambua, 'A critical review of the global legal framework on piracy: 40 years after UNCLOS' (2022) 18 Maritime Affairs: Journal of the National Maritime Foundation of India, 134–148; Mazyar hmad, 'Maritime piracy operations: Some legal issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62–69.

[727] IMO, Acts of Piracy and Armed Robbery against Ships, Annual Reports, 1984 to 2024, n 16

[728] The Status of the SUA Convention and Protocols, as at 19 March 2021, there are: 166 Contracting States to SUA 1988; 156 Contracting States to SUA PROTOCOL 1988; 51 Contracting States to SUA 2005; and 40 Contracting States to SUA PROTOCOL 2005. Source: UN, SUA Conventions and

none of the regions in the piracy hotspot regions were signatories or acceded to the 1988 SUA Convention,[729] only a few countries, including the Gulf of Guinea (Benin, Cote d'Ivoire, Togo, Ghana, and Nigeria), and Djibouti in East Africa, have recently acceded to the 2005 SUA Protocol out of the 50 signatories as of July 2021.[730] Among these few states that have acceded to the SUA Convention and Protocol, fewer than half of the coastal states (with only Nigeria in the piracy hotpot regions) have fully incorporated or implemented the SUA Convention and its 2005 Protocol into their national laws.[731] Many coastal states still lack domestic legislation criminalising SUA offences, undermining their practical utility.[732]

While these international maritime security instruments are only as strong as the state party's capacity and commitment to implement them fully and effectively, the lack of sufficient ratification, domestication, enforcement and implementation by state parties renders the comprehensively designed maritime security instrument useless.[733] In addition, while SUA expands the scope of maritime offences, it does not establish universal jurisdiction in the same manner as UNCLOS, which can limit its reach in certain transnational cases.[734] Therefore,

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Protocols, Contribution from the International Maritime Organization (IMO) to the United Nations Secretary-General's Report on the Scope and Application of Universal Jurisdiction imo_e.pdf Accessed on 22/1/2026; James Kraska, 'Effective Implementation of the 2005 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation', (2017) 70 Naval War College Review

[729] IMO, Convention for the suppression of unlawful acts against the safety of maritime navigation 1988, 26 June 1992, UNTS Vol. No. 1678, Reg. No. 29004, United Nations Treaty Collections (UNTC), UNTC Accessed 22/1/2026

Protocol of 2005 to the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf, 19 March 2020,

[730] IMO, Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1 July 2021, UNTS Vol. No. 3429, Reg. No 29004, United Nations Treaty Collections (UNTC), UNTC Accessed 22/1/2026.

[731] James Kraska, 'Effective Implementation of the 2005 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation', (2017) 70 Naval War College Review; The 2019 Suppression of Piracy and Other Maritime Offences (SPOMO) Act in Nigeria

[732] Mohamed Elkassar, 'International legal and practical challenges in combating maritime crime, an analysis (based on the UNODC Maritime Crime Manual)' (2025) 11 International Journal of Law, 118 at 122

[733] James Kraska, 'Effective Implementation of the 2005 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation' (2017) 70 Naval War College Review

[734] SUA Protocol, Articles, 8, 9 & 10

practical challenges such as weak enforcement mechanisms, limited maritime surveillance, and judicial inefficiencies continue to hinder the effective application of both SUA and UNCLOS in many piracy-affected regions.[735]

In practice, the relationship between UNCLOS and the SUA Convention in combating piracy at sea is best understood as complementary rather than overlapping. UNCLOS provides the legal foundation and jurisdictional framework for piracy on the high seas, while the SUA Convention offers a broader criminal law framework capable of addressing a wider range of unlawful acts against maritime navigation.[736] Together, these instruments form a more comprehensive legal regime for maritime security. However, their combined effectiveness ultimately depends on the willingness and capacity of states to implement and enforce their provisions at the national and regional levels.

Consequently, several scholarly articles have argued that the lack of political will,[737] which includes rejection of universal jurisdiction for political purposes,[738] alongside other complex factors such as external influences, internal fragmentation,[739] systemic corruption, weak law enforcement and lack of capacity, contribute to the non-implementation of the SUA, especially in West Africa.[740] This research argues further that, besides the limited financial resources and

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[735] Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62-69

[736] Nong Hong, Adolf K.Y. Ng, 'The international legal instruments in addressing piracy and maritime terrorism: A critical review' (2010) 27 Research in Transportation Economics, 51-60,

[737] Gad Lipu Gideon, Chris Ifeanyi Adebowale Oke, and Ayodeji Anthony Aduloju, 'Regionalism in crisis: Patronage, elite politics, and the fragmentation of West African integration' (2025) 12 Journal of Global Faultline, 100-114.

[738] Jing Jin & Erika Techera, 'Strengthening universal jurisdiction for maritime piracy trials to enhance a sustainable anti-piracy legal system for community interests' (2021) 13, Sustainability, 7268

[739] E. Gyimah-Boadi, Democratic backsliding in West Africa: Nature, causes, remedies, December 2021, Kofi Annan Foundation, 18

[740] Thaddeus Metz, 'The defence and limits of consensual democracy' (2025) Critical Review of International Social and Political Philosophy, 1-27; Ekundayo Oluwaremilekun Babtunde and Mutiat Mobolanle Abdulsalam, 'Towards maintaining peacefulness of the sea: legal regime governing maritime safety and security in Nigeria' (2021) 12 Beijing Law Review, 529-559; Geneva Centre for security sector Governance, Context and Stakeholder analysis of maritime security and justice in the Gulf of Guinea, August 2023, Final Report maritime-security-justice-guinea.pdf Accessed on 12/9/2025

the lack of capacity to practically implement the Convention, distrust and security threat of sharing sensitive confidential and intellectual security information with other neighbouring states, coupled with the several prominent interstate boundary and territorial disputes affecting most states, especially in the South China Sea in Southeast Asia[741] and the Gulf of Guinea in West Africa,[742] may be a contributory cause for the non-ratification and implementation of the SUA Convention and its protocol.

Finally, notwithstanding their complementary roles, the combined application of UNCLOS and the SUA Convention remains insufficient to fully address the complexities of contemporary maritime piracy. While UNCLOS provides the foundational legal framework and SUA expands the scope of criminalisation, significant gaps persist in both instruments when confronted with modern piracy dynamics. UNCLOS continues to rely on a narrow and outdated definition of piracy that excludes many incidents occurring within territorial waters, where a substantial proportion of attacks now take place. Although the SUA Convention addresses some of these limitations by criminalising a broader range of unlawful acts, its effectiveness is undermined by inconsistent ratification, uneven domestic incorporation, and the absence of universal jurisdiction comparable to that provided under UNCLOS.[743] Furthermore, neither instrument adequately addresses the practical challenges of enforcement in regions characterised by weak governance, limited maritime capacity, and fragile judicial systems. As

[741] Nurul 'Izzah Mohd Nadzri, and others, 'Maritime Boundary Disputes in Southeast Asia: Legal Frameworks, Resource Management and Environmental Impacts' (2025) Volume IX International Journal of Research and Innovation in Social Science, 631; Nicole Jenne, 'Introduction: Maritime Boundary in Southeast Asia Disputes' (2023) 14 Melbourne Asia Review

[742] For instance, the dispute between Benin and Nigeria (Philip Daniel Yatai, NBC making progress in resolving Nigeria-Benin boundary dispute – D-G, *News Agency of Nigeria* (Nigeria, 26 May 2025) NBC Making Progress In Resolving Nigeria-Benin Boundary Dispute – D-G - News Agency Of Nigeria (accessed 22/9/2025); Benin and Niger, International Court of Justice, Case concerning the frontier dispute (Benin/Niger) 12 July 2005, General Cause List No. 125 125-20050712-JUD-01-00-EN.pdf (Accessed on 12/9/2025); Basillioh Rukanga, Benin blocks Niger oil exports in border row, *BBC News UK*, (UK, 9 May 2024); Togo and Cameroon, Burkina Faso, Mali and Niger; amongst others.

[743] Kraska, James, 'Effective Implementation of the 2005 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation' (2017) 70 Naval War College Review, Article 3.

demonstrated in regions such as the Gulf of Guinea and parts of East Africa, the persistence of piracy reflects not only legal shortcomings but also structural governance deficits that international legal frameworks alone cannot resolve. Consequently, while UNCLOS and SUA together form a more comprehensive legal regime than either instrument in isolation, they remain only partially effective in addressing contemporary piracy. This underscores the need for a more integrated approach that combines legal reform with enhanced state capacity, regional cooperation, and strategies targeting the underlying socio-economic drivers of maritime insecurity. Furthermore, the recent emergence of technology in attacking ships reveals the need to reform maritime security instruments to align with contemporary piracy threats.

4.5.2 Emerging Technological Threats and the Limitations of UNCLOS and the SUA Convention

Despite their complementary roles in regulating maritime security, both UNCLOS and the SUA Convention were developed in response to traditional forms of maritime violence involving the physical boarding, seizure, or destruction of vessels. Consequently, neither instrument was designed to address the increasingly complex and technology-driven threats that characterise the contemporary maritime security environment.[744] As maritime operations become progressively digitised and dependent on interconnected navigation and communication systems, significant legal and regulatory gaps have emerged within the existing international maritime security framework.[745]

[744] Yongming Jin, and others, 'Navigating the digital seas: Legal challenges and global governance of maritime cyber operations' (2025) 12 Frontiers in Marine Science

[745] Ferney Martínez, and others, 'Maritime cybersecurity: protecting digital seas' (2024) 23 International Journal of Information Security, 1429; Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' (2020) 4. Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62–69;

In particular, the definition of piracy under UNCLOS reflects a traditional conception of maritime violence centred on physical acts committed by one vessel against another.[746] As a result, the Convention does not expressly contemplate emerging technological threats such as cyber intrusions into navigation systems, remote interference with vessel control technologies, GPS and GNSS spoofing attacks, or other technologically facilitated attacks targeting vessels, crew members and critical shipboard infrastructure.[747] These omissions raise important questions regarding the continuing adequacy of the UNCLOS piracy regime in addressing contemporary forms of maritime insecurity.

Although the SUA Convention significantly expands the scope of maritime offences beyond the narrow piracy framework contained in UNCLOS, it also exhibits limitations in responding to evolving maritime threats involving modern technology.[748] While SUA addresses unlawful acts against ships occurring both within territorial waters and beyond national jurisdictions, its provisions were similarly drafted with traditional acts of violence and physical attacks in mind.[749] Consequently, neither the Convention nor its 2005 Protocol contains comprehensive provisions dealing specifically with cyber-attacks, autonomous maritime systems, remotely operated platforms, or other emerging technological methods of attacking ships and maritime infrastructure.[750]

Nilasari Nilasari, Lorna Steele, 'UNCLOS Definition of Piracy: Is it still Relevant for Modern Piracy?' (2022) 7 Mulawarman Law Review, 89

[746] UNCLOS, Article 101

[747] James Kraska and Khanssa Lagdami, (eds), 'Maritime Cyber Safety and Security' In: *Marine Technology, Ocean Development and the Law of the Sea* (Cambridge University Press, 2026) 161-218; Nandini Nandini & others, 'The Red Sea Crisis: Implications of The Houthi Attack on Maritime Trade and Global Security' (2024) 4 International Journal Of Humanities Education and Social Sciences (IJHESS), 151-158.

[748] Suk Kyoon Kim, 'Maritime Terrorism and the SUA Convention Regime' in Global Maritime Safety & Security Issues and East Asia (Brill Nijhoff, 2019) 104; Abdul Ghafur Hamid and others, 'Assessing the Viability of the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation' (2012) 6 Australian Journal of Basic and Applied Sciences, 137.

[749] SUA Convention 1988, Article 3, 2005 Protocol, Articles *3bis, 3ter, 3quater*

[750] *Ibid*

These limitations have become increasingly apparent considering recent attacks against commercial vessels in the Red Sea and Gulf of Aden. Such incidents have involved not only traditional attacks against ships, but also the use of advanced technologies, including GPS and GNSS spoofing, anti-ship missiles, waterborne improvised explosive devices (WBIEDs), unmanned aerial vehicles, autonomous maritime devices and naval mines.[751] These developments have created new forms of maritime insecurity that challenge the assumptions underlying both UNCLOS and the SUA Convention.

The growing complexity of these threats has prompted the adoption of several United Nations Security Council resolutions condemning attacks against commercial shipping, demanding the release of vessels and hostages, and encouraging coordinated international responses like those employed during the Somali piracy crisis.[752] Furthermore, military and diplomatic interventions by states such as the United States, the United Kingdom and Israel, together with multinational initiatives including Operation Prosperity Guardian and EUNAVFOR Aspides,[753] demonstrate the increasing reliance on supplementary mechanisms to address

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[751] Bridget Diakun, 'war zone GPS jamming sees more ships show up at airports' (*Lloyds List, 5 April 2024)* War zone GPS jamming sees more ships show up at airports :: Lloyd's List (lloydslist.com); Tomer Raanan,'electronic interference' in middle East gulf' (*Vessel Report, 4 April 2024)* Vessel reports 'electronic interference' in Middle East Gulf :: Lloyd's List (lloydslist.com) Accessed 14/10/2024; Jack Cooper, 'New developments in the use and manipulation of maritime trajectory data' (Imperial College London 7 December 2021) New developments in the use and manipulation of maritime trajectory data. | Imperial News | Imperial College London Accessed on 13/10/2024

[752] United Nations, Press Release, Security Council Press Statement on Houthi Threats to Security at Sea, 1 December 2023 , SC/15513; United Nations News, Security Council strongly condemns Houthi attacks on Red Sea shipping, 10 January 2024 Security Council strongly condemns Houthi attacks on Red Sea shipping | UN News Accessed on 12 March 2026.

[753] The United States and Partners Use Force Against the Houthis to Protect Freedom of Navigation in the Red Sea and the Gulf of Aden'(2024) 118 American Journal of International Law. 366-373; Joseph Clark, U.S., Partners Launch Additional Strikes Against Houthi Military Targets, 23 January 2024, U.S Department of War U.S., Partners Launch Additional Strikes Against Houthi Military Targets > U.S. Department of War > Defense Department News | U.S. Department of War Accessed on 12/3/2026; Archie Bland and Bethan McKernan, Who are the Houthis and how did the US and UK strikes on Yemen come about?, The Guardian (UK, 12 January 2024); European Union, amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to maritime security in the West Indian Ocean and in the Red Sea (EUNAVFOR ATALANTA),COUNCIL DECISION (CFSP) 2024/1059 of 4 April 2024, 2024/1059.

maritime security threats that fall outside, or are inadequately regulated by, existing treaty frameworks.

The persistence of these incidents highlights an important normative gap in international maritime law. While UNCLOS provides limited guidance on whether technologically enabled attacks fall within the definition of piracy, the SUA Convention does not comprehensively regulate many emerging forms of cyber-enabled and autonomous maritime threats. Consequently, uncertainty remains regarding the classification of such conduct, the scope of applicable criminal jurisdiction, and the legal basis for prosecuting perpetrators under existing international maritime security instruments.

These developments demonstrate that, notwithstanding their complementary relationship, UNCLOS and the SUA Convention remain only partially equipped to address the realities of contemporary maritime insecurity. The emergence of technology-driven threats therefore underscores the need for continued legal development and international cooperation to ensure that maritime security governance remains responsive to evolving risks in the maritime domain. It is against this background that the United Nations, the International Maritime Organization (IMO) and regional organisations have increasingly promoted collaborative approaches to maritime security. The following sections therefore examine the regional and international cooperation frameworks developed to supplement the limitations of UNCLOS and the SUA Convention in combating piracy and other maritime security threats.

4.6 The United Nations Security Council Resolutions to further address maritime insecurity: Piracy and Armed Robbery Against Ships

Owing to the practical limitations of UNCLOS and the SUA Convention in addressing persistent maritime insecurity, the United Nations Security Council (UNSC) has adopted a series of resolutions aimed at strengthening international cooperation in combating piracy, armed robbery against ships and other threats to maritime security.[754] These resolutions have encouraged states, regional organisations and international institutions to collaborate in developing comprehensive legal, operational and enforcement mechanisms to enhance maritime safety and security. In practice, many of these measures relied on multinational naval

[754] United Nations, United Nations Charter, (adopted on 26 June 1945 in San Francisco, came into force on 24 October 1945). Chapter VII

operations and other forms of military intervention, particularly in piracy-affected regions such as the Horn of Africa,[755] the Gulf of Guinea,[756] and more recently, the Red Sea.[757]

The increasing reliance on military responses demonstrates both the urgency of maritime security challenges and the limitations of existing legal frameworks in addressing them effectively. While the deployment of multinational naval forces played an important role in containing piracy and protecting commercial shipping, it also highlighted the difficulties of relying solely on legal instruments such as UNCLOS and the SUA Convention to suppress maritime crime. Consequently, although UNSC interventions have been essential in preventing maritime security threats from escalating into broader international security crises and in safeguarding freedom of navigation, the Security Council has consistently emphasised the need

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[755] United Nations Security Council (UNSC), Resolution 1816 (2008) Adopted by the Security Council at its 5902nd meeting on 2 June 2008, S/RES/1816 (2008); UNSC, Resolution 1838 (2008) Adopted by the Security Council at its 5987th meeting, on 7 October 2008, S/RES/1838 (2008); UNSC, Resolution 1846 (2008) Adopted by the Security Council at its 6026th meeting, on 2 December 2008, S/RES/1846 (2008); UNSC, Resolution 1816 (2008) Adopted by the Security Council at its 5902nd meeting on 2 June 2008 , S/RES/1816 (2008); UNSC, Resolution 1851 (2008) Adopted by the Security Council at its 6046th meeting, on 16 December 2008, S/RES/1851 (2008); UNSC, Resolution 1897 (2009) Adopted by the Security Council at its 6226th meeting, on 30 November 2009, S/RES/1897 (2009); UNSC, Resolution 2015 (2011) Adopted by the Security Council at its 6635th meeting, on 24 October 2011, S/RES/2015 (2011); UNSC, Resolution 2077 (2012) Adopted by the Security Council at its 6867th meeting, on 21 November 2012, S/RES/2077 (2012); UNSC, Resolution 2125 (2013) Adopted by the Security Council at its 7061st meeting, on 18 November 2013, S/RES/2125 (2013); UN Press Release, Security Council Unanimously Adopts Resolution 2316 (2016), Renewing Authorization for International Naval Forces to Combat Piracy off Somali Coast, (9 November 2016) SC/12582, Security Council Unanimously Adopts Resolution 2316 (2016), Renewing Authorization for International Naval Forces to Combat Piracy off Somali Coast | Meetings Coverage and Press Releases; UNSC, 'Statement of the president of the security council' (25 April 2016) S/PRST/2016/4; UNSC, Resolution 2383 (2017) Adopted by the Security Council at its 8088th meeting, on 7 November 2017, S/RES/2383 (2017); UNSC, Resolution 2500 (2019) Adopted by the Security Council at its 8678th meeting, on 4 December 2019, S/RES/2500 (2019); UNSC, Resolution 2608 (2021) Adopted by the Security Council at its 8917th meeting, on 3 December 2021, S/RES/2608 (2021),

[756] UNSC, Resolution 2018 (2011) Adopted by the Security Council at its 6645th meeting, on 31 October 2011, S/RES/2018 (2011); UNSC, Resolution 2039 (2012) Adopted by the Security Council at its 6727th meeting, on 29 February 2012, S/RES/2039 (2012); UNSC, Resolution 2634 (2022) Adopted by the Security Council at its 9050th meeting, on 31 May 2022, S/RES/2634 (2022); Frederick Boamah, 'The Role of the UN Security Council in the Fight Against Piracy in the Gulf of Guinea' (2023) 17 Central European Journal of International and Security Studies, 66-89.

[757] UNSC, Resolution 2722 (2024) Adopted by the Security Council at its 9527th meeting, on 10 January 2024 S/RES/2722 (2024).

for states to domesticate and effectively implement international maritime security instruments within their national legal systems.[758]

This position is reflected in recent United Nations statements and resolutions on maritime security, which identify maritime insecurity as a growing global concern and stress the importance of strengthening domestic legal frameworks, institutional capacity and international cooperation.[759] Similarly, UNSC Resolution 2634 (2022) reaffirmed the continuing relevance of comprehensive legal instruments, including UNCLOS, in supporting international efforts to combat piracy and other maritime security threats.[760]

Although UNSC resolutions contributed significantly to the reduction of piracy incidents in the Horn of Africa, their effectiveness has been less evident in other regions. Piracy and armed robbery against ships continue to pose serious threats in the Gulf of Guinea despite numerous international and regional initiatives.[761] Furthermore, recent attacks against commercial shipping in key maritime corridors have demonstrated that Security Council interventions often function as crisis-management measures rather than long-term solutions. These developments suggest that, while UNSC resolutions remain important tools for responding to immediate threats, the sustainable suppression of piracy and maritime insecurity ultimately requires a more comprehensive approach that combines effective domestic implementation of international legal frameworks, enhanced regional cooperation, institutional capacity-building and strategies aimed at addressing the underlying causes of maritime insecurity.

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[758] UNSC, Press Release: Issuing Presidential Statement, Security Council Underlines Importance of Maritime Safety, Safeguarding Oceans for Legitimate Use, 9 August 2021, SC/14598; Fredrick Boamah, 'The Role of the UN Security Council in the Fight Against Piracy in the Gulf of Guinea' (2023) 17 Central European Journal of International and Security Studies

[759] UNSC, Statement by the President of the Security Council 9 August 2021, S/PRST/2021/15

[760] UNSC, n 785

[761] Rina Bassist, 'Piracy in the Gulf of Guinea: Those trying to curb it, and those standing in their way' (2022) 7 Ifriqiya Africa Research Program; see also, IMO, Reports on Piracy, n 17

4.7 Interstate, Regional, and International Maritime Security Collaborations and Frameworks

The increasing complexity and interconnected nature of maritime security threats, including piracy and armed robbery against ships, have led international and regional actors to adopt more collaborative approaches to maritime security governance. These cooperation has become increasingly important considering the persistent difficulties associated with implementing and enforcing UNCLOS and the SUA Convention, particularly in developing regions with limited institutional, legal, and operational capacities.[762] Recognising these challenges, the United Nations Security Council (UNSC), through a series of resolutions addressing maritime security threats, has emphasised the importance of international and regional cooperation in developing comprehensive strategies to prevent and combat maritime insecurity. Consequently, several states in Southeast Asia, East Africa and West Africa have established cooperative frameworks aimed at strengthening regional responses to piracy and other forms of maritime crime.

In Southeast Asia, these initiatives include the launch of MALSINDO in 2004 by Malaysia, Indonesia, and Singapore to enhance coordinated patrols and combat piracy in the Malacca Strait.[763] Similarly, the Trilateral Cooperative Arrangement, commonly known as the *Indomalphi Initiative*, was established in 2017 by Indonesia, Malaysia, and the Philippines to address kidnapping, piracy, armed robbery, and other maritime security threats in the Sulu-Sulawesi Seas.[764] In West Africa, several collaborative maritime security arrangements have

[762] UNSC, Resolution 1838 (2008) Adopted by the Security Council at its 5987th meeting, on 7 October 2008, S/RES/1838.

[763] National Archives of Singapore, Launch of Trilateral Coordinated Patrols - MALSINDO Malacca Straits Coordinated Patrol, 20 Jul 2004, News Release, MINDEF Singapore, MINDEF_20040720001.pdf Accessed 2/1/2026

[764] Euan McKirdy, Kathy Quiano and Ivan Watson, Indonesia, Malaysia and Philippines launch joint patrols to tackle ISIS threat, *CNN* (19 June 2017); Raymund Jose G. Quilop, 'Trilateral Co-operation by Indonesia, Malaysia and the Philippines: Temper Expectations' (2018) 13 Global Asia; Gusty Da Costa, Indonesia, Malaysia, Philippines renew commitment to cooperation, 25 July 2023, Indo-Pacific Defence Forum, Indonesia, Malaysia, Philippines renew commitment to cooperation – Indo-Pacific Defense FORUM Accessed on 13/1/2026

also emerged, involving states such as Nigeria, Benin, Togo, and Niger, to strengthen regional efforts against piracy and armed robbery at sea.[765] Notably, the Malacca Strait Patrols (MSP), established by Indonesia, Malaysia, and Singapore, have frequently been cited as a successful model of regional maritime security cooperation and have contributed significantly to improving security in the Strait of Malacca.[766]

In addition, the International Maritime Organization (IMO), in partnership with maritime-prone regions including Southeast Asia, Somalia, the Gulf of Aden, the Western Indian Ocean, and the Gulf of Guinea, has promoted regional cooperative frameworks to suppress piracy and other unlawful activities at sea. These include the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP),[767] the Djibouti Code of Conduct (DCoC),[768] and the Yaoundé Code of Conduct (YCoC).[769] Collectively, these regional mechanisms have enhanced information sharing, strengthened capacity-building efforts, and encouraged the implementation of international maritime security instruments, thereby contributing to improved responses to maritime insecurity.

[765] Chiemelie Ezeiobi, 'West Africa: Nigeria, Togo, Benin Republic, Niger Navies Launch Operation Safe Domain III to Counter Maritime Crimes' *This day* (Nigerian, 6 August 2024); Global Defence News, 'Benin, Nigeria launch joint patrol to stop piracy surge' (*Global defence news, Cotonou, 29 September 2011;* This day, 'Historic Handover as Nigerian Navy Refits Benin Republic Warship to Strengthen Regional Maritime Security' *This Day* (Nigeria, 17 October 2024)

[766] Omar Al-Ubaydli, and others, Maritime Security in the MENA Region: Lessons from the Malacca Straits Patrol, 6 July 2025, The MENA2050 Regional Vision Team, Opinion note, MENA 2050; MINDEF, Fact Sheet: The Malacca Straits Patrol, 21 April 2015, Singapore.

[767] Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ASIA) (signed on November 2004 and came into force in September 2006)

[768] Djibouti Code of Conduct concerning the repression of piracy and armed robbery against ships in the western Indian and the Gulf of Aden (adopted on 29 January 2009)

[769] Yaoundé Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa (West and Central Africa including the Gulf of Guinea) (adopted on June 2013)

4.7.1 Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP Agreement) 2004

ReCAAP is an interstate government agreement designed to address piracy and armed robbery against ships. Its primary functions include information sharing, capacity building, cooperative arrangements,[770] arresting pirates, seizing ships or aircraft used for committing piracy or armed robbery, and rescuing victim ships or victims of piracy or armed robbery.[771] It provides a comprehensive regional management for piracy and armed robbery against ships, in ensuring the safety and security of life at sea. In addition to ReCAAP's networking and information-sharing mechanisms for the prevention and suppression of piracy and armed robbery against ships,[772] one of its most significant achievements is the establishment of the ReCAAP Information Sharing Centre (ReCAAP ISC) in Singapore in 2006, which has enhanced incident-reporting mechanisms in the region.[773]

Therefore, the ReCAAP model of prompt information sharing facilitates communication among regional coast guards, and capacity-building programmes have significantly helped manage and reduce piracy in Southeast Asia. Despite these achievements, ReCAAP lack enforcement powers.[774] The lack of enforcement jurisdictional power of ReCAAP makes it inadequate to prosecute suspected offenders, as the jurisdictional powers and discretion to prosecute and convict offenders lie strictly with coastal states.[775] Furthermore, the ReCAAP

[770] ReCAAP Agreement, Article 9(5)(6)
[771] *Ibid,* Article 3
[772] ReCAAP, 'Piracy and Armed Robbery against ships in Asia, reporting of incidents' Combating piracy at sea, maritime piracy, sea piracy | ReCAAP Information Sharing Centre Accessed 10/10/2024
[773] ReCAAP Information Sharing Centre (ISC), 'About ReCAAP information sharing centre' About ReCAAP Information Sharing Centre Accessed on 12/10/2024
[774] Miha Hribernik, Countering Maritime Piracy and Robbery in Southeast Asia: The Role of the ReCAAP Agreement, March 2013, Briefing Paper 2013/2, European Institute for Asian Studies; Jennifer C. Bulkeley, 'Regional Cooperation on Maritime Piracy: A Prelude to Greater Unilateralism in Asia?' (2003) 14 Journal of Public and International Affairs
[775] Miha, *Ibid*

regional arrangement is not a legally binding agreement and does not impose strict enforceable obligations on member states.[776] Instead, it functions as a cooperative framework based on voluntary "soft law" commitments. Notwithstanding its non-binding nature, ReCAAP, particularly its information-sharing mechanism, has remained an essential and effective mechanism for regional cooperation in Southeast Asia and is significantly improving the management of maritime security in the region.[777]

Despite the success of ReCAAP's information-sharing framework and collaborative efforts to combat piracy, incidents of piracy and armed robbery against ships have persisted in the region. Reports indicate an increase in such incidents between 2019 and 2024, particularly in the Malacca Strait, where attacks were predominantly characterised by petty and opportunistic theft at anchorage.[778] The continued occurrence of piracy and armed robbery against ships has been attributed to a range of operational and institutional challenges, including resource constraints, inadequate information sharing, poor maintenance practices, insufficient funding for the operation and upkeep of patrol vessels provided by international partners, and limited access to modern patrol assets and maritime surveillance technologies.[779] Other reasons include the non-signatories of major maritime piracy hotspot states, such as Malaysia and Indonesia, due to regional politics,[780] which prevent hot pursuit across neighbouring states, a lack of intelligence coordination at the national level, distrust and corruption among member states.

[776] Ahmad Almaududy Amri, 'Piracy in Southeast Asia: An Overview of International and Regional Efforts' (2014) Cornell International Law Journal

[777] Gov. UK, Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, Presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty, January 2012, Miscellaneous No. 1 (2012), Cm 8246, Adopted in Tokyo 11 November 2004.

[778] IMO, Reports on Acts of Piracy and armed robbery against ships – Annual Reports (2019-2024)

[779] Adam Mccauley, The most Dangerous Water in the World, *TIME* (USA, 15 August 2014)

[780] Ankit Panda, ReCAAPing Asia's Fight Against Pirates, The Diplomats, (Asia Pacific, 2 November 2013) (Malaysia and Indonesia refused to join ReCAAP on political reasons)

Although its recent growth in memberships reflects its impact in the region, this growth helps it be more effective in the region.[781]

4.7.2 The Yaoundé Code of Conduct (YCoC)

The Yaoundé Code of Conduct (YCoC) and its accompanying Yaoundé Architecture for Maritime Security, is the primary regional framework for addressing maritime crimes and piracy in West and Central Africa.[782] The establishment of the Interregional Coordination Centre has improved information sharing and the coordination of joint patrols, contributing significantly to the recent decline in reported piracy incidents.[783] In addition, the framework has successfully brought together 25 states in West and Central Africa under a collective approach to addressing maritime insecurity, while also acting as a catalyst for international cooperation, support, and training.[784] One notable case of successful regional operation was the *2016 MT Maximus incident,* where multiple nations coordinated to track and recapture a hijacked vessel.[785]

However, like ReCAAP, the YCoC is not a legally binding instrument. Its implementation is voluntary, and this limits its capacity to compel compliance from states.[786] Furthermore, funding of its maritime security operations is a critical issue as the YCoC relies heavily on external partners to fund its operations.[787] Therefore, its sustainability remains a major

[781] ReCAAP ISC Annual Report, Piracy and Armed Robbery against Ships in Asia 2025. For instance, states like Indonesia and Malaysia, though piracy hotspot zones, are not yet members of ReCAPP.
[782] Yaoundé Code of Conduct, n 798
[783] IMO, Reports on Acts of Piracy and armed robbery against ships – Annual Reports (2020-2024), n 17
[784] Yaoundé, n 798
[785] Associated Press, Nigerian navy rescues oil tanker taken by pirates during US training mission, The Guardian (Lagos, Nigeria, 26 February 2016)
[786] Maulana Ammar Auliaur Rahman, 'The absence of a Hegemonic State in the Yaoundé Code of Conduct Regime in the Gulf of Guinea' (2024) 26 Jurnal Politik Internasional, 25-48.
[787] Council of the European Union, Joint Staff Working Document: Elements on an update of the EU Strategy on the Gulf of Guinea, 12 October 2022, 13428/22, SWD (2022) 339 final, Brussels; Tyler

challenge with the YCoC. Disparity in commitment and capacity between state members is another challenge to the YCoC, leading to Low and uneven implementation.[788] While states such as Nigeria, Ghana, and Senegal are actively involved, others have limited operational capacity and political will.[789] In addition, the lack of harmonised legal frameworks across the region makes it difficult to prosecute or agree on a procedural modality for prosecuting suspected pirates. Therefore, although the Yaoundé architecture provides a solid structural foundation, it is often hindered by limited national resources, logistics, personnel constraints, jurisdictional complexities in the patrols of the shared busy waterway, and the transnational nature of maritime piracy and armed robbery.[790]

This sovereignty limitation, including the reluctance of states to freely allow international and other regional vessels to operate in their territorial waters, hinders the ability to pursue suspected pirates across maritime boundaries.[791] Therefore, due to these political constraints, state members operate more as a network with independent parties, rather than a unified regional arrangement.[792] Although incidents of piracy and armed robbery at sea have declined

Barker, Enhancing Maritime Domain Awareness: Obangame Express bolsters Africa's Yaoundé Code of Conduct, 09 May 2024, America Navy

[788] Osagie Edward, Gulf of Guinea Security: Jamoh Calls for Uniformity of Laws, 10 November 2021, Nigerian Maritime Administration and Safety Agency (NIMASA); Victoria Sumner, Africa Center Alumni: A Key Force Behind the 2013 Yaoundé Code of Conduct, 23 October 2023, Africa Center for Strategic Studies

[789] *Ibid*

[790] Funda Yercan, Oktay Cetin & Rahim Conguloglu, ibid; see also Jennifer C. Bulkeley, 'Regional Cooperation on Maritime Piracy: A Prelude to Greater Unilateralism in Asia?' (2003) 14 Journal of Public and International Affairs

[791] Rina Bassist, 'Piracy in the Gulf of Guinea: Those trying to curb it, and those standing in their way' (2022) 7 Ifriqiya Africa Research Program

[792] KwesiAning, Inter-Regional Coordination Centre: Negotiating Resource Challenges to Improve Maritime Governance in the Gulf of Guinea, 2024, Occasional Paper 62, Kofi Annan International Peacekeeping Training Centre; Africa Centre for Strategic Studies, Yaounde Code of Conduct Maritime Zones A & D, Workshop, 10-13 December 2024

significantly, this reduction is largely attributable to sustained local and international patrols and other coordinated maritime security efforts.[793]

4.7.3 Djibouti Code of Conduct (DCoC+) 2009 (Amended in 2017)

The Djibouti Code of Conduct (DCoC) was adopted in 2009 and amended by the Jeddah Amendment (DCoC+) in 2017.[794] It is a regional maritime framework established to address piracy, armed robbery, and other maritime illegality in the West Indian Ocean and the Gulf of Aden.[795] Just like the Yaoundé Code of Conduct (YCoC), the DCoC was both designed along the same line to foster regional cooperation against maritime crimes, with a focus on information sharing, capacity building and legal reform. While the DCoC has contributed successfully to helping to reduce piracy in the high seas since 2012, challenges such as implementation and sustainability continue to hinder its effectiveness.[796] Like the YCoC, uneven political commitment and capacity, dependence on external funding for its operations, operational limitations, lack of confidentiality in information sharing, and prosecution and legal challenges are major challenges affecting the sustainability of the DCoC.[797] Consequently, while there has been a continuing decrease in piracy in the high seas of the West Indian and Gulf of Guinea since 2012,[798] the recent resurgence of piracy in 2024 and 2025 reveals the

[793] Victoria Sumner, Africa Center Alumni: A Key Force Behind the 2013 Yaoundé Code of Conduct, 23 October 2023, Africa Center for Strategic Studies.
[794] Djibouti Code of Conduct concerning the repression of piracy and armed robbery against ships in the western Indian and the Gulf of Aden (adopted on 29 January 2009); Revised Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in the Western Indian Ocean and the Gulf of Aden Area, The Jeddah Amendment to the Djibouti Code of Conduct 2017.
[795] IMO, Djibouti Code of Conduct (DCoC) Engagement Strategy
[796] Christian Bueger & Mohanvir Singh Saran, Finding a Regional Solution to Piracy: Is the Djibouti Process the Answer? 18 August 2012, Safe Seas
[797] Anna Petrig and Robin Geiß, Piracy and Armed Robbery at Sea: The Legal Framework for Counter-Piracy Operations in Somalia and the Gulf of Aden (Oxford University Press, 2011)
[798] IMO, Reports on Acts of Piracy and Armed Robbery against Ships, Annual Reports 2012-2024

unsustainable effect of the DCoC.[799] In addition, the Houthis' attacks in the Red Sea became the litmus test for the adequacy of DCoC to address emerging and complex threats.[800] However, despite the efforts, the Houthis fundamentally revealed that these regional arrangements (such as the DCoC) do not have the capacity to effectively address maritime insecurity, including piracy activities, but instead depend largely on external sources, including international military coalitions (such as Operation Prosperity Guardian) in managing maritime security in their regions.[801]

Furthermore, several international maritime security collaborations and strategies were established to enhance security at sea. These international synergies include the G7+,[802] the UK,[803] the EU,[804] the African Union (AU),[805] and the African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter) 2016.[806] Others include the Economic

[799] Djibouti Code of Conduct (DCoC), Press Release: Djibouti Code of Conduct - Response to recent attacks against commercial shipping in the Red Sea, 12 December 2023 Press-statement-Red-Sea-Threat.pdf; Mohamed Badar, Noelle Higgins, Noelle, 'The Challenges of Addressing Transnational Organized Maritime Crimes: A Review of Current Law and Practice in Djibouti' (2023) 1 Transnational Criminal Law Review

[800] IMO, States launch new framework to boost regional maritime security, 12 September 2025; DCoC, Record of the Meeting, 15 January 2024, DCoC/JA NFPs Extraordinary Meeting on Red Sea Threats No 2; Federico Donelli, 'Maritime Disruption in Yemen: The Making of a Hybrid Red Sea Order' (2025) 32, Middle East Policy, 35-50

[801] Victoria Sainz, The Red Sea Shipping Crisis (2024–2025): Houthi Attacks and Global Trade Disruption, 27 March 2025, ATLAS Institute for International Affairs; Kawsar Uddin Mahmud, Can We Demystify Houthi Attacks in the Red Sea? 10 May 2024, Modern Diplomacy; Michael DiMino, Weighing additional U.S. responses to Houthi Red Sea attacks, 19 January 2024, Defense Priorities; Sean Gaudialmo, Jelang Ramadhan, 'The United States' Strategic Culture in Handling the Red Sea Crisis Through Operation Prosperity Guardian' (2025) 4 Journal Research of Social Science, Economics, and Management, 1211-1226

[802] Ministry of Foreign Affairs, 'G7 Foreign Ministers' Declaration on Maritime'; European Union, 'G7 summit in Schloss Elmau: A tighter agenda, with wider impact?' (June 2015)

[803] HM Government, GOV.UK, 'National Strategy for Maritime Security' (15 August 2022) Policy Paper CP 724.

[804] European Council, 'Maritime security: Council approves revised EU strategy and action plan'(24 October 2023) Press Release

[805]AU, '2050 Africa's Integrated Maritime Strategy (2050 AIM STRATEGY)' African Union (AU), '2050 Africa's Integrated Maritime Strategy (2050 AIM STRATEGY)' January 29 – 30, 2012, Addis Ababa, Ethiopia, (Adopted 27 January 2014)

[806] African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter) (Lomé, Togo, adopted on 15 October 2016)

Community of West African States (ECOWAS) Integrated Maritime Strategy (EIMS)[807] and the Maritime Organisation of West and Central African States (MOWCA). [808] While these synergies have been successful in establishing collaborative strategies between neighbouring countries, regions, and international communities aimed at enhancing maritime safety and security in the regions,[809] they have also been argued to render capacity building and support in reducing maritime insecurities in the regions.[810] However, long-term sustainability and continuity significantly impact its effectiveness in achieving its goals.[811]

4.8 Regional Effectiveness of UNCLOS and SUA

Although UNCLOS and the SUA Convention constitute the foundation of the international legal framework for combating piracy, their effectiveness has been neither uniform nor consistent across regions. Differences in governance capacity, maritime geography, institutional effectiveness, enforcement mechanisms, and regional security cooperation have significantly influenced their practical application and outcomes. Consequently, an assessment of piracy trends in Southeast Asia, East Africa, and West Africa provides an opportunity to evaluate both the strengths and limitations of these instruments in addressing contemporary maritime insecurity. The following sections examine the extent to which UNCLOS, and the SUA Convention have contributed to piracy suppression within each of these regions.

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[807] Ecowas Integrated Maritime Strategy (EIMS) August 2014, Articles 42 and 43
[808] Maritime Organization of West and Central Africa (MOWCA) (Adopted in Abidjan on 7 May 1975, amended on 6 August 1999)
[809] EIMS, Article 11; AU, 'MoU on Maritime Safety and Security in Central and West Africa' adopted on 17 February 2012
[810] Rina Bassist, 'Piracy in the Gulf of Guinea, n 251; Victoria Sumner, Africa Center Alumni: A Key Force Behind the 2013 Yaoundé Code of Conduct, 23 October 2023, Africa Center for Strategic Studies
[811] DCAF- Department of Foreign Affairs, Context and stakeholder analysis of maritime security and justice in the Gulf of Guinea, August 2023, Final Report; Aleeza Moseley, 'The implementation of international maritime security instruments in CARICOM states' 2009 the United Nations New York (United Nations-Nippon Foundation Fellow 2009 - 2010 DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA OFFICE OF LEGAL AFFAIRS)

4.8.1 Effectiveness of UNCLOS and SUA in Southeast Asia

In Southeast Asia, piracy provision in UNCLOS has limited direct operational relevance due to the predominance of territorial water incidents. Most maritime "piracy" incidents occur within the territorial waters of littoral states rather than on the high seas.[812] Therefore, "piracy" incidents in Southeast Asia are technically classified as "armed robbery against ships" according to the International Maritime Organisation description and fall outside the ambit of the UNCLOS piracy framework.[813] Although UNCLOS provides for universal jurisdiction in repressing piracy on the high seas,[814] most criminal activities in Southeast Asia are basically "armed robbery against ships", occurring in territorial waters, and therefore are not within the scope of universal jurisdiction.

Therefore, the legal framework for addressing "piracy" in Southeast Asia has instead been achieved through various national laws, including preventive governance, coordinated patrols, and information-sharing mechanisms such as the Malacca Strait Patrols and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). While SUA, on the other hand, could theoretically address many of the modern piracy incidents, its limited signatories, ratification, and incorporation into national law constrained its operational impact. Maritime security in Southeast Asia has therefore been achieved primarily through regional coordination, rather than reliance on international legal enforcement.

4.8.2 Effectiveness of UNCLOS and SUA in East Africa

The international response to piracy in East Africa off the coast of Somalia between 2005 and 2012 represents the most comprehensive application of UNCLOS piracy provisions in modern

[812] IMO, Reports on Acts of Piracy and Armed Robbery Against Ships, 1984-2024, n 17
[813] IMO, Code of Practice for the Investigation of Cries of Piracy and Armed Robbery Against Ships, 18 January 2010, Resolution A.1025(26) Adopted on 2 December 2009, (Agenda item 10); UNCLOS, Article 101
[814] UNCLOS, Article 100

history.[815] The international community relied heavily on UNCLOS to establish legal authority and justify naval patrols, the use of force, interdictions of vessels, and prosecutions of Somali pirates.[816] SUA played a secondary but complementary role, particularly in cases involving hostage-taking and violence. However, the success of UNCLOS in Somalia in East Africa was contingent upon the intervention of the UNSC resolutions and its supplementary orders to UNCLOS.[817] These resolutions provide an extraordinary application of UNCLOS authorising international military interventions extending to Somalia's territorial waters to repress piracy.[818]

However, the reliance on UNCLOS in prosecuting arrested Somali pirates also led to significant legal challenges. These hurdles necessitated the international community to create alternative frameworks for the transfer of suspected pirates to other regional states, such as Kenya, Seychelles, and Mauritius, for prosecution,[819] and to ensure the trials are in accordance with human rights standards.[820] However, despite the exponential rise in piracy in Somalia

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[815] Eugene Kontorovich, 'International Legal Responses to Piracy off the Coast of Somalia' (2009) 13 American Society of International Law

[816] UNCLOS, Articles 100-107, and 110; Tullio Treves, 'Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia', (2009) 20 European Journal of International Law, 399–414; Hans-Georg Ehrhart and Kerstin Petretto, The EU and Somalia: Counter-Piracy and the Question of a Comprehensive Approach, February 2012, Study for The Greens/European Free Alliance, Hamburg, pp 26-38

[817] Marie Jacobsson and Natalie Klein, 'Piracy off the Coast of Somalia and the Role of Informal Lawmaking', in Natalie Klein (ed.), *Unconventional Lawmaking in the Law of the Sea* (Oxford University Press, Oxford, 2022); United Nations Security Council (UNSC), Resolution 1816 (2008) Adopted by the Security Council at its 5902nd meeting on 2 June 2008, S/RES/1816 (2008); UNSC Resolution, S/RES/1846 (2008), Resolution 1846 (2008) Adopted by the Security Council at its 6026th meeting, on 2 December 2008, S/RES/1846 (2008).

[818] UNSC, Resolution 1851 (2008) Adopted by the Security Council at its 6046th meeting, on 16 December 2008, S/RES/1851 (2008)

[819] Santiago Iglesias Baniela and Juan Vinagre Ríos, 'Piracy in Somalia: A Challenge to The International Community' (2012) 65 Journal of Navigation, 693; Chatham House, Piracy and Legal Issues: Reconciling Public and Private Interests, 1 October 2009, Africa Programme and International Law, Conference Report

[820] Tullio Treves and Cesare Pitea, 'Piracy, International Law and Human Rights', in Nehal Bhuta (ed.), *The Frontiers of Human Rights* (Oxford University Press, Oxford, 2016), 90; Christine Nissen and Jessica Larsen, Learning from Danish Counter-Piracy off the Coast of Somalia, 2017, Danish Institute for International Studies, DIIS Report Vol. 2017, No. 10; Ryan P. Kelley, 'UNCLOS, but No Cigar: Overcoming Obstacles to the Prosecution of Maritime Piracy' (2011) 95 Minnesota Law Review, 2285.

between 2005 and 2011, only a few arrested suspected pirates were legally prosecuted.[821] This exceptionalism raises questions about the sustainability and replicability of UNCLOS-based enforcement elsewhere.[822]

Additionally, besides the use of UNCLOS maritime framework and the UNSC resolution in curbing the Somalia piracy crisis, other regional maritime security arrangements, including the Djibouti CoC has been complementary in providing the conventional mode of combating piracy in East Africa. Therefore, a hybrid legal framework was employed in combating maritime piracy in Somalia, East Africa. While UNCLOS provided the core authority for universal jurisdiction, UNSC resolutions expanded these powers to include multinational military actions within territorial waters to fit the specific geographical and operational realities in Somalia, East Africa.

4.8.3 Effectiveness of UNCLOS and SUA in West Africa

The UNCLOS is a foundational legal framework for maritime security in West Africa. However, it faces significant challenges due to the unique nature of "piracy" incidents occurring mostly within territorial waters rather than on the high seas.[823] The limitation of the UNCLOS definition of "piracy" makes it ineffective in addressing maritime insecurity,[824] which is legally classified as "armed robbery against ships",[825] shifting jurisdiction from

[821] Jessica Larsen, what shall we do with the suspected pirates? Why piracy prosecution doesn't always work, 30 March 2023, Danish Institute for International Studies, DIIS Policy Brief; for instance, the US and France have been reported to prosecute three cases of Somali piracy each; India one case; South Korea two cases; In the immediate region around Somalia, Seychelles has prosecuted 17 cases; Kenya around 19 cases; Mauritius one case. In total, there have been 37 regional prosecutions regarding Somali piracy.

[822] Ignacio de la Rasilla, 'The Paths Not Taken? Episodic Crises and International Adjudication of the Crime of Piracy' (2022) 20 Journal of International Criminal Justice, 571–596; Jing Jin and Erika Techera, 'Strengthening Universal Jurisdiction for Maritime Piracy Trials to Enhance a Sustainable Anti-Piracy Legal System for Community Interests' (2021) 13 Sustainability, 7268.

[823] UK Parliament, Does UNCLOS help or hinder maritime security? International Relations and Defence Committee UNCLOS: the law of the sea in the 21st century, 2nd Report of Session 2021-22 - published 1 March 2022 - HL Paper 159, Chapter 3, pars. 65 - 67

[824] UNCLOS, Articles 101

[825] IMO, Code of Practice for the Investigation of Cries of Piracy and Armed Robbery Against Ships, 18 January 2010, Resolution A.1025(26) Adopted on 2 December 2009, (Agenda item 10)

international law to national sovereignty, and limiting the right of external international actors to intervene, based on sovereignty sensitivities.[826]

Furthermore, the maritime security threats in the Gulf of Guinea, West Africa, especially in the Niger Delta of Nigeria, are intricately linked to land-based criminal economies (such as environmental degradation disputes, oil theft, petro-piracy, kidnapping for ransom, and resource control), which are not directly addressed in UNCLOS.[827] Despite the wide ratification of UNCLOS, many states in West Africa lack the capacity or political will to effectively implement and enforce piracy provisions in UNCLOS.[828] This results in the practice of military capture and release, leading to the lack of deterrence and low prosecution rates for maritime criminals.[829]

Although SUA offers greater legal flexibility and addresses maritime crimes in territorial waters, it is recognised as a vital yet underutilised legal instrument for combating maritime insecurity. Despite having a comprehensive legal framework covering a wide range of maritime offences, not included in UNCLOS, its effectiveness is constrained by a lack of domestication into national laws and other implementation challenges.[830]

Therefore, due to these legal and practical constraints in international maritime security instruments, only a few states, including Cameroon and Nigeria, have incorporated the

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[826] M Rezaul Karim Chowdhury, Saharuddin Abdul Hamid &Nurul Haqimin Mohd Salleh, 'Maritime dispute resolution: understanding adequacy of UNCLOS: a systematic review' (2024) Australian Journal of Maritime & Ocean Affairs, 1–22.

[827] Eric Pichon and Marian Pietsch, In-depth Analysis, Piracy and armed robbery off the coast of Africa: EU and Global Impact, March 2019, EPRS | European Parliamentary Research Service, PE 635.590, European Parliament; Rossella Marangio, Deep Waters: The maritime security landscape in the Gulf of Guinea, January 2025, European Union Institute for Security Studies, Brief 1

[828] Tamsin Phillipa Paige, 'The Impact and Effectiveness of UNCLOS on Counter-piracy Operations' (2017) 22 Journal of Conflict and Security Law, 97–123

[829] Resulting in the trial of only three cases in West Africa. See Jessica Larsen, what shall we do with the suspected pirates? Why piracy prosecution doesn't always work, 30 March 2023, Danish Institute for International Studies, DIIS Policy Brief

[830] James Kraska, James, 'Effective Implementation of the 2005 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation' (2017) 70 Naval War College Review, Article 3; Mohamed Elkassar, 'International legal and practical challenges in combating maritime crime, an analysis (based on the UNODC Maritime Crime Manual)' (2025) 11 International Journal of Law, 118

provisions of piracy in UNCLOS and SUA in their national maritime security laws.[831] Most states in the Gulf of Guinea (West Africa) increasingly relied on regional cooperations, such as the Yaoundé framework, in attempts to enhance maritime security, information sharing across regional borders, and harmonise legal frameworks, rather than relying on the provisions of piracy in UNCLOS or SUA to address maritime "piracy or armed robbery against ships" criminality. While this shift highlights the limited operational relevance of international instruments in regions where piracy is embedded in domestic political economies, most regional maritime security frameworks are "soft law" that are not legally binding, lacking the teeth of international law.[832] Therefore, enforcement usually hinges on the political will of the individual states.[833]

Conclusion

This chapter critically examined the effectiveness of the contemporary international maritime security framework through an analysis of the United Nations Convention on the Law of the Sea (UNCLOS), the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention), relevant United Nations Security Council (UNSC) resolutions, and regional maritime security arrangements. The analysis demonstrates that although UNCLOS remains the cornerstone of international piracy law, its effectiveness is constrained by significant conceptual, jurisdictional, and operational limitations. In particular, the Convention's restrictive definition of piracy, its confinement of piracy to the high seas, and

[831] Ekundayo Oluwaremilekun Babatunde, and Mutiat Mobolanle Abdulsalam, 'Towards Maintaining Peacefulness of the Sea: Legal Regime Governing Maritime Safety and Security in Nigeria' (2021) 12 Beijing Law Review, 2159

[832] Vasileios Lymperopoulos, 'Regional Maritime Security Limitations under UNCLOS' (2024) 4 The Review of Contemporary Scientific and Academic Studies; Geneva Centre for Security Sector Governance, Context and stakeholder analysis of Maritime Security and Justice in the Gulf of Guinea, August 2023, Final Report

[833] *Ibid*

the absence of detailed enforcement and prosecutorial mechanisms limit its capacity to respond effectively to contemporary maritime security challenges.

The chapter further established that the SUA Convention was designed to address several of these shortcomings by criminalising a broader range of unlawful acts against ships irrespective of their geographical location. Nevertheless, the practical effectiveness of SUA remains dependent on state ratification, domestic incorporation, and enforcement capacity. Consequently, while UNCLOS and SUA operate as complementary legal instruments, neither is capable of providing a comprehensive solution to maritime insecurity in the absence of effective national implementation. Their effectiveness ultimately depends on the willingness and capacity of states to translate international obligations into operational realities.

A central finding of this chapter is that the persistence of piracy and armed robbery against ships cannot be explained solely by deficiencies in international law. Instead, the analysis demonstrates that maritime insecurity is fundamentally linked to wider governance challenges on land. The experiences of Southeast Asia, East Africa, and West Africa reveal that legal regulation alone is insufficient where states lack the institutional capacity, political commitment, resources, and governance structures necessary to implement maritime security obligations effectively. This challenge is especially acute in piracy-prone developing regions, where weak institutions, limited maritime assets, fragmented legal systems, and socio-economic vulnerabilities continue to undermine maritime governance.

The Somali piracy crisis provides perhaps the clearest illustration of these structural limitations. Although UNCLOS provided the legal foundation for international cooperation, the suppression of Somali piracy depended heavily on extraordinary interventions through UNSC resolutions, multinational naval operations, regional prosecution arrangements, and sustained international assistance. While these measures achieved a substantial reduction in piracy incidents, they were essentially reactive and temporary responses. More importantly, they did

not eliminate the underlying governance deficits and socio-economic conditions that facilitated piracy. The Somali experience therefore demonstrates that military and enforcement operations may suppress piracy temporarily, but they cannot provide a sustainable solution in the absence of stable domestic governance and institutional development.

The chapter also demonstrated that regional frameworks, including ReCAAP, the Djibouti Code of Conduct, and the Yaoundé Code of Conduct, have become indispensable components of contemporary maritime security governance. These initiatives have significantly improved information sharing, capacity building, operational coordination, and collective responses to piracy and armed robbery against ships. Nevertheless, their effectiveness remains uneven and frequently constrained by concerns over sovereignty, disparities in state capacity, jurisdictional fragmentation, financial limitations, and differing levels of domestic legal preparedness. As a result, regional cooperation often functions as a mechanism for mitigating, rather than eliminating, the limitations of the broader international legal framework.

Furthermore, the analysis identified a growing disconnect between contemporary maritime threats and the legal architecture developed to address them. Existing international instruments were largely designed in response to traditional manifestations of piracy and maritime violence. Consequently, they provide only limited guidance regarding emerging threats, including cyber-enabled attacks against ships, interference with vessel navigation systems, autonomous shipping vulnerabilities, and technologically facilitated offences at sea. These developments raise important questions concerning the continuing adequacy of the existing framework and reinforce the need for its progressive development.

Overall, this chapter argues that the contemporary international maritime security framework is both necessary and structurally incomplete. While UNCLOS, the SUA Convention, UNSC interventions, and regional cooperative arrangements collectively provide an essential foundation for combating piracy and armed robbery against ships, their effectiveness remains

contingent upon factors that international law alone cannot guarantee, namely state capacity, political will, institutional effectiveness, and sustained international cooperation. The principal weakness of the existing framework therefore lies not merely in legal gaps but in its dependence upon effective governance within jurisdictions where governance capacity is often weakest.

Accordingly, maintaining the relevance of international maritime security law requires more than the continued enforcement of existing instruments. It requires an integrated approach that necessitates the adaptation of legal frameworks to address emerging maritime threats, greater harmonisation of domestic legislation, and sustained investment in the institutional and operational capacities of piracy-prone states. Without such reforms, the suppression of maritime insecurity will remain dependent on temporary interventions and external support rather than a coherent, durable, and self-sustaining system of maritime security governance.

CHAPTER 5

Global Piracy Trends and Empirical Analysis: Case Study of Piracy in Southeast Asia and East Africa (1984 -2024)

5.1 Introduction

This chapter critically examines the evolution and patterns of piracy and armed robbery against ships through an empirical analysis of piracy incident data recorded between 1984 and 2024. Focusing on Southeast Asia and East Africa as key case studies, the chapter analyses how piracy has developed across different maritime zones, operational contexts, and governance environments. The analysis highlights significant regional variations in the nature and scale of maritime criminal activity, ranging from opportunistic attacks in the congested shipping lanes of Southeast Asia to the large-scale organised piracy operations that emerged off the coast of Somalia following the collapse of state authority.

By examining the maritime zones of incidents, operational tactics, and underlying socio-economic and governance drivers of piracy in these regions, the chapter seeks to demonstrate how piracy is shaped by complex interactions between maritime geography, political stability, and institutional capacity. Importantly, the chapter situates these empirical findings within the broader framework of international maritime security law, particularly the United Nations Convention on the Law of the Sea and related legal instruments, to assess the extent to which existing legal frameworks are capable of addressing the evolving and regionally differentiated nature of contemporary piracy. Through this critical analysis, the chapter contributes to the central research question of this thesis by critically evaluating the effectiveness of international maritime security instruments in combating piracy and promoting maritime security across diverse governance contexts and evolving threat environments.

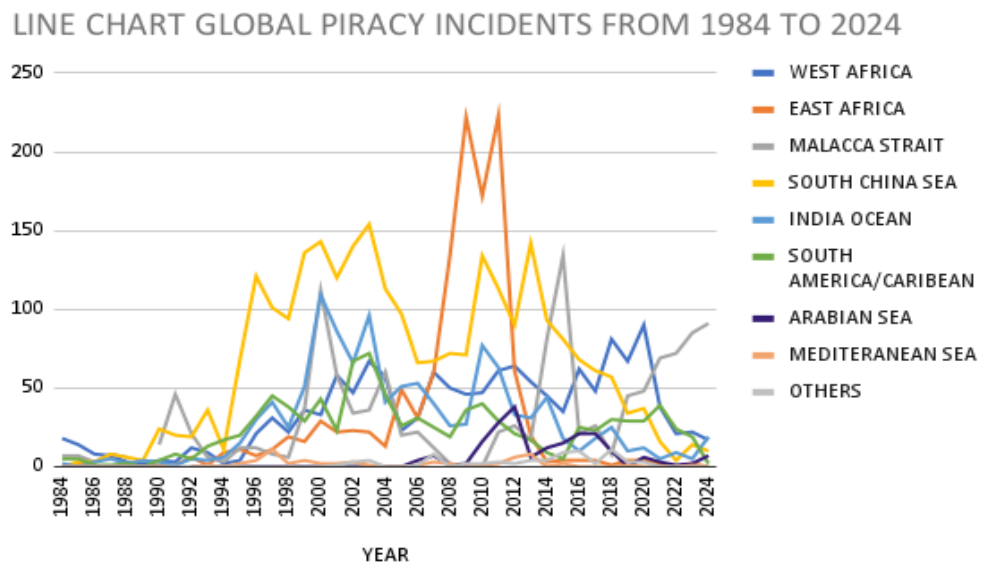
5.2 General Analysis of Piracy Incidents and Trends (1984-2024)

Analysis of the compiled piracy dataset extracted from IMO and ICC-IMB records indicates that piracy and armed robbery against ships have remained persistent maritime security threats for more than four decades, despite the implementation of various international maritime security instruments and counter-piracy initiatives. The dataset records a total of 9,020 actual and attempted piracy incidents between 1984 and 2024.[834] A comparative analysis of these incidents reveals that approximately 85.8% occurred within Southeast Asia and Africa, highlighting the concentration of maritime insecurity within these regions.[835] The remaining 14.2% of incidents were distributed across other maritime regions, including South America and the Caribbean (10.5%) and other areas such as the Mediterranean Sea and Arabian Sea (3.7%).

As shown in Table 2, the analysis demonstrates that Southeast Asian waters accounted for 56.9% of reported global piracy incidents during the study period. Within this region, the South China Sea accounted for 29.4%, the Malacca Strait for 14.4%, and the Indian Ocean for 13.1% of all reported incidents. Further analysis of the Southeast Asian data indicates that approximately 51.7% of piracy incidents recorded within the region occurred in the South China Sea. Africa accounted for 28.9% of all reported incidents, of which 15.7% occurred in West Africa (the Gulf of Guinea) and 13.2% in East Africa (the Horn of Africa).

[834] IMO, Reports on Acts of piracy and armed robbery against ships, annual report 2024, 17 April 2025, MSC.4/Circ. 269, p. 3. This report says 9,014, but the actual calculation of the accumulated reports shows 9,020 incidents.
[835] IMO, Piracy and Armed Robbery against ships, n 17. This report shows 9,014, but the accumulated reports calculation shows 9,020 incidents.

Fig. 3: Global Trends in Reported Piracy and Armed Robbery Against Ships (1984-2024)



Source: Author's analysis of piracy incident data compiled from the IMO GISIS and ICC-IMB piracy databases (1984-2024).

Figure 3 provides a visual representation of the global distribution of reported piracy and armed robbery incidents between 1984 and 2024. The figure clearly demonstrates that piracy was not evenly distributed across maritime regions but was concentrated within a limited number of geographical hotspots. The highest concentration of incidents occurred in Southeast Asia, particularly the South China Sea, Malacca Strait, and Indian Ocean, followed by East Africa (Somalia) and West Africa (the Gulf of Guinea). By contrast, other regions, including the Mediterranean Sea, Arabian Sea, and parts of South America and the Caribbean, recorded comparatively lower levels of piracy activity. The concentration of incidents within Southeast Asia, East Africa, and West Africa supports their selection as the principal case-study regions for this thesis. The figure further suggests that piracy is influenced by regional political, economic, governance, and geographical conditions rather than occurring uniformly across the global maritime domain.

5.3 General Overview of Global Piracy and Armed Robbery Incidents (1984 – 2024)

An examination of global piracy and armed robbery incident data provides important insights into the evolution, geographical distribution, and persistence of maritime insecurity over time. Drawing upon the author's original piracy database compiled from IMO GISIS and ICC-IMB reports, this section analyses reported incidents between 1984 and 2024 to identify major trends, regional hotspots, and changing patterns of maritime criminality. The findings provide the context for evaluating the effectiveness of international maritime security instruments and understanding the differing piracy dynamics observed across Southeast Asia, East Africa, and West Africa.

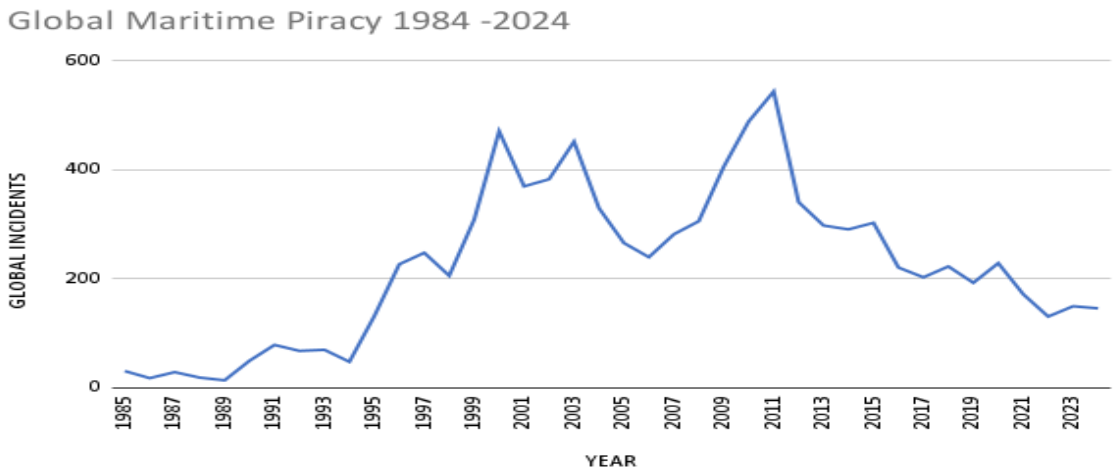
5.3.1 Overall Data Findings (1984 -2024)

Although comprehensive and systematic piracy records prior to 1984 are limited,[836] the compiled dataset indicates that a total of 9,020 piracy and armed robbery against ships incidents were reported globally between 1984 and 2024.[837] As shown in Table 2, the period between 1984 and 1994 recorded 458 reported incidents, representing approximately 5% of all incidents recorded during the study period.[838] Between 1995 and 2011, the number of reported incidents increased substantially, although annual figures fluctuated over time. Notable peaks were recorded in 2000, 2003, 2010, and 2011, with 471, 452, 489, and 544 incidents reported, respectively. Overall, the period from 1995 to 2011 accounted for 5,661 reported incidents, representing 63% of all recorded piracy and armed robbery incidents between 1984 and 2024. Despite this overall increase, incident figures declined during the period 2004 to 2007 before rising again towards the end of the decade.

[836] Roger Villar, *Piracy Today: Robbery and Violence at Sea Since 1980* (Conway Maritime Press Ltd, 24 Oct. 1985)
[837] IMO, Piracy and Armed Robbery against ships' n 17
[838] See Appendix, Table 2

As illustrated in Figure 4, global piracy and armed robbery incidents declined substantially after 2012, marking a significant shift from the elevated levels recorded during the preceding decade. Although annual incident figures continued to fluctuate, the overall trend remained downward. Recent data indicate relative stability, with 131 incidents reported in 2022,[839] 150 in 2023,[840]and 146 in 2024.[841] However, the period from 2012 to 2024 still accounted for 2,901 reported incidents, representing 32% of all incidents recorded during the forty-year study period. Collectively, the findings indicate that global piracy evolved through three distinct phases: a period of relatively low activity between 1984 and 1994, a phase of expansion and fluctuation between 1995 and 2011, and a sustained period of decline from 2012 onwards.

Fig. 4: Global Trends and Patterns in Global Piracy and Armed Robbery Against Ships, 1984-2024



Source: Compiled and analysed by the author from IMO GISIS Acts of Piracy and Armed Robbery Against Ships reports (1984-2024).

[839] IMO, Reports on Acts of piracy and armed robbery against ships, annual report 2022, 19 April 2023, MSC.4/Circ. 267
[840] IMO, Reports on Acts of piracy and armed robbery against ships, annual report 2023, 7 June 2024, MSC.4/Circ. 268
[841] IMO, Reports on Acts of piracy and armed robbery against ships, annual report 2024, n 1; In addition, the IMB records a similar number, though slightly lower, with 115 in 2022,120 in 2023, and 116 in 2024. (ICC-IMB Piracy and Armed Robbery against Ships Reports, 1 January – 31 December 2022, 223 and 2024). Although the discrepancies highlight the reporting differences between the two organisations.

Figure 4 visually reinforces the three-phase pattern identified in the dataset. The figure highlights the substantial growth in piracy incidents between the mid-1990s and early 2010s before illustrating the sustained decline that followed. This pattern suggests that piracy is a dynamic form of maritime criminality whose prevalence is influenced by changing regional security conditions, governance environments, and counter-piracy interventions.

5.4 Temporal Trends in Global Piracy Incidents Across Hotspot Regions

An analysis of piracy and armed robbery incidents across the principal hotspot regions reveals that maritime insecurity has evolved unevenly over time. The data indicate three broad phases: a period of relatively low piracy activity between 1984 and 1994; a phase of significant expansion and fluctuation between 1995 and 2011; and a sustained decline from 2012 onwards. These temporal variations suggest that piracy is a dynamic phenomenon shaped by changing governance conditions, economic incentives, security environments, and the implementation of counter-piracy measures at both regional and international levels.

5.4.1 1984 to 1994: Early Piracy era - Opportunism and Port-Area Criminality

The earliest phase of contemporary piracy, as reflected in IMO records between 1984 and 1994, was characterised by relatively low levels of maritime criminality and predominantly opportunistic attacks. During this period, 458 piracy and armed robbery incidents were reported globally, representing approximately 5% of all incidents recorded between 1984 and 2024. As shown in the dataset, incidents were concentrated primarily in ports, anchorages, and territorial waters, particularly within Southeast Asia, including the Malacca Strait, South China Sea, and adjoining waters, as well as parts of West Africa and South America.[842]

[842] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 1984-1994, n 17.

Most attacks involved the theft of ship stores, engine components, ropes, cargo, and crew possessions, targeting both small coastal vessels and larger ships at anchor. These incidents were typically carried out under the cover of darkness and generally involved limited levels of violence.[843] Unlike later manifestations of piracy, this period was not characterised by large-scale vessel hijackings, prolonged crew detentions, organised ransom negotiations, or sophisticated offshore support networks. Instead, piracy was largely decentralised, localised, and opportunistic in nature.[844]

The operational characteristics of piracy during this period were facilitated by weak port security arrangements, limited maritime surveillance capabilities, and the expanding volume of international shipping. Importantly, many of the incidents recorded during this phase occurred within port areas and territorial waters rather than on the high seas. Consequently, a substantial proportion of these attacks fell outside the scope of the UNCLOS definition of piracy and were more accurately classified as armed robbery against ships.[845] This highlights an early divergence between the legal conception of piracy under UNCLOS and the operational realities of maritime criminality, revealing a jurisdictional gap that continues to generate challenges for international maritime security governance.[846]

Despite these legal and definitional challenges, the available evidence provides important insights into the nature of maritime criminality during the period. Reporting mechanisms during the 1980s were relatively limited, and levels of underreporting were likely substantial.

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[843] Sam Bateman, 'Combating Maritime Crime in Southeast Asian Waters: Reexamining "piracy" in the 21st Century' in Bruce Elleman, Andrew Forbes and David Rosenberg, (eds*), Piracy and Maritime Crime: Historical and Modern Case Studies* (Naval War College Press, Newport, Rhode Island) 142-143

[844] Adrian Leonard, Andrew Coburn, Gary Bowman, Political Violence, Organised Crime: Piracy, March 2012, Cambridge Centre for Risk Studies Working Paper Series, Working Paper 201203.05, University of Cambridge Judge Business School, UK

[845] International Maritime Organisation (IMO), Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships, 18 January 2010, Resolution A.1025(26) adopted on 2 December 2009, (Agenda item 10), A 26/Res.1025

[846] UNCLOS, Article 101

Notwithstanding these constraints, the available evidence suggests that maritime criminality during this period was primarily characterised by opportunistic and economically motivated offences, rather than the more organised, sophisticated, and transnational forms of piracy that developed in subsequent decades.[847] However, the growth of global trade and maritime traffic gradually expanded opportunities for criminal activity, creating conditions that contributed to the increased frequency and sophistication of piracy attacks from the mid-1990s onwards.[848]

5.4.2 1995 to 2011: Rise in Piracy - Escalation, Organisation, and High-Seas Piracy

The period between 1995 and 2011 witnessed a sharp increase in piracy incidents worldwide and marked a significant transformation in both the scale and sophistication of maritime crime. From 1995 onwards, reported incidents rose substantially, particularly in the Straits of Malacca and Singapore in Southeast Asia, as well as in the waters of East and West Africa. Piracy operations became increasingly organised, involving armed groups capable of conducting coordinated attacks, seizing vessels temporarily, stealing cargo, and engaging in "phantom ship" operations.[849] As illustrated in Table 2, piracy incidents fluctuated throughout this period but generally followed an upward trajectory. Major peaks occurred in 2000, 2003, 2010, and 2011, with 471, 452, 489, and 544 reported incidents respectively.[850] These peaks were concentrated primarily in Southeast Asian waters and, later, off the coast of Somalia. Although

[847] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 1984-1994, n 17.
[848] Francis A. Galgano, 'Hostis humani generis: Pirates and global maritime commerce', (2024) 8 Research in Globalization; Zhaoyang He, Chengjin Wang, Jianbo Gao, Yongshun Xie, 'Assessment of global shipping risk caused by maritime piracy', (2023) 9 Heliyon.
[849] *Ibid*
[850] Table 2: Regional analysis of piracy and armed robbery against ships, 1984- 2024 (contained in the annex to this thesis)

incidents declined steadily between 2004 and 2006, attacks began to rise again from 2007, particularly in the Gulf of Guinea and the waters surrounding Somalia.[851]

The increase in piracy between 1995 and 2004 was largely concentrated in Southeast Asia.[852] Several interconnected factors contributed to this trend, including weak maritime governance, limited naval surveillance and enforcement capacity, and persistent socio-economic challenges within coastal communities.[853] High unemployment, limited economic opportunities, and widespread poverty created conditions that made maritime criminal activities increasingly attractive. The effects of the 1997 Asian Financial Crisis further exacerbated these challenges by deepening economic hardship across the region.[854] In Indonesia, the political transition that followed the fall of President Suharto in 1998 weakened central government control and created governance gaps that enabled piracy networks to operate with relatively limited interference.[855]

At the same time, China's accession to the World Trade Organization (WTO) in 2001 accelerated global trade and significantly increased commercial shipping traffic through key

[851] International Chamber of Commerce (ICC) – IMB, Reported Piracy incidents rise sharply in 2007, 9 January 2008 Reported piracy incidents rise sharply in 2007 - ICC - International Chamber of Commerce

[852] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 1995-2004, n 17

[853] Neslihan Küçük, and others, 'Hotspot analysis of global piracy and armed robbery incidents at sea: A decadal review of regional vulnerabilities and security strategies', (2025) 260 Ocean & Coastal Management; Francis A. Galgano, 'Hostis humani generis: Pirates and global maritime commerce', n 17; Brandon C. Prins, and others, 'Maritime piracy and foreign policy' (2022) Oxford Research Encyclopedia of Politics.

[854] Jong-Wha Lee and Changyong Rhee, Social Impacts of the Asian Crisis: Policy Challenges and Lessons, January 1999, Occasional Paper 33, United Nations Development Programme; Timothy Lane, The Asian Financial Crisis: What Have We Learned? September 1999, Volume 36, Number 3, International Monetary Fund; Tamar Manuelyan Atinc and Michael Walton, Responding to the Global Financial Crisis: Social Consequences of the East Asian Financial Crisis, 31041, March 1998, World Bank; Rameesh, M, - Economic Crisis and its Social Impacts: Lessons from the 1997 Asian Economic Crisis' (2009) 9 Global Social Policy, 79-99

[855] World Trade Organization, Press Release, Indonesia: December 1998, 1 December 1998, PRESS/TPRB/94; Julie M. Peteet, Crisis and Transition, Catastrophe and Progress. Update to 'Indonesia: Economic, Social and Political Dimensions of the Current Crisis, 1 July 1998, United Nations High Commissioner for Refugees (UNHCR); Ioannis Chapsos, James A. Malcolm, 'Maritime security in Indonesia: Towards a comprehensive agenda?' (2017) 76 Marine Policy,178-184,

Southeast Asian maritime routes, particularly the Straits of Malacca and Singapore.[856] The growing concentration of commercial vessels created a larger pool of potential targets for pirates.[857] The convergence of expanding maritime trade, economic instability, and governance weaknesses contributed substantially to the rise in piracy and armed robbery against ships during this period.[858]

A notable shift occurred following the Indian Ocean tsunami of December 2004. In Southeast Asia, the extensive humanitarian response prompted greater naval deployment and enhanced cooperation among littoral states to secure humanitarian and commercial shipping.[859] This strengthened regional commitment to maritime security contributed to a marked reduction in piracy incidents between 2004 and 2006. However, the decline in Southeast Asia coincided with the emergence of new piracy hotspots elsewhere. While Southeast Asian incidents decreased, attacks continued to increase in both East Africa and West Africa, particularly in Somali waters and the Gulf of Guinea.[860] These developments transformed piracy from a predominantly regional concern into a broader and more persistent maritime security challenge.[861]

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[856] Thomas William Dorsey, and others, 'The Impact of WTO Accession' in Wanda S Tseng and Markus Rodlauer, *China Competing in the Global Economy* (International Monetary Fund, 24 Feb 2003) 192; Angela Schottenhammer, 'China's emergence as a maritime power' In: John W Chaffee, Denis Twitchett (eds). *The Cambridge History of China. (*Cambridge University Press; 2015) 437-525.

[857] Peter Chalk, 'Contemporary Maritime Piracy in Southeast Asia' (1998) 101mMaritime Studies, 1–14; Carolin Liss, Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses, 2014, PRIF Report No. 125, Peace Research Institute Frankfurt (PRIF).

[858] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 1995-2004, n 17

[859] Hari Srinivas, The Indian Ocean Tsunami and its Environmental Impacts, June 2015,
Case Study Series E-023, The Global Development Research Centre; Andrea H. Cameron, The Legacy of the 2004 Indian Ocean Earthquake and Tsunami on U.S. Maritime Strategy. 1 April 2016, Center for International Maritime Security (CIMSEC)

[860] Asian Disaster Reduction Centre, Centre (ARDC), Disaster Information, Somalia: Tsunami: 2004/12/26 sian Disaster Reduction Centre （ADRC）

[861] Stanley Osezua Ehiane, 'The emergence of maritime piracy in Nigeria and the challenges in combating the menace' (2025) 13 Journal of Law and Sustainable Development, 1-23

The most significant escalation occurred off the coast of Somalia between 2005 and 2011, with attacks reaching their highest level in 2011.[862] During this period, Somali piracy evolved into a highly organised and economically sophisticated model of maritime crime. Armed groups employed mother ships that enabled operations hundreds of nautical miles from shore, extending their reach deep into the Indian Ocean. Commercial vessels were hijacked, crews were taken hostage, and multimillion-dollar ransom payments became a central feature of piracy operations.[863] This represented a fundamental shift from opportunistic theft and robbery at sea towards structured transnational criminal enterprises driven by substantial financial rewards.[864]

The Somali piracy crisis demonstrates how state collapse, weak governance, and economic incentives can combine to transform maritime crime into a global security threat. The scale and reach of Somali piracy exposed limitations in the practical enforcement of universal jurisdiction under UNCLOS and highlighted the challenges of prosecuting piracy across multiple jurisdictions. In response, the international community established multinational naval coalitions, implemented Best Management Practices (BMPs) for ships transiting high-risk areas, and strengthened regional and international maritime security cooperation.[865]

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[862] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2008-2011, n 11; UK Parliament, Piracy off the Coast of Somalia, Foreign Affairs Committee tenth report, 20 December 2011; U.S. Department of State (.gov), Piracy off the Horn of Africa, remarks by Andrew J Shapiro to the Center for American Progress, 27 March 2012, Washington, DC Piracy Off the Horn of Africa Assessed on 9/11/2025; ICC News, Piracy attacks in East and West Africa dominate world report, 19 January 2012

[863] Xiaowen Fu, Adolf KY Ng, Yui-Yip, Lau and PY, 'The impacts of maritime piracy on global economic development: The case of Somalia' (2010) 37 Maritime Policy & Management, 677 - 697.

[864] UK Parliament, Piracy off the Coast of Somalia, ibid; Abdi Ismali Samatar, Mark Lindberg, and Basil Mahayni, 'The dialectics of piracy in Somalia: the rich versus the poor' (2010) 31 Third World Quarterly, 1377-1379

[865] ICC, Unprecedented rise in piratical attacks, 24 October 2008, ICC-IMB, Unprecedented rise in piratical attacks - ICC - International Chamber of Commerce Assessed 9/11/2025; NATO, Counter-piracy operations (2008-2016) 19 May 2022, NATO - Topic: Counter-piracy operations (Archived) Assessed on 9/11/2025; Rick "Ozzie" Nelson and Brianna Fitch, Combating piracy: challenges and opportunities for regional and private-sector involvement, 20 June 2012, Centre for Strategic and International Studies, Washington DC.

Consequently, the period from 1995 to 2011 accounted for 5,661 reported piracy incidents, representing approximately 63% of all global incidents recorded during the study period. This era fundamentally altered the character of maritime piracy, shifting it from predominantly opportunistic attacks and petty theft to increasingly organised criminal activity targeting ships, cargoes, and crews. The emergence of large-scale vessel hijackings and ransom-based piracy demonstrated the growing sophistication of maritime criminal networks and established piracy as a major international security concern.

5.4.3 2012 to 2024: Decline in Piracy Incidents – Regionalisation, Adaptation, and Kidnap-for-Ransom Models

As illustrated in Figure 4 and Table 2 (Appendix X), the period from 2012 to 2024 was characterised by a general decline in global piracy and armed robbery incidents. Although annual incident rates fluctuated throughout the period, the overall trend demonstrates a substantial reduction compared to the peak years of the late 1990s and early 2000s. Recent data indicate relative stability in reported incidents, with 131 in 2022,[866] 150 in 2023,[867] and 146 in 2024.[868] Despite this decline, the period accounted for 2,901 reported incidents, representing approximately 32% of all reported piracy and armed robbery incidents recorded between 1984 and 2024. This demonstrates that, while piracy has become less prevalent globally, it remains a persistent threat to maritime security

[866] IMO, Reports on Acts of piracy and armed robbery against ships, annual report 2022, 19 April 2023, MSC.4/Circ. 267

[867] IMO, Reports on Acts of piracy and armed robbery against ships, annual report 2023, 7 June 2024, MSC.4/Circ. 268

[868] IMO, Reports on Acts of piracy and armed robbery against ships, annual report 2024, n 12; In addition, the IMB records a similar number, though slightly lower, with 115 in 2022,120 in 2023, and 116 in 2024. (ICC-IMB Piracy and Armed Robbery against Ships Reports, 1 January – 31 December 2022, 223 and 2024). Although the discrepancies highlight the reporting differences between the two organisations.

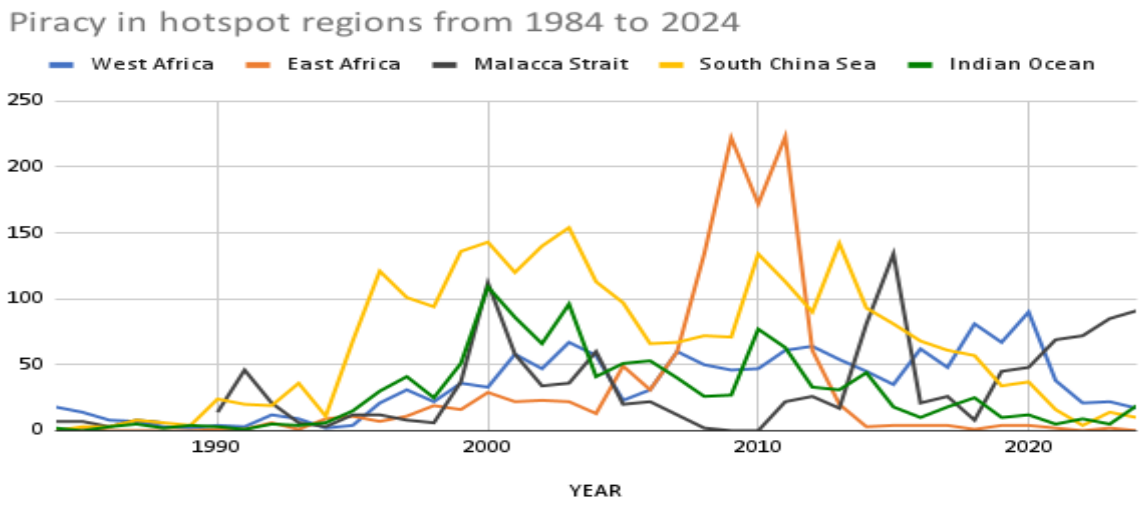
The decline during this period is largely attributable to the dramatic reduction in Somali piracy. This development was driven by a combination of factors, including sustained multinational naval operations, enhanced maritime security measures, the widespread implementation of Best Management Practices (BMPs) by the shipping industry, and improvements in domestic governance following the establishment of a federal government and the adoption of a provisional constitution in Somalia in 2012.[869] Collectively, these measures significantly reduced the operational capacity of Somali pirate groups and curtailed their ability to conduct large-scale hijackings in the western Indian Ocean.

However, the reduction in Somali piracy did not signify the eradication of maritime crime. Instead, as shown in Fig. 5, piracy demonstrated a capacity for geographical displacement and operational adaptation. As incidents declined in East Africa, the Gulf of Guinea emerged as the principal global hotspot for piracy and maritime insecurity. Unlike the Somali model, which relied heavily on vessel hijackings and prolonged detentions for multimillion-dollar ransom payments, piracy in the Gulf of Guinea became increasingly centred on violent attacks against crews, short-duration kidnappings, and kidnap-for-ransom operations. This shift reflected both the different political and socio-economic conditions of the region and the increased risks associated with maintaining long-term control of hijacked vessels.[870]

Fig. 5: Trends in Reported Piracy and Armed Robbery Against Ships Across Major Piracy Hotspot Regions (1984-2024)

[869] Peter Viggo Jakobsen & Troels Burchall Henningsen, 'Success defying all expectations: How and why limited use of force helped to end Somali piracy' (2024) 47 Journal of Strategic Studies, 263-287; Security Council Report, Update Report No. 3: Somalia: Piracy, 20 April 2010; BIMCO, and others, June 2018; European Union, BMP5 Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea, 27 August 2021, EUNAVFOR; David Smith, Somalia chooses new leader in presidential elections, *The Guardian* (UK, 10 September 2012).

[870] BBC News, Drop in sea piracy helped by big Somali improvement, says Watchdog, *BBC News* (UK, 15 January 2014)



Source: Compiled and analysed by the author from IMO GISIS piracy and armed robbery incident data (1984-2024).

Consequently, although the overall number of global piracy incidents continued to decrease, the level of violence associated with attacks in West Africa remained exceptionally high. The Gulf of Guinea became widely regarded as the most dangerous maritime region in the world in terms of threats to seafarers, accounting for the vast majority of reported kidnappings at sea during the late 2010s and early 2020s.[871] While piracy incidents in the region declined significantly after reaching a peak in 2020, kidnapping-for-ransom remained a defining feature of maritime criminality. Most reported crew abductions during this period occurred within the Gulf of Guinea,[872] reinforcing concerns regarding the vulnerability of seafarers operating in the region. Reflecting these developments, the International Chamber of Commerce (ICC) - International Maritime Bureau (IMB) repeatedly identified the waters off West Africa as the

[871]Stephen Starr, 'Maritime piracy on the rise in West Africa' (2014) 7 Combating Terrorism Center at West Point, 23-28; BBC News, Piracy in West Africa: The world's most dangerous seas? *BBC News*, (UK, 19 June 2019); Francis A. Galgano, 'Hostis humani generis: Pirates and global maritime commerce', (2024) 8 Research in Globalization.
[872] IMO, Reports of Acts of Piracy, 2021-2024, n 17

world's most dangerous area for pirate attacks and crew kidnappings. According, they described the region as *"Seas off West Africa world's worst for pirate attacks, IMB reports"*[873]

This period therefore highlights three significant analytical developments. **First,** piracy does not disappear in response to enforcement measures but instead adapts to changing security environments and operational constraints. **Second,** the geographical centre of gravity of maritime piracy shifted from high-seas hijackings in the western Indian Ocean to violent attacks occurring primarily within the territorial and coastal waters of West Africa. **Third,** the distinction between piracy under international law and armed robbery against ships within national jurisdictions remained operationally and legally significant, particularly in relation to enforcement powers, jurisdictional authority, and prosecution challenges.

Consequently, by the end of 2024, a cumulative total of 9,020 piracy and armed robbery incidents had been reported worldwide between 1984 and 2024. The persistence of maritime crime over four decades demonstrates that piracy remains an adaptive and resilient phenomenon, shaped by evolving political, economic, and security conditions. While international counter-piracy measures have achieved notable successes in suppressing large-scale piracy operations, the emergence of new regional manifestations of maritime crime underscores the continuing need for coordinated legal, institutional, and enforcement responses at both national and international levels.

[873] ICC, Trade: Seas off West Africa world's worst for pirate attacks, IMB reports, 8 July 2019, Seas off West Africa world's worst for pirate attacks, IMB reports - ICC - International Chamber of Commerce. Accessed 1/10/2025

5.5 Piracy Locations/ Maritime zones 2001- 2024: Classification of Piracy and Armed Robbery against Ships by Location of Attacks

UNCLOS classified maritime zone is delimited into three main maritime zones according to distance from a coastal state's baseline: the Territorial Sea, the Exclusive Economic Zone (EEZ) and the High Seas.[874] UNCLOS granted coastal states sovereign and exclusive jurisdiction over their internal waters and territorial sea up to 12 nautical miles from their baselines, and the Exclusive Economic Zone (up to 200 nautical miles) with sovereign rights over resources,[875] and the High Seas (beyond 200 nautical miles) for all states' use.[876] Piracy, according to UNCLOS is limited to maritime criminal acts on the high seas.[877]

However, over time, there has been a notable trend and pattern in piracy attacks, shifting across all maritime zones, from high-seas piracy to territorial waters and port areas and vice versa, as shown in Tab. 3, Fig. 6. For instance, while early piracy activities from 1984 to 2007 occurred predominantly in the coastal waters, 2008 to 2012 and 2020 to 2022 saw a significant rise in piracy activities at the high seas.[878] Consequently, out of the six thousand eight hundred twenty-five (6,825) piracy incidents reported between 2001 and 2024, 34.2% occurred at the high sea, 39.1% at the Port Area, and 26.7% at the territorial sea.[879]

Table 3: Distribution of Reported Piracy and Armed Robbery Incidents Across Maritime Zones (2001–2024)

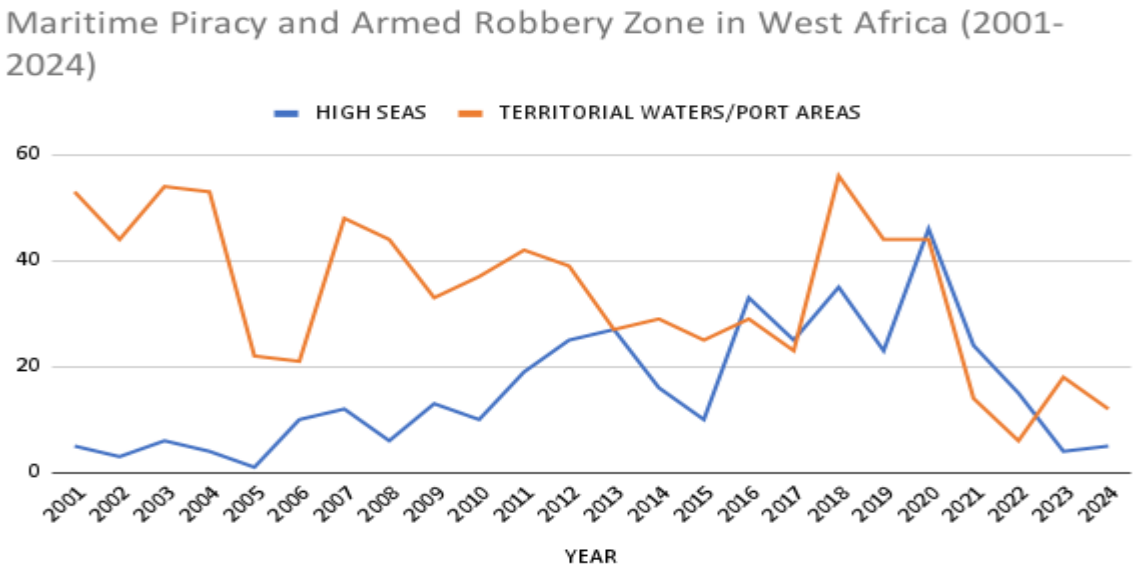
LOCATION TYPE	NUMBER OF REPORTED INCIDENTS	PERCENTAGE (%)
High Seas	2,331	34.20%

[874] UNCLOS, Articles 2, 55, 87
[875] UNCLOS, Articles 2, 55-58
[876] UNCLOS, Articles 86 - 87
[877] UNCLOS, Article 101
[878] IMO, Act of Piracy, 1984-2024, n 17
[879] *Note that this analysis commenced from 2001 because there is insufficient data between 1984 and 2000 containing detailed information on the maritime zone of piracy.*

Territorial Waters	1824	26.70%
Port Areas	2670	39.10%
Total	6,825	100%

Source: Author's original piracy database compiled from IMO and ICC-IMB piracy incident reports (2001–2024).

Fig.6: Distribution of Reported Piracy and Armed Robbery Incidents by Maritime Zone (2001–2024)



Source: Author's original piracy database compiled from IMO GISIS and ICC-IMB piracy incident reports (2001–2024).

According to Article 101 of UNCLOS, piracy is limited to illegal acts of violence, detention, or depredation committed for private ends on the high seas or in a place outside the jurisdiction of any state. Consequently, only incidents occurring beyond the territorial sea fall within the scope of piracy under international law. Based on the dataset analysed in this study, only 34.2% of reported incidents between 2001 and 2024 occurred on the high seas, while the remaining

65.8% took place within port areas and territorial waters. As a result, a substantial proportion of attacks commonly described as "piracy" in operational and industry reports do not legally constitute piracy under UNCLOS.

To address this limitation, the International Maritime Organization (IMO) distinguishes piracy from "armed robbery against ships". Under IMO Resolution A.1025(26), armed robbery against ships refers to unlawful acts of violence, detention, depredation, or threats thereof committed within a state's internal waters, archipelagic waters, or territorial sea.[880] However, unlike the UNCLOS definition of piracy, the IMO definition is not contained within a legally binding international treaty and therefore does not create a comprehensive international legal regime comparable to that applicable to piracy on the high seas. Consequently, responsibility for the prevention, investigation, and prosecution of armed robbery against ships remains primarily with the coastal state concerned.

The findings therefore reveal a significant disconnect between the geographical reality of contemporary maritime attacks and the legal framework governing piracy. While most reported incidents occur within maritime zones subject to coastal state jurisdiction, the international law of piracy remains principally focused on conduct occurring on the high seas. This raises important questions regarding the continuing adequacy of the UNCLOS definition of piracy in addressing contemporary patterns of maritime criminality and provides a basis for the subsequent examination of the effectiveness of the international legal framework.

Further analysis of the author's original piracy incident database, compiled from IMO and ICC-IMB records between 1984 and 2024, provides empirical support for this jurisdictional disconnect. The findings indicate that 65.8% of incidents reported between 2001 and 2024 occurred within territorial waters and port areas and would therefore be classified as armed

[880] IMO, Resolution A.1025(26), Code of Practice for the investigation of crimes of piracy and armed robbery against ships, adopted on 2 December 2009, A 26/Res. 1025, Agenda item 10, 18 January 2010

robbery against ships rather than piracy under Article 101 of UNCLOS. Only 34.2% of incidents occurred on the high seas and fall within the Convention's definition of piracy (table 3, Figure 6).

This jurisdictional distinction is significant because responsibility for preventing and prosecuting armed robbery against ships rests primarily with coastal states rather than the international community. Furthermore, this data revealed that while a significant number of "piracy" incidents occurring in Southeast Asia and West Africa took place in territorial waters and port areas, most incidents in East Africa occurred in the high seas.[881] The increasing concentration of incidents in the territorial seas of Southeast Asia and West Africa raises renewed questions regarding jurisdictional fragmentation under UNCLOS, as universal jurisdiction does not extend to such incidents.[882]

Although almost all piracy hotspot states have ratified UNCLOS and other piracy regional arrangements, such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia 2006 (ReCAAP), Yaoundé Code of Conduct 2013 (YCoC), and Djibouti Code of Conduct 2017 (DCoC). The implementation of these frameworks' rests entirely with the coastal states, which have varying capacities and political will to implement them. Most high-risk piracy-prone hotspot states lack a comprehensive maritime piracy legal instrument to address maritime insecurity, as only a few have domesticated UNCLOS and established national piracy laws with stringent measures to address "piracy" within their regions.[883] Therefore, efforts to prosecute suspected pirates and integrate maritime security

[881] Zhaoyang H.E., and others, 'Assessment of global shipping risk caused by maritime piracy' (2023) 9 Heliyon; Osogi M.A., and others, 'Exploring the turbulent waters from sea to shoreline: Maritime Piracy, Resource Conflict and the Future of Coastal Economies' (2025 9 International Journal of Scientific and Engineering Research.

[882] UNCLOS, Articles 100 and 101

[883] For example, the Statutes of the Republic of Singapore Penal Code 1871, (revised ed. 2020), Chapter 6A, sections 130B and 130C; Kenya Merchant Shipping Act, 2009 (Cap. 389); The Piracy and Maritime Violence Act 2011, Act No. 39 of 2011, 15 December 2011, Mauritius; Benin Maritime Code (Act No. 2011-11); and The Suppression of Piracy and other Maritime Offences Act, 2019, 24 May 2019, Nigeria

legislation into national legal frameworks have made limited progress.[884] For instance, despite a significant rise in piracy incidents, especially in West Africa between 2018 and 2020, only a few piracy suspects were prosecuted in the Nigerian and Togolese courts. This questions the capacity of states to prosecute suspected pirates effectively.[885]

Furthermore, the absence of a universally harmonised legal framework for the criminalisation and prosecution of piracy and armed robbery against ships has resulted in divergent national laws,[886] inconsistent penalties, and varying prosecutorial approaches.[887] Given the transnational nature of maritime crime, these legal discrepancies undermine regional cooperation and create enforcement gaps that criminal networks can exploit.[888] Although regional initiatives and national counter-piracy measures have contributed to a reduction in incidents, their effectiveness continues to be constrained by weak institutional capacity, limited financial resources, corruption, and deficiencies in judicial systems across several piracy-prone states.

The findings indicate that piracy and armed robbery against ships remain persistent and adaptive threats. Since most incidents occur within territorial waters and port areas, greater emphasis should be placed on strengthening coastal surveillance, port security infrastructure, maritime law-enforcement capabilities, and domestic prosecutorial frameworks. By contrast, the relatively fewer incidents occurring on the high seas tend to involve organised criminal groups and often have more severe consequences for shipping and international trade. Effective

[884] Rossella Marangio, Deep Waters: The maritime security landscape in the Gulf of Guinea, European Union Institute for Security Studies (EUISS), Brief 1, Jan. 2025

[885] Jessica Larsen, 'What shall we do with the suspected pirates, 30 March 2023, Danish Institute for International Studies (DIIS) Study Brief

[886] Karsen Von Hoesslin, 'Piracy and armed robbery at sea in Southeast Asia: Organised and Fluid' (2012) 35, Studies in Conflict and Terrorism 542-552.

[887] Carolin Liss, 'Maritime piracy in Southeast Asia' (2003) 68 Southeast Asian Affairs, 52

[888] Nusret Sogancilar and Ahmed Yusuf Sarihn, 'An examination of the pirate cycle theory: insights from modern piracy dynamics (2025), Marine Policy and Management, 1-20.

responses therefore require a location-specific approach that combines legal, economic, and security measures tailored to the characteristics of each maritime zone.

Finally, the forty-year trajectory of piracy and armed robbery against ships demonstrates neither a simple rise-and-fall pattern nor a linear process of suppression. Rather, it reveals recurring cycles of escalation, geographical displacement, and operational adaptation. The early phase of relatively opportunistic attacks (1984-1994) evolved into organised and industrialised high-seas piracy (1995-2011), before transforming into regionally concentrated forms of maritime criminality characterised by kidnap-for-ransom and attacks within territorial waters (2012-2024). This evolutionary pattern suggests that piracy is fundamentally linked to broader governance deficits, economic vulnerabilities, and enforcement limitations rather than solely to conditions at sea. Consequently, legal frameworks designed primarily around high-seas piracy appear increasingly inadequate for addressing contemporary manifestations of maritime crime. The findings therefore indicate that the history of piracy between 1984 and 2024 is best understood as a process of continuous adaptation, shaped by changing incentives, enforcement pressures, regional instability, and the constraints of international law.

5.6 Strategies, Impacts and Consequences of Piracy and Armed Robbery Against Ships

While the frequency and geographical distribution of piracy incidents provide important insights into the evolution of maritime crime, understanding the operational strategies employed by pirates is equally important in assessing the nature and severity of the threat. Over the past four decades, piracy and armed robbery against ships have evolved from relatively opportunistic acts of theft to increasingly sophisticated forms of organised maritime criminality. These developments have been accompanied by variations in the methods of attack, levels of violence, use of weapons, hostage-taking practices, vessel hijackings, and kidnap-for-ransom operations.

The operational characteristics of piracy directly influence its economic, human, and security consequences. Attacks involving vessel seizures, crew abductions, and organised criminal networks typically generate greater financial losses, create heightened risks to seafarers, and pose more significant challenges to maritime governance than opportunistic thefts against vessels at anchor or in port areas. Consequently, an examination of piracy strategies provides important insights into the evolving capabilities of maritime criminal groups and the changing nature of maritime insecurity.

This section analyses the principal strategies employed by pirates and armed robbers at sea between 1984 and 2024 and assesses the severity of reported incidents. Particular focus is given to patterns of violence, boarding methods, weapon use, kidnappings, hostage-taking, vessel hijackings, and other operational characteristics. The analysis further evaluates the impacts and consequences of these attacks for seafarers, shipping operations, maritime commerce, and international maritime security.

5.6.1 Maritime Piracy Strategies and Incident Severity

Analysis of the nature and severity of piracy incidents reveals a significant transformation from opportunistic theft and low-level robbery to increasingly violent and organised forms of maritime crime. During the early period of the study, most attacks consisted of simple thefts targeting property and ship stores, often involving limited planning and little violence.[889] However, by the twenty-first century, piracy had evolved into a coordinated criminal enterprise. Many attacks involved organised groups of between five and ten offenders operating with sophisticated weapons and equipment, including knives, machetes, pistols, firearms such as AK-47 rifles and shotguns, as well as mother ships that enabled attacks far from shore.[890]

[889] IMO, Acts of piracy, n 17

[890] UK Parliament - House of Commons Transport Committee, Piracy, Eighth Report of Session 2005-06, 28 June 2006, HC 1026; IMO, Global Counter Piracy Guidance for Companies, Masters and Seafarers, June 2018; ReCAPP ISC, January to December 2024 Annual Report 2024, Piracy and armed

Despite the overall decline in reported incidents in recent years, the severity of attacks has increased in several regions.[891] The use of firearms, knives, and other weapons remains prevalent, particularly in Southeast Asia and the Gulf of Guinea.[892] For example, incidents involving firearms rose substantially during peak years, with 56 cases recorded in 2018 and 69 in 2020, compared with 16 and 17 incidents in 2022 and 2023 respectively.[893] While the absolute number of attacks has declined, these figures indicate that contemporary piracy is increasingly characterised by fewer but more violent and organised incidents.

Pirate attack strategies also vary according to regional maritime conditions and target availability. In Southeast Asia, large bulk carriers, container ships, and tug-and-barge combinations transiting the Straits of Malacca and Singapore are frequent targets.[894] The concentration of commercial traffic and the transportation of valuable cargoes through narrow and congested waterways provide attractive opportunities for maritime theft and robbery.[895] By contrast, Somali piracy historically focused on large merchant vessels, oil tankers, and other slow-moving ships operating on the high seas.[896] These vessels were comparatively vulnerable to boarding operations and offered substantial financial rewards through ransom payments. In the Gulf of Guinea, product tankers and offshore support vessels have been particularly vulnerable due to their association with offshore oil operations, making them attractive targets

robbery against ships in Asia; Paszka, Imre Agoston, 'Maritime Piracy as an International Crime in the 21st Century' (2018) 30 Belvedere Meridionale, 96-107; Adrian Leonard, Andrew Coburn, Gary Bowman, Political Violence Organised Crime: Piracy, Working Paper 201203.05, March 2012, University of Cambridge Judge Business School; IMO, Reports of Acts of Piracy, 2000-2024, n 17

[891] ICC-IMB, Piracy and Armed Robbery Against Ships, Reports for the Period of 1 January 2024 to 31 December 2024, January 2025

[892] *Ibid*

[893] ICC, News articles, Maritime piracy dropped in 2024, but crew safety remains at risk, 2024

[894] ReCAAP Information Sharing Centre (ISC), January to December 2024, Annual Report, 2024

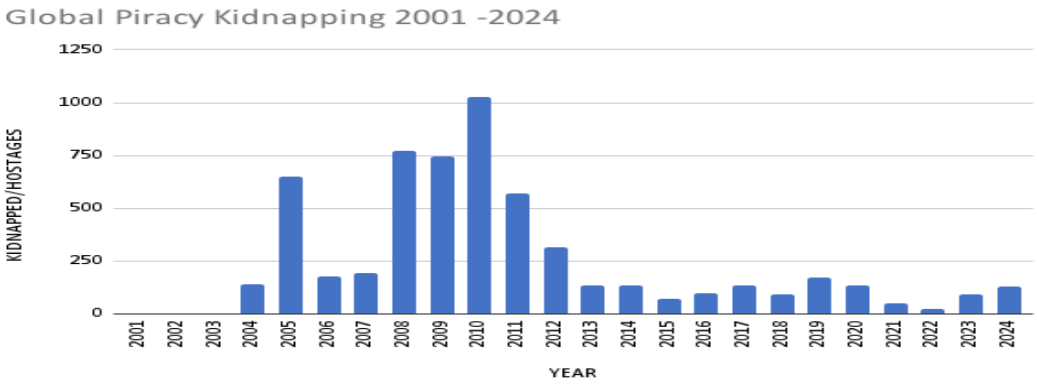
[895] *Ibid*

[896] Roger Middleton, Piracy in Somalia: Threatening global trade, feeding local wars, October 2008, Chatham House, Briefing Paper AFP BP 08/02; Edward R. Lucas, 'Somalia's "Pirate Cycle": The Three Phases of Somali Piracy Somalia's "Pirate Cycle": The Three Phases of Somali Piracy' (2013) 6 Journal of Strategic Security 55-63

for fuel theft and kidnap-for-ransom activities.[897] These regional variations demonstrate the adaptability of piracy networks and their ability to exploit specific geographical and economic opportunities.

The consequences of piracy attacks extend far beyond the unlawful seizure of property. Reported incidents include vessel hijackings, the grounding of ships, physical assaults on crew members, hostage-taking, kidnapping for ransom, crew disappearances, and fatalities.[898] In many cases, crew members were restrained, assaulted, or subjected to prolonged captivity, resulting in serious physical and psychological harm. The data further indicate that hostage-taking and kidnapping emerged as dominant piracy strategies during the early 2000s, reflecting a shift towards profit-driven and organised criminal operations.

Fig. 7: Global Trends in Kidnapping Associated with Piracy and Armed Robbery Against Ships (2001–2024)



[897] Nippon Kaiii Kyokai, BMP West Africa, March 2020 BMP West Africa Accessed on 22/9/2025; Temitope Francis Abiodun, Mohammed Yakubu Dahiru, 'Maritime Insecurity in the Gulf Of Guinea (Gog) and the Quest for Security Intelligence Deployment in Combating the Menace' (2024) 11 International Journal of Contemporary Applied Researches, 40

[898] IMO, Reports of Acts of Piracy, 2005-2024, n 17; ICC-IMB, Piracy and Armed Robbery Against Ships, Reports for the Period of 1 January 2007 to 31 December 2007, January 2008; ICC-IMB, Piracy and Armed Robbery Against Ships, Reports for the Period of 1 January 2009 to 31 December 2009, January 2010; ICC-IMB, Piracy and Armed Robbery Against Ships, Reports for the Period of 1 January 2010 to 31 December 2010, January 2011; ICC-IMB, Piracy and Armed Robbery Against Ships, Reports for the Period of 1 January 20101to 31 December 2011, January 2012; ICC-IMB, Piracy and Armed Robbery Against Ships, Reports for the Period of 1 January 2012 to 31 December 2012, January 2013; ReCAAP Information Sharing Centre (ISC), January to December 2021, Annual Report, January 2022

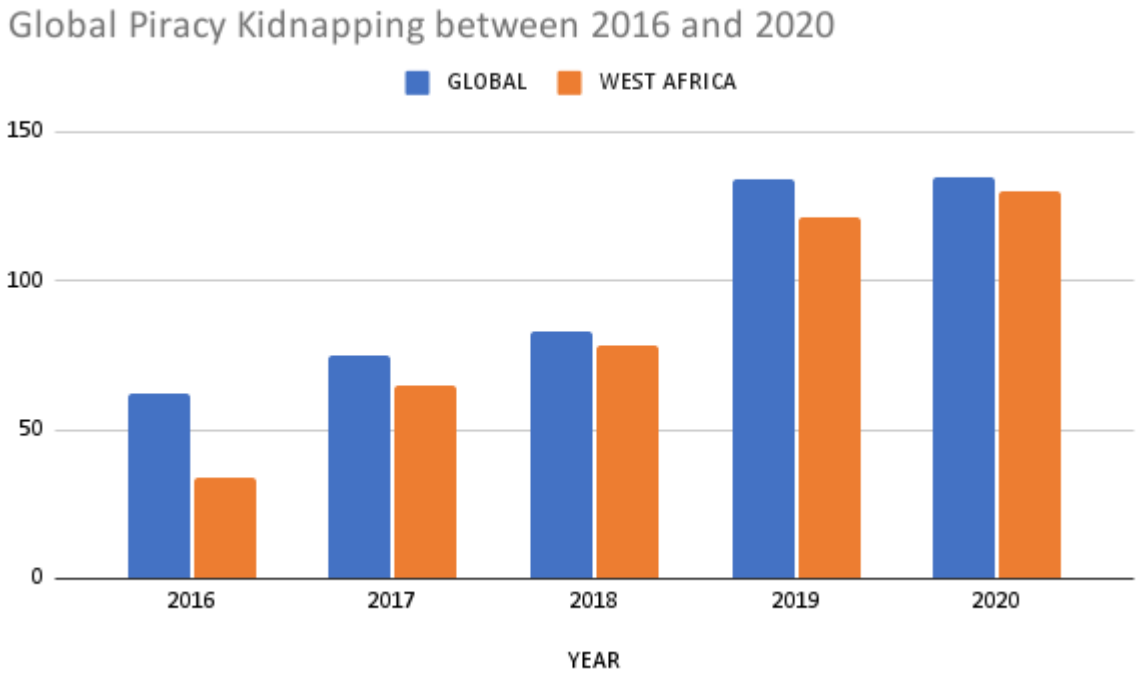
Source: Author's analysis of kidnapping data compiled from IMO GISIS piracy and armed robbery incident reports (2001–2024).

As illustrated in Figure 7, the period between 2005 and 2012 represented the most severe phase of piracy-related kidnappings and hostage-taking. Particularly high numbers were recorded in 2005 (652), 2008 (774), 2009 (746), 2010 (1,027), 2011 (569), and 2012 (313).[899] The concentration of kidnappings and hostage-taking during 2005-2012 highlights the severity of piracy during the Somali piracy crisis, when the detention of crew members became a central component of ransom-based piracy operations. However, although the number of kidnappings declined following the suppression of Somali piracy, kidnapping remained a prominent feature of maritime criminality.

A renewed increase in crew abductions was observed between 2016 and 2020, and again between 2023 and 2024, particularly in the Gulf of Guinea. As illustrated in Figure 8, the Gulf of Guinea accounted for a substantial proportion of global piracy-related kidnappings during this period, reinforcing its status as the principal hotspot for maritime kidnapping globally. These findings indicate that while the geographical focus of piracy has shifted, the underlying strategy of exploiting crew members for financial gain has persisted. Consequently, despite the overall decline in global piracy incidents, kidnapping for ransom remains one of the most significant threats to maritime security, particularly in West Africa (Gulf of Guinea). Furthermore, the increase in reported kidnappings and hostage-taking incidents in the Malacca Strait and the Arabian Sea during 2024 may indicate the re-emergence of organised piracy activities beyond the Gulf of Guinea, including attacks occurring further offshore.

[899] IMO, *Ibid*

Fig. 8: The Gulf of Guinea's Contribution to Global Piracy-Related Kidnappings (2016-2020)



The persistence of piracy and armed robbery against ships over the past four decades demonstrates that their significance extends beyond the number of recorded incidents. Piracy continues to generate substantial human, economic, legal, and security consequences. Reported attacks have resulted in loss of life, physical injuries, psychological trauma, vessel hijackings, cargo theft, property damage, and significant financial losses to the maritime industry.[900] Beyond individual incidents, piracy threatens international trade, maritime commerce, regional stability, and the sustainable use of the oceans.[901] These findings suggest that the evolution of piracy has been accompanied not only by changes in attack strategies but also by a substantial increase in the human and security costs associated with maritime crime. The following section

[900] *Ibid*

[901] United Nations, Maritime Piracy: An overview of Trends, Costs, and trade-related implications, United Nations Conference on Trade and Development (UNCTAD), Studies in Transport Law and Policy – 2014 No.1, UNCTAD/DTL/TLB/2013/1.

therefore examines the impacts and consequences of piracy and armed robbery against ships across economic, human, legal, and geopolitical dimensions.

5.6.2 Impacts and Consequences of Piracy Attacks between 1984 and 2024

The significance of piracy and armed robbery against ships cannot be measured solely by the number of recorded incidents. As demonstrated in the preceding section, the evolution of piracy from opportunistic theft to organised and often violent maritime criminality has generated far-reaching consequences for seafarers, the shipping industry, coastal states, and the international community. The impacts of piracy extend beyond the immediate loss of property and cargo, affecting human security, international trade, maritime governance, regional stability, and the global economy.

The severity of these consequences has varied across regions and periods, reflecting changes in piracy strategies and operational capabilities. While some attacks involve petty theft and robbery, others have resulted in vessel hijackings, prolonged hostage situations, kidnappings for ransom, physical injuries, loss of life, and significant financial losses. The increasing use of violence and the emergence of ransom-based piracy models have further amplified the human, social, and economic costs associated with maritime crime.

This section examines the principal impacts and consequences of piracy and armed robbery against ships between 1984 and 2024. Drawing on the empirical findings of this study, the analysis considers the human and social effects on seafarers and coastal communities, the economic implications for shipping and international trade, the legal and governance challenges associated with prosecution and enforcement, and the broader geopolitical consequences for maritime security and regional stability. Through this analysis, the section highlights the multidimensional nature of piracy and demonstrates why it remains a significant

contemporary maritime security challenge despite the overall decline in global incident numbers.

5.6.2.1 Human and Social Consequences

Piracy attacks have severe humanitarian consequences for their victims. The tactics employed by pirates during attacks and vessel hijackings often involve violence, including physical assaults on crew members and passengers, hostage-taking, kidnapping, and, in some instances, the throwing of victims overboard. These attacks have resulted in fatalities, disappearances, and varying degrees of physical injury. Moreover, thousands of seafarers have been held hostage for prolonged periods, often for several months, during ransom negotiations.[902] For instance, between 2001 and 2024, at least 33 ships were reported lost following the hijacking of 387 vessels, with 35.6 per cent (214) of these hijackings occurring between 2008 and 2011, predominantly on the high seas.[903] These attacks resulted in more than 150 recorded deaths, of which 71 per cent (99) occurred between 2001 and 2007. In addition, 294 crew members and passengers were reported missing between 2001 and 2024 and remain unaccounted for. These figures demonstrate that the consequences of piracy extend beyond material losses, imposing substantial physical harm and long-term human suffering on seafarers and passengers.[904]

In addition, kidnapping for ransom and hostage-taking became a source of income and social status, fuelling local support networks in some regions.[905] These captives were held for an extended period to secure a substantial ransom payment.[906] While the true cost of ransom cannot be ascertained due to inconsistent figures, it was estimated that the Somali pirates, for instance, received ransoms from US$339 million to US$413 million between 2005 and 2012,

[902] Justin V. Hastings, 'Geographies of State Failure and sophistication in maritime piracy hijackings' (2009) 28 Political Geography
[903] IMO, Reports of Piracy, 2001-2024, n 17
[904] *ibid*
[905] Peter Lehr (ed), *Violence at Sea: Piracy in the age of Global Terrorism* (UK, Routledge, 2007)
[906] Parvathi Rajagopal & Fatimath Musskan, 'Waves of Plunder: The economic impacts and legislative responses to maritime piracy' (2025) 5 Indian Journal of Integrated Research in Law, p.1928.

with the ransom peaking at US$176 million in 2010 before it declined to US$31.75 million in 2012.[907] The substantial financial returns associated with ransom payments transformed hostage-taking into a highly profitable criminal enterprise. Consequently, kidnapping became a central operational strategy of organised pirate groups, contributing to the 5,872 kidnappings reported between 2004 and 2024.[908]

However, there has been a significant decrease in reported piracy incidents after 2011, as the period between 2012 and 2024 revealed fewer ship hijacks with only 83 (21.4%) incidents, a reduction in casualties, resulting in 17 (12%) of reported deaths, and 55 (18.7%) of missing persons. Consequently, the period between 2021 and 2024 revealed fewer incidents than the previous years and the early part of the decade, attracting global celebration by maritime agencies and international communities.[909]

However, while the incidents of piracy are decreasing, there has been a significant increase in kidnapping/ hostage-taking, especially in West African regions, as most of the kidnappings from 2012 to 2024 reportedly occurred in West Africa, with Nigeria accounting for over 80% of kidnappings/hostage-taking that occur in West Africa.[910] These dangers at sea caused by piracy incidents result in grave psychological and emotional trauma among survivors, while the families of the victims endure long periods of uncertainty, mental instability, and economic hardship.[911] These findings suggest that while international counter-piracy initiatives have

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[907] *Ibid*

[908] While these figures reveal the reported incidents of piracy, it did not constitute the entire number of incidents, as most of the incidents were not reported

[909] ICC, 'Sustained efforts needed as global piracy incidents hit lowest levels in decades, 12 January 2023.

[910] International Chamber of Commerce, 'No room for complacency: maritime piracy incidents fall but crew safety remains at risk' 11 July 2024.

[911] Antonio Rosario Ziello, and others, 'Psychological distress in families of victims of maritime piracy-the Italian experience' (2014) 65 International Maritime Health, 28-32; Alvarez Dennis M., 'The psychological impact of piracy: Incidence of physical symptoms suggestive of posttraumatic stress disorder in seafarers' (2020) Ashford University ProQuest Dissertations and theses; D. Conor Seyle, 'The long-term impact of maritime piracy on seafarers' behavioural health and work decisions' (2018) 87 Marine Policy, 23-28

reduced the frequency of attacks, they have not eliminated the threat posed to seafarers. Instead, piracy has adapted operationally, with kidnapping and hostage-taking remaining significant risks, particularly in the Gulf of Guinea.

5.6.2.2 Economic Impacts

Piracy imposes substantial direct and indirect costs on global trade and the shipping industry. Direct losses arise from vessel hijackings, cargo theft, ransom payments, damage to ships, and the loss or destruction of maritime assets. Between 2001 and 2024, more than 25 vessels were reported missing, lost, or destroyed during piracy attacks, alongside significant losses of commercial goods and petroleum products.[912] These losses generate considerable financial consequences for shipowners, cargo operators, insurers, and national economies. As such, the World Bank estimated that Somalia (East Africa) piracy cost the global economy $18 billion annually at its peak.[913]

Beyond these immediate losses, piracy creates wider economic consequences by disrupting international shipping routes. To reduce exposure to piracy threats, vessels often reroute around high-risk regions, resulting in longer voyage durations, increased fuel consumption, higher insurance premiums, and additional security expenditures.[914] These increased operational costs are frequently transferred to consumers through higher transport and commodity prices, demonstrating that the economic consequences of piracy extend beyond the maritime sector and affect the global economy more broadly.

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[912] Kaija Hurlburt, Oceans Beyond Piracy D. Conor Seyle, 'The Human Cost of Maritime Piracy, 2012, Working Paper, Oceans beyond piracy; UNCTAD, Maritime Piracy, n 42; Parvathi Rajagopal & Fatimath Musskan, n 938.

[913] World Bank, 'The Pirate Coast: The Economic Costs of Maritime Piracy', 2013, Washington DC.

[914] Cavin Willy Mohonis Sambenthiro and Imam Fadhil Nugraha, 'The legal economic effects of maritime piracy' (2024) 3 Moneter Jurnal Ekonomi dan Keuangan, 62-73; Parvathi Rajagopal & Fatimath Musskan, n 937; Peter Chalks, The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States (USA, RAND Corporation, 2008)

5.6.3 Case Studies of Piracy and Armed Robbery in Hotspot Regions

As demonstrated in Figure 4, the overwhelming majority (85.8%) of reported piracy and armed robbery incidents occurred within a limited number of high-risk maritime regions, notably Southeast Asia (56.9%), East Africa, particularly the Horn of Africa and Somali waters (13.2%), and West Africa, primarily the Gulf of Guinea (15.7%).[915] These regions exhibit distinct temporal patterns, operational characteristics, and underlying drivers shaped by their respective political, economic, and security environments. The concentration of incidents within these maritime hotspots makes them particularly valuable case studies for assessing both the evolution of piracy and the effectiveness of international and regional counter-piracy frameworks. Examining these regions comparatively enables a deeper understanding of how differing governance structures, legal systems, maritime capacities, and regional cooperation mechanisms influence the prevalence and characteristics of piracy and armed robbery against ships.

5.7 Piracy in Southeast Asia as a Case Study (1984–2024)

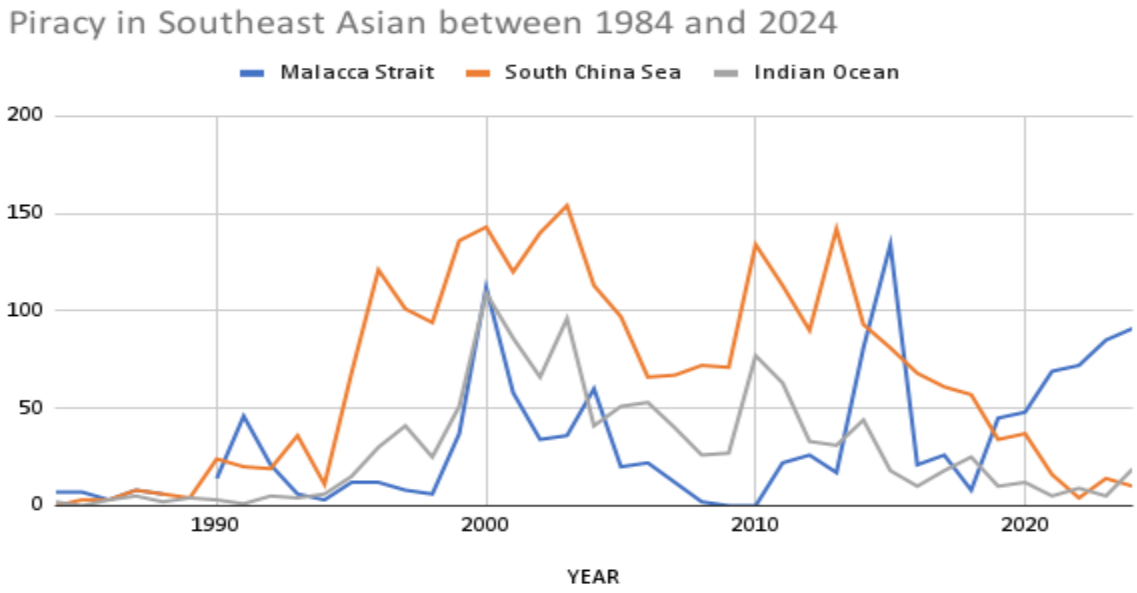
Southeast Asia has long been recognised as one of the world's most strategically important maritime regions, hosting some of the busiest and most economically significant shipping routes in the global trading system. Its complex maritime geography, characterised by narrow straits, extensive archipelagic waters, and heavily congested sea lanes, has historically created conditions conducive to piracy and armed robbery against ships. The region experienced a particularly sharp escalation in piracy incidents between 1995 and 2003, reaching a peak of 364 reported incidents in 2000, compared with only 20 incidents in 1994.[916] Situated along

[915] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 1984-2024, n 17
[916] IMO, Acts of Piracy and Armed Robbery against Ships Reports, 1994 to 2003, n 17; see also Karsten von Hoesslin, 'The Economics of Piracy in Southeast Asia,' May 2016, Global Initiative Against Transnational Organized Crime, 6-9

major international shipping corridors, including the Malacca Strait, the South China Sea, and the Indian Ocean, Southeast Asia represents a critical intersection between global maritime commerce and maritime criminality.

As illustrated in Figure 9, Southeast Asia accounted for 56.9% of all reported piracy and armed robbery incidents recorded globally between 1984 and 2024, making it the most piracy-affected region during the study period.[917] Within the region, the South China Sea accounted for 29.4% of global incidents and approximately 51.7% of all reported incidents in Southeast Asia, followed by the Malacca Strait (14.4%) and the Indian Ocean (13.1%).[918] Although many attacks consisted of low-level armed robbery occurring within port areas and territorial waters, the region also witnessed periods of highly organised and transnational maritime criminal activity, particularly during the late 1990s and early 2000s.

Fig. 9: Trends in Reported Piracy and Armed Robbery Against Ships in Southeast Asia (1984–2024)



[917] IMO, Acts of Piracy and Armed Robbery against Ships, Annual Reports – 1984-2024, n 17
[918] *Ibid*

Source: Author's original piracy database compiled from IMO GISIS piracy and armed robbery incident reports (1984–2024).

The evolution of piracy in Southeast Asia over the past four decades reflects broader changes in the region's political, economic, and security environment. Analysis of piracy incidents between 1984 and 2024 reveals distinct phases of development, ranging from opportunistic coastal theft and armed robbery to increasingly organised forms of maritime criminality. However, these patterns cannot be explained solely by events occurring at sea. Instead, piracy in Southeast Asia has been shaped by the interaction of geographical vulnerabilities, expanding maritime trade, economic disparities, governance challenges, and varying levels of maritime enforcement capacity. Understanding these structural drivers is essential to explaining both the persistence of piracy and the fluctuations in incident levels observed across the region during the study period.

5.7.1 Opportunistic Theft and Low-Level Attacks (1984–1994)

During the period between 1984 and 1994, Southeast Asia experienced relatively low levels of reported piracy and armed robbery against ships compared with subsequent decades.[919] Maritime attacks during this phase were generally limited in scale and were predominantly characterised by opportunistic theft occurring within port areas, harbours, and anchorages. Most incidents involved small groups of offenders targeting vessels at berth or anchor, with the primary objective of stealing easily accessible property, including ship stores, equipment, cash, and crew valuables.[920] Unlike later periods, attacks were generally non-violent and rarely involved prolonged vessel seizures, hostage-taking, or organised criminal operations.

[919] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 1984 -1994, n 17.
[920] *Ibid*

The geographical distribution of incidents during this period indicates that maritime crime was concentrated largely within territorial waters rather than on the high seas. This pattern suggests that most attacks were motivated by immediate economic gain rather than sophisticated transnational criminal objectives.[921] The relatively limited scale and organisation of piracy during this period reflected both lower levels of commercial maritime traffic compared to later decades and the absence of well-developed maritime criminal networks capable of conducting large-scale operations across multiple jurisdictions.

Furthermore, the low incident levels recorded during this period suggest that piracy had not yet emerged as a major regional security concern. Instead, maritime crime in Southeast Asia was primarily perceived as a localised law-enforcement issue affecting ports and coastal waters.[922] The vulnerabilities exposed during this period, including busy shipping lanes, extensive coastlines, porous maritime boundaries, and uneven enforcement capacity, created conditions that would later facilitate the significant escalation of piracy and armed robbery against ships during the mid-1990s and early 2000s.[923]

5.7.2 Escalation, Organisation, and Regional Expansion (1995-2011)

From 1995 to 2011, piracy in Southeast Asia evolved from predominantly opportunistic coastal theft into a more organised and regionally dispersed form of maritime criminality. This period marked a significant escalation in both the scale and sophistication of attacks across the region. The first global peak in piracy was recorded in 2000, when 471 incidents were reported worldwide, of which approximately 77 per cent occurred in Southeast Asian waters.[924] Throughout the subsequent decade, the region continued to experience consistently high levels

[921] *Ibid*
[922] Zhaoyang He, and others, 'Assessment of global shipping risk caused by maritime piracy' (2023) 9 Heliyon,
[923] Catherine Zara Raymond, 'Piracy and Armed Robbery in the Malacca Strait' (2009) 62 Naval War College Review
[924] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2000, n 17.

of piracy, albeit with annual fluctuations, making Southeast Asia the principal global hotspot for maritime crime during this period.

Overall, incidents recorded between 1995 and 2011 accounted for approximately 70 per cent of all piracy and armed robbery incidents reported globally between 1984 and 2024.[925] This period fundamentally transformed the nature of piracy in the region, shifting from isolated acts of theft against vessels at anchor to increasingly organised criminal operations targeting ships, cargoes, and crew members.[926] Attacks became more sophisticated and frequently involved coordinated groups capable of undertaking vessel hijackings, cargo theft, hostage-taking, and ransom-related activities.[927] Consequently, the period witnessed a marked increase in the severity of incidents, including the seizure of large commercial vessels and the emergence of organised maritime criminal networks operating across national boundaries.

A combination of factors was responsible for the surge of piracy in the region during this period. This includes the rapid expansion of maritime trade, following the economic growth of East and Southeast Asian economies, and the admission of China into the World Trade Organisation in 2001.[928] This expansion further accelerated global trade flows, increasing the volume of shipping traffic passing through critical maritime chokepoints such as the Strait of

[925] Ibid, reports from 1984-2024

[926] Lee Yin Mui, Piracy and Armed Robbery as an Evolving Threat to Southeast Asia's Maritime Security, 7 December 2022, Asia Maritime Transparency Initiative (AMTI); Carolin Liss, PRIF Report No. 125 Assessing contemporary maritime piracy in Southeast Asia: trends, hotspots and responses, 2014, PRIF Reports, 125, Peace Research Institute Frankfurt (PRIF), Frankfurt.

[927] IMO Reports on Act of Piracy, n 17; Giacomo Morabito and Bruno S. Sergi, 'How did maritime piracy affect trade in Southeast Asia?' (2018) 18 Journal of East Asian Studies, 1-11.

[928] Alessandro Nicita and Carlos Razo, China: The rise of a trade titan, 27 April 2021, United Nations Trade and Development (UNCTAD); Yi Wen, China's Rapid Rise: From Backward Agrarian Society to Industrial Powerhouse in Just 35 Years, 11 April 2016, Federal Reserve Bank of St. Louis; James Warren, 'A tale of two centuries: The globalization of maritime raiding and piracy in Southeast Asia at the end of the eighteenth and twentieth centuries', in James Warren, A world of water (Brill, 2007), 123-152; Giacomo Morabito, and Bruno S. Sergi, 'How did maritime piracy affect trade in Southeast Asia? (2018) 18 Journal of East Asian Studies, 255-265

Malacca and the Singapore Strait.[929] These narrow and congested maritime chokepoints create favourable operational conditions for maritime attackers, making shipping vessels susceptible to piracy and other security threats, as these conditions facilitate attackers to approach ships unnoticed.[930] The proximity of numerous small islands, fishing communities, and poorly monitored coastal areas provides concealment for pirate groups and facilitates rapid escape following attacks.[931] In addition, environmental conditions such as limited nighttime visibility, strong currents, and dense maritime traffic can complicate surveillance and enforcement activities, as they are being used as an ideal hiding and escape route for small boats.[932] This geographic complexity has consistently limited the state's capacity to police and maintain comprehensive maritime surveillance effectively.

Furthermore, this region's rapid growth of maritime trade creates a significant economic disparity between wealthy commercial vessels and impoverished, underdeveloped coastal

[929] United Nations Trade and Development (UNCTAD), Review of Maritime Transport 2023: Facts and Figures on Asia, 27 September 2023, UNCTAD/PRESS/IN/2023/002, Geneva, Switzerland; Rolf J. Langhammer, The Expansion of Intra-Asian Trade: An Analysis of Structural Patterns and Determinants, January 1997, Kiel Working Paper No. 792, Kiel Institute of World Economics, Germany. See also Florina Popa, 'Considerations Regarding The Emergence Of The Two Types Of Crisis - The Financial Crisis Of 2008, The Pandemic Crisis - Covid-19' (2023) 59 Management Strategies Journal, Constantin Brancoveanu University, 86-93; Oxford Analytica, Economic downturn raises South-east Asia piracy risk, 2020, Expert Briefings; David Rosenberg, 'The Political Economy of Piracy in the South China Sea,' (2009) 62 Naval War College Review 62, Article 5, 44; Richard Baldwin, Globalisation, Automation, and the history of work: Looking back to understand the future, 16 May 2019, United Nations Trade and Development (UNCTAD); Li Yunong, and others, 'Trade Liberalisation and Industrial Agglomeration: Evidence From China' (2025) 48 The World Economy, 1445-1753; Miao Zhang, Rasiah, Rajah, 'Globalization, industrialization and labour markets in China' (2015) 20 Journal of the Asia Pacific Economy; Alessandro Nicita and Carlos Razo, China: The rise of a trade titan, 27 April 2021, United Nations Trade and Development (UNCTAD); Yi Wen, China's Rapid Rise: From Backward Agrarian Society to Industrial Powerhouse in Just 35 Years, 11 April 2016, Federal Reserve Bank of St. Louis

[930] Omar Al-Ubaydli, and others, Maritime security in the MENA region: lessons for the Malacca Straits patrol, 6 July 2025, MENA2050 Regional Vision Team; Sam Bateman, Catherine Zara Raymond, and Joshua Ho, Safety and Security in the Malacca and Singapore Straits: An Agenda for Action, May 2006, Institute of Defence and Strategic Studies Policy Paper, 20-25

[931] Ursula E. Daxecker and Brandon C. Prins, 'Searching for sanctuary: government power and the location of maritime piracy' (2015) 41 International Interactions

[932] Catherine Zara Raymond, 'Piracy and armed robbery in the Malacca Strait: A problem solved? (2009) 62, Naval War College Review, 32-35

communities.[933] These uneven economic developments caused several marginalised communities, including Indonesia, the Philippines, and Malaysia, with limited economic opportunities, and small boat operators and fishermen, struggling with declining fish stocks and low income, to create a profitable incentive for attacks against ships as a survival means.[934]

At the same time, the Asian financial crisis of 1997 and the 2008 global recession generated significant socio-economic hardship across several countries in the region, contributing to rising unemployment and economic instability in coastal communities.935 Furthermore, these conditions created an enabling environment for the emergence of more organised forms of maritime criminal activity.[936] The period between 1995 and the early 2000s witnessed a marked increase in piracy incidents across Southeast Asian waters. During this phase, attacks became more coordinated and often involved larger groups of perpetrators using small, fast vessels to intercept merchant ships.[937] In some cases, criminal groups were able to hijack vessels and

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[933] Mokhaad Saiful Farisin, 'Exploring the root causes and operational tactics of sea piracy against fishermen in Indonesia' (2025) 8 International Journal of Global Community, 21-34; see also, Yautaka Tominaga, 'Exploring the economic motivation of maritime piracy' (2016) 29 Defence and Peace Economics, 1-24

[934] Carolin Liss, Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses, Peace Research Institute Frankfurt (PRIF) Report No. 125, Germany 2014, pp 15-21; see also, Carolin Liss and Ted Biggs, *Piracy in Southeast Asia: Trends, Hot Spots and Responses*, (New York, Routledge, 2016) 3-5; Gabriella Richardson Temm, Ruba Marshood, and Pamela Stedman-Edwards, The Global Fisheries Crisis, Poverty and Coastal Small-Scale Fishers: linkages, impacts and opportunities, December 2008, World wide fund for nature, Washington DC, USA

[935] Michael Carson and John Clark, Asian Financial Crisis July 1997-December 1998, 22 November 2013, Federal Reserve History; International Monetary Fund (IMF) The Asian Crisis: Causes and Cures, Volume 35, Number 2, June 1998, Finance & Development, IMF; Yilmaz Akyüz, Causes and Sources of the sian Financial Crisis, 17 February 2000, Paper presented at the Host Country Event: Symposium on Economic and Financial Recovery in Asia UNCTAD X, Bangkok, UNCTAD, Geneva; Barry Sterland, The Asian financial crisis 20 years on: lessons learnt and remaining challenges, 2 Jul 2017, Asia Financial Review; World Bank, East Asia: The road to recovery, September 1998, Chapter 5 World Bank Report 1998, Report no. 18457; Tamar Manuelyan Atinc and Michael Walton, Responding to the global financial crisis: Social consequences of the East Asian financial crisis, 1 December 1998, Working Paper 31041, World Bank

[936] Anup Phayal, Aaron Gold, Brandon Prins, 'Interstate hostility and maritime crime: Evidence from South East Asia' (2022) 143 Marine Policy; John Bradford and Scott Edwards, The Evolving Nature of Southeast Asia's Maritime Security Threats, November 16, 2022, Asia Maritime Transparency Initiative, AMTI

[937] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 1995 -2005, n 17.

divert them to remote locations where cargo could be stolen, and vessels repainted or re-registered under false identities. This form of organised maritime crime, sometimes referred to as "phantom ship" operations, represented a significant escalation from the earlier patterns of petty theft observed in the 1980s and early 1990s.[938]

The escalation of piracy during this period was also closely linked to governance challenges within the region's complex maritime jurisdictional landscape.[939] Political instability and armed conflict have also contributed periodically intensified piracy and armed robbery in some sub-regions. For instance, the dramatic resignation of the 32-year authoritarian reign of Indonesian president Suharto in 1998 resulted in governance instability, security vacuum, weak governance, and law enforcement, particularly in Indonesia, allowing a spike in piracy, with Indonesia as the most pirate-infested region.[940] In addition, several unresolved maritime territorial boundary disputes between littoral states, including Singapore, Indonesia, and Malaysia, created significant gaps that pirates exploited to attack shipping vessels.[941]

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[938] Paul Todd, *Maritime Fraud and Piracy* (2nd ed. Lloyd's List London, 2010) 7; Martin N. Murphy, *Small Boats, Weak States, Dirty Money: Piracy & Maritime Terrorism in the Modern World* (Hurst & Company, London, 2008) 47

[939] Neslihan Küçük, and others, 'Hotspot analysis of global piracy and armed robbery incidents at sea: A decadal review of regional vulnerabilities and security strategies' (2025) 260 Ocean & Coastal Management; Anup Phayal, Aaron Gold, Brandon Prins, 'Interstate hostility and maritime crime: Evidence from South East Asia' (2022) 143 Marine Policy

[940] Tim Lindsey, 20 years after Soeharto: Is Indonesia's 'era reformasi' over?,20 May 2018, Pursuit, The University of Melbourne; Freedom in the World 1998 – Indonesia, 1998, Refworld Freedom in the World 1998 - Indonesia | Refworld Accessed 2/11/2025, BBC, Rise and fall of strongman Suharto, BBC (UK, 8 September 2000); David Rosenberg, 'The Political Economy of Piracy in the South China Sea' (2009) 62 Naval War College Review, Article 5

[941] Collin Koh, 'Indonesia and Malaysia and the South China Sea' in Howard M Hensel, *Security Dynamics in the South China Sea: Contemporary Challenges and Opportunities* (Routledge, 2025); Nicolas Valladolid and Pranav Harish, 'Singapore's Balancing Act Amidst US-China Indo-Pacific Competition: From Realism to Relationality' (2025) 2 The Grimshaw Review of International Affairs, 37 – 72; Ben Westcott and Brad Lendon, Pressures increasing on Indonesia and Malaysia in the South China Sea, *CNN* (World, 8 June 2020); Sean M. Holt, Five countries, other than China, most dependent on the South China Sea, 17 November 2022, CNBC News; Kenneth Yeo Yaoren, Reuben Ananthan Santana Dass, and Jasminder Singh, Maritime Malice in Malaysia, Indonesia and Philippines: The Asymmetric Maritime Threat at the Tri-Border Area, April 2021, International Centre for Counter-Terrorism, Hague

Furthermore, Weak maritime law enforcement, limited surveillance infrastructure, corruption, and fragmented jurisdictional authority among coastal states create permissive conditions for maritime crime. Factors including, limited patrol assets (policing capacity and inadequate surveillance) in the vast archipelagic waters,[942] jurisdictional fragmentation, corruption within government agencies (port and enforcement authorities), low risk of arrest and prosecution, and the absence of sustained multinational cooperation enabled organised criminal groups to exploit enforcement gaps (low risk of arrest and prosecution) and operate with impunity, proliferating and increasing the persistence of piracy.[943]

Several structural factors contributed to this transformation.[944] Many piracy incidents occurred within territorial waters where international legal provisions governing piracy under the United Nations Convention on the Law of the Sea were not directly applicable.[945] As a result, effective enforcement depended heavily on the domestic legal and operational capacity of individual coastal states, as most incidents occur within territorial waters, which challenges the limitation of piracy in international law.[946] Differences in maritime surveillance capabilities, law enforcement resources, and legal frameworks created enforcement gaps that could be exploited by organised maritime criminal networks operating across national boundaries.

[942] Francis Galgano, 'Hostis humani generis: pirates and global maritime commerce' (2024) 8 Research in Globalization; Marshall Reid, 'Countering Maritime Piracy in Southeast Asia' (2019) International Affairs Review, 52-53; Justin V. Hastings, 'Geographies of state failure and sophistication in maritime piracy hijackings' (2009) 28 Political Geography, 213-223

[943] John F. Bradford, 'Shifting the tides against piracy in Southeast Asian Waters' (2008) 48 Asian Survey, 473-491; Anja Menzel, 'Fragmentation or Effective governance? The Regime Complex Counter-Piracy in Asia' (2022) 10 Politics and Governance, 80-89

[944] Bradley Beckley Ndibnu, The Legal Frameworks and Challenges in Addressing Maritime Security in the Gulf of Guinea: A comparative Study, 2024, United Nations – The Nippon Foundation of Japan Fellowship Programme 2024, 40; Monique Sosnowski, 'Crimes at sea: Exploring the nexus of maritime crimes across global EEZs' (2024) 166 Marine Policy

[945] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 1995 -2011, n 17; UNCLOS, Article 101

[946] Suk Kyoon Kim, 'Contemporary Piracy: Nature and Reality' In: *Global Maritime Safety & Security Issues and East Asia* (Brill | Nijhoff, 2019) 152; UNCLOS, Article 101

By 2000 and the early 2000s, piracy in Southeast Asia reached its climax, constituting 77% (364 of 471) of reported incidents in 2000, with an escalating rise in piracy in all Southeast hotspots (South China Sea, Malacca Straits and Indian Ocean).[947] The increasing frequency of piracy incidents in these regions is due to a significant increase in the traffic of shipping vessels transiting through Southeast Asia's waterways, which connect Asian economies to the rest of the world's shipping routes,[948] as a result of the World Trade Organisation's (WTO) liberalisation of tariffs.[949]

Operationally, piracy during this period became more organised and sophisticated, with coordinated criminal networks capable of conducting vessel hijackings, cargo theft, and ship hijacking.[950] The region experienced a significant rise in maritime piracy and armed robbery violence, including the use of weapons such as handguns and short guns, leading to the death of several seafarers.[951] These attacks were typically carried out by organised maritime criminal syndicates that board the vessels mid-routes, siphon fuel or palm oil, hijack and seize small tankers or cargo ships, mainly to repaint and re-register the ships with forged papers to resell them.[952] Incidents increasingly involved vessel hijacking, cargo theft, and the emergence of so-

[947] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2000, n 17;
[948] Weihong Nguyen, Surge in Southeast Asia piracy undermines global maritime security gains, *Financial Port Maritime News Journal* (Singapore, 16 April 2025) Surge in Southeast Asia Piracy Undermines Global Maritime Security Gains - Financial Ports Accessed on 14/11/2025; Jesse M. Lane, Michael Pretes, 'Maritime dependency and economic prosperity: Why access to oceanic trade matters', (2020) 121 Marine Policy; Hanizah Idris, and Mohammad Falz Ramli, 'Southeast Asian region maritime connectivity and the potential development of the Northern sea route for commercial shipping' (2018) 23 Journal of Southeast Asian Studies, 25-46
[949] World Trade Organization (WTO), General Agreement on Tariffs and Trade (GATT) for goods: Regional Trade Agreement – Goods Rules, Article XXIV, complemented by Ad Art. XXIV, 1994; United Nations Conference on Trade and Development (UNCTAD), Key evolutions in trade and development over the decades, 12 June 2024; Barbara D'Andrea, and others, thirty years of trade growth and poverty reduction, 24 April 2024, World Trade Organization (WTO)
[950] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 1995 -2011, n 2
[951] IMO, Reports on acts of piracy and armed robbery against ships – Annual report,15 March 1999, MSC/Circ.903, Ref. T1/13.01; see also, ICC International Maritime Bureau. "Piracy and Armed Robbery against Ships. A Special Report. Revised Edition — March 1998, pp. 3, 7, 21; Robert Beckman and Monique Page, 'Piracy and armed robbery against ships' in Martin Gill (ed), *The handbook of security* (London, Palgrave Macmillan, 2014)
[952] Justin V. Hastings, 'The Return of Sophisticated Maritime Piracy to Southeast Asia' (2020) 93 Pacific Affairs, 5

called “phantom ships,” in which captured vessels were repainted, re-registered, and incorporated into illicit maritime trade networks.[953] These maritime criminal syndicates were highly organised, using sophisticated logistical planning, fake documentation, and extensive regional criminal networks.[954] The scale and organisation of these operations suggested the involvement of transnational criminal networks rather than purely opportunistic actors. These operations often relied on insider information from sources like corrupt shipping agents and port staff to target valuable cargo and avoid detection.[955]

The emergence of these organised maritime criminal networks marked a significant shift from earlier opportunistic forms of piracy and demonstrated the adaptability of maritime crime in response to changing economic and governance conditions. Notable examples of attacks during this period include the ‘ship jacked’ by pirates of *MV Cheung Son (1998)* and the killing of all 23 Chinese crew members.[956] *In MV Alondra Rainbow,* the ship was hijacked on 22 October 1999, by 10 criminal members of gangs armed with knives and pistols after boarding the vessel using a speedboat and setting the 17 crew members in an inflatable life raft and renaming the vessel (Mega Rama).[957] In the *MT Global Mars*, attacked off Malaysia on 23 February 2000, where the hijack of a Japanese-owned oil tanker led to the hostage-taking of 18 crewmembers

[953] *Ibid*
[954] John Bradford, Southeast Asia maritime security in the age of terror: Threats, opportunity, and charting the course forward, April 2005, Report Number 75, Institute of Defence and Strategic Studies, Singapore No. 75
[955] Mckelvin Agunloye, ‘Contemporary Maritime Piracy in Southeast Asia’ (2004) Studies in Conflict and Terrorism
[956] 1998 Anti-shipping Activity Messages (ASAMs), 16 November 1998, Ref. Number 1998-68, Federation of American Scientists Anti-Shipping Activity Messages (ASAM) Accessed on 12 November 2025; Sweeney, Ships vanish as piracy rules, *The Guardian* (UK, 27 August 2000).
[957] Lee Yin Miu, piracy and armed robbery as an evolving threat to Southeast Asia’s maritime security, 7 December 2022, Asia Maritime Transparency Initiative; The New York Times, Challenging Marauder’s Spread, Navy recovers a hijacked ship: India and China sets sights on piracy, *New York Times*, (New York 23 November 1999); Bimal N Patel and Hitesh Thakkar, A prosecution story: Re-Alondra Rainbow, *Ranjeet v Sangle,* in Bimal N Patel and Hitesh Thakkar (Eds), *Maritime security and piracy (Global issues, challenges and solutions* (First ed., India, Eastern Book Company, 2012) 45-56

for 10 days, the renaming of the vessel by the criminal syndicates, before they were arrested, and the vessel was recovered.[958]

Although in all these high-profile cases, the alleged pirates were arrested, prosecuted, and convicted,[959] there have been some legal gaps and inconsistencies in the prosecution and conviction of the alleged pirates. For instance, in the *MV Alondra Rainbow* case, the victims refused to identify the suspects in court for fear of reprisals, although the Mumbai Session Court in February 2003 convicted 15 pirates, sentencing them to seven years in prison with varying fine terms.[960] However, in April 2005, the Mumbai High Court overruled the Session Court's ruling, acquitting all the convicted suspects. Although the reasons for the acquittal were on technical grounds, the judge cited "systemic, organisational failures" in the prosecution process.[961] In *MV Cheung Son's case*, the suspected pirates were arrested and executed by the Chinese government.[962]

This raised significant concerns within the international maritime community. The concentration of attacks within one of the world's most critical shipping corridors, which posed potential risks to global trade and regional economic stability, led to the Lloyd's Joint War Risks Committee classifying the Strait as a "high-risk war zone" on 1 July 2005.[963] This further

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[958] The New York Times, Bandits in the global shipping lanes, *New York Times* (New York-USA, 19 August 2000)
[959] Times of India, 14 hijackers of Japanese Ship convicted*, Times of India* (Mumbai, 26 February 2003); The New York Times, Challenging Marauder's Spread, Navy recovers a hijacked ship: India and China sets sights on piracy, *New York Times*, (New York 23 November 1999)
[960] Vijay Sakhuja, Maritime Legal Conundrum, 29 June 2005, Institute of Peace and Conflict Studies; Mazyar Ahmad, 'Prosecution of maritime pirates in India: a critical appraisal' (2022) 18 Journal of the Indian Ocean Region, 60-74; Times of India, 14 hijackers of Japanese Ship convicted, (ibid).
[961] Vijay Sakhuja, ibid; Pradip R. Sagar, Maritime Law Legal chain for pirates, India Today, New Delhi, 9 January 2023)
[962] BBC News, China executes pirates, *BBC News* (Asia-Pacific, 28 January 2000)
[963] Catherine Zara Raymond, Malacca Straits: A high-risk zone? 4 August 2005 Institute of Defence and Strategic Studies (IDSS) Commentaries 52/2005, Nanyang Technological University; Catherine Zara Raymond, The threat of maritime terrorism in the Malacca Straits, 2 September 2006, Jamestown, Washington, DC, USA; Rajeev Sawhney, 'Redefining the limits of the straits: A composite Malacca Straits Security System, 18 May 2006, Commentary – C006037, Rajaratnam School of International Studies (RSIS)

caused a significant rise in insurance for ships transiting the Malacca Straits route, resulting in shipping companies charging additional premiums, "war risk surcharges" on cargoes,[964] and ultimately resulting in a significant commercial implication for international commerce, affecting the global cost of international goods and increasing the cost of living globally.

In response to the growing threat of piracy and armed robbery against ships, Southeast Asian states, particularly Indonesia, Malaysia, and Singapore, implemented a series of cooperative maritime security initiatives aimed at strengthening regional maritime governance. These included the Malacca Strait Patrols (MALSINDO) in 2004,[965] the Eyes in the Sky *(EiS)* aerial surveillance programme in 2005,[966] and the establishment of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre in 2006.[967] Together, these initiatives enhanced coordinated patrols, surveillance capabilities, information sharing, and operational cooperation among regional actors. As a result, maritime domain awareness improved significantly, and the operational environment became increasingly hostile to organised pirate groups.

Technological developments further strengthened regional counter-piracy efforts. Improvements in vessel-tracking systems, maritime surveillance technologies, and coordinated naval operations increased the risks and costs associated with large-scale piracy activities.[968] In response, maritime criminal groups adapted by shifting towards smaller-scale and more opportunistic attacks that required lower levels of planning, coordination, and operational

[964]The Maritime Executive, Insurance rates for Malacca Straits traffic to rise dramatically, 6 July 2005, The Maritime Executive.
[965] Lloyd's List – The Intelligence: Insight: Asia – Piracy, Casualties of War, April 2016, pp 38-39; Catherine Zara Raymond, Malacca Straits: A high-risk zone?, n 994
[966] Catherine Zara Raymond, Malacca Straits: A high-risk zone? p. 3, n 994
[967] ReCAAP ISC, About ReCAAP Information Sharing Centre About ReCAAP Information Sharing Centre Accessed on 15/11/2025; Lee Cordner, Maritime Cooperation in the Indian Ocean Region, Sam Bateman, Rajni Gamage and Jane Chan (eds), Asean and the Indian Ocean: The Key Maritime Links, RSIS Monograph No. 33, 2017, Rajaratnam School of International Studies, 39
[968] Christian Bueger, 'From Dusk to Dawn? Maritime Domain Awareness in Southeast Asia' (2015) 37 Contemporary Southeast Asia, 157-182; Sarah Chan, Regional security forces boost anti-piracy measures amid resurgence of attacks, 27 March 2025, Indo-Pacific Defense Forum.

resources.[969] The effectiveness of these collective security measures was reflected in the removal of the Malacca Strait from the Lloyd's Joint War Committee (JWC) war-risk list in 2006, signalling a significant improvement in maritime security conditions within one of the world's most important shipping corridors.[970]

The Southeast Asian experience demonstrates the importance of sustained regional cooperation, information sharing, and coordinated maritime enforcement in combating piracy and armed robbery against ships. While these measures contributed significantly to the reduction of piracy incidents during the late 2000s and 2010s, they did not eliminate maritime criminality entirely.[971] Instead, piracy adapted to the changing security environment, evolving from large-scale organised attacks towards more localised forms of maritime crime, including targeted cargo theft and attacks on smaller vessels operating within coastal and territorial waters. The Southeast Asian case therefore illustrates that effective counter-piracy measures can suppress piracy, but long-term maritime security requires continuous cooperation, enforcement, and adaptation to evolving criminal strategies.

5.7.3 Adaptation and Tactical Shifts (2012–2024)

More recently, the period between 2012 and 2024 has witnessed a relatively lower but still persistent level of piracy and armed robbery incidents in parts of Southeast Asia. Although large-scale vessel hijackings have become less frequent, there were some significant attacks and hijackings of large vessels, especially between 2014 and 2015.[972] For instance, the hijack

[969] Christian Bueger and Timothy Edmunds, 'Blue crime: Conceptualising transnational organised crime at sea' (2020) 119 Marine Policy
[970] Insurance Journal, Malacca Straits removed from War risk list, 9 August 2006; Lloyd's List – The Intelligence: Insight: Asia – Piracy, Casualties of War, April 2016, p 39, n 996
[971] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2000-2011, n 17
[972] ICC-IMB Piracy and armed robbery annual reports 2014 and 2015; Meizhi Jiang and Jing Lu, 'The analysis of maritime piracy occurred in Southeast Asia by using Bayesian network', (2020) 139 Transportation Research Part E: Logistics and Transportation Review.

of *MT Orapin 4* in the South China Sea in 2014 by 10 suspected pirates, this criminal gang siphoned off the ship's entire cargo of diesel fuel and released the vessel and its crew unharmed.[973] However, smaller-scale attacks targeting crew members, cargo, and ship equipment continue to occur, particularly in congested maritime corridors and port approaches. These incidents often involve rapid "hit-and-run" operations conducted by small groups using high-speed boats, stealing ship stores, spare parts, fuel drums, or personal items from crewmembers.[974] reflecting the adaptability of maritime criminal networks to changing security conditions.

Therefore, while these coordinated efforts resulted in a significant improvement in maritime security with fewer reported incidents across all three regions,[975] the spike of piracy incidents in the South China Seas between 2010 and 2013, and the continued gradual increase in the Malacca Straits between 2014 and 2015, and 2019 to 2024,[976] reflect a geographical shift in location, while also questioning the sustainable effects of these existing anti-piracy measures, such as the Malacca Straits Patrol (MSP) and the ReCAAP information sharing centre, and the regional impact in redressing maritime piracy and armed robbery against ships in the region.[977]

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[973] Australian Broadcasting Corporation, Thai oil tanker feared hijacked on route to Indonesia, *Australian Broadcasting Corporation,* (Australian, 31 May 2014); Nation Thai, Thai tanker and crew back in Chon Buri after hijack and theft of oil off Kalimantan, *The Nation* (Thailand, 2 June 2014); Benjamin English, 'Contemporary maritime piracy in Southeast Asia: An Australian perspective' (2025) 5 Nusantara Maritime, pp 66 – 82, 72

[974] Joshua Ho and Jane Chan, Reports on piracy and piracy in Southeast Asia in 2006, 23 January 2007 Report on Armed Robbery and Piracy in Southeast Asia 2006 Accessed on 12/11/2025; Carolin Liss, Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses, 2014, PRIF Report No. 125, Peace Research Institute Frankfurt (PRIF).

[975] Zou Keyuan, 'Crackdown on piracy in Southeast Asian Seas: Need a more effective legal regime?' in Zou Keyuan and Shicun Wu, (eds), *Maritime Security in the South China Sea: Regional implications and international cooperations* (Routledge, London, 2010) 135

[976] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2010 -2024, n 17; see also, BBC News, Piracy 'Spike' in South China Sea, *BBC News* (Asia-Pacific, 21 September 2009)

[977] Koh Swee Lean Collin, The maritime Straits patrols: finding common grounds – Analysis, 21 April 2016, Rajaratnam School of International Studies (RSIS); Arifin Setiawan, and Agustin Maciel Padilla, 'Addressing maritime security threats in the Malacca Strait: A Malaysian perspective' (2025) 13 Open Journal of Social Sciences, 333-359; Martin Purbrick, 'Pirates of the South China Seas' (2018) 49 Asian

Although this coordinated approach led to a significant decrease in piracy since 2012, however, the There was also a geographical shift in location, with decreasing numbers in the South China Sea and increasing numbers of incidents occurring in the Malacca Strait, especially between 2014 and 2015, making the Malacca Strait reach its peak in 2015.[978] Which demonstrate a further evolution in operational tactics.

While the period between 2016 and 2019 revealed a significant and sustained decrease in piracy incidents across all Southeast Asia waters,[979] it experienced a distinct new pattern in piracy, although linked to the Abu Sayyaf Islamic militant networks in the Sulu-Celebes Sea, exploiting the porous maritime borders between the Philippines, Malaysia and Indonesia in the Western Pacific Ocean.[980] This militant group's strategy was the use of sophisticated weapons to attack and hijack ships, while also forcefully kidnapping the crew members for ransom payment.[981] The establishment of the trilateral cooperative arrangement between the Philippines, Malaysia and Indonesia, known as the *Indomalphi Initiatives,* in 2017 and the formation of the Maritime Command Centre (MCC) in 2016, to address maritime insecurity through coordinated patrols and information sharing,[982] led to a significant and sustained decrease in piracy incidents since 2019, although with a few incidents in 2018 and 2019 mainly

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Affairs, 11-26; Catherine Zara Raymond, 'Piracy and Armed Robbery in the Malacca Strait: A problem solved' (2009) 62 Naval War Review, 13.

[978] IMO, Reports on Acts of piracy and Armed Robbery against Ships: Annual reports 2014 -2015, n 17

[979] *Ibid,* Annual reports 2016 -2019

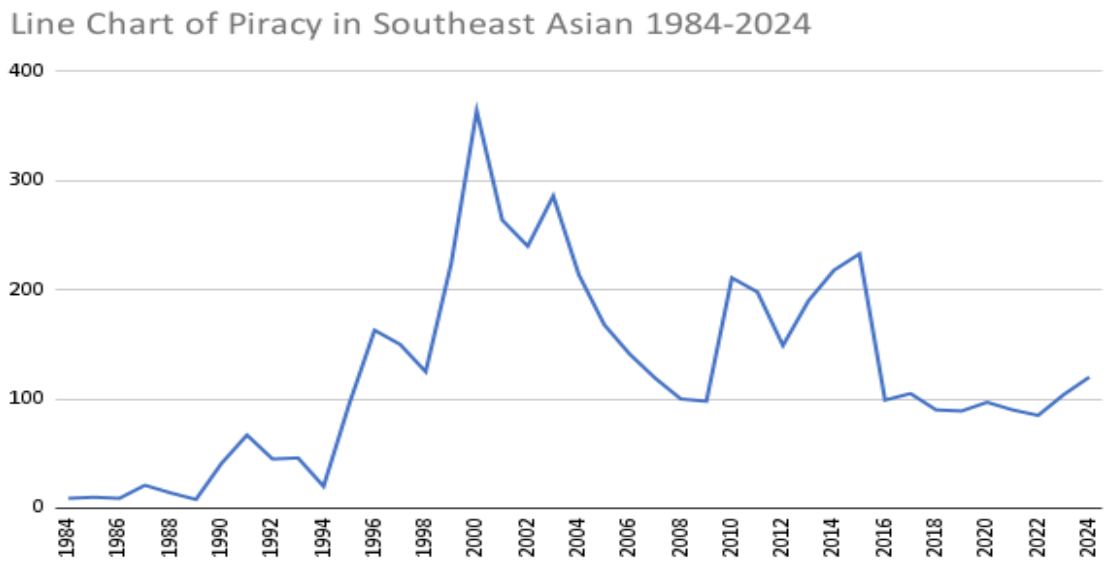
[980] The Maritime Executives, New guidance on abduction in Sulu-Celebes Seas released, 27 July 2019; Meghan Curran, The deadly evolution of Abu Sayyaf and the sea, 24 May 2019, The Maritime Executive

[981] ReCAAP ISC, Special Report on abducting of Crew from Ships in the Sulu-Celebes Sea and waters off Eastern Sabah Part III, 31 March 2017, SR 01/2017; ReCAAP ISC, Update of ReCAAP ISC advisory – Abduction of crew from ships in Suru-Celebes Seas, 18 October 2023; Carolin Liss, Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses (n 58); ReCAAP ISC, Special Report on Abducting of Crew from Tug Boats in Waters off East Sabah and South Philippines, 22 April 2016

[982] ReCAAP ISC, Update of ReCAAP ISC Advisory - Cases of Abduction of Crew from Ships in the Sulu-Celebes Seas, 15 September 2022; United States Department of State, *Country Reports on Terrorism 2016 - Malaysia*, 19 July 2017; ReCAAP ISC, Guidance on Abduction of Crew in the Sulu-Celebes Seas and Waters off Eastern Sabah, 2020, p.7

against smaller vulnerable vessels such as fishing trawlers, with no reported adoption of crew incidents since 2020.[983] Despite the substantial reduction in piracy and armed robbery incidents across Southeast Asia, maritime security agencies continue to emphasise the need for vigilance. The ReCAAP Information Sharing Centre (ISC) regularly advises vessels transiting high-risk areas, particularly the Sulu-Celebes Seas, to maintain heightened awareness and to communicate with relevant maritime authorities, including the Philippine Coast Guard (PCG) and the Eastern Sabah Security Command (ESSCOM).[984]

Fig. 10: Trends in Reported Piracy and Armed Robbery Against Ships in Southeast Asia, 1984–2024



Source: Author's analysis of piracy and armed robbery incident data compiled from IMO GISIS reports (1984–2024).

[983] ReCAAP ISC, Update of ReCAAP ISC Advisory - Cases of Abduction of Crew from Ships in the Sulu-Celebes Seas, ibid; ReCAAP ISC, Guidance on Abduction of Crew in the Sulu-Celebes Seas and Waters off Eastern Sabah, ibid, p. 14;
[984] ReCAAP ISC, Guidance on Abduction of Crew in the Sulu-Celebes Seas and Waters off Eastern Sabah, ibid, pp. 33-42

Figure 10 illustrates the long-term trajectory of piracy and armed robbery against ships in Southeast Asia, highlighting distinct periods of escalation, decline, and adaptation between 1984 and 2024. The period from 2020 to 2024 witnessed a continued reduction in incidents across most regional hotspots, reflecting the cumulative impact of enhanced maritime security measures and regional cooperation. However, a gradual increase in reported incidents has been observed in the Malacca Strait. Unlike the large-scale and highly organised attacks that characterised earlier periods, recent incidents have largely consisted of low-level armed robbery occurring within territorial waters, ports, and anchorages, or against vessels in transit.[985] These attacks are typically conducted by small groups employing opportunistic "hit-and-run" tactics and generally involve lower levels of violence and fewer serious injuries.[986]

The predominance of incidents within territorial waters and port areas demonstrates an important shift in the operational characteristics of maritime crime in Southeast Asia. While large-scale piracy on the high seas has become relatively rare, armed robbery against ships within coastal-state jurisdictions remains a persistent challenge. The recent increase in incidents within the Malacca Strait suggests that gains in maritime security require continuous maintenance and that piracy suppression does not necessarily eliminate the underlying conditions that facilitate maritime criminality.[987] Political, economic, social, technological, legal, and environmental factors, together with resource and capacity constraints faced by coastal states, continue to influence the effectiveness of maritime security governance across the region.

[985] ReCAPP ISC Annual Piracy Report 2024; Neslihan Küçük, and others, 'Hotspot analysis of global piracy and armed robbery inci2dents at sea: A decadal review of regional vulnerabilities and security strategies' (2025) 260 Ocean & Coastal Management
[986] Carolin Liss and Ted Biggs (eds), *Piracy in Southeast Asian: Trend, Hot spot, and responses*, in Cass series: Naval Policy and History (2017, London, Routledge); ReCAAP n112.
[987] Emmanuel English, 'Contemporary maritime piracy in Southeast Asia: An Australian perspective' (2025) 5 Nusantara Maritime, 66-82, 74

Overall, the Southeast Asian experience demonstrates both the effectiveness and the limitations of regional counter-piracy initiatives. Although coordinated patrols, information-sharing mechanisms, and enhanced surveillance have significantly reduced piracy and armed robbery incidents, maritime criminality has adapted rather than disappeared. Consequently, sustaining maritime security in the region requires ongoing regional cooperation, continued investment in maritime enforcement capabilities, and adaptive responses to evolving criminal tactics. The persistence of low-level attacks, despite overall reductions in incident numbers, highlights the continuing importance of maritime security for the protection of international shipping and regional stability.

5.7.4 The Application of International Maritime Security Instruments (UNCLOS and SUA) to Counter Piracy in Southeast Asia

From a legal and governance perspective, the Southeast Asian experience provides an important case study for evaluating the effectiveness of international and regional maritime security frameworks. While international legal instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) provide the legal foundation for addressing piracy and maritime violence, Southeast Asian states have adopted diverse approaches to implementing these obligations. Although most states in the region rely primarily on domestic criminal laws to prosecute maritime offences committed within their territorial waters,[988] several states, including Singapore and India, have enacted specific legislative provisions that more closely align with international piracy law.[989] To address

[988] Maritime Anti-Piracy Act 2022

[989] Robert Beckman and Tara Davenport, 'Singapore', Seokwoo Lee, (ed) *Encyclopedia of Ocean Law and Policy in Asia-Pacific* (Brill Nijhoff, Nov. 2022) 441-478; Mazyar Ahmad, 'Prosecution of maritime pirates in India: a critical appraisal' (2022) 18 Journal of the Indian Ocean Region, 60–74; Lee Yin Mui, Piracy and Armed Robbery as an Evolving Threat to Southeast Asia's Maritime Security,

jurisdictional and enforcement challenges, several states have also amended domestic legislation, expanded the mandates of maritime enforcement agencies, and clarified prosecutorial powers relating to maritime crime.[990] These reforms have strengthened the capacity of coastal states to investigate and prosecute offenders operating within complex archipelagic and maritime environments.[991]

At the national level, institutional reforms have played an equally significant role in improving maritime security. Indonesia and the Philippines have strengthened their maritime law enforcement capabilities through investments in coastal surveillance, enhanced inter-agency coordination, and the professionalisation of coastguard forces.[992] Similarly, Malaysia and Singapore have invested heavily in maritime domain awareness systems, surveillance technologies, and port security infrastructure to address threats associated with piracy, armed robbery against ships, and maritime terrorism.[993] These measures have collectively reduced the

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in Asia Maritime Transparency Initiative (AMTI), Evolving Threats to Southeast Asia's Maritime Security, 16 November 2022, S. Rajaratnam School of International Studies.

[990] Yen-Chiang Chang, and others, 'Legal or illegal? -Transferring jurisdiction in the course of maritime law enforcement' (2024) 10 Heliyon; Keyuan Zou and Jin Jing, 'The Question of Pirate Trials in States Without a Crime of Piracy' (2021) 19 Chinese Journal of International Law, 591-623; M. Bob Kao, 'Against a Uniform Definition of Maritime Piracy' (2016) 3 Maritime Law Safety and Security Law Journal; United Nations Conference on Trade and Development (UNCTAD), Maritime Piracy - Part II: An Overview of the International Legal Framework and of multilateral cooperation to combat piracy, 2014, No.2, Studies in Transport Law and Policy, UNCTAD/DTL/TLB/2013/3, United Nations, New York; Anja Menzel, 'Fragmentation or Effective Governance? The Regime Complex of Counter-Piracy in Asia' (2022) 10 Politics and Governance, 80–89

[991] Asmida Ahmad and Nur Sulaiman, 'Legal Position in Combating Piracy in the Southeast Asia Sea: Solution for Unified and Best Practices' In Allam Hamdan (ed), *Integrating Artificial Intelligence, Security for Environmental and Business Sustainability* (Springer 2025) 781-793; Jinhu Wang, Yichao Wei, and Xin Su, 'Forcible measures for maritime law enforcement by the coast guard' (2025) 12 Frontiers in Marine Science

[992] Indo-Pacific Defense Forum, Multinational course bolsters security cooperation among Indonesia, Philippines, U.S., Vietnam, 28 January 2025; Rr.Dijan Widijowati, Marcellus Jayawibawa, Dwi Budisetyowati, 'Coast Guard Plays a Role in Maritime Law Enforcement' (2025) 3 Siber International Journal of Advanced Law (SIJAL), 194 - 203

[993] Indo-Pacific Defense, Regional security forces boost anti-piracy measures amid resurgence of attacks, March 27, 2025; John F. Bradford, 'The growing prospects for maritime security cooperation in Southeast Asia' (2005) 58 Naval War College Review, 63-86; MENA (Middle East and North Africa Region (MENA), Maritime Security in the MENA Region: Lessons from the Malacca Straits Patrol, 6 July 2025, MENA2050. Maritime Security in the MENA Region: Lessons from the Malacca Straits Patrol - MENA2050 Accessed on 11/11/2025

operational freedom of maritime criminal groups and enhanced the ability of states to detect, deter, and respond to maritime threats.[994] More importantly, they have supported broader regional initiatives by facilitating intelligence sharing, coordinated patrol operations, and capacity-building programmes among regional maritime agencies.

The Southeast Asian experience further demonstrates that the effectiveness of international maritime security law depends not only on the existence of legal frameworks but also on the institutional capacity of states to implement and enforce them. Although UNCLOS and the SUA Convention provide important legal mechanisms for suppressing piracy, the significant reduction in piracy incidents across Southeast Asia has been driven principally by regional cooperation arrangements such as the Malacca Strait Patrols (MSP), the Eyes in the Sky (EiS) initiative, and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). These initiatives have enhanced surveillance, information sharing, and operational coordination, thereby addressing practical enforcement challenges that international legal frameworks alone are unable to resolve.

Therefore, the evolution of piracy in Southeast Asia between 1984 and 2024 illustrates the dynamic and adaptive nature of maritime criminal activity. While international legal frameworks provide an essential normative foundation for the suppression of piracy, sustained improvements in maritime security have been achieved largely through effective regional cooperation, strengthened maritime governance, and enhanced enforcement capacity at the national level. The Southeast Asian case therefore supports one of the central findings of this study: the persistence or decline of piracy is determined not merely by the existence of international legal instruments but, more importantly, by the ability of states and regional

[994] MarineLink, Maritime Piracy in Southeast Asia, 1 October 2025 Maritime Piracy In Southeast Asia; Marshall Reid, Countering Maritime Piracy in Southeast Asia (2019) International Affairs Review, 48-59; Amri Ahmed, Combating maritime piracy in Southeast Asia from international and regional legal perspectives: challenges and prospects, (Paper presented at the Southeast Asia Rising Proceedings of 5th International Conference on Southeast Asia, Kuala Lumpur, Indonesia, 11-13 December 2013).

institutions to operationalise, coordinate, and enforce those frameworks effectively. Consequently, Southeast Asia provides important evidence that successful counter-piracy strategies require an integrated approach combining legal regulation, institutional capacity, maritime governance, and regional cooperation.

5.8 Piracy in East Africa: Somalia as a Case Study (1984–2024)

Piracy in East Africa, particularly off the coast of Somalia, represents one of the most significant maritime security challenges of the twenty-first century. Unlike piracy in Southeast Asia, which evolved gradually from opportunistic theft to organised maritime crime, piracy in East Africa emerged primarily from conditions of state collapse, economic deprivation, weak governance, and the absence of effective maritime law enforcement. Analysis of piracy trends between 1984 and 2024 demonstrates how the breakdown of state authority created an environment in which maritime criminality could flourish and subsequently develop into a sophisticated transnational security threat.[995]

The geographical focus of piracy in East Africa has historically been concentrated around Somalia and the western Indian Ocean, particularly within the Gulf of Aden, the Somali Basin, and adjacent areas of the Arabian Sea.[996] These waters form a critical component of the global maritime trade network, connecting Europe, the Middle East, and Asia through the Suez Canal route.[997] The high volume of commercial shipping transiting these waters provided lucrative opportunities for maritime criminal groups. Unlike piracy in Southeast Asia, which has been concentrated largely within territorial waters and port areas,[998] Somali piracy extended deep

[995] IMO, Acts of Piracy and Armed robbery against ships, annual reports 1991-2024, n 2
[996] Afyare A. Elmi, 'Illegal Fishing and Piracy in the Horn of Africa: The Role of the Mena Region' in Harry Verhoeven (ed.), *Environmental Politics in the Middle* East (Oxford University Press, England, 2018), 149–166
[997] James Kraska, 'Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea' (2009) 28 Comparative Strategy, 197–216.
[998] IMO, Acts of Piracy and Armed robbery against ships, annual reports 1984-1991, n 17

into the high seas, enabling attacks against vessels operating hundreds of nautical miles from the Somali coastline.[999] Consequently, piracy in East Africa evolved from a localised coastal problem into a major international maritime security challenge affecting one of the world's most important shipping corridors.[1000]

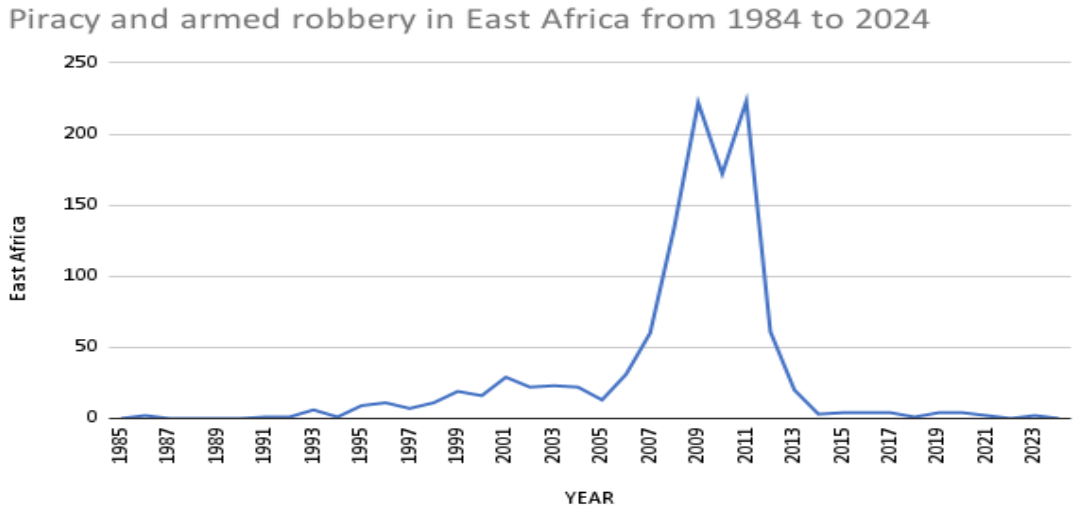
East Africa also differs significantly from Southeast Asia and West Africa in its temporal pattern of piracy. While piracy has persisted as a recurring challenge in Southeast Asia and the Gulf of Guinea for several decades, as shown in Fig. 11, piracy in East Africa was largely concentrated within a relatively short but intense period. Following the collapse of the Somali state in 1991,[1001] piracy gradually emerged during the 1990s before escalating dramatically between 2005 and 2011. During these peak years, Somali pirate groups developed highly organised operations involving mother ships, long-distance attacks, vessel hijackings, and ransom-based hostage-taking. However, following extensive international counter-piracy interventions, multinational naval deployments, and improvements in governance within Somalia, piracy incidents declined significantly after 2012. Between 2014 and 2024, only twenty-eight reported incidents were recorded in the region.[1002]

Although East Africa accounted for only 13.2% of all reported piracy and armed robbery incidents recorded between 1984 and 2024, the region had a disproportionate impact on global maritime security. During its peak, Somali piracy disrupted international shipping, increased transportation costs, threatened the safety of seafarers, and exposed limitations in the international legal framework governing piracy.[1003] The East African experience therefore

[999] European Union, Pirate Activity Remains High in the Gulf of Aden, 19 Feb 2010, EU Naval Force Operation ATALANTA; Louise Butcher, Piracy at sea: overview and policy responses Standard Note: SN3794, 28 February 2012, House of Commons, UK Parliament.
[1000] Alexa Fox Sullivan, 'Piracy in the Horn of Africa and its effects on the global supply chain' (2010) 3 Journal of Transportation Security, 231-243
[1001] Ersun N. Kurtulus, 'Exploring the Paradoxical Consequences of State Collapse: the cases of Somalia 1991–2006 and Lebanon 1975–82' (2012) 33 Third World Quarterly, 1285.
[1002] IMO, Acts of Piracy and Armed robbery against ships, annual reports 1991-2024, n 17
[1003] European Union, n 1030

provides a valuable case study for understanding the relationship between state fragility, maritime governance, and the evolution of organised transnational piracy.

Fig. 11: Trends in Reported Piracy and Armed Robbery Against Ships in East Africa (1984–2024)



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Source: Author's original piracy database compiled from IMO GISIS piracy and armed robbery incident reports (1984–2024).

5.8.1 Early Maritime Insecurity and Limited Incidents (1984–1994)

Between 1984 and the early 1994, piracy incidents in East Africa were relatively limited and sporadic. Between 1984 and 1990, before the collapse of the Somali government, only 3 piracy incidents were recorded in East Africa.[1004] However, immediately after the collapse of Somalia state, between 1991 and 1994, seventeen (17) incidents were recorded, making the total incidents recorded in this region twenty (20) between 1984 and 1994.[1005] This indicates that piracy in the region results from failed governance. The political landscape of Somalia began to change dramatically following the collapse of the central government in 1991, creating a

[1004] *Ibid*
[1005] *Ibid*

governance vacuum.[1006] This left Somali water without any governance capacity to enforce any encroachment.[1007]

The few recorded attacks during this period were typically opportunistic and involved small-scale boarding operations targeting fishing vessels or merchant ships near coastal areas within internal waters.[1008] At this stage, maritime criminal activity in the region remained relatively low compared to other piracy hotspots, particularly Southeast Asia.[1009] Attacks were within a limited range due to the use of small boats and fuel constraints.[1010] These incidents were generally localised and lacked the level of organisation that would later characterise Somali piracy in the late 2000s.

However, the fall of the Siad Barre regime led to prolonged civil conflict and the fragmentation of political authority across the country. With the absence of a functioning national government, Somalia effectively lost the capacity to regulate its territorial waters or enforce maritime law, creating a significant governance vacuum within its maritime domain.

5.8.2 Emergence of Organised Somali Piracy (1995–2004)

The emergence of organised piracy in Somalia was closely linked to the collapse of the Somali state and the subsequent breakdown of political authority, law enforcement institutions, and maritime governance structures.[1011] Following the fall of the Siad Barre regime in 1991,

[1006] Nicole Stremlau, 'Governance without Government in the Somali Territories' (2018) 71 Journal of International Affairs, 73–89.
[1007] *Ibid*
[1008] IMO, Act of Piracy and Armed Robbery against Ships, 1984 to 1991, n 17; Andreas Bruvik Westberg, Bloodshed and breaking wave: The first outbreak of Somali Piracy' (2015) 43 Scientia Militia South African Journal of Military Studies, 1-38, at 3
[1009] IMO, *Ibid*
[1010] Andreas Bruvik Westberg, Bloodshed and breaking wave: The first outbreak of Somali Piracy' (2015) 43 Scientia Militia South African Journal of Military Studies, 1-38, at 3
[1011] Ken Menkhaus, 'State Collapse in Somalia: Second Thoughts' (2003) 30 Review of African Political Economy, 405-422; Roland Marchal, 'Somali Piracy: The Local Contexts of an International Obsession' (2011) 2 Humanity, 31- 40.

Somalia experienced prolonged political instability and civil conflict, resulting in the absence of an effective central government, military, or coast guard.[1012] This governance vacuums left Somalia's extensive coastline, stretching approximately 3,330 kilometres, largely unprotected and vulnerable to exploitation by foreign actors.[1013] Consequently, Somali territorial waters became increasingly exposed to illegal, unreported and unregulated (IUU) fishing activities as well as allegations of unlawful waste dumping by foreign vessels.[1014]

The perceived exploitation of Somali maritime resources by foreign fishing fleets generated widespread resentment among coastal communities, many of whose livelihoods depended heavily on fishing.[1015] In response, local fishermen and militia groups began forming informal "coast guard" organisations aimed at deterring foreign vessels operating within Somali waters.[1016] Initially, these groups portrayed their activities as defensive measures designed to protect national resources and enforce maritime sovereignty in the absence of a functioning state. Attacks were therefore directed primarily at foreign fishing vessels accused of conducting illegal fishing activities within Somali waters.[1017]

[1012] Cambridge University Press, 'Legality in a Collapsed State: The Somali Experience' (1996) 45 International and Comparative Law Quarterly, 910

[1013] Ibid

[1014] Milena Sterio, 'The Somali Piracy Problem: A Global Puzzle Necessitating A Global Solution' (2010) 59 American University Law Review 59, 1499-1497; Bruno Mpondo-Epo, Root Causes of Piracy in Somalia, 01 June 2009, CO09051 (51/2009), RSIS Commentaries, S.Rajaratnam School of International Studies, (RSIS) Nanyang Technological University (NTU) Singapore; Omar Mahmood, The Roots of Somalia's Slow Piracy Resurgence, 7 June 2024, International Crisis Group (ICG)

[1015] Raj M. Desai and George E. Shambaugh, 'Measuring the global impact of destructive and illegal fishing on maritime piracy: A spatial analysis' (2021) 16 PLoS ONE

[1016] Omar Mahmood, The Roots of Somalia's Slow Piracy Resurgence, 7 June 2024, International Crisis Group; European Union External Action Service (EEAS), Illegal fishing can lead to conflict, 19 November 2018, EUCAP Somalia

[1017] Peter Lehr, and Hendrick Lehmann, 'Somalia – pirates' new paradise' in Peter Lehr (ed), Violence at Sea: Piracy in the Age of Global Terrorism, (New York, NY: Routledge, 2007) 3; Sarah Glaser, Paige Roberts, and Kaija Hurlburt, 'Foreign Illegal, Unreported, and Unregulated Fishing in Somali Waters Perpetuates Conflict'(2019) 6 Frontier in Marine Science; Musse, G. H., and Tako, M. H., Illegal Fishing and Dumping Hazardous Wastes Threaten the Development of Somali Fisheries and the Marine Environments," in Tropical Aquaculture and Fisheries Conference 99, held on 7th–9th September 1999, Park Royal Hotel, Terengganu, Malaysia; ; Awet T. Weldemichael, 'Maritime corporate terrorism and its consequences in the western Indian Ocean: illegal fishing, waste dumping and piracy in twenty-first-century Somalia' (2012) 8 Journal of the Indian Ocean Region, 110-126; U Rashid Sumaila, and

However, as these encounters generated financial rewards through the seizure of vessels, equipment, and payments for the release of detained crews, maritime vigilantism gradually evolved into a more organised form of criminal enterprise.[1018] What began as locally motivated efforts to resist perceived external exploitation increasingly transformed into profit-driven piracy operations targeting not only fishing vessels but also commercial merchant ships transiting the western Indian Ocean.[1019] The absence of effective law enforcement, combined with limited economic opportunities, widespread poverty, and continuing political instability, provided favourable conditions for the expansion of these activities.

The emergence of Somali piracy therefore cannot be explained solely by criminal opportunism. Rather, it reflected the interaction of multiple structural factors, including state failure, economic marginalisation, environmental pressures, declining access to traditional maritime resources, and weak maritime governance. As Ghanim observes, Therefore, Ghanim posits that *"Poverty, lack of employment, environmental hardship, pitifully low incomes, reduction of pastoralist and maritime resources due to drought and illegal fishing and a volatile security and political situation all contribute to the rise and continuance of piracy in Somalia*."[1020]

Muhamudu,'Fisheries, ecosystem justice and piracy: a case study of Somalia' (2014) 157 Fisheries Research, 154–163.

[1018] Amali Kartika Karawita, 'Piracy in Somalia: An Analysis of the Challenges Faced by the International Community' (2019)23 Jurnal Ilmu Sosial dan Ilmu Politik, 102; Evan Fowler, 'Somali Autonomy and the Failure of the Puntland Maritime Police Force' (2013) SAIS Review of International Affairs

[1019] Anja Shortland and Federico Varese, 'State-Building, Informal Governance and Organised Crime: The Case of Somali Piracy' (2015) 64 Political Studies, 811

[1020] Ghanim Alnajjar, Report of the independent expert appointed by the Secretary-General on the situation of human rights in Somalia, 17 March 2008, A/HRC/7/26, UN Human Rights Council; see also, UNSC, Report of the Secretary-General on the situation in Smalia, 17 November 2008, S/2008/709; Eric Pichon and Marian Pietsch, Piracy and armed robbery off the coast of Africa: EU and Global Impact, March 2019, European Parliamentary Research Service (EPRS) PE 635.590, 5 and 10; Parvathi Rajagopal and Fatimath Musskan, 'Wave of Plunder: The Economic Impacts and Legislative Responses to Maritime Piracy' (2025) 5 Indian Journal of Integrated Research in Law, 1922; Stanley Osezua Ehiane, Dominique Uwizeyimana, 'Exploring Maritime Piracy and Somalia National Security' (2023) 10 International Journal of Membrane Science and Technology, 3128-3137.

These conditions collectively laid the foundation for the emergence of organised piracy and set the stage for its dramatic escalation during the mid-2000s and early 2010s.

By the early 2000s, Somali pirate groups had begun conducting attacks against commercial shipping vessels transiting the Gulf of Aden and the western Indian Ocean. These operations often involved the use of small high-speed boats launched from larger "mother ships" to attack approaching slow-moving vessels, boarding with ladders and simple tools, and theft of valuables.[1021] The targets were mainly fishing vessels, small cargo ships, and dhows. This allows pirates to extend their operational range far beyond Somalia's immediate coastline. The motivations were a mix of protection claims by "coast guards" and opportunistic theft.[1022] Although hijacking for ransom was rare during this period, the focus was on robbery or the seizure of vessels for local use.[1023]

The strategic location of Somalia, with its extensive coastline along major global shipping routes (Gulf of Aden and the Indian Ocean), makes it a crucial but vulnerable region connecting Europe, the Middle East, and Asia for international trade, especially for energy and goods travelling.[1024] This location, that facilitate thousands of vessels passing annually through the Gulf of Aden and the Bab el-Mandeb Strait, making the region one of the busiest maritime corridors in the world, accounting for the transportation of about 12-15% of international maritime goods, further amplifies the impact of these attacks.[1025] The concentration of maritime

[1021] Gary E. Weir, 'Fish, Family and Profit' (2009) 62 Naval War College Review, 15-29, at 4
[1022] Bahadar, Jay, I Am Not a Pirate, I am the Saviour of the Sea, *The Times* (London, 16 April 2009)
[1023] *Ibid*
[1024] Arsenio Dominguez, Applying the Law of the Sea to Protect International Shipping, 28 February 2024, United Nations Applying the Law of the Sea to Protect International Shipping | United Nations Accessed on 2/2/2026; Ana Aguilera Raga, The Bab el-Mandeb Strait: Geopolitical considerations of the Strategic Chokepoint, 10 March 2020, Instituto Español de Estudios Estratégicos (Spanish Research institute for Strategic Studies), Opinion Paper 19/2020, Ministerio de Defensa (Ministry of Defence), Madrid, Spain.
[1025] Santiago Iglesias Baniela and Juan Vinagre Ríos, 'Piracy in Somalia: A Challenge to The International Community' (2012) 65 Journal of Navigation, 693-710; Amali Kartika Karawita, 'Piracy in Somalia: An Analysis of the Challenges Faced by the International Community' (2019) 23 Jurnal Ilmu Sosial dan Ilmu Politik, 102

traffic in these waters provided abundant targets for pirate groups operating from Somalia's largely ungoverned coastline.

5.8.3 Escalation and International Security Crisis (2005–2011)

5.8.3.1 Triggers and Mode of Operations

Somali piracy reached its peak between 2005 and 2011, when the number of attacks increased dramatically and began to threaten global maritime trade.[1026] The triggers for the rise in piracy during this period are associated with political and governance issues, including natural disasters. While the collapse of the central government structure in Somalia in 1991, caused by a military coup in 1991,[1027] is widely regarded as the most significant driver for the rise of modern maritime piracy and armed robbery in East Africa, creating a governance vacuum in Somalia.[1028] This resulted in ineffective policing of territorial waters and a lack of enforcement of fishing regulations, creating a permissive environment that allows armed groups to operate with relative impunity, with minimal risk of interception or prosecution.[1029] Although the neighbouring states, such as Eritrea, Djibouti, Kenya, and Tanzania, maintained stronger institutions, their limited military assets were insufficient to police the shared waters that extended far beyond their exclusive economic zones.[1030]

A factional Transitional Federal Government (TFG) was formed following the collapse of the Somali state. The conflicts between the fragmented TFG and factional warlords created a

[1026] IMO, Reports on Acts of piracy and armed robbery against ships, Annual Report 2005-2011, n 17
[1027] Gérard Prunier, 'Somalia: Civil War, Intervention and Withdrawal (1990-1995)' (1996) 15 Refugee Survey Quarterly, 35-85; John Drysdale, *Somaliland: The Anatomy of Secession*, (Hove: Quantum Books, London, 1991) 19
[1028] Heilala von Keyserlingk, Understanding Somali Piracy: Beyond a State-Centric Approach, July 2012, New Research in Global Political Economy Working Paper No. 01/2012, Kassel University; Jeong, Keunsoo. 'Piracy and Crime Embeddedness: State Decay and Social Transformation in Somalia' (2019) 9 African Conflict and Peacebuilding Review, 72–99.
[1029] Jonathan E. Hendrix, 'Law without state: The collapsed state challenge to traditional enforcement' (2012) 24 Wisconsin International Law Journal, 587-590; UK Parliament, House of Commons, Interlocking crises in the Horn of Africa, 25 November 2008, Research Paper 08/86
[1030] Robert McCabe, 'Policing the Seas: Building Constabulary Maritime Governance in the Horn of Africa: The Case of Djibouti and Kenya' (2019) 12 African Security, 330-355

persistent security vacuum and civil war between clan-based warlords competing for control of the state capital, Mogadishu, and other regions.[1031] This civil war period further created tension in Somalia, resulting in the commencement of increasing attacks against ships.[1032] While the intervention of the Union of Islamic Courts (ICU), declaring "war" on piracy in 2006, was intended to manage the piracy crisis in the region, the overthrow of the Union of Islamic Courts (ICU) by the "warlord" militias in 2007 further escalated the rise of piracy in the region between 2008 and 2011.[1033] This resulted in several armed militia groups, warlords, and political factions in Somalia, and maritime crimes were often used to fund their operations.[1034]

Other contributing factors include instability in several regions of East Africa. This includes Yemen and the Houthis' geopolitical tensions in the Red Sea, which necessitated the presence of foreign military vessels, and shifts in global security priorities to shape the maritime environment.[1035] Occasional unrest in parts of coastal Kenya and Tanzania has also contributed to the rise of piracy in the region.[1036] At various points, conflicts spill over, shifting military

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[1031] Jane Perlez, 2 Months after Ousting Despot, Somalia Faces Life as an abandoned Pawn, *The New York Times* (New York, USA, 4 April 1991); Alan Rake, Somalia's Slow Agony Continues, in Horn of Agony: Drama in Ethiopia – Somalia, No 284, (London, New Africa, May 1991) p. 10; Martin N. Murphy, "*Small Boats, Weak States, Dirty Money: Piracy and Maritime Terrorism in the Modern World,"* (New York: Columbia University Press, 2009)

[1032] IMO, Reports on Acts of piracy and armed robbery against ships, Annual Report 2005-2011, n 17

[1033] Edward R. Lucas, Somalia's "Pirate Cycle": The Three Phases of Somali Piracy' (2013) 6 Journal of Strategic Security, Article 8

[1034] USAID, East Africa Regional Conflict and Instability Assessment, March 2012, Final Report

[1035] Federico Donelli, 'Maritime Disruption in Yemen: The Making of a Hybrid Red Sea Order' (2025) Middle East Policy, 1-16; Camille Lons, Anatomy of a chokepoint Mapping power and conflict in the Red Sea, May 2025, European Council on Foreign Relations (ECFR); Elisabeth Braw, What attacks on shipping mean for the global maritime order, 9 August 2024, Atlantic Council; Ayman Imtiaz, The Geopolitics of the Red Sea Crisis: Implications for Global Trade and Security, April 26, 2025, Modern Diplomacy; Emilio Rodriguez-Diaz, J. I. Alcaide, and R. Garcia-Llave, 'Challenges and Security Risks in the Red Sea: Impact of Houthi Attacks on Maritime Traffic' (2024) 12 Journal of Marine Science and Engineering, 1900

[1036] Gilbert Kimutai, 'Kenya's Peace Diplomacy in Eastern Africa: Regional Hegemon?' (2024) 8 International Journal of Research and Innovation in Social Science (IJRISS), 978-988; Amali Kartika Karawita, 'Piracy in Somalia: An Analysis of the Challenges Faced by the International Community' (2019) 23 Jurnal Ilmu Sosial dan Ilmu Politik, 106-107; Armed Conflict Location and Event Data (ACLED), Special Report | Kenya-Somalia: Assessing Al-Shabaab's Threat to the Region as Somalia

deployments and political realignments influenced both the rise and decline of piracy activities in the region.[1037] These regional disputes, coupled with conflicting territorial boundaries and the porous nature of both land and maritime borders, facilitated the mobility of arms, criminal groups, and entrenched piracy within a broader conflict economy, blurring the boundaries between political violence and economically motivated piracy.[1038]

Furthermore, the Indian Ocean tsunami of 26 December 2004 was a significant contributing factor to the surge in Somali piracy, functioning as a catalyst that destroyed the legitimate, albeit already fragile, coastal source of livelihoods.[1039] This disaster destroyed several key infrastructures, especially in the Northern Puntland region. 45,000 Somalis were estimated to have been affected by the tsunami, alongside an estimated 800 buildings at the seafront, 650 boats, along with piers and essential fishing gear.[1040] This further worsens the existing

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Joins the East Africa Community, 8 December 2023, https://acleddata.com/report/special-report-kenya-somalia-assessing-al-shabaabs-threat-region-somalia-joins-east-africa accessed on 22/11/2025

[1037] Theo Neethling, Piracy on the African East Coast: A Political Science Perspective' (2010) 35 University of the Free State Journal, 177; Justin V. Hastings, 'Geographies of State Failure and Sophistication in Maritime Piracy Hijackings' (2009) 28 Political Geography, 213-223; John Calabrese, The Bab el-Mandeb Strait: Regional and great power rivalries on the shores of the Red Sea, 29 January 2020, Middle East Institute

[1038] Redie Bereketeab, (ed) *The Horn of Africa Intra-State and Inter-State Conflicts and Security* (2013, London, Pluto Press) 26, 71; Amali Kartika Karawita, 'Piracy in Somalia: An Analysis of the Challenges Faced by the International Community' n 208; Annie Barbara Chikwanha, The Anatomy of Conflicts in the East African Community (EAC); Indigenous Forum Told, 23 May 2013, HR/5135; (UN Economic and Social Council, Chronic Marginalization, Fragmentation, Encroachment, Lack of Land Rights Make Pastoralists in Africa among Poorest in World); Caleb M. Khisa and Peter Oesterdiekhoff, Regional Disparities and Marginalisation in Kenya, 2012, Friedrich-Ebert-Stiftung; Christian Webersik, 'Differences That Matter: The Struggle of the Marginalised in Somalia.' (2004) 74 Africa: Journal of the International African Institute, 516. Linking Security With Development, 2007, Keynote speech to Development Policy Review Network-African Studies Institute, Leiden University, The Netherlands

[1039] Peter Lehr, Hendrick Lehmann, 'Somalia — Pirates' New Paradise' in Peter Lehr (ed), Violence at Sea: Piracy in the Age of Global Terrorism (Routledge, 2006)

[1040] Kitty McKinsey, Post-tsunami recovery in Puntland, Somalia, shifts from relief to development, 16 December 2005, United Nations High Commissioner for Refugees (UNHCR) – UN Refugee Agency; UN Development Programme (UNDP), Tsunami Inter-Agency Assessment Mission: Hafun to Gara'ad, Northeast Somali Coastline 28 Jan - 8 Feb 2005, 30 Mar 2005, UNDP; Voice of America (VOA), Somali NGO Says Tsunami Damage Worse Than Reported, *VOA News,* (30 October 2009); UN Meetings Coverage and Press Releases, Rebuild differently after Tsunami, United Nations Environment Programme advises in New Report, 22 February 2005, Press Release UNEP/268.

vulnerability in Somalia,[1041] as the threat of unregulated illegal fishing by foreign trawlers increases the incentive to engage in or tolerate piracy against foreign ships as a form of protection.[1042]

Therefore, this disaster, which coincided with the commencement of an increase in piracy in 2005, further escalated the grievances of the local impoverished communities and compelled a shift of desperate, unemployed fishermen from traditional fishing to maritime piracy criminal activities.[1043] Therefore, although economic deprivation played a critical role in driving piracy in Somalia due to economic hardship. contributed to the emergence of piracy, it is important to recognise that Somali piracy eventually evolved into a highly organised criminal enterprise involving financiers, intermediaries, and international criminal networks. This transformation suggests that piracy in Somalia cannot be attributed solely to poverty but must also be understood within the broader context of organised transnational crime operating within a weak governance environment.

[1041] Amali Kartika Karawita, 'Piracy in Somalia: An Analysis of the Challenges Faced by the International Community' (2019) 23 Jurnal Ilmu Sosial dan Ilmu Politik,107

[1042] Abdulkadir Khalif, How Illegal Fishing Feeds Somali Piracy, 11 April 2015, East African (Nairobi)-Climate Diplomacy; Somalia: The New Humanitarian, Fishermen appeal for help over foreign fishing ships, 0 March 2006, News and Press Release, Reliefweb; Andreas Bruvik Westberg, 'Bloodshed and Breaking Wave: The First Outbreak of Somali Piracy' (2015) 43, Scientia Militaria - South African Journal of Military Studies, 1-38

[1042] Amali Kartika Karawita, 'Piracy in Somalia: An Analysis of the Challenges Faced by the International Community' (2019) 23 Jurnal Ilmu Sosial dan Ilmu Politik,107

[1043] Andreas Bruvik Westberg, 'Bloodshed and Breaking Wave: The First Outbreak of Somali Piracy' (2015) 43, Scientia Militaria - South African Journal of Military Studies, 1-38; Peter Lehr and Hendrick Lehmann, 'Somalia: Pirates' New Paradise', in Peter Lehr, *Violence at Sea: Piracy in the Age of Global Terrorism* (Routledge, New York, 2007) 12; Sjarief Widjaja, Tony Long and Hassan Wirajuda, Illegal, Unreported and Unregulated Fishing and Associated Drivers, 2020, Blue Economy, World Resources Institute, Washington DCAbdimalik; Jama Omar, Ayub Abdirahman Mohamed and Sulaiman Abdullahi Bambale, 'Impacts of Illegal, Unreported and Unregulated (IUU) Fishing on Developing Countries: The Case of Somalia' (2019) 9 Asian Research Journal of Arts & Social Sciences, 1-15; U. Rashid Sumaila, Mahamudu Bawumia, 'Fisheries, ecosystem justice and piracy: A case study of Somalia, Fisheries Research' (2014) 157, Fisheries Research, 154-163

5.8.3.2 Severity of Attacks, Impacts and Consequences

These frustrations and grievances led to the formation of a vigilante-style "coastguard" endorsed by the community as a defensive retaliatory act, intended to repel illegal foreign fishing vessels.[1044] Although these grievances did not justify the widespread escalation into massive hijackings and hostage-taking, they helped frame piracy as a form of resistance or local justice for the community, which increases the community's acceptance and tolerance, providing an appearance of legitimacy. Consequently, these groups later transitioned into profit-driven piracy as hijacking and hostage-taking became more lucrative.[1045] Ramson payments, often in millions of dollars, made piracy comparatively lucrative,[1046] as most young adults became vulnerable to recruitment by pirate groups offering financial gains greater than any local economic opportunity in the communities.[1047] Additionally, these illegally obtained ransoms were reinvested into the local communities, providing social services, funding infrastructure development, and distributing the proceeds among various community clans for multiple community investment projects.[1048] These services, although financed by illegal criminal activities, created some form of local support and tolerance from the communities, complicating interventions from state and international bodies.[1049]

[1044] Ranee Kooshie Lal Panjabi, 'The Pirates of Somalia: Opportunistic Predators or Environmental Prey?', (2010) 34 William. & Mary Environmental Law & Policy Review, 377

[1045] Ibid, at 460 - 461

[1046] Eugene Kontorovich, 'International Legal Responses to Piracy off the Coast of Somalia' (2009), 13 American Society of International Law (ASIL). According to Eugene Kontorovich, a single seizure can earn each pirate $150,000, while the per capita GDP is $600.

[1047] Roger Middleton, 'More than just pirates: closing the space for Somali pirates through a comprehensive approach', in Bibi van Ginkel and Frans-Paul van der Putten, (eds.) *The international response to Somali piracy: challenges and opportunities* (Netherlands, Leiden & Boston: Martinus Nijhoff Publishers, 2010)

[1048] Anja Shortland, Varese Federico, 'The Protector's Choice: An Application of Protection Theory to Somali Piracy' (2014) 54 British Journal of Criminology, 741-764; Mohamed Ahmed, Pirate stock exchange helps fund hijackings, *Global News* (Canada, 25 April 2011) Pirate stock exchange helps fund hijackings | Globalnews.ca Accessed on 29/11/2025

[1049] Abbas Daher Djama, The phenomenon of Piracy off the Coast of Somalia: Challenges and Solutions of the International Community, December 2011, United Nations – The Nippon Foundation Fellow, New York, 101-115

During this period, Somali pirates adopted increasingly sophisticated operational strategies, including redirecting vessels toward Somali coastal areas where both the ship and its crew were held hostage while ransom negotiations were conducted.[1050] Hijacked vessels could remain under pirate control for several months while negotiations took place with shipowners and insurance companies.[1051] This strategy transformed piracy into a highly organised ransom economy that generated millions of dollars in revenue during the peak years of Somali piracy.[1052] Kidnapping for ransom became the primary economic objective of Somali piracy operations, generating millions of dollars for pirate networks and their financiers.[1053]

The scale and organisation of Somali piracy during this period transformed the phenomenon from a regional criminal activity into a major international security concern. Pirates were operating the vast coastline and high seas, using captured fishing vessels or dhows as mother ships to launch skiffs hundreds of nautical miles from Somalia, targeting vessels deep in the Indian Ocean.[1054] The operations of Somali pirates expanded from Somali coastal waters to the Gulf of Aden, Arabian Sea, Western Indian Ocean, as far as Seychelles, Maldives, and Kenya, disrupting global shipping routes, prompting multinational military operations.[1055] Somali pirates' operations typically involve boarding of vessels, seizing control, hijacking the entire

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[1050] Douglas Guilfoyle, 'Somali Pirate Skiff', in Jessie Hohmann and Daniel Joyce (eds), *International Law's Objects* (Oxford University Press, England, 2018)

[1051] IMO, Piracy and Armed Robbery against Ships in Waters off the Coast of Somalia,
Best Management Practices for Protection against Somalia Based Piracy, 14 September 2011, MSC.1/Circ.1339.

[1052] World Bank, Pirate Trails: Tracking the Illicit Financial Flows from Piracy off the Horn of Africa, 2013, World Bank; Anja Shortland and Federico Varese. 'State-Building, Informal Governance and Organised Crime: The Case of Somali Piracy' (2016) 64 Political Studies, 811-831.

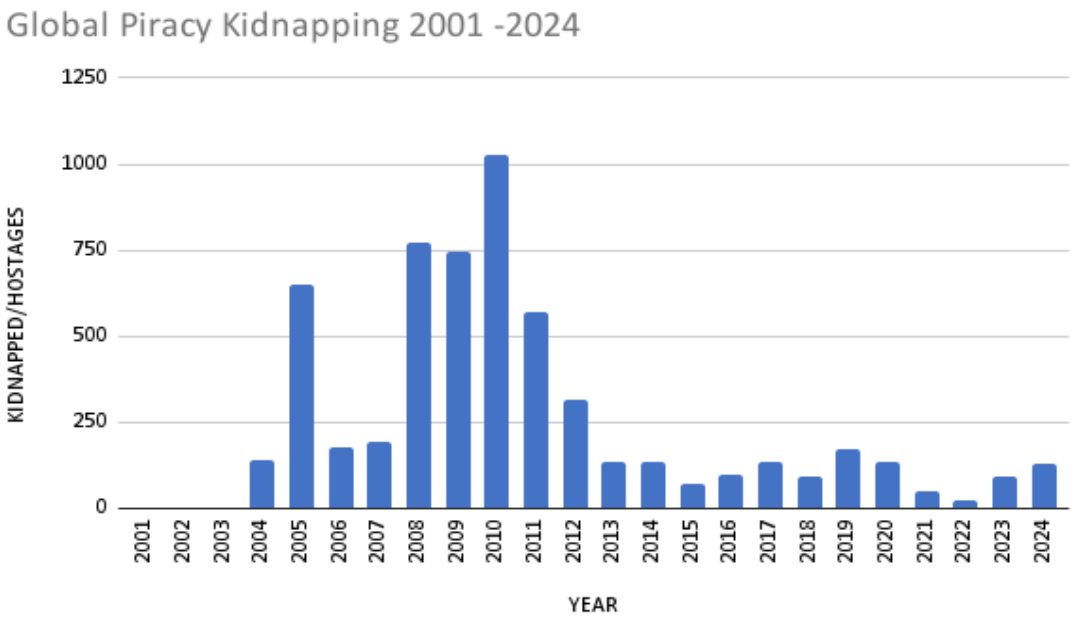
[1053] Heilala von Keyserlingk, Understanding Somali Piracy: Beyond a State-Centric Approach, July 2012, Working Paper No. 01/2012, New Research in Global Political Economy; Jatin Dua, 'Hijacked: Piracy and Economies of Protection in the Western Indian Ocean' (2019) 61 Comparative Studies in Society and History. 479-507.

[1054] Raymond Gilpin, Counting the Costs of Somali Piracy, United States Institute of Peace, Working Paper, 8

[1055] Stephen Flynn, Understanding and Managing the Somali Piracy Challenge, Centre for National Policy, 23 April 2010; Murphy Martin, N, Contemporary Piracy and Maritime Terrorism, 2007, International Institute for Strategic Studies, Adelphi Paper No. 388

ship, and diverting the ships to anchorages along the pirate-controlled harbours on the Somali coast.[1056]

Fig. 12: Trends in Piracy-Related Kidnappings and Hostage-Taking Incidents (2001–2024)



Source: Author's original piracy database compiled from IMO GISIS piracy and armed robbery incident reports (2001–2024).

As illustrated in Figure 12, piracy-related kidnappings was not a strategy in traditional piracy before 2003. However, it became an increasingly prominent feature of maritime criminality from 2005, particularly in regions where ransom-based piracy models emerged. Kidnapping for ransom and hostage-taking became a source of income and social status, fuelling local support networks in some regions, with almost all kidnappings between 2004 and 2024. Why these tactics of kidnapping started within the Nigerian waters by the Nigerian pirates, it rose significantly in Somalia crisis between 2008 and 2011.[1057] 2007 and 2011 occurred in East

[1056] Roger Middleton, 'Piracy in Somalia: Threatening Global Trade, Feeding Local Wars,' October 2008, Chatham House Briefing Paper, AFP BP 08/02, P. 5.
[1057] IMO, Acts of Piracy and Armed Robbery against Ships, annual reports 2000 to 2024, n 2

Africa.[1058] Hostages were held sometimes for extended periods and even months while ransom negotiations occurred between professional negotiators, and ransoms were delivered typically by airdrop (cash by parachute).[1059] While the true cost of ransom cannot be ascertained due to inconsistent figures, it was estimated that the Somali pirates, for instance, received ransoms from US$339 million to US$413 million between 2005 and 2012, with the ransom peaking at US$176 million in 2010 before it declined to US$31.75 million in 2012.[1060] While this model generated high financial returns for the pirates, it also required substantial logistical support.[1061] However, piracy attacks have grave and dire consequences for the victims. The mode of operation, which includes the use of violence, grievously assaulting and throwing overboard crewmembers and passengers, results in the destruction of ships and several degrees of injuries, hostage-taking/kidnapping, and disappearances/missing of many crewmembers/passengers.[1062] For instance, between 2001 and 2024, a minimum of 33 ships were reported lost due to the hijacking of 387 ships, with 35.6% (214) of the hijacks occurring between 2008 and 2011, mainly at the high seas with the Somali attacks.[1063] The attacks on shipping vessels have reportedly resulted in over 150 recorded deaths, with 71% (99) of deaths recorded between 2001 and 2007.[1064] Besides the copious loss of lives, 294 crew members and passengers have

[1058] Peter Lehr (ed), *Violence at Sea: Piracy in the age of Global Terrorism* (UK, Routledge, 2007)
[1059] Lauren Ploch, and others, Piracy off the Horn of Africa, 21 April 2009, congressional Research Service, 7-5700, R40528, p.7, at 2; Raymond Gilpin, n 57; Parvathi Rajagopal & Fatimath Musskan, 'Waves of Plunder: The economic impacts and legislative responses to maritime piracy' (2025) 5 Indian Journal of Integrated Research in Law, p.1928.
[1059] Ibid
[1060] Parvathi Rajagopal & Fatimath Musskan, 'Waves of Plunder: The economic impacts and legislative responses to maritime piracy' (2025) 5 Indian Journal of Integrated Research in Law, p.1928.
[1061] Lauren Ploch, Ibid; BBC News, Pirates 'gained $150m this year' BBC News (Africa, 21 November 2008)
[1062] Justin V. Hastings, 'Geographies of State Failure and sophistication in maritime piracy hijackings' (2009) 28 Political Geography
[1063] ICC-IMB, Piracy against Ships, Report for the Period 1 January 2008 to 31 December 2008, January 2009; ICC-IMB, Piracy against Ships, Report for the Period 1 January 2009 to 31 December 2009, January 2010; ICC-IMB, Piracy against Ships, Report for the Period 1 January 2010 to 31 December 2010, January 2011; ICC-IMB, Piracy against Ships, Report for the Period 1 January 2011 to 31 December 2011, January 2012;
[1064] ICC-IMB, Piracy against Ships, Report for the Periods of 2000 - 2007

been reportedly missing between 2001 and 2024 and have not been found to date, and over 50 people were reportedly thrown overboard, with varying degrees of injuries.[1065]

Economically, piracy imposes huge, substantial costs on global trade and the shipping industry. For instance, over 25 ships were reportedly missing, lost, or destroyed, besides the loss of a large amount of economic goods and petroleum products during piracy attacks between 2001 and 2024.[1066] This results in huge financial loss affecting global trade and the shipping industry. As such, the World Bank estimated that Somalia (East Africa) piracy cost the global economy $18 billion annually at its peak.[1067] These piracy attacks on international ships result in huge disruption of international trade, as these piracy hotspot regions are the main shipping routes for international goods, thereby resulting in increased shipping costs due to the rise in shipping insurance premiums.[1068]

In addition, the cost of shipping was significantly impacted by piracy attacks as ships had to reroute around maritime piracy hotspot high-risk zones to avoid piracy attacks, resulting in an increase in fuel consumption and the use of longer shipping routes.[1069] Affecting the global cost of goods, leading to significant global inflation, which affects the cost of living for everyone. Consequently, the piracy hotspot regions, which are mainly developing coastal states, suffer reduced port revenues and tourism due to the persistent danger in the region caused by piracy attacks.[1070] Therefore, while it can be arguably stated that piracy has a direct impact on the

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[1065] ibid

[1066] Kaija Hurlburt, Oceans Beyond Piracy D. Conor Seyle, 'The Human Cost of Maritime Piracy, 2012, Working Paper, Oceans beyond piracy; UNCTAD, Maritime Piracy, n 42; Parvathi Rajagopal & Fatimath Musskan, n 62; ICC-IMB, n 65

[1067] World Bank, 'The Pirate Coast: The Economic Costs of Maritime Piracy', 2013, Washington DC.

[1068] Peter Chalks, The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States (USA, RAND Corporation, 2008)

[1069] UNCTAD, Maritime Piracy, n 42; Parvathi Rajagopal & Fatimath Musskan, n 45; Hideshi Ueno ed., Somali Piracy's Impact on the Global Economy Various Cost Estimates of Anti-piracy Efforts from U.S. Think Tank Report, 2015, Sasakawa Peace Foundation Somali Piracy's Impact on the Global Economy Various Cost Estimates of Anti-piracy Efforts from U.S. Think Tank Report | Intelligence Analysis | 笹川平和財団| 海洋情報 FROM THE OCEANS

[1070] UNCTAD, Ibid

seafarer, shipping companies, and international commerce, it also has an indirect impact on everyone globally. Therefore, it is evident that piracy has had a wide-ranging and evolving impact. Endangering lives, traumatising families, and disrupting international trade, resulting in significantly high costs for shipping, which inadvertently affect the cost of living.

While these attacks on the high seas fall within the ambit of UNCLOS, the weak regional coordination,[1071] regional conflicts,[1072] the availability of small arms from several regional conflicts,[1073] insufficient maritime surveillance and enforcement and prosecution capacity,[1074] and the intricacies of the high seas in UNCLOS make it more difficult to manage. Furthermore, the strategic shipping lanes and their high traffic density result in high volumes of ships, providing a thriving environment for pirate groups to target vessels.[1075] Predictable shipping patterns and narrow chokepoints restricting effective manoeuvring increased the vulnerability

[1071] Anja Menzel, 'Fragmentation or Effective Governance? The Regime Complex of Counter-Piracy in Asia' (2022) 10 Politics and Governance; Amali Kartika Karawita, 'Piracy in Somalia: An Analysis of the Challenges Faced by the International Community' (2019) 23 Jurnal Ilmu Sosial dan Ilmu Politik, 102; Mohamed Husein Gaas, A Somali perspective on the contact group, in Thierry Tardy, (ed), Fighting piracy off the coast of Somalia: Lessons learned from the contact group, October 2014, Reports No 20, European Union Institute for Security Studies.

[1072] International Criminal Court (ICC), Maritime delimitation in the Indian Ocean (Somalia v Kenya) Judgment, ICJ Reports 2021, p. 206; Musambayi Katumanga, Strategic Security Challenges of the Somalia-Kenya Maritime Conflict, 3 November 2023, The Institute for Regional Security; Peter Muiruri, Kenya Rejects UN Court judgment giving Somalia control of resource-rich waters, *The Guardian*, (Kenya 14 October 2021)

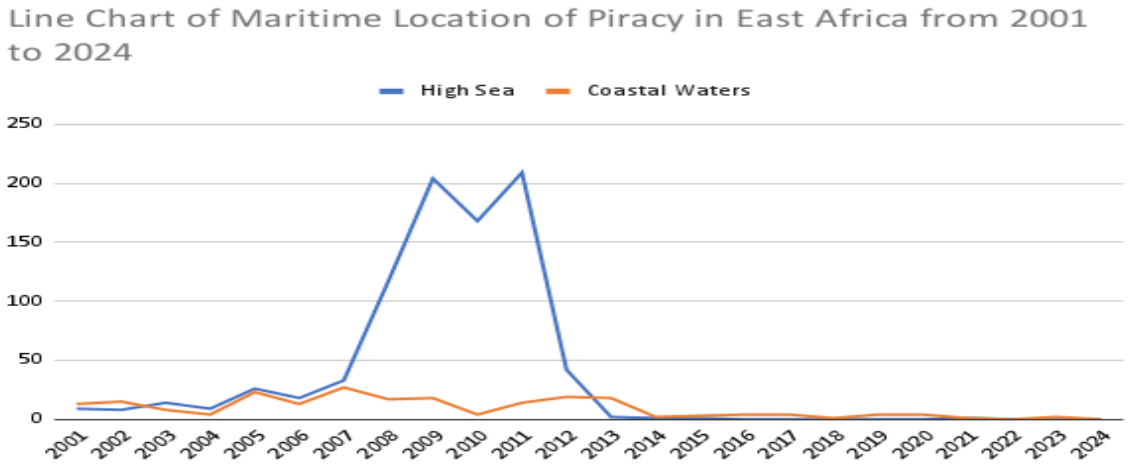
[1073] Fred Schreier, Trends and Challenges in International Security: An Inventory, 2010, Occasional Paper NO 19, Geneva Centre for the Democratic Control of Armed Forces (DCAF), 74-78; Audrey Gillian, Guns, grenades and GPS: The brutal reality of Somalia's hi-tech pirates, The Guardian, (Kenyan, 12 June 2007); Ope Adetayo, What to know about pirates off the Somali coast who have hijacked a tanker, Associated Press International, (Lagos, Nigeria, 7 November 2025); Oscar Rickett, Piracy fears over ships laden with weapons in international waters, The Guardian, (Africa, 10 January 2013); BBC News, Floating arsenals: The boats full of guns for hire against pirates, BBC News, (Africa, 18 December 2014); Mark Walker, Hi-Tech Pirates, The Guardian (UK, 29 September 2008)

[1074] M.D Saiful Karim, 'Prosecution of maritime pirates: the National Court is dead – long live the National Court?' (2014) 32 Wisconsin International Law Journal, 56-59; Martin N Murphy, Somalia, the New Barbary? Piracy and Islam in the Horn of Africa, (New York, Columbia University Press, 2011); UK Parliament, House of Commons Foreign Affairs Committee, Piracy off the coast of Somalia, June 2011, PIR 01; Abbas Daher Djama, The phenomenon of Piracy off the Coast of Somalia: Challenges and Solutions of the International Community, December 2011, United Nations – The Nippon Foundation Fellow, New York, 101-115

[1075] Milena Sterio, 'The Somali Piracy Problem: A Global Puzzle Necessitating A Global Solution' (2011) 59 American University Law Review, 1449-1497; Somalia has the longest coastline in Africa (*Federico Carbone, Giovanni Accordi, The Indian Ocean Coast of Somalia, Nairobi Convention, 2000)*

of ships, making the region a prime target and a conducive environment for maritime criminal gangs to attack with lower operational risks.[1076] By the mid-2000s, the ransom-based piracy had evolved into a sophisticated criminal activity. Payment of ransoms in millions of dollars created a complex ecosystem with multiple players, such as financiers, logistic providers, informants, negotiators, and armed criminal groups.[1077] The predictability and availability of high profits attracted investment from several powerful local investors, fuelled the rapid expansion of pirate activities in the period under review.[1078]

Fig. 13: Location of Reported Piracy and Armed Robbery Incidents in East Africa: High Seas and Territorial Waters (2001–2024)



[1076] Eugene Kontorovich, 'International Legal Responses to Piracy off the Coast of Somalia', (2009) 13 American Society of International Law (ASIL)

[1077] UN News, Piracy ransoms amount to more than $339 million over seven-year period – UN report, 1 November 2013 https://news.un.org/en/story/2013/11/454472 Accessed on 2/12/2025; World Bank Group, Pirate Trails: Tracking the Illicit Financial Flows from Piracy off the Horn of Africa, 2013, Pirate Trails: Tracking the Illicit Financial Flows from Piracy off the Horn of Africa Accessed on 1/12/2025; BBC News, Horn of Africa piracy 'netted $400m' from 2005-12, *BBC News* (Africa, 2 November 2013); Rashid Sumaila and Mahamudu Bawumia, 'Fisheries, ecosystem justice and piracy: a case study of Somalia' (2014) 157 Fisheries Research, 154–163; Barry Hart Dubner & Ritvik Raturi, 'On the Economics of International Sea Piracy--A Case of History Repeating Itself', (2012) 20 Michigan State International Law Review, 745

[1078] UN, 'Pirate Trails' Tracks Dirty Money Resulting From Piracy Off the Horn of Africa; Ransoms Total Over US$339 Million, says new research,1 November 2013, UNIS/CP/721; UNODC, Ransom money laundered by pirates affects stability in the Horn of Africa, says UNODC chief, 22 February 2012; Rohan Poojara, Financial Networks and Ransom Payment: Target Pirates or Payers?,24 May 2011, American Enterprise Institute

Source: Author's analysis of piracy and armed robbery incident data compiled from the IMO GISIS database (2001–2024)

As shown in Figure 13, piracy and armed robbery incidents in East Africa were unevenly distributed across maritime zones, reflecting differences in operational patterns and geographical opportunities available to pirate groups. From the above data, piracy activities between 2008 and 2011 were severe and witnessed a skyrocketing rise in piracy off the Coast of Somalia and the Gulf of Guinea.[1079] This exponential and steady increase in piracy incidents resulted in piracy reaching its highest peak in 2011, with 544 reported incidents.[1080] This spike was overwhelmingly driven by the surge in attacks off the coast of Somalia and in the Gulf of Aden (East Africa, High-Sea Piracy), and continued high levels of opportunistic armed robbery in Southeast Asia, especially around the South China Sea.[1081]

Notable examples of high-profile attacks that attracted international attention include the attack on the 10,000-ton luxury cruise liner *Seabourn Spirit,* which had 161 passengers and 1511 crew onboard on 5 November 2005, 100 miles off the coast of Somalia, with a long-range acoustic device (rocket-propelled grenades (RPGs) and automatic weapons.[1082] Also, hijacking of the massive 318,000-ton Saudi-owned *Sirius Star* oil tanker and its cargo of 2 million barrels of oil valued at $100 million alongside the hostages of its 25-member crew, at 420 miles from the African coast,[1083] and the attack on the 17,000-ton US-flagged cargo ship, *Maersk Alabama,*

[1079] ICC, News, Piracy attacks in East and West Africa dominate the World Report, 19 January 2012, Piracy attacks in East and West Africa dominate world report – ICC – Commercial Crime Services Accessed on 22/9/2025
[1080] IMO, Reports on Acts of piracy and armed robbery against ships, annual report 2011, 1 March 2012 MSC.4/Circ.180 (although ICC-IMB reported 439).
[1081] *Ibid*
[1082] Randall Pinkston, Pirates Attack Cruise Ship, CBS News, (USA, 5 November 2005); Von Marco Evers, The Weapon of Sound: Sonic Canon Gives Pirates an Earful, Spiegel International (Germany, 15 November 2005) https://www.spiegel.de/international/spiegel/the-weapon-of-sound-sonic-canon-gives-pirates-an-earful-a-385048.html Accessed on 2/12/2025
[1083] Xan Rice, Hijacked Saudi oil tanker released after ransom dropped by parachute, The Guardian (Kenya, 9 January 2009)

240 nautical miles southeast of the Somali port city of Eyl en route to Mombasa, Kenya, with relief materials for Somalia, Kenya, and Uganda.[1084] Most of these hijackings result in the hostage-taking of the crew

5.8.4 Decline and Continued Threat (2012–2024)

Following the peak of Somali piracy between 2008 and 2011, the number of attacks declined significantly. For instance, while 223 incidents were recorded in 2011, 61 in 2012, and 20 in 2013, only 28 were recorded between 2014 and 2024, signifying a significant decline.[1085] This reduction can be attributed to several factors, including the sustained presence of international naval patrols, the adoption of improved shipboard security measures by commercial vessels, the implementation of industry-led best management practices designed to deter pirate attacks, and the reinstatement of governance in Somalia.[1086] Although sporadic piracy attempts continued, these were often driven by economic downturns, opportunistic-based criminality, and fueled by local insecurity.[1087]

Furthermore, while most incidents during this period in this region occur in the high seas, the few reported incidents between 2012 and 2024 took place within the coastal waters.[1088] However, despite these improvements, the underlying structural drivers that initially

[1084] Robert D. McFadden and Scott Shane, In Rescue of Captain, Navy Kills 3 Pirates, The New York Times (USA, 12 April 2009).
[1085]); IMO, Acts of Piracy and Armed Robbery against Ships, annual reports 2012 to 2024, n 17
[1086] David Smith, Somalia chooses new leader in presidential elections, The Guardian (Africa, 10 September 2012); IMO, Acts of Piracy and Armed Robbery against Ships, annual reports 2012 to 2024, n 2; Christian Bueger, 'Learning from piracy: future challenges of maritime security governance' (2015) 1 Global Affairs, 33–42; Neslihan Küçük and others, 'Hotspot analysis of global piracy and armed robbery incidents at sea: A decadal review of regional vulnerabilities and security strategies' (2025) 260 Ocean and Coastal Management
[1087] Samuel Oyewole, 'Too early to celebrate! The decline of Somali piracy off the East Coast of Africa' (2017) 41 Strategic Analysis, 578-582
[1088] IMO, Acts of Piracy and Armed Robbery, n 17

contributed to the emergence of Somali piracy have not been fully resolved.[1089] Somalia continues to face significant governance challenges, including political instability, weak state institutions, and limited maritime enforcement capabilities.[1090] Furthermore, there have not been any training to reform the community and suspected pirates following the piracy crisis between 2005 and 2011. Consequently, while the frequency of piracy attacks has declined compared to the peak years of the crisis, the potential for resurgence remains a persistent concern within the international maritime community. Sporadic incidents in recent years suggest that pirate networks retain the capacity to exploit maritime governance gaps should international security measures weaken.

Additionally, the Houthi attacks on commercial shipping in the Red Sea since November 2023 illustrate the changing character of maritime insecurity. Unlike Somali piracy, which was predominantly motivated by economic gain through ransom and vessel hijacking, these attacks are driven largely by political and strategic objectives.[1091] This development highlights an important limitation of the UNCLOS piracy framework, particularly its continued reliance on the "private ends" requirement. Although the SUA Convention provides a legal framework for prosecuting attacks against ships involving explosives and other violent acts, its effectiveness is limited by low levels of ratification and uneven implementation among states.

[1089] Lionel Laurens, Addressing the root causes of Somalia's challenges, 13 August 2024, United Nations Development Programmes; Abdisalam Abdirahman Mohamed, Governance Statistics Report, 2nd Report, Federal Republic of Somalia, Somalia National Bureau of Statistics.
[1090] Alice Hills, 'A Quick Guide to Somalia in 2026: Business as Usual' A. (2021) 12 The Journal of the Middle East and Africa, 283–300; Mohamud Mohamed Ahmed, 'The Role of Good Governance in Shaping Effective State-Building: A Somali Context' (2025) 13 International Journal of Economics, Commerce and Management; Mohamed Ibrahim &Mohamed Mahees Raheem, Poor governance and weak social cohesion in Somalia's Climate-stressed settings: the mediating effects of economic inefficiencies and limited human development. (2025) 13 Cogent Economics & Finance, 1.
[1091] Nandini Nandini, 'The Red Sea Crisis: Implications of The Houthi Attack on Maritime Trade and Global Security' (2024) 4 International Journal of Humanities Education and Social Sciences (IJHESS); Arsenio Dominguez, Applying the Law of the Sea to Protect International Shipping, 28 February 2024, United Nations; Camille Lons, Anatomy of a chokepoint: Mapping power and conflict in the Red Sea, May 2025, European Council on Foreign Relations

Therefore, the Somali piracy crisis provides an important test case for evaluating the effectiveness of international maritime security instruments. The crisis exposed several limitations within existing legal frameworks, particularly the narrow definition of piracy under the United Nations Convention on the Law of the Sea and the limited procedural guidance available for international cooperation in suppressing piracy. While Article 100 of UNCLOS establishes a duty for states to cooperate in the repression of piracy, it provides little detail on the mechanisms through which such cooperation should be implemented. The international response to Somali piracy relied heavily on ad hoc legal and operational arrangements, including United Nations Security Council resolutions and bilateral agreements for the prosecution of captured pirates. These measures highlighted the capacity of the international community to respond collectively to maritime security crises, but they also demonstrated the limitations of relying solely on existing international maritime legal frameworks to address rapidly evolving maritime threats. Overall, the Somali piracy case illustrates that while international maritime security instruments provide an essential legal foundation for combating piracy, their effectiveness ultimately depends on the political will, institutional capacity, and cooperative arrangements among states responsible for enforcing maritime security.

5.8.5 Counter-Piracy Efforts, Legal Regulations, and Their Impacts in Repressing Maritime Piracy in East Africa

Efforts to counter piracy in East Africa have evolved into one of the most complex and multi-layered maritime security undertakings of the early 21st century. The unprecedented surge of Somali piracy between 2005 and 2011 catalysed regional and international responses involving international military deployments, legal reforms, capacity building initiatives, and the

institutionalisation of cooperative frameworks.[1092] These measures, put together, significantly transform the pirate groups' operational environment, restraining their manoeuvring freedom, and eventually contributed to a significant reduction in piracy attacks and large-scale hijackings.[1093] However, the sustainability of these maritime security measures in East Africa is dependent on continued regional governance reforms, effective legal regimes, and long-term socioeconomic stability in the coastal regions.

5.8.5.1 International Military Deployments and Maritime Security Operations

In East Africa, multinational military coalitions constituted the most immediate and visible counter-piracy mechanisms. The adoption of United Nations Security Council Resolution 1816 in June 2008, which authorises the use of military forces in Somalia's territorial waters,[1094] led to the launch of multinational forces' operations between 2008 and 2009 to counter piracy in Somalia.[1095] Several multinational forces, including European Union Naval Force (EUNAVFOR) Operation Atalanta, the Combined Maritime Forces (CMF) Task Force 151, and NATO's Operation Ocean Shield, deployed warships, maritime patrol aircraft, and special operations units across the Gulf of Aden and Western Indian Ocean.[1096] These enhanced

[1092] Heilala von Keyserlingk, Understanding Somali piracy: Beyond a State-Centric Approach, July 2012, New Research in Global Political Economy Working Paper NO. 01/2012, Department of Social Sciences, Kassel University, Germany

[1093] Peter Viggo Jakobsen, & Troels Burchall Henningsen, 'Success defying all expectations: How and why limited use of force helped to end Somali piracy' (2024) 47 Journal of Strategic Studies, 263–287.

[1094] UNSC, Resolution 1819 (2008), Adopted by the Security Council at its 5902nd meeting on 2 June 2008, S/RES/1816 (2008)

[1095] For instance, the European Naval Force Somalia Operation ATALANTA was launched on 8 December 2008 (European Union External Action (EEAS) EUROPEAN UNION NAVAL FORCE SOMALIA Military Operation ATALANTA, 30.11.2020; NATO, Operation Ocean Shield was launched in August 2009, (NATO Counter-piracy operations (2008-2016), 19 May 2022; Combined Maritime Forces (CMF) – Combined Task Force 151 (CTF-151) was launched in January 2009 by the U.S.-led CMF, Combined Task Force (CTF) 151: Counter Piracy https://combinedmaritimeforces.com/ctf-151-counter-piracy/ accessed 1/12/2025.

[1096] UNSC, Report of the Secretary-General pursuant to Security Council resolution 1846 (2008), 16 March 2009, S/2009/146; Gov. UK, Policy paper 2010 to 2015 government policy: piracy off the coast of Somalia, 8 May 2015; Combined Maritime Forces, CTF 151: Counter-piracy; NATO's Operation Ocean Shield, Counter-piracy operations (2008-2016), 16 May 2022; European Union Naval Force

operations include several deterrence activities, such as escorting vessels, monitoring high-risk shipping lanes, protecting convoys, and directly interdicting suspected pirate groups.[1097] Also, the introduction of the Internationally Recommended Transit Corridor (IRTC) in the Gulf of Aden provided a predictable and secure route for shipping vessels, enabling more efficient coordination between commercial shipping and military forces.[1098] These interventions were highly instrumental in combating Somali piracy between 2008 and 2011, resulting in high numbers of arrests, prosecutions, convictions, and sentencing of pirates, contributing substantially to the decline of piracy between 2012 and 2024.[1099]

However, a critical review of recorded incidents between 2008 and 2011, which indicates a substantial rise in piracy in East Africa, raises doubts about the actual effectiveness of these multimilitary measures. While these measures disrupting pirates' logistic networks actually contribute to the eventual reduction of incidents between 2012 and 2024,[1100] initial intervention

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Operation Atalanta – EUNAVFOR ATALANTA; UK Parliament Hansard, Somalia: Piracy vol. 490: debated on 31 March 2009, House of Common

[1097] Combined Maritime Forces, CMF's CTF 151 and EUNAVFOR ATALANTA CTF 465 Conclude Coordinated Patrols in Gulf of Aden and off Somali Coast, 26 March 2025

[1098] IMO, Internationally Recommended Transit Corridor (IRTC) recommended for ships transiting Gulf of Aden, 55th session: 27-31 July 2009, Sub-Committee on Safety of Navigation (NAV); Sluiman, F. J and de Koning, H. 'Naval Vessel Traffic Services' (2010) 63 Naval War College Review: Article 9.

[1099] Peter Viggo Jakobsen & Troels Burchall Henningsen, 'Success defying all expectations: How and why limited use of force helped to end Somali piracy' (2024) 47 Journal of Strategic Studies, 263–287; Eugene Kontorovich, The Penalties for Piracy: An Empirical Study of National Prosecution for International Crime, July 2012, Northwestern Public Law Research Paper No. 12-16; Jessica Larsen, What shall we do with the suspected pirates?: Why piracy prosecution doesn't always work, 30 March 2023, Danish Institute for International Studies (DIIS), DIIS Policy Brief; Associated Press, Somali pirates face life sentences in US, *The Guardian* (UK, 25 November 2010)

[1100] Fred Harter, We are ready for a war': Somalia threatens conflict with Ethiopia over breakaway region, The Guardian (Addis Ababa, 13 January 2024); International Court of Justice (ICJ), Maritime Delimitation in the Indian Ocean (Somalia v. Kenya), Judgment, I.C.J. Reports 2021, p. 206; Alex de Waal, Ethiopia PM Abiy Ahmed eyes Red Sea port, inflaming tensions, BBC News (Africa, 8 November 2023); Marcel R D Chirwa and Dr Colin Robinson, Lake Malawi or Lake Nyasa? Malawi–Tanzania Border Dispute Slips Into Limbo, 10 May 2023, Royal United Services Institute (RUSI); Henry Lutaaya, Uganda and DRC are making big strides to resolve conflicts over fish in shared waters, 25 August 2022, The Nile; Soham Mitra, Lou Robinson and Patrick Gallagher, Somali pirates have used the Red Sea Crisis and war in Gaza to stage a return, CNN, (24 February 2025).

[1100] Wedaeli Chibelushi, Somalia piracy: Are we witnessing its return off the country's coast?, BBC News (Africa, 3 February 2024); Khadija Mamouni, Somali Piracy: A Simple Flare-up or a Rising Threat? 3 July 2025, Policy Center for the New South

by the multi-military forces revealed a substantial reprisal by the suspected pirate groups, which was further inundated with the lack of legal and judicial process to implement the provisions of UNCLOS.[1101] However, with the combined interventions including vessel hardening, private maritime security (PMS) and the restoration of governance and Constitution in 2012, the number of incidents dropped significantly and has remained low following its gradual but substantial decline since 2012. Furthermore, these measures did not address the underlying causes of piracy, which shows their lack of sustainability and the recent rise of piracy in the regions.

5.8.5.2 Vessel Hardening and Private Maritime Security

In addition to the military interventions, the maritime industry adopted several defensive measures systematised in the Best Management Practices (BMP) guidelines.[1102] These included increased watchkeeping, physical barriers, the use of citadels, and evasive manoeuvres.[1103] Consequently, the use of Private Maritime Security Companies (PMSCs) became very influential. The presence of armed security personnel on board vessels in the East

[1101] Fred Harter, We are ready for a war': Somalia threatens conflict with Ethiopia over breakaway region, The Guardian (Addis Ababa, 13 January 2024); International Court of Justice (ICJ), Maritime Delimitation in the Indian Ocean (Somalia v. Kenya), Judgment, I.C.J. Reports 2021, p. 206; Alex de Waal, Ethiopia PM Abiy Ahmed eyes Red Sea port, inflaming tensions, BBC News (Africa, 8 November 2023); Marcel R D Chirwa and Dr Colin Robinson, Lake Malawi or Lake Nyasa? Malawi–Tanzania Border Dispute Slips Into Limbo, 10 May 2023, Royal United Services Institute (RUSI); Henry Lutaaya, Uganda and DRC are making big strides to resolve conflicts over fish in shared waters, 25 August 2022, The Nile; Soham Mitra, Lou Robinson and Patrick Gallagher, Somali pirates have used the Red Sea Crisis and war in Gaza to stage a return, CNN, (24 February 2025); Wedaeli Chibelushi, Somalia piracy: Are we witnessing its return off the country's coast?, BBC News (Africa, 3 February 2024); Khadija Mamouni, Somali Piracy: A Simple Flare-up or a Rising Threat? 3 July 2025, Policy Center for the New South

[1102] IMO, Piracy and Armed Robbery against Ships in Waters off the Coast of Somalia, Best Management Practices for Protection against Somalia Based Piracy, 14 September 2011, MSC/1/Circ.1339

[1103] Ibid

Africa high-risk region created a powerful deterrent, with zero recorded incidents of successful piracy attacks or hijacking of vessels carrying armed security guards.[1104]

Although the use of Private Maritime Security Companies (PMSCs) raised some regulatory and accountability concerns, such as the rules governing the use of force, flag-state oversight, and jurisdiction in cases of misconduct.[1105] The operational impact of these PMSCs was unequivocal, raising the cost of piracy attacks and transforming the risk calculus of conducting extended piracy boarding operations.[1106] However, while IMO is developing a dynamic threat assessment to reflect the improvement of maritime security in the region,[1107] holistic partnerships and responses are essential to combating these new emerging maritime security threats in Somalia and East Africa.[1108]

5.8.6 International Legal Frameworks

The East African piracy crisis off the coast of Somalia (peak 2005–2011) served as a critical litmus test for international maritime law, exposing significant gaps in the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of

[1104] Katinka Svanberg, 'The use of private maritime guards as an innovative means to fulfil states duty to cooperate in the repression of maritime piracy' Part 1 (2020) 1 International Journal of Maritime Crime and Security, 32

[1105] Clive Schofield, Arming Merchant Vessels: Enhancing or Imperilling Maritime Safety and Security?' (2014) 2 Korean Journal of International and Comparative Law, 46–66; Anna Petrig, 'The Use of Force and Firearms by Private Maritime Security Companies against Suspected Pirates' (2013) 62 The International and Comparative Law Quarterly, 667–701

[1106] Pieter W. G. Zhao, 'Outsourcing Security at Sea—The Return of Private Maritime-Security Companies
and Their Role in Twenty-First-Century Maritime Security' (2024) 77 Naval War College Review, 77

[1107] International Maritime Organisation (IMO) Maritime Safety Committee, Piracy and Armed Robbery against Ships, Revision of the High Risk Area submitted by ICS, BIMCO, OCIMF, INTERTANKO, and INTERCARGO, 13 August 2021, Pre-session public release, MSC 104/8/2; International Maritime Organisation (IMO) Maritime Safety Committee, Piracy and Armed Robbery against Ships, Removal of the Indian Ocean High Risk Area Submitted by ICS, BIMCO, OCIMF, INTERTANKO, INTERCARGO and IMCA, 22 August 2022, Pre-session public release, MSC 106/INF.10

[1108] Timothy Walker, New Somali piracy threats require partnerships and holistic responses, 7 November 2024, Institute for Security Studies (ISS); Timothy Walker and Halkano Wario, As Somali pirates make a comeback, collaboration is key, 20 November 2025, Institute for Security Studies (ISS).

Unlawful Acts Against the Safety of Maritime Navigation (SUA). The crisis forced a shift from purely legal frameworks to a combination of legal, military, and diplomatic actions, demonstrating that while the treaties provided a foundational basis for jurisdiction, they were insufficient on their own to combat modern, organised maritime crime. While legal regulation was essential, it initially emerged as a challenge to counter-piracy governance.

Therefore, although Article 105 of UNCLOS empowers the arresting state to prosecute the suspects, in the early stage of countering piracy in East Africa, the multinational military forces were reluctant to detain suspects due to jurisdictional ambiguities and the absence of a functioning government, court system and prosecutorial frameworks.[1109] The operational risk, legal difficulties and complexity in the arrest and detention of suspected pirates became a legal question affecting the effective prosecution of suspected pirates.[1110]

The dependence on the arresting state's domestic law for the enforcement and prosecution of suspected pirates has led to notable failures in the trial of suspected pirates. Although in a rare case, the United States successfully trialled a suspected pirate involved in the hijacking of the M/V Maersk Alabama in *Hicks v. Waterman Steamship Corporation*.[1111] Hundreds of suspected pirates arrested by NATO and multinational military forces in Somalia were never prosecuted or brought to justice.[1112] The practice then was either to repatriate the arrested

[1109] UK Parliament, House of Lords, Report of the European Union Committee (EUC) on combating Somali Piracy: The EU's Naval Operation Atalanta (12th Report, Session 2009-10, HL Paper 103), 10 November 2010; House of Lords, European Union Committee, Combating Somali Piracy: the EU's Naval Operation Atalanta, Report with Evidence, 14 April 2010, 12th Report of Session 2009-10, HL Paper 103

[1110] Barry Hart Dubner and Brian Otero, 'The Human Rights of Sea Pirates: Will the European Court of Human Rights Decisions Get More Killed?' (2016) 15 Washington University Global Studies Law Review, 215

[1111] *Richard Hicks v. Waterman S.S. Corp.,* No. H-09-1601, 2009 WL 4572776 (S.D. Tex. Sept. 16, 2009).

[1112] Joseph M. Isanga, 'Countering Persistent Contemporary Sea Piracy: Expanding Jurisdictional Regimes.' (2010) 59 American University Law Review, 1267-1319, at 1280; Eugene Kontorovich, 'International Legal Responses to Piracy off the Coast of Somalia' (2009) 13 American Society of International Law (ASIL).

pirates to Somalia based on the probability of human rights abuses on the ground that the accused may be subjected to cruel treatments and unfair trial, or to avoid arresting suspected pirates or to release them without any prosecution.[1113]

The Somalia piracy situation expressly revealed the insufficiencies and limitations of the practical workability of the international maritime security legal framework, exposing the inadequacies of national legal arrangements for the prosecution of arrested suspected pirates. To surmount these challenges, the international community reinforced legal clarity using the United Nations Convention on the Law of the Sea (UNCLOS) frameworks and a series of United Nations Security Council Resolutions (UNSCRs), beginning with UNSCR 1816 in 2008, which authorised states cooperating with Somalia's Transitional Federal Government to enter Somali territorial waters to repress piracy and armed robbery against ships.[1114]

In addition, several Memoranda of Understanding (MoU) agreements were entered into by many states, including the United States of America, the United Kingdom, the European Union,

[1113] Brian Brady, Whitehall Editor, Royal Navy may be forced to free captured pirates, Independent, (UK, 5 April 2009); Oliver Hawkins, What To Do With A Captured Pirate, *BBC News,* (Africa, 10 March 2009)

[1114] UNCLOS, Article 100; United Nations Security Council (UNSC), Resolution 1816 (2008) Adopted by the Security Council at its 5902nd meeting on 2 June 2008, S/RES/1816 (2008); UNSC, Resolution 1838 (2008) Adopted by the Security Council at its 5987th meeting, on 7 October 2008, S/RES/1838 (2008); UNSC, Resolution 1846 (2008) Adopted by the Security Council at its 6026th meeting, on 2 December 2008, S/RES/1846 (2008); UNSC, Resolution 1816 (2008) Adopted by the Security Council at its 5902nd meeting on 2 June 2008 , S/RES/1816 (2008); UNSC, Resolution 1851 (2008) Adopted by the Security Council at its 6046th meeting, on 16 December 2008, S/RES/1851 (2008); UNSC, Resolution 1897 (2009) Adopted by the Security Council at its 6226th meeting, on 30 November 2009, S/RES/1897 (2009); UNSC, Resolution 2015 (2011) Adopted by the Security Council at its 6635th meeting, on 24 October 2011, S/RES/2015 (2011); UNSC, Resolution 2077 (2012) Adopted by the Security Council at its 6867th meeting, on 21 November 2012, S/RES/2077 (2012); UNSC, Resolution 2125 (2013) Adopted by the Security Council at its 7061st meeting, on 18 November 2013, S/RES/2125 (2013); UN Press Release, Security Council Unanimously Adopts Resolution 2316 (2016), Renewing Authorization for International Naval Forces to Combat Piracy off Somali Coast, (9 November 2016) SC/12582, Security Council Unanimously Adopts Resolution 2316 (2016), Renewing Authorization for International Naval Forces to Combat Piracy off Somali Coast | Meetings Coverage and Press Releases; UNSC, 'Statement of the president of the security council' (25 April 2016) S/PRST/2016/4; UNSC, Resolution 2383 (2017) Adopted by the Security Council at its 8088th meeting, on 7 November 2017, S/RES/2383 (2017); UNSC, Resolution 2500 (2019) Adopted by the Security Council at its 8678th meeting, on 4 December 2019, S/RES/2500 (2019); UNSC, Resolution 2608 (2021) Adopted by the Security Council at its 8917th meeting, on 3 December 2021, S/RES/2608 (2021),

Canada, and Denmark, with Kenya, to prosecute suspected pirates arrested by these international military forces.[1115] While these MoU agreements have led to the arrest, prosecution, and conviction of a growing number of suspected pirates,[1116] the legality of transferring suspected pirates from arrested states to third-party states with respect to Article 105 UNCLOS also generated legal concerns and arguments.[1117] Furthermore, the outsourcing and over-dependence on the Kenyan legal system to prosecute suspected pirates were a concern

[1115] U.S Department of State, United States actions to counter piracy off the Horn of Africa, 1 September 2009, Fact Sheet, Bureau of Political-Military Affairs; Barney Jopson, Kenya signs deal to prosecute Somali pirates, Financial Times (12 December 2008); Jacquelyn S. Porth, Kenya accepts seven alleged pirates from U.S Navy for trial, 9 March 2009, United States Africa Command. https://www.africom.mil/article/6531/kenya-accepts-seven-alleged-pirates-from-us-navy-f Accessed 1/12/2025; Richard Meade, US to sign Kenya deal to prosecute Somali pirates, Lloyd's List, 19 January 2009 https://www.lloydslist.com/LL050798/US-to-sign-Kenya-deal-to-prosecute-Somali-pirates Accessed 3/12/2025; Derek Kilner, Kenya, US agree to deal on piracy, Voice of Arica News, (2 November 2009); UK Parliament, Kenya: Piracy, V.492, 7 May 2009, House of Commons; International Criminal Court (ICC), Annex 15, Status of Piracy cases being tried in Kenya; ICC No. icc-01-09/11, 21 April 2011; European Union (EU), Exchange of Letters between the European Union and the Government of Kenya on the conditions and modalities for the transfer of persons suspected of having committed acts of piracy and detained by the European Union-led naval force (EUNAVFOR), and seized property in the possession of EUNAVFOR, from EUNAVFOR to Kenya and for their treatment after such transfer, 22009A0325(01), Official Journal L 079, 25/03/2009 P. 0049 – 0059; EU-Kenya, Mar. 6, 2009, 2009 O.J. (L 79) 49, reprinted in 48 ILM 751 (2009) [EU Naval Force Operation Atalanta, European Union signs prosecution agreement with Kenya, 6 March 2009, European Union External Action (EEAS); Lillian Leposo, Kenya ends agreement with EU to prosecute suspected Somali pirates, CNN (World, 4 October 2010); Anita Rienstra, Danish Navy forges deal with Kenya over Somali piracy, ICENEWS (Denmark 27 August 2009)

[1116] *Republic v. Hassan Mohamud Ahmed*, Crim. No. 434 of 2006 (Chief Magis. Ct. Nov. 1, 2006) (Jaden,
Acting Sr. Principal Mag.); Hassan M. Ahmed v. Republic, Crim. App. Nos. 198, 199, 201, 203, 204, 205, 206, & 207 of 2008 (High Ct. May 12, 2009) (Azangalala, J.); *Republic v. Aid Mohamed Ahmed* (aka Sicid Mahamud Ahmed), at 10 –11, Crim. No. 3486 of 2008 (Chief Magis. Ct. Mombasa, 10 Mar. 2010); see also, *Republic v. Said* [sic] Mohamed Ahmed, Crim. No. 3486 (Chief Magis. Ct. filed Nov. 19, 2008); *Republic v. Said Abdallah Haji*, Crim. No. 2127 (Chief Magis. Ct. filed June 26, 2009); *Republic v. Mohamed Hassan Ali,* Crim. No. 1694 (Chief Magis. Ct. filed May 18, 2009), and *Republic v. Aidid Mohamed Mohamud,* Crim. No. 1784 (Chief Magis. Ct. filed May 27, 2009) (consolidated by the court's order of Sept. 2, 2009); *Republic v. Liban Ahmed Ali*, Crim. No. 1374 (Chief Magis. Ct. filed Apr. 23, 2009); *Republic v. Jama Abdikadir Farah,* Crim. No. 1695 (Chief Magis. Ct. filed May 18, 2009).

[1117] James Thuo Gathii, 'Jurisdiction to Prosecute Non-National Pirates Captured by Third States under Kenyan and International Law' (2009) 31 Loyola of Los Angeles International and Comparative Law Review, 363; Milena Sterio, 'Fighting Piracy in Somalia (and elsewhere): Why More Is Needed (2009) 33 Fordham International Law Journal, 372

to maritime experts due to Kenya's lack of a large stake in maritime trade, and the likelihood of non-compliance with international due process prevalent in third-world countries.[1118]

Eventually, while the long-term sustainability of the agreement became an issue, resulting in the Kenyan government declining to accept and prosecute foreign arrested suspected pirates in Kenya,[1119] the growing maritime boundary dispute and tension between Kenya and Somalia made Kenya a misfit to prosecute arrested Somali suspected pirates.[1120] Therefore, although several legal mechanisms, which include UNCLOS, SUA, UNSC Resolution, and Kenya Court arrangements, were employed to address the Somalia piracy threats, these legal methods were constrained by numerous difficulties in legally prosecuting alleged arrested suspects, necessitating several new arguments on the issue of international law.

5.8.7 Djibouti Code of Conduct

In addition to the legal reforms discussed above, the International Maritime Organization (IMO) facilitated several regional meetings to encourage collaboration and cooperation in addressing piracy and other maritime security crimes in the region.[1121] This culminated in the adoption of the 2009 Djibouti Code of Conduct (DCoC) to facilitate information sharing, the establishment of regional training centres, and capacity building. The DCoC played an

[1118] Joseph M. Isanga, 'Countering Persistent Contemporary Sea Piracy: Expanding Jurisdictional Regimes.' (2010) 59 American University Law Review, 1273; Oliver Hawkins, What To Do With A Captured Pirate, BBC News, (Africa, 10 March 2009); Scott A. Vignos, 'Pirates trials: an examination of the United States non refoulement duties pursuant to the United Nations Convention against Torture' (2010) 17 University of California Davies Journal, 199; James Thuo Gathii, Kenya's Piracy Prosecutions, (2010) 104, The American Journal of International Law, 418-421

[1119] Australian Broadcasting Corporation, Kenyan turns away Somali pirates, ABC News (2 April 2010); BBC News, Kenya has ended an agreement with the European Union to host trials of suspected Somali pirates, (Africa, 1 October 2010); Lillian Leposo, Kenya ends agreement with EU to prosecute suspected Somali pirates, CNN, (4 October 2010)

[1120] International Court of Justice (ICJ), Somalia institutes proceedings against Kenya with regard to "a dispute concerning maritime delimitation in the Indian Ocean" 28 August 2014, Press Release 2014/27; Aljazeera, Kenya rejects ICJ's verdict on Somalia maritime border row, Aljazeera News (13 October 2021).

[1121] UNSC, Report of the Secretary-General pursuant to Security Council resolution 1846 (2008), 13 November 2009, S/2009/590.

important role in strengthening the rule of law in maritime governance by encouraging states in the region, including Kenya, Mauritius, Tanzania, and Seychelles, to review and update their piracy legislation, thereby facilitating the domestic prosecution of suspected pirates.[1122] However, its effectiveness, especially in facilitating information sharing amongst neighbouring states, was inadequate due to several maritime border conflicts and tensions across states. For instance, several unresolved territorial and maritime disputes, including those between Somalia and Kenya,[1123] Ethiopia and Somalia over seaport access,[1124] Ethiopia and Eritrea over Red Sea port access,[1125] Malawi and Tanzania over Lake Malawi/Nyasa,[1126] and Uganda and the

[1122] Djibouti Code of Conduct (DCoC), Revised Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in the Western Indian Ocean and the Gulf of Aden Area, Record of the meeting, 12 January 2017

[1123] International Court of Justice (ICJ), Maritime Delimitation in the Indian Ocean (Somalia v. Kenya), Judgment, I.C.J. Reports 2021, p. 206; Jemwetich Kiplagat, Pontian Godfrey Okoth, & Sussy Namaemba Kimokoti, 'Dynamics of maritime border dispute influencing bilateral relations between Kenya and Somalia' (2025) 6 African Journal of Empirical Research, 877–893.

[1124] Fred Harter, We are ready for a war': Somalia threatens conflict with Ethiopia over breakaway region, The Guardian (Addis Ababa, 13 January 2024); Faisal Ali, Ethiopia and Somaliland reach agreement over access to ports, The Guardian (1 January 2024); Mohamud Abdiaziz Abdisamad & Kalkidan Yibeltal, Somalia calls Ethiopia-Somaliland agreement act of aggression, BBC News (Addis Ababa, 2 January 2024); Kalkidan Yibeltal, Ethiopia signs agreement with Somaliland paving way to sea access, BBC News (Addis Ababa, 2 January 2024); International Crisis Group ICG, The Stakes in the Ethiopia-Somaliland Deal 6 March 2024, The Stakes in the Ethiopia-Somaliland Deal | International Crisis Group Accessed 1 December 2025; Giulia Paravicini, Somalia to expel Ethiopian troops unless Somaliland port deal scrapped, official says, 3 June 2024, Reuters; Tuvan Gumrukcu, Huseyin Hayatsever and Giulia Paravicini, Second round of Somalia-Ethiopia talks in Turkey ends with no deal but progress made, 13 August 2024, Reuters; Will Ross & Damian Zane, Egyptian ship delivers weapons to Somalia, BBC News (Africa, 23 September 2024); Institute of Study of War (ISW), External meddling for the Red Sea exacerbates conflicts in the Horn of Africa, 23 September 2024, Institute of Study of War .

[1125] Mohamed Kheir Omer, Are Ethiopia and Eritrea on the Path to War? 7 November 2023, Foreign Policy; Alex de Waal, Ethiopia PM Abiy Ahmed eyes Red Sea port, inflaming tensions, BBC News (Africa, 8 November 2023); Teklemariam Bekit, Eritrea, Egypt and Somalia cement 'axis against Ethiopia, BBC News (Tigrinya, Africa, 10 October 2024)

[1126] BBC News, Malawi 'refers lake border dispute with Tanzania to AU, BBC News, (Africa, 17 October 2012); Marcel R D Chirwa and Dr Colin Robinson, Lake Malawi or Lake Nyasa? Malawi–Tanzania Border Dispute Slips Into Limbo, 10 May 2023, Royal United Services Institute (RUSI); Joanna Fatch, Larry A. Swatuk, 'Boundaries of benefit sharing: Mapping conflict and cooperation in the Lake Malawi/Niassa/Nyasa sub-basin', (2018) 4-5 Water Security, 26-36.

Democratic Republic of Congo (DRC) over Lake Albert,[1127] have undermined regional cooperation by fostering mistrust and political divisions among states.

5.8.7.1 Regional Institution Development and Capacity Building Part of the counter-piracy efforts by the UN, IMO and the International community was the development of regional maritime institutions and law enforcement development capabilities. This resulted in developing programmes such as the EU's Maritime Security Programme (MASE),[1128] the UNODC Maritime Crime Programme (MCP),[1129] and the IMO's Integrated Technical Cooperation Programme,[1130] which supported the training of judicial officers, coast guards, and maritime domain awareness units. In addition, investments in radar systems, coastal surveillance, and search and rescue facilities were provided to enhance littoral state capacities to monitor their waters and respond appropriately to maritime security threats.[1131]These capacity-building mechanisms were instrumental in encouraging states to view piracy not only as an external maritime security threat but also as an issue of domestic criminal governance. These improved

[1127] Sarah Grainger, Uganda and Congo's troubled waters, BBC News (Uganda, 16 August 2007); Henry Wasswa, Oil War Feared Between Uganda and DR Congo 2 October 2007, Global Policy Forum; Henry Lutaaya, Uganda and DRC are making big strides to resolve conflicts over fish in shared waters, 25 August 2022, The Nile; Africa Security Analysis (ASA), Border Clashes on Lake Albert Highlight Fragile Uganda–DRC Security Cooperation, 16 March 2025, ASA

[1128] EU, Program to Promote Regional Maritime Security (MASE), 18 August 2016, European Union External Action Diplomatic Service

[1129] UNODC, Maritime Crime, GMCP Mission: To improve the capabilities of member states' entire criminal justice chain to ensure the rule of law and cooperation in the maritime domain, https://www.unodc.org/unodc/piracy/index.html; UNODC, Global Maritime Crime Programme, Annual Report 2017, United Nations, New York, 2015

[1130] IMO, IMO Global Maritime Security Integrated Technical Cooperation Programme https://www.imo.org/en/ourwork/technicalcooperation/pages/itcp.aspx; United Nations (UN), The International Maritime Organization (IMO). 1 IMO's Technical Cooperation Programme fosters human and institutional capacity building in the maritime administrations of Member States, thereby augmenting the level of implementation and compliance

[1131] Dr Samuel Kakambi Mafwila, SADC MDA Report, Consultancy contract to develop the maritime domain awareness (MDA), 2022, Southern African Development Community (SADC), Maritime Domain Awareness in SADC, Ref. No: SADC/3/5/2/226, 38; EU, Boosting maritime safety and security with new Search and Rescue boats, 2/10/2024, Delegation of the European Union to Kenya

institutional capacities contributed significantly to the gradual strengthening of legal accountability, thereby reducing tolerance for pirate safe havens and supporting the development of national maritime security strategies. However, a holistic response to piracy requires more than capacity building and legal reforms, as the underlying socio-economic and governance factors that contribute to maritime insecurity must also be addressed.

The counter-piracy initiatives in East Africa also recognised that long-term success in suppressing piracy in the region depends on addressing the socioeconomic drivers of maritime criminal activities. In Somalia, community-led projects focused on providing alternative livelihoods, fisheries development, and reforms in local governance were established to reduce the economic incentives that led to sustained pirate networks.[1132] Although these interventions were uneven in their implementation and constrained by Somalia's continued instability, they nevertheless contributed to undermining the socio-economic conditions that sustained piracy by offering alternative livelihood opportunities and reducing reliance on the financial gains derived from maritime criminality.[1133]

In general, the combined impact of democratically elected governance authority and reinstatement of the Somali constitution, multimilitary deterrence, vessel hardening, legal reforms, and regional capacity building resulted in a dramatic reduction in piracy incidents after 2012. This decrease demonstrates how coordinated international and regional efforts can

[1132] World Bank, Somali - Sustainable Fisheries Development Badmaal Project, 20/5/2024, PAD00140; Blue Justice Conference, Reforming the Somali Fisheries Sector, 28 September 2024, https://bluejustice.org/news/reforming-the-somali-fisheries-sector/ Accessed 2/12/2025

[1133] Justin V. Hastings, Sarah G. Phillips, 'Order beyond the state: explaining Somaliland's avoidance of maritime piracy' (2018) 56 Journal of Modern African Studies, 5-30; UK Parliament, European Union Sub-committee for External Affairs, Turning the Tide on Piracy, Building Somalia's Future: Follow-up report on the EU's Operation Atalanta and beyond Oral and written evidence, 14 June 2012, House of Lords; Jens Vestergaard Madsen, Liza Kane-Hartnett, 'Towards a Regional Solution to Somali Piracy: Challenges and Opportunities' (2014) 3rd Quarter, ASPJ Africa & Francophonie, 71-73

significantly modify criminal behaviours and reduce criminal networks. However, the persistence of sporadic attacks and the emergence of alternative maritime criminal activities, ranging from arms smuggling to illegal fishing, indicate that the structural conditions enabling piracy remained only partly mitigated. Weak state governance, economic hardship and marginalisation, and volatile maritime boundaries continue to create an enabling environment for maritime criminals to adapt. Consequently, the success of the counter-piracy effort should not be translated as the final extinction of piracy in East Africa, but rather as a confirmation of the need for a sustained, integrated maritime governance strategy.

Despite these legal provisions, the suppression of Somali piracy required extensive cooperation among states, international organisations, and the maritime industry. Many captured pirates were prosecuted in Kenya and Seychelles due to the absence of functioning judicial systems in Somalia and following the UN Security Council Resolutions for intervention in Somalia waters.[1134] These developments highlight both the strengths and limitations of the international maritime legal framework. While UNCLOS provides a legal basis for action against piracy, effective enforcement ultimately depends on political will, operational capacity, and coordinated international responses. Consequently, a critical review of maritime insecurity in the region underscores that piracy and armed robbery in East Africa cannot be interpreted solely as a criminal phenomenon but must be situated within the wider context of state fragility, economic marginalisation, and contested maritime resource spaces.

[1134]UN Security Council Resolution 1816 (2008) adopted by the Security Council at its 5902nd meeting on 2 June 2008, S/RES/1816 (2008); UN Security Council Resolution1851 (2008) adopted by the Security Council at its 6046th meeting, on 16 December 2008, S/RES/1851 (2008)

Conclusion

This chapter has examined the evolution, characteristics, and underlying drivers of piracy and armed robbery against ships through an empirical analysis of piracy incidents between 1984 and 2024, with reference to the contrasting experiences of Southeast Asia and East Africa. Drawing on the original piracy incident database compiled for this research, the analysis demonstrates that piracy is neither a uniform nor static form of maritime criminality. Instead, it is a dynamic and adaptive phenomenon that evolves in response to changing political, economic, legal, and security conditions at both national and regional levels.

A significant finding emerging from the analysis is that contemporary piracy exhibits three distinct phases of development. The first phase (1984-1994) was characterised by relatively low levels of maritime criminality dominated by opportunistic theft and localised attacks occurring primarily within territorial waters and port areas. The second phase (1995-2011) witnessed the rapid expansion and organisational transformation of piracy, marked by increasing violence, vessel hijackings, hostage-taking, and the emergence of sophisticated transnational criminal networks. During this period, piracy evolved from a predominantly localised threat into a major international security concern, culminating in the Somali piracy crisis and the unprecedented expansion of high-seas piracy across the western Indian Ocean. The third phase (2012-2024) was characterised by a substantial decline in reported incidents, accompanied by geographical displacement, operational adaptation, and the emergence of regionalised kidnap-for-ransom models, particularly in West Africa. These findings demonstrate that piracy does not simply rise and fall; rather, it evolves in response to changing opportunities, enforcement pressures, and governance environments.

The comparative analysis of Southeast Asia and East Africa further reveals that piracy is fundamentally shaped by governance conditions rather than maritime geography alone. In

Southeast Asia, the persistence and eventual reduction of piracy were closely linked to the effectiveness of regional cooperation mechanisms, coordinated maritime patrols, information-sharing arrangements, and the institutional capacity of coastal states. By contrast, the Somali experience illustrates how state collapse, weak governance, economic marginalisation, and the absence of maritime enforcement structures can transform localised criminal activities into organised transnational enterprises capable of threatening international shipping and global trade. The comparison therefore demonstrates that piracy is not merely a product of criminal opportunity at sea but a manifestation of broader governance failures on land.

Perhaps the most important finding of this chapter is the identification of a significant disconnect between the operational realities of contemporary maritime crime and the legal framework governing piracy. The empirical analysis revealed that a substantial proportion of reported incidents occurred within territorial waters and port areas rather than on the high seas. Consequently, most incidents commonly described as piracy fall outside the legal definition contained in Article 101 of UNCLOS and instead constitute armed robbery against ships under the IMO framework. This finding raises important questions regarding the continuing adequacy of a legal regime that remains principally focused on high-seas piracy, despite the increasing concentration of maritime criminality within zones subject to coastal-state jurisdiction. The evidence therefore suggests that many contemporary maritime security challenges arise not from gaps in the existence of law, but from limitations in jurisdiction, implementation, enforcement capacity, and institutional effectiveness.

The findings further challenge assumptions that declining global incident numbers necessarily indicate the resolution of the piracy problem. Although piracy incidents have fallen substantially since their peak years, the data demonstrate that maritime criminal groups have consistently adapted their operational strategies in response to counter-piracy measures. Organised vessel hijackings have, in many regions, given way to armed robbery in territorial

waters, cargo theft, and kidnap-for-ransom operations. Piracy should therefore not be understood as a disappearing phenomenon but as an evolving form of maritime criminality capable of adapting to changing political, economic, and security environments. Declining incident rates may therefore reflect geographical displacement and operational transformation rather than the eradication of the underlying threat.

Collectively, these findings support the central argument advanced in this thesis: that piracy is fundamentally a multidimensional governance challenge rather than solely a legal or maritime problem. The persistence, suppression, and transformation of piracy are closely related to the interaction between international legal frameworks, regional cooperation structures, domestic institutional capacity, socio-economic conditions, and political stability. Consequently, the effectiveness of international maritime security instruments cannot be assessed solely through their legal provisions but must also be evaluated in terms of the governance environments within which they operate. The evidence presented in this chapter suggests that long-term maritime security requires more than legal regulation and naval enforcement; it requires sustained investment in governance, institutional capacity, regional cooperation, and socio-economic resilience.

The next chapter extends this analysis to the Gulf of Guinea in West Africa, examining whether the patterns observed in Southeast Asia and East Africa are replicated in a region where piracy has become increasingly concentrated within territorial waters and characterised by violent kidnap-for-ransom operations. Through this further case study, the thesis continues its assessment of the relationship between legal frameworks, governance capacity, and the evolving nature of maritime insecurity.

CHAPTER 6

Piracy and Armed Robbery Against Ships in West Africa (1984-2024)

Introduction

Piracy in West Africa, particularly within the Gulf of Guinea, emerged as one of the most significant maritime security challenges in contemporary international shipping. Unlike piracy in Southeast Asia and East Africa, which developed under different geopolitical and governance conditions, maritime criminality in the Gulf of Guinea is deeply intertwined with land-based socio-economic and political grievances, environmental degradation, economic marginalisation, and organised criminal networks linked to the region's oil industry, particularly in the oil-rich Niger Delta.[1135] Since the mid-1990s, piracy in the Gulf of Guinea has evolved from relatively minor incidents of petty theft in ports and anchorages into highly organised and violent attacks involving petro-piracy and kidnapping for ransom.[1136] By the late 2010s, the region had become the global epicentre of crew abductions at sea, highlighting the complex interaction between maritime insecurity, weak governance structures, and limited maritime enforcement capacity among coastal states.[1137] As such, the Gulf of Guinea provides an important case study for examining the evolution from relatively minor opportunistic crimes into a highly organised and violent form of maritime criminal activity, and the effectiveness of international maritime security instruments in addressing contemporary piracy threats.

This chapter critically examines the evolution and dynamics of piracy and armed robbery against ships in West Africa, with particular focus on the Gulf of Guinea as one of the most

[1135] Eric Pichon and Marian Pietsch, Briefing - Piracy in the Gulf of Guinea: EU and international action, March 220, European Parliamentary Research Service (EPRS) PE 649.333, European Parliament
[1136] IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Reports, 1995 -2024, n 2
[1137] Ibid; Bitrus Daukere and Ifatokun Ifabiyi, 'Socio-environmental factors and organized criminal networks influencing maritime crime dynamics in Nigeria's Niger Delta' (2025) 20 Environmental Challenges

significant contemporary maritime insecurity hotspots. Using empirical piracy data between 1984 and 2024, the chapter traces the historical development of maritime criminal activity in the region from early incidents of opportunistic theft in ports and anchorages to more organised forms of petro-piracy and kidnapping for ransom. It further analyses the key drivers and triggers of piracy, including environmental degradation in the Niger Delta, a coastal region in southern Nigeria and the country's principal oil-producing area. The Niger Delta is examined because its history of environmental degradation, socio-economic exclusion, and resource-based conflicts has played a significant role in shaping patterns of piracy and maritime insecurity in the Gulf of Guinea.[1138]

The chapter also evaluates the *modus operandi* and evolving operational patterns of pirate networks, as well as the legal and institutional responses adopted by coastal states and regional organisations. Through this analysis, the chapter assesses the effectiveness of existing maritime security frameworks. It highlights the governance challenges that continue to undermine efforts to combat piracy in the Gulf of Guinea.

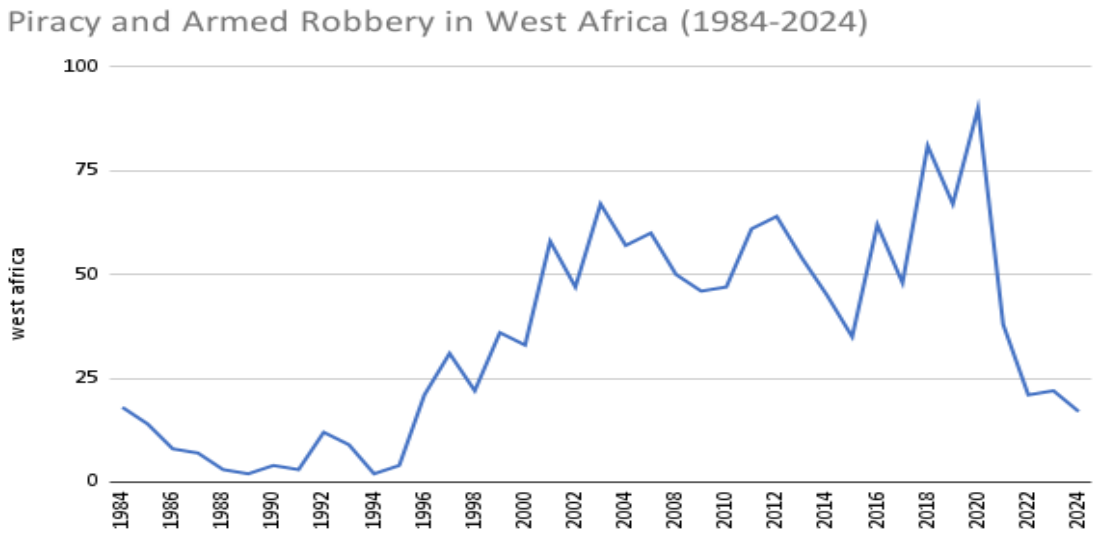
6.1 Piracy and Armed Robbery Against Ships in West Africa (1984–2024): A Critical Analysis

Piracy and armed robbery against ships in West Africa evolved significantly over the last four decades, transforming from sporadic opportunistic theft into a complex and organised maritime security threat. The phenomenon is particularly concentrated within the Gulf of Guinea, a strategically important maritime corridor for global energy supplies and commercial shipping.

[1138] Chijioke J Nwalozie, 'Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea' (2020) 13 Journal of Transportation Security, 159; Bitrus Eniyekenimi Daukere, 'Combating illegal oil refining and enhancing security in Bayelsa State, Nigeria' (2025) 10 Journal of Economic Criminology; Rasaki James, Titus Olaniyi, Posi Olatubosun, 'Analysing environmental sustainability issues and conflict in Nigeria's Niger Delta Region' (2024) 12 International Journal of Sustainable Energy Development. 604

Empirical data from 1984 to 2024 reveal not only fluctuations in the number of incidents but also important shifts in the operational patterns, motivations, and geographical scope of piracy in the region.[1139]An examination of piracy trends in West Africa provides important insights into the changing nature of maritime insecurity in the Gulf of Guinea. As illustrated in Figure 14, reported piracy and armed robbery incidents increase gradually from the mid-1990s before exhibiting a significant rise between 2018 to 2020 and further fluctuations in response to evolving counter-piracy measures and regional security initiatives.

Figure 14: Trends in Reported Piracy and Armed Robbery Against Ships in West Africa (1984–2024)



Source: *Author's analysis of piracy and armed robbery incident data compiled from the IMO GISIS database (1984–2024).*

As shown in Fig. 14, there was a significant shift in maritime security dynamics in the region in the mid-1990s. While piracy and armed robbery against ships have affected several coastal states in the Gulf of Guinea (West Africa), Nigeria has remained the epicentre of maritime

[1139] IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Reports, 1984 -2024, n 17

insecurity in the Gulf of Guinea. The country's strategic location, extensive coastline, vast oil and gas infrastructure, and dominant share of regional maritime trade have made its territorial waters and exclusive economic zone particularly vulnerable to piracy-related activities.[1140] Understanding the evolution of piracy in West Africa requires a closer examination of the Nigerian context, where a combination of socio-economic grievances, environmental degradation, political marginalisation, weak governance structures, and the proliferation of organised criminal groups created conditions conducive to maritime crime.[1141] Nigeria therefore serves as a critical case study for analysing both the underlying drivers of piracy and the broader maritime security challenges confronting the Gulf of Guinea.

6.1.1 Root Causes and Triggers of Piracy in Nigeria

This research finds that piracy in Nigeria is driven by a complex interplay of governance, economic, social, and environmental factors. This is driven by several factors relating to resource control, land ownership, political marginalisation, unemployment, poverty, and environmental degradation as significant contributors to insecurity in the Niger Delta.[1142] These factors have generated grievances among local communities, creating conditions that have facilitated the emergence and persistence of piracy and other maritime crimes. The following subsections examine these underlying causes in greater detail.[1143]

[1140] Michael Mitchell Omoruyi Ehizuelen, 'Assessing the possible influence of maritime piracy on African Continental Free Trade Area (AfCFTA) in Nigeria' (2025) 10 Journal Shipping and Trade
[1141] Ty Pani, Piracy in the Nigerian Maritime Domain, Proceedings 144/3/1,381, March 2018, U.S Naval Institute
[1142] Adeola Aderayo, and others, 'Conflict entrepreneurship and rural banditry in Nigeria fourth republic' (2026) 19 Dynamics of Asymmetric Conflict, 141–160;
[1143] Bitrus Eniyekenimi Daukere, Ifatokun Paul Ifabiyi, 'Socio-environmental factors and organized criminal networks influencing maritime crime dynamics in Nigeria's Niger Delta' (2025) 20 Environmental Challenges; Stanley Osezua Ehiane, 'The Emergence of Maritime Piracy in Nigeria and the Challenges in Combating the Menace' (2025) 13 Journal of Law and Sustainable Development

6.1.1.1 Governance and Right of Ownership of Land

One of the underlying drivers of piracy in the Niger Delta and the wider Gulf of Guinea region can be traced to issues of resource control, land ownership, and governance under Nigeria's military regimes.[1144] The discovery of crude oil in Nigeria in 1957 transformed the country's economy and stimulated extensive oil exploration, production, and export activities by multinational oil companies.[1145] However, the concentration of political power under successive military governments between 1966 and 1999 resulted in policies that significantly increased state control over land and natural resources.[1146] Most notably, the Land Use Act 1978 vested ownership and control of land in the state and empowered the government to revoke existing land rights for overriding public purposes.[1147]

Although the Act applied throughout Nigeria, its effects were particularly pronounced in the Niger Delta, where the country's oil and gas resources are concentrated. The government's authority to revoke land rights facilitated the acquisition of extensive areas of land for oil exploration and production by multinational oil companies.[1148] As a result, many communities lost access to land traditionally used for farming and fishing, often without adequate compensation or commensurate socio-economic development.[1149] The resulting loss of

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[1144] Ahmed Saidu, Saidu Aliyu, and Umar Zubair, 'Is the discovery of oil a curse or a blessing to Nigeria?' (2016) 40 Bullion- CBN Digital Commons, 21"Is the discovery of oil a curse or a blessing to Nigeria?" by Ahmed S. Saidu, Saidu B. Aliyu et al. Accessed on 29/12/2025

[1145] J.K Onoh, *The Nigerian Oil Economy: From Prosperity to Glut* (St. Martin's Press, 1983), 33-37.

[1146] Julius Ihonvbere, *Nigeria: The Politics of Adjustment and Democracy* (New Brunswick, 1994) 22; Michael Ross, 'Nigeria's Oil Sector and the Poor' (2003). <https://www.sscnet.ucla.edu/polisci/faculty/ross/papers/other/NigeriaOil.pdf> Accessed on 23 December, 2025; FCT EMIS (Federal Capital Territory Education Management Information System), Military Rule in Nigeria 1966-1999 MILITARY RULE IN NIGERIA (1966-1999) Accessed 11/12/2025; Interrupted briefly by civilian period from 1979 to 1983.

[1147] Land Use Act, 1978, Laws of the Federation of Nigeria, s. 1

[1148] Ibid, s. 28.

[1149] Joseph Chidi Ebegbulem, John Anyabe Adams, and Gabriel Tanjo Abumbe, 'Multinational corporations' oil exploration, poverty and environmental degradation in the Niger Delta region of Nigeria' (2022) 6 International Journal of Health Sciences; Fidelis A.E. Paki, 'The impact if militarization of the Niger Delta Region of Nigeria' (2019) 11 Journal of Environmental Sciences and Resources Management.

livelihoods contributed to rising unemployment, persistent poverty, and growing socio-economic grievances within the region.[1150] These conditions fostered widespread perceptions of marginalisation, exploitation, and political exclusion, which in turn fuelled discontent and created an environment conducive to militancy, oil-related criminality, and maritime piracy.[1151]

6.1.1.2 Environmental Degradation and Resource Control

While the preceding section examined the role of land ownership and resource control in generating grievances within the Niger Delta, environmental degradation resulting from oil exploration constituted a separate but closely related source of conflict and instability. The destruction of traditional livelihoods and the failure of state institutions to address environmental harms further intensified socio-economic deprivation and contributed to the conditions that fostered militancy and maritime insecurity.

Environmental degradation, which led to demand for resource control in the Niger Delta, Nigeria, is widely regarded as a key underlying factor contributing to piracy and maritime insecurity in the Gulf of Guinea.[1152] Decades of oil exploration by multinational corporations, combined with weak environmental regulation by the Nigerian government, resulted in

[1150] Bruce E. Johansen, 'Nigeria's Hell on Earth: Oil, Life, and Death in the Niger Delta' in Bruce E. Johansen (ed), *Human Environmental Tragedies* (Springer, Cham, London 2025) 121-135

[1151] Chijioke J. Nwalozie, 'Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea' (2020) 13 Journal of Transportation Security, 159–178; Kizzi Asala, The History of Exploitation Behind the Gulf of Guinea Piracy, African News (Nigeria, 8 February 2021); Opeoluwa Adisa Oluyemi, 'The Military Dimension of Niger Delta Crisis and Its Implications on Nigeria National Security'(2020) 10 Sage Journals https://doi.org/10.1177/2158244020922895; Ibrahim Baba and others, 'Oil Politics and Related Conflict in Nigeria`s Niger-Delta; Cause and Impact on Ogoni Land and People' (2020) 1 International Academic Research Journal of Humanities and Social Sciences; Esara Umoh Victor, Asuquo Mfon Effiong, and Udoh Anietie Jonah, 'Oil and Militancy in Nigeria's Niger Delta' (2024) 4 Journal of Advanced Research and Multidisciplinary Studies, 77-89; Ekpotuatin Charles Ariye and Green Kevwe Abenabe, 'Nigeria's Oil Complex: The Tragedy of the Commons' (2024) 9 Brazilian Journal of African Studies, 123

[1152] Nwachukwu Martin Chijioke, and others, 'Causes and Effects of Environmental Degradation in the Niger Delta and the Mitigation Measures that can be Implemented' (2025) 10 Saudi Journal of Humanities Social Science, 45-55; Angaye, T.C.N; Lelei, K. E, 'The Impacts of Resource Exploitation in the Niger Delta: Highlighting the Urgent Need for Biodiversity Conservation' (2025) 6 Greener Journal of Ecology and Ecosolution, 1-7.

extensive oil spills, gas flaring, and pollution of farmland and waterways.[1153] These environmental damages severely disrupted traditional livelihoods such as fishing and farming, leading to widespread poverty, unemployment, and social marginalisation among local communities.[1154] The gross degradation of the environment, contaminating the air, water and soil, resulting in loss of fish, farmlands, and the lack of access to good drinking waters,[1155] led to diverse widespread health issues for the local communities, including high rates of respiratory and cardiovascular diseases, birth deformities, and various skin disorders.[1156] Although environmental regulations exist, enforcement has often been inconsistent due to governance policies and the economic dependence of the Nigerian state on oil revenues.[1157] As

[1153] Kadafa, Adati Ayuba, 'Environmental Impacts of Oil Exploration and Exploitation in the Niger Delta of Nigeria' (2012) 12 Global Journal of Science Frontier Research Environment & Earth Sciences, 19; Adati Ayuba Kadafa, 'Oil Exploration and Spillage in the Niger Delta of Nigeria' (2012) 2 Civil and Environmental Research, 38; Chijioke Basil Onuoha, Ebong Itoro Bassey & Henry Ufomba, 'The Impact of Oil Exploration and Environmental Degradation in the Niger Delta Region of Nigeria: A Study of Oil Producing Communities in Akwa Ibom State' (2018) 18 Global Journal of Human-Social Science: Political Science, 55

[1154] Ekpotuatin Charles Ariye and Green Kevwe Abenabe, 'Nigeria's Oil Complex: The Tragedy of the Commons' (2024) 9 Brazilian Journal of African Studies, 123; Joseph Chidi Ebegbulem, John Anyabe Adams, and Gabriel Tanjo Abumbe, 'Multinational corporations' oil exploration, poverty and environmental degradation in the Niger Delta region of Nigeria' (2022) 6 International Journal of Health Sciences; Joseph C. Ebegbulem, Dickson Ekpe, and Theophilus Oyime Adejumo, 'Oil Exploration and Poverty in the Niger Delta Region of Nigeria: A Critical Analysis (2013) 4 International Journal of Business and Social Science, 279

[1155] Ana Godson, Mynepalli K.C. Sridar, and Elijah A. Bamgboye, 'Environmental Risk Factors and Health Outcomes in Selected Communities of the Niger Delta Area, Nigeria' (2009) 129 Perspect Public Health, 4. 183-191; Kalu Ikechukwu Kalu, Konrad Ott, 'Ethical Issues in Environmental Pollution: Multinational Corporations (MNCs) and Oil Industries in Tropical Regions—The Nigerian Niger-Delta Case' in Munamato Chemhuru (eds), *African Environmental Ethics: A critical Reader* (Springer, 2019) 271-289.

[1156] Orish Ebere Orisakwe, 'Crude oil and public health issues in Niger Delta, Nigeria: Much ado about the inevitable', (2021) 194, Environmental Research; Osazuwa Clinton Ekhator, and others, 'Impact of black soot emissions on public health in Niger Delta, Nigeria: understanding the severity of the problem' (2024) 36, Inhal Toxicol., 314-326; Mary Willis, Susan Carozza, Perry Hystad, 'Congenital anomalies associated with oil and gas development and resource extraction: a population-based retrospective cohort study in Texas' (2023) 33, Journal of Exposure Science & Environmental Epidemiology, 84-93.

[1157] David V. Ogunkan, 'Achieving sustainable environmental governance in Nigeria: A review for policy consideration' (2022) 2 Urban Governance, 212-220; Philip Agbonifo, 'Institutional and Regulatory Compliance Gaps in Natural Resource Governance: Empirical Evidence and Lessons from the Nigeria Oil and Gas Industry' (2024) 5 International Journal of Religion, 1006-1020; Audu Joseph Audu and Andikan Udofot Umana, 'The role of environmental compliance in oil and gas production: A critical assessment of pollution control strategies in the Nigerian petrochemical industry' (2024) 8 International Journal of Scientific Research.

a result, affected communities frequently perceive that both the government and multinational oil companies have failed to adequately address the environmental and socio-economic consequences of resource extraction.[1158]

These grievances relating to political marginalisation, coupled with environmental degradation resulting from oil exploration and exploitation activities in the Niger Delta, led NGOs to institute proceedings on behalf of the affected communities before the African Commission on Human and Peoples' Rights in *Social Economic Rights Action Center and the Center for Economic and Social Rights (SERAC) v Nigeria.*[1159] Although the Commission found in favour of the applicants, upholding the applicants' claim that the rights to life, health, a satisfactory environment, and freedom from exploitation guaranteed under the African Charter had been violated, the decision was neither effectively implemented nor enforced in Nigeria, thereby limiting its practical impact and reinforcing local perceptions of marginalisation and governmental neglect.[1160]

Feelings of marginalisation, poverty, and deprivation arising from the denial of economic, social, and cultural rights, including the right to development, fuelled demands for greater resource control in the Niger Delta.[1161] These grievances became a significant driver of conflict and instability in the region, contributing to the conditions that fostered maritime insecurity and piracy. Frustration with environmental degradation and the perceived failure of government institutions to address community concerns also encouraged the emergence of environmental activism. Prominent among these activists was Ken Saro-Wiwa, whose

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[1158] Zephaniah Edo, Laz Etemike, Victor Clark, 'Exploring Barriers to Environmental Law Enforcement and Compliance in Nigeria Niger Delta Region' (2022) 12 Journal of Danubian Studies and Research, 235.

[1159] (2001) AHRLR 60 (ACHPR 2001).

[1160] SERAC v. Nigeria, Decision, Comm. 155/96 (ACmHPR, Oct. 27, 2001)

[1161] Cletus Ukpong, SPECIAL REPORT: Nigeria's oil-rich communities abandoned in shocking poverty despite huge wealth, *Premium Times*, (Nigeria, 29 January 2017); Kelvin Ebiri, Oil-producing communities reek of poverty despite over N10t 13% derivation, *The Guardian* (Nigeria, 17 November 2019); Ann Godwin, Sad tales of Rivers communities devastated by oil exploitation, The Guardian, (Nigerian, 5 March 2022)

advocacy drew international attention to the environmental consequences of oil exploration and the socio-economic marginalisation of oil-producing communities in the Niger Delta.[1162] However, the execution of Ken Saro-Wiwa and eight other Ogoni activists, collectively known as the Ogoni Nine, by the Nigerian military government on 10 November 1995 marked a critical turning point in the Niger Delta conflict. Rather than suppressing dissent, the executions intensified regional tensions and deepened perceptions of injustice and state oppression. Consequently, resistance increasingly shifted from non-violent activism towards armed militancy, contributing to the emergence of groups such as the Movement for the Emancipation of the Niger Delta (MEND).[1163] Although initially formed to pursue environmental and economic justice through resource-control campaigns,[1164] the activities of militant groups contributed to heightened insecurity within the region and coincided with a significant increase in piracy and other forms of maritime crime in West Africa, as illustrated in Figure 14.

During this period, piracy and armed attacks against ships became increasingly concentrated in the Nigerian Niger Delta and surrounding waters, contributing to the emergence of the Gulf of Guinea as one of the world's most significant piracy hotspots.[1165] These attacks were initially

[1162] John Agbonifo, 'Oil, Insecurity, and Subversive Patriots in the Niger Delta: The Ogoni as Agent of Revolutionary Change' (2009) 26 Journal of Third World Studies, 71–106; Sheriff Folarin, 'Niger-Delta: Environment, Ogoni Crisis and the State' (2007) 7 The Constitution, 37.

[1163] Ben Tantua, Joe Devine, and Roy Maconachie, 'Oil governance in Nigeria's Niger Delta: Exploring the role of the militias', (2018) 5 Extractive Industries and Society, 302-307; Stephanie Hanson, MEND: The Niger Delta's Umbrella Militant Group, 21 March 2007, Council on Foreign Relations; PBS News, Militant Group Poses Threat to Nigerian Oil Industry, PBS News (Virginia, USA, 10 March 2006); UK Parliament, Memorandum submitted by the Movement for the Survival of the Ogoni People (MOSOP), Ogoni: The Nightmare Continues, Appendix 12, 21 December 1998, Foreign Affairs Committee Publication – First Report, House of Commons; Elias Courson, Movement for the Emancipation of the Niger Delta (MEND): Political Marginalization, Repression

[1164] Amnesty International, 'Oil Industry has brought Poverty and Pollution to Niger Delta' 30 June 2009; Amnesty International, 'Nigeria: Petroleum, Pollution and Poverty in the Niger Delta – Campaign Digest 30 June 2009 AFR 44/018/2009; Elias Courson, Movement for the Emancipation of the Niger Delta (MEND): Political Marginalization, Repression and Petro-Insurgency in the Niger Delta, 2009, Discussion paper 47, Nordiska Afrikainstitutet, Uppsala

[1165] Edmund Mbama Chilaka,'The typology of modern piracy in Nigeria, 1975-2000 (chronology/typology); Edmund Mbama Chilaka, 'Piracy and Nigeria's National Security in the Early 21st Century', (2014) Lagos Historian Review

against oil installations, pipeline sabotage, and the kidnapping of oil workers.[1166] Over time, it shifted significantly from environmental and political militancy to more economically motivated crimes, including piracy and armed robbery against ships, as armed groups recognised the profitability of targeting petroleum and commercial vessels such as tankers, barges, and product carriers for oil theft,[1167] and offshore support vessels for illegal black-market sales (oil bunkering) to their syndicate for economic reasons.[1168]

6.1.1.3 Lack of Access to Justice and Failure of the Judicial System in Nigeria

Another factor that contributed to the escalation of maritime crime is the perceived failure of domestic governance and judicial institutions to effectively address environmental grievances. Communities affected by oil pollution have frequently sought compensation through Nigerian courts, but legal proceedings are often slow and hindered by procedural barriers. The systemic failures of the Nigerian Judicial system and limited access to justice, including the slow judicial processes, political interferences, lack of judicial independence, weak enforcement, legal technicalities, and limited resources, contributed largely to maritime criminality in the Nigerian region of West Africa, creating impunity, lack of accountability and making justice inaccessible to the aggrieved parties.[1169] For instance, in Nigeria, the legal actions available for an aggrieved party seeking redress for environmental harms typically fall under the common

[1166] Tombari Bodo, Batombari Gbidum Gimah, and Kemetonye Joy Seomoni, 'Illegal Oil Bunkering in the Niger Delta Region of Nigeria: A Challenge to Nigeria's Development' (2020) 16 European Scientific Journal, 134

[1167] United Nations Office on Drugs and Crime (UNODC Country Office Nigeria), From Sea to Land: Tackling Maritime Crime in the Gulf of Guinea From Sea to Land: Tackling Maritime Crime in the Gulf of Guinea Accessed on 22/12/2025

[1168] Chijioke .J. Nwalozie, 'Exploring contemporary sea piracy in Nigeria, the Niger Delta and the gulf of Guinea, (2020) 13 Journal of Transport Security, 159-178

[1169] Tshimangadzo Oscar Magadze, Benjamin Okorie Ajah, 'From Protectors to Perpetrators: The Role of the Nigerian State in Perpetuating Crime' (2025) 20 International Journal of Criminal Justice Science, 109; Olusegun Paul Adesanya, 'Maritime crimes and the Gulf of Guinea' (2023) 9 Cogent Social Sciences

law principles of private or public nuisance or negligence.[1170]

Consequently, aggrieved parties usually face legal hurdles pursuing environmental justice claims against multinational oil companies (MNCs) in Nigerian Courts as they have to prove private nuisance (ownership of the damaged property), public nuisance (special damage over and above those suffered by the public) or negligence (establish MNCs has a duty of care, which was breached and they suffered personal injury or economic loss from damage property).[1171] Unfortunately, the investment of all lands in government and its revocation of land make it almost impossible for aggrieved parties to succeed in any environmental justice claim,[1172] it became difficult for the aggrieved community to access evidence to prove their claims, creating a barrier to seeking justice under the common law principles for environmental tort.[1173] In addition, defences such as consent, acts of a third party (sabotage), common benefit, statutory authority, acts of God (force majeure), and other legal technicalities make seeking justice in environmental degradation cases unsuccessful.[1174]

Furthermore, the reluctance of the Nigerian courts to grant restraining orders to these oil companies for environmental claims on technical grounds and due to economic considerations, that outweigh social and environmental concerns heightens the frustrations and grievances these communities experience, resulting in a lack of trust and confidence in the judicial system. For instance, in *Allan Irou v Shell*,[1175] the court refused to restrain Shell from continuing to

[1170] Vivian Chinelo Arinze, Chioma Bernadine Nwankwo, Rapuluchukwu Ernest Nduka, 'Scrutinizing the adequacy of compensation for oil pollution damage in Nigeria: An Agenda Beyond National Contemplation' (2023) 13 Journal of Public and Private Law, UNIZIK, 126

[1171] *Sommer & Ors v. Federal Housing Authority (*1992) 1 N.W.L.R (Pt 219) 548; *Amos v SPDC Limited (1974) 4ECSLR 486*

[1172] Land Use Act, 29 March 1978, No. 6, ss. 1, 28 (2)(3)(b)

[1173] *Abel Isaiah v. Shell Petroleum Development* Corporation SC 75/1997; Shell Nigeria, the History of Shell in Nigeria, The History of Shell in Nigeria The History of Shell in Nigeria | Shell Nigeria Accessed 2/7/2025, Nigeria government owes 80% with Shell having 20%; Faith Esifiho, 'From 1936 to 2024: Shell's footprint in Nigeria so far' *Business day* (Nigeria, 16 January 2024)

[1174] *Machine Umudje v. Shell* (1975) 9-11 S.C. 155

[1175] *(*1991) W/89/91

pollute and destroy the plaintiff's creek and fishponds with its oil exploration activities.[1176] Accordingly, the Court held that oil and gas activities are Nigeria's main source of revenue and should therefore not be disturbed.[1177] In *Oronto Douglas v SPDC,*[1178] the plaintiff sought an order of the court to mandate the MNCs to effect an environmental assessment in compliance with the provisions of the Environmental Impact Assessment Act before operating their project in Bonny land. The case was dismissed for lack of locus standi.[1179]

Although the courts have, in a plethora of environmental justice cases, such as *SPDC v. Councillor Farah*,[1180] *Edise v William International Ltd*,[1181] *Elf (Nigeria) Ltd v Sillo*,[1182] *Shell v Tiebo* VII,[1183] *Shell v Ambah,*[1184] held the oil companies liable for environmental degradation, pollution, and destruction of their sources of income, and ordered restitution and compensation. Unfortunately, while most of these judgments awarded paltry sums against the defendants, the majority of the court's decisions have not been complied with due to the government's interest as a joint partner with the MNCs, thereby frustrating the enforcement of the judgments.

A practical example is the case of *Jonah Gbemre v Shell Petroleum Development Company*.[1185] In this case, the Federal High Court held that gas-flaring operations constituted a gross violation of the constitutional rights to life and human dignity guaranteed under sections 33 and 34 of

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[1176] *Ibid*

[1177] *Ibid*

[1178] (1998) CA/L/143/97

[1179] Ibid; see also *Amos v. Shell BP Development Company Ltd* (1974) 4 ECSLR 48; *Shell Petroleum Development Company Nig. Ltd v Chief Otoko and Others* (1990)6 NWLR (pt. 159-693.

[1180] (1995) 3 NWLR (Pt 382) 148

[1181] (1986) 11 CA 187

[1182] (1994) 6 NWLR (pt 350) 64

[1183] (1996) 4 NWLR (Pt. 445) 657

[1184] (1999) 3 NWLR 1

[1185] FHC/B/CS/53/05

the Constitution of the Federal Republic of Nigeria 1999, which the Court interpreted as encompassing the right to a clean, healthy, and pollution-free environment. However, despite its significance as a landmark environmental rights decision, the judgment has remained largely unenforced. This illustrates the broader challenges of environmental governance and regulatory enforcement in the Niger Delta, which have contributed to local grievances and perceptions of state neglect. The failure to implement judicial decisions addressing environmental degradation reinforced perceptions of weak governance, institutional ineffectiveness, and state neglect in the Niger Delta. As a result, environmental injustice remained a persistent source of grievance among affected communities. When combined with economic deprivation and political marginalisation, these conditions contributed to the instability that facilitated the emergence of militant groups and the subsequent growth of piracy, oil theft, and other forms of maritime criminality in the region.[1186]

6.1.1.4 The Consequential Effect of Seeking Redress for Environmental Justice in Foreign Courts

The systemic failure to secure effective and timely remedies in environmental justice in the Nigerian judicial system increased the marginalisation and frustration of aggrieved parties and communities. While this resulted in a significant rise and persistence of maritime militancy and piracy activities,[1187] creating a communal acceptance of petro-piracy by the aggrieved oil communities,[1188] some marginalised oil communities sought legal redress for environmental justice against the multinational oil companies in foreign jurisdictions, such as the UK, USA

[1186] Bitrus Eniyekenimi Daukere, Ifatokun Paul Ifabiyi, 'Socio-environmental factors and organized criminal networks influencing maritime crime dynamics in Nigeria's Niger Delta,' (2025) 20 Environmental Challenges

[1187] Omotola Osude, 'Climate Change Litigation in Nigeria: The Case of Oloibiri and the Role of U.S. Jurisdiction in Advancing Environmental Justice' (2024) 1 International Journal of Law and Societal Studies (IJLSS) 104; Elizabeth Tonghan-Ekpemupolo and P.I Gasiokwu, 'The Legal Challenges of Combating Oil Spillage in the Niger Delta Region of Nigeria', (2024) 12 Global Journal of Politics and Law Research, 52-66

[1188] Martin Nicholas Murphy, 'Petro-Piracy: Oil and Troubled Waters' (2013) 57 Orbis, 424-437

and other foreign courts,[1189] where the courts have often ruled in favour of environmental remediation and compensation. For instance, in *Ken Wiwa & ors v. Royal Dutch Shell*,[1190] the Ken Wiwa family filed a lawsuit in a U.S. court in 1996, claiming compensatory, punitive, and treble damages against Royal Dutch Shell. In 2009, the case was settled for $15.9 million.[1191]*In Milieudefensie Voor Veranderaars (Friends of the Earth Netherlands) & Ors v Royal Dutch Shell Plc (2008),*[1192] the Court in The Hague held Shell liable for oil-spill pollution that occurred between 2004 and 2007, ordering the company to compensate the affected communities and to install a leak-detection system on its pipelines.[1193] Following the judgment, the parties reached a settlement in December 2022, under which Shell agreed to pay €15 million in compensation to the affected communities.

In *Bodo Community & others v The Shell Petroleum Company of Nigeria Ltd*,[1194] the UK High Court held Shell liable for oil spills in 2014 and ordered a clean-up of the environment.[1195] Following the judgment in January 2015, Shell agreed to a fifty-five million pounds (£55m) *out-of-court settlement with members of the Bodo community in Ogoniland*.[1196] *Similarly, in Okpabi and Ors v Royal Dutch Shell Plc and Anor,*[1197] the UK Supreme Court in 2021, in its landmark, widely celebrated ruling, granted the claimants' application to sue RDS as a parent company to SPDC because it owed the polluted communities a common duty of care and raised

[1189] Ebunoluwa O. Popoola, Moving the Battlefields: Foreign Jurisdictions and Environmental Justice in Nigeria, 7 November 2017, Social Science Research Council; Amnesty International, Nigeria Ten years on: Injustice and violence haunt the oil Delta, 3 November 2005, AI Index AFR 44/022/2005 Amnesty International; Amnesty International, No clean up, no justice: Shell's oil pollution in the Niger Delta, 18 June 2020, Amnesty International

[1190] 96 Civ 8386

[1191] Ed Pilkington, 'Shell pays out $15.5M over Ken Saro-Wiwa Killing' *The Guardian* (UK, 8 June 2009)

[1192] ECLI:NL:RBDHA:2013:BY9850

[1193] ECLI:NL: GHDHA: 2021:1825

[1194] [2014] EWHC 1973; Case No:HT-2013-000028; [2024] EWHC 276 (TCC)

[1195] Ahmed Idris, Nigeria oil spills: Shell begins clean-up after 10-year delay, Aljazeera (Africa, 31 October 2017).

[1196] John Vidal, Shell announces £55m payout for Nigeria oil spills, The Guardian (UK, 7 January 2015)

[1197] [2018] EWCA Civ 191

a real and triable issue since it exercised significant control over most aspects of SPDC operations in the claimants' communities in Nigeria.[1198] This landmark decision implies that local communities can institute an action in the original jurisdiction of their parent companies against multinational companies for environmental negligence and substandard operational activities.

Therefore, due to the difficulty of accessing environmental justice in Nigeria, most aggrieved communities now seek remediation for environmental justice in foreign courts.[1199] While this raises concerns about the integrity of the Nigerian judiciary and its justice delivery system, it also reveals the frustrations and cost factor involved in litigating abroad. Considering the financial incapabilities of communities, the cost implication of seeking justice in foreign courts, which coincide with the rise of kidnapping for ransom in recent years, and the significant profits generated from illicit piracy activities (petro-piracy, hijacking of vessels, hostages, and kidnappings).[1200] Arguably, the quest to seek environmental justice abroad could be one of the drivers for the increasing rise in kidnappings in West Africa in recent years.

Consequently, piracy in the Gulf of Guinea subsequently evolved from opportunistic crimes into a sophisticated criminal enterprise rooted in onshore issues such as insurgencies, illicit oil trade, and kidnapping for ransom.[1201] Pirates in the region utilise the communal crisis, political instability, and high cost of oil to create a conducive environment for oil theft and the illegal sale of petroleum products for economic gain. This integration of sustained commercial incentives for maritime interdiction and illegal transfers at sea made piracy an increasingly organised and lucrative thriving business in West Africa.[1202] As a result, maritime attacks

[1198] *Okpabi and Ors v Royal Dutch Shell Plc and Anor* [2021] UKSC 31
[1199] Ebunoluwa Popoola, 'An examination of factors militating against enforcement of environmental law in Nigeria' (2019) 19 University of Maiduguri Law Journal, 20-44
[1200] IMO, Acts of Piracy and Armed Robbery against Ships, Annual Report 2018 to 2024; ICC-IMB, Piracy and Armed Robbery Against Ships, Annual Reports, 2018 to 2024
[1201] IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Reports, 2000-2010
[1202] Judith Burdi Asuni, Blood Oil in the Niger Delta, August 2009, United States Institute of Peace, Special Report

became increasingly intertwined with militant activism and resistance to the Nigerian state and multinational oil corporations.

Therefore, while the persistence of environmental degradation continues to play a significant role in shaping the security dynamics of the Niger Delta and the wider Gulf of Guinea, maritime piracy in the region cannot be fully understood as a purely criminal phenomenon. Consequently, piracy in the region cannot be understood solely as a maritime criminal activity but must also be viewed within the broader context of resource extraction, environmental degradation and injustice, governance failures, and socio-economic grievances in the Niger Delta. Addressing piracy, in West Africa, therefore, requires not only improved maritime security responses but also comprehensive and sustainable environmental governance reforms and socio-economic development initiatives aimed at addressing the root causes of conflict in the region.

6.2 Evolutionary Phases of Piracy in West Africa (Gulf of Guinea)

The evolution of piracy in West Africa did not occur suddenly but developed through a series of distinct phases shaped by changing political, economic, and security conditions in the region. Over time, pirate activities evolved from relatively simple and opportunistic acts of theft to more sophisticated operations involving organised criminal networks, cargo theft, and maritime kidnapping. Each phase reflects shifts in the motivations, capabilities, and operational strategies of maritime criminals, as well as the broader challenges of governance, law enforcement, and economic instability within coastal states. Examining these phases provides a clearer understanding of how piracy in the Gulf of Guinea transformed into one of the most significant maritime security threats in contemporary times.

6.2.1 Early Phase: Opportunistic Theft (1984–1999)

Empirical records from international maritime reporting systems indicate that piracy incidents in West Africa between 1984 and the late 1990s were relatively limited and largely opportunistic in nature.[1203] Most reported attacks occurred in ports, anchorages, or coastal waters and involved petty theft from vessels. These incidents were typically non-violent and involved the stealing of ship stores or personal belongings rather than large-scale hijacking operations.[1204]

As shown in Fig. 14, while there were a few incidents between 1984 and 1995, a gradual shift emerged in the mid-1990s. Tensions within the Niger Delta intensified as local communities protested environmental degradation caused by oil extraction activities. The execution of environmental activist Ken Saro-Wiwa and other campaigners by the Nigerian government in 1995 marked a critical turning point which intensified local grievances relating to environmental destruction, social marginalisation, and economic exclusion.[1205] This resulted in an increasing rise of piracy incidents in West Africa in the mid-1990s. Of the 140 incidents recorded between 1991 and 1999, 110 (78.6%) occurred between 1996 and 1999, demonstrating a marked increase in maritime criminal activity during this period.[1206]

6.2.2 Intensification and Regionalisation (2000-2010)

Although the aftermath of the extrajudicial killings of Ken Saro Wiwa and eight other environmentalists in November 1995 saw global diplomatic outrage and suspension of Nigeria

[1203] IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Reports, 1984 to 1999
[1204] James A. Wombwell, *The long war against piracy: historical trends,* Occasional Paper 32 (2010, Combat Studies Institute Press), 32
[1205] Human Rights Watch (HRW), Nigeria: The Ogoni Crisis: A Case Study of Military Repression in South-eastern Nigeria, July 1995 Vol. 7, No. 5, Human Rights Watch, Africa, 26-31; Amnesty International, Nigeria: Shell complicit in the arbitrary executions of Ogoni Nine as writ served in Dutch court, 29 June 2017; Human Rights Watch (HRW), 'The price of oil: corporate responsibility and human rights violations in Nigeria's oil producing communities, 1 January 1999.
[1206] IMO, Reports on Acts of Piracy and Armed Robbery against Ships, Annual Reports - 1996 to 1999; Adrian Leonard, Andrew Coburn, Gary Bowman, *Political Violence: Organised crime – piracy*, Working Paper 201203.05, 5 March 2012, Cambridge Centre for Risk Studies Working Paper Series

from the Commonwealth.[1207] Locally, the executions were pivotal incidents that contributed significantly to the rise in militant unrest, increasing existing grievances and leading to diverse violent reactions which eventually metamorphosed into transboundary maritime piracy in Nigeria and the Gulf of Guinea since 1996, escalating into the 2000s and the present-day maritime piracy surge.[1208] Between 2000 and 2010, empirical data show a clear escalation in piracy incidents across the Gulf of Guinea. Attacks increased both in frequency and severity, while the geographical scope expanded beyond Nigeria's territorial waters to neighbouring coastal states such as Ghana, Benin, Togo, Cameroon, and Côte d'Ivoire.[1209] This marks a powerful and new phase characterised by armed conflict and rebellion against the Nigerian government, sabotage against multinational oil companies, and increasing piracy and armed robbery activities.[1210]

This resulted in the rise of large-scale oil theft (illegal bunkering) and organised criminal networks to fund their illegal operations, justified by some as "wealth redistribution".[1211] Empirical evidence from maritime security reports indicates that attacks during this period were increasingly linked to oil-related activities. As shown in Fig. 1, the periods of 2001, 2003,

[1207] BBC News, 1995: Nigeria hangs human rights activists, *BBC News* (Nigeria, 10 November 1995); Amnesty International, Nigeria: Further information on unfair trial / death penalty / prisoner of conscience / legal concern / health concern, 10 November 1995, AFR 44/032/1995; United Nations Press Release, Assembly Condemns Arbitrary Execution of Ken Saro-Wiwa and Eight co-defendants in Nigeria by Vote of 101-14-47, 22 December 1995, Press Release GA/9046; The New York Times, Nigerian Executes Critic of Regime/ Nations Protest, *The New York Times* (USA, 10 November 1995); Martin Plaut, UK and US considered Nigeria naval blockade over Saro-Wiwa execution, *BBC News*, (Africa, 31 December 2019).

[1208] Kizzi Asala, The History of Exploitation Behind the Gulf of Guinea Piracy: A Long Tale of Blood, Oil and Water, African News (Nigeria, 8 February 2021); John Vidal, Protest threatened over memorial 20 years after Ken Saro-Wiwa execution, *The Guardian* (Nigeria, 7 November 2015); Albert Lionel Zinda Soppo, Addressing the Roots of Maritime Piracy in the Gulf of Guinea, 7 April 2021, ATLAS Institute for International Affairs

[1209] IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Reports, 2000-2010; ICC-CCS, IMB report unprecedented rise in Maritime Hijackings IMB reports unprecedented rise in maritime hijackings – ICC – Commercial Crime Services Accessed 22/8/2025; UNODC, Maritime Piracy in the Gulf of Guinea 2011.

[1210] Ibid

[1211] Martin N. Murphy, Africa's Leaking Wound Proceedings, March 2013, Vol. 139/3/1321 US Naval Institute; Michael Watts, "Petro-Insurgency or Criminal Syndicate?" Niger Delta Economies of Violence Working Papers No. 16 (Berkeley, CA: Institute of International Studies, 2006), 5

2004, and 2007 recorded a significantly high number of incidents compared to previous period.[1212] This period accounts for 16% of the total global piracy incidents between 2000 and 2010.[1213] The reduction in piracy incidents between 2005 and 2006 was arguably linked to the price sensitivity of oil prices and the fall of the exchange rate.[1214]

6.2.3 Consolidation of patterns and Transformation to Kidnapping and Organised Piracy (2011–2020)

The period between 2011 and 2020 marked a significant transformation in the operational patterns of piracy in West Africa, with the escalation of piracy threats from localised issues to global concerns.[1215] Although records of piracy incidents in West Africa highlight fluctuations and instability, as shown in Fig. 14, especially between 2011 and 2017, 2018 and 2020 witnessed an unusual and significant spike in piracy incidents, resulting in 238 recorded incidents in the region, accounting for 37% of global piracy incidents between 2018 and 2020.[1216] However, other high-risk piracy regions, such as Southeast Asia (Malacca Strait,

[1212] IMO, Piracy and Armed Robbery Against Ships Annual Report – 2001, 31 March 2002, MSC.4/Circ.16; IMO, Piracy and Armed Robbery Against Ships Annual Report – 2002, 17 April 2003, Ref TI/13.01 MSC.4/Circ.32; IMO, Piracy and Armed Robbery Against Ships Annual Report – 2003, 27 April 2004, Ref. T2-Navsec/2.7.1 MSC. 4/Circ.50; IMO, Piracy and Armed Robbery Against Ships Annual Report – 2004, 5 May 2005, Ref. T2-NAavsec/2.7.1, MSC.4/Circ. 64; IMO, Piracy and Armed Robbery Against Ships Annual Report – 2005, 22 March 2006, Ref. T2-MSS/2.11.4.1, MSC.4/Circ.81; IMO, Piracy and Armed Robbery Against Ships Annual Report – 2006,13 April 207, Ref.T2-MSS/2.11.4.1, MSC.4/Circ.98; IMO, Piracy and Armed Robbery Against Ships Annual Report – 2007,10 April 2008, Ref. T2-MSS/2.11.4.1, MSC.4/Circ.115; IMO, Piracy and Armed Robbery Against Ships Annual Report – 2008, 19 March 2009, Ref. T2-MSS/2.11.4.1, MSC.4/Circ.133; IMO, Piracy and Armed Robbery Against Ships Annual Report – 2009, 29 March 2010, Ref. T2-MSS/2.11.4.1, MSC.4/Circ.152; IMO, Piracy and Armed Robbery Against Ships Annual Report – 2010, 1 April 2011, Ref. T2-MSS/2.11.4.1, MSC.4/Circ.169

[1213] Ibid

[1214] Joscha Beckmann, Robert L. Czudaj, Vipin Arora, 'The relationship between oil prices and exchange rates: Revisiting theory and evidence', (2020) 88, Energy Economics

[1215] Buerger, C. 'Learning from Piracy: Future Challenges of Maritime Security Governance' (2015) Global Affairs; Tarila Marclint Ebiede, 'Assessing the Effectiveness of Employment Programmes for Ex-Combatants: A Case Study of Nigeria's Post Amnesty Programme (PAP)' (2018) 49 Institute of Development Studies (IDS)

[1216] IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Report – 2018, 1 April 2019, MSC.4/Circ.263; IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Report – 2019, 27 April 2020, MSC.4/Circ.264; IMO, Reports on Acts of Piracy and Armed Robbery

Indian Ocean, South China Sea) and East Africa, recorded fewer piracy incidents as a result of counter-piracy measures in the regions.[1217]

Kidnapping for ransom emerged as one of the most significant characteristics of contemporary piracy during the study period. Figure 16 compares global piracy-related kidnapping incidents with those recorded in West Africa between 2016 and 2020, highlighting the disproportionate contribution of the Gulf of Guinea to worldwide maritime kidnappings. The region recorded 43% (607) signifying a significant rise in piracy incidents in West Africa.[1218] Although the 2020 piracy report reveals a historic peak in piracy incidents in West Africa (GoG), with 90 reported piracy incidents,[1219] while also recording the highest kidnapping incidents of 122 (90%) out of 135 hostages globally in 2020.[1220] The key dominant trend of piracy attacks in West Africa during this period is the new trend of mass kidnapping for ransom, as kidnapping incidents and multi-crew kidnappings grew sharply toward the end of the decade.[1221] This shows a tactical shift from conducting long-range hijacking as was in the previous decade to hostages and mass kidnapping of crew, resulting in significantly increased numbers of kidnappings between 2018 and 2020. Accordingly, the annual piracy report from the International Maritime Bureau (IMB) revealed that West Africa witnessed significant mass kidnappings for ransom between 2016 and 2020. For instance, in 2016, 55% (34) of the 62 global kidnapping incidents occurred in West Africa.[1222] Similarly, in 2017, 75 kidnappings

against Ships Annual Report Annual Report – 2020, 29 April 2021, MSC.4/Circ.265; Table 7: Reported Piracy Attacks in West Africa: 2011 to 2020

[1217] Ibid

[1218] IMO, Reports on Acts of Piracy and Armed Robbery against Ships, Annual Reports 2011-2020, n 17

[1219] ICC-IMB recorded 121 piracy incidents in 2020

[1220] IMO, Reports on Piracy and Armed Robbery against Ships, Annual Report – 2020, 29 April 2021, MSC.4/Circ.265. However, IMB recorded 95% kidnappings in West Africa, accounting for 130 of the 135 global kidnapped incidents. (ICC-IMB, Piracy and Armed Robbery Against Ships Reports for the Period 1 January – 31 December 2020), 25.

[1221] ICC, Pirates are kidnapping more seafarers off West Africa, IMB reports 14 October 2020

[1222] ICC-IMB, Piracy and armed robbery against ships report for the period of 1 January – 31 December 2016

for ransom with 91 hostages were recorded globally, out of which 65 (87%) occurred in West Africa in 10 kidnapping incidents.[1223] Also in 2018, all six (6) vessels reportedly hijacked globally occurred in West Africa.[1224] Consequently, 141 hostages occurred globally, and West Africa recorded 130 hostages, with 97.5% (78) of the 83 global kidnappings for ransom recorded, with 41 incidents from the Nigerian coast.[1225] Although the 2019 report revealed a decline in piracy incidents globally, with 193 reported incidents,[1226] 2019, however, witnessed a dramatic rise in kidnapping for ransom, unlike the 2018 reports, resulting in more than a 50% increase. As such, in 2019, out of 134 kidnappings globally, 121 piracy incidents were reported, and West Africa accounted for over 90% of the kidnapping incidents.[1227]

Similarly, the 2020 piracy report revealed that of the 135 kidnappings globally, 130 (96%) of the kidnapping incidents occurred in West Africa in 22 piracy incidents.[1228] This includes the emerging trend of pirates attacking several fishing vessels such as the *Amerger II* and *Amerger VII* on 3 May 2020, *Hailu Feng II on 13 May 2020, Panofi Frontier on 24 June 2020, Shenghai2 on 21 August 2020, and AP 703 on 28 August 2020,* respectively, across various upcoming piracy hotspots in West Africa.[1229]

[1223] ICC-IMB, Piracy and armed robbery against ships report for the period of 1 January – 31 December 2017

[1224] ICC-IMB, Piracy and armed robbery against ships report for the period of 1 January – 31 December 2018; IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Report – 2018, 1 April 2019, MSC.4/Circ.263

[1225] Ibid

[1226] IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Report – 2019, 264 27 April 2020, MSC.4/Cir. However, ICC IMB recorded 162 piracy incidents (ICC-IMB, Piracy and armed robbery against ships report for the period of 1 January – 31 December 2019)

[1227] Ibid

[1228] IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Report – 2020, 29 April 2021, MSC.4/Circ.265; ICC-IMB, Piracy and armed robbery against ships report for the period of 1 January – 31 December 2020

[1229] Bryan C. Peters, Letizia Paoli, 'Are Fishers the forgotten victims of maritime piracy? An exploratory global analysis' in Robert Arlighaus and others (Eds), *Fish and Fisheries* (USA, Wiley, Vol. 26(5), September 2025) 866-877; IMB piracy report 2020 n 168; Kamal-Deen Ali & Yussif Benning n 176.

Therefore, according to IMB, the overall increase in global piracy incidents was driven largely by piracy activities in the Gulf of Guinea.[1230] The available data indicate that the region accounted for some of the highest levels of piracy worldwide during this period.[1231] As shown in Figure 14, reports from 2016 to 2020 reveal that, although piracy incidents globally appeared to be declining, West Africa experienced a significant increase in piracy attacks. The data also demonstrate the emergence of an evolving operational tactic, namely the increasing use of mass kidnapping for ransom. It has been argued that these kidnappings were intended not only to generate financial gains through ransom payments but also to instil fear among seafarers and shipping companies, thereby strengthening the bargaining position of pirate groups.[1232]

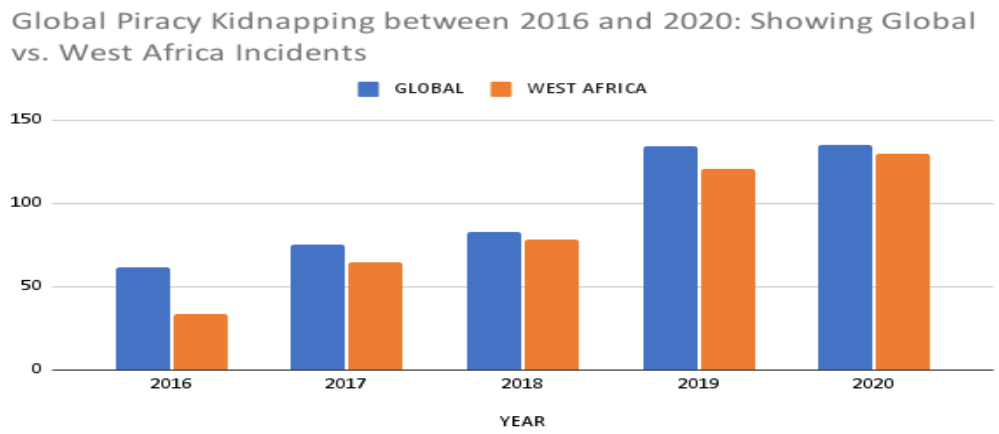
This trend suggests the development of a distinct piracy business model centred on hostage-taking. Consequently, empirical evidence indicates that the Gulf of Guinea became the global epicentre of maritime kidnapping, accounting for most seafarer abductions worldwide. Pirate groups increasingly shifted their focus from cargo theft to the kidnapping of crew members for ransom, reflecting both an adaptation to enhanced maritime security measures and the growing profitability of hostage-taking.

Fig. 16: The Contribution of West Africa to Global Piracy-Related Kidnappings (2016–2020)

[1230] ICC-IMB, Piracy and Armed Robbery against Ships Report for the Period 1 January – 31 December 2020

[1231] ICC-CCS, Gulf of Guinea records highest ever number of crew kidnapped in 2020, according to IMB's annual piracy report, 13 January 2021, London

[1232] Kamal-Deen Ali & Yussif Benning, Maritime Governance Brief: Gulf of Guinea Piracy, the old, the new and the dark shades (2020) Centre for Maritime Law & Security; Curtis Bell and others, Piracy of the Gulf of Guinea: A cost analysis for coastal states, 1 November



Source: Author's analysis of kidnapping data compiled from IMO GISIS piracy and armed robbery incident reports (2016–2020).

6.2.4 Recent Trends: Declining Incidents but Persistent Threat (2021–2024)

Recent empirical data indicate a significant decline in the number of reported piracy incidents in West Africa between 2021 and 2024.[1233] This decline has been attributed to several factors, including increased military patrols, improved maritime domain awareness, and the introduction of national anti-piracy legislation in states such as Nigeria and Cameroon. Regional cooperation initiatives, including the Yaoundé Code of Conduct, have also sought to enhance information sharing and coordinated maritime patrols.

There was a significant reduction in piracy and armed robbery against ships in West Africa between 2021 and 2024.[1234] Most incidents are recorded in other states, including Gabon and

[1233] IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Report– 2021, 15 April 2022, MSC.4/Circ.266; see also IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Report – 2020, 29 April 2021, MSC.4/Circ.265; IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Report– 2022, 19 April 2023, MSC.4/Circ.267; IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Report– 2023, 7 June 2024, MSC.4/Circ.268; IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Report– 2024, 17 April 2025, MSC. 4/Circ. 269

[1234] *Ibid*

Benin in the Gulf of Guinea, with fewer incidents recorded in Nigerian waters.[1235] However, there was a spike in kidnappings for ransom, with 88% of reported maritime kidnappings for ransom globally in 2021 and 2022 occurring in West Africa,[1236] and 74% and 62% in 2023 and 2024, respectively.[1237] It also recorded its historic highest numbers of attacks at the high seas in comparison with other piracy years since 1984, with 63% (2021) and 58% (2022) of piracy attacks in West Africa occurring at the high Seas.[1238] However, in 2023 and 2024, there was a significant change in attacks, with 88% in 2023 and 71% in 2024 occurring within territorial waters.

Although there was a significant decline in piracy incidents and kidnappings globally, the Gulf of Guinea consistently accounted for the vast majority of global maritime kidnappings between 2013 and 2024, as shown in Fig. 15. Therefore, the Gulf of Guinea remained the epicentre of violent piracy and kidnappings, largely driven by criminal networks in West Africa, particularly Nigeria.[1239]

[1235] IMB annual report 2021 (ICC-IMB, Piracy and armed robbery against ships, report for the period of 1 January to 31 December 2021)

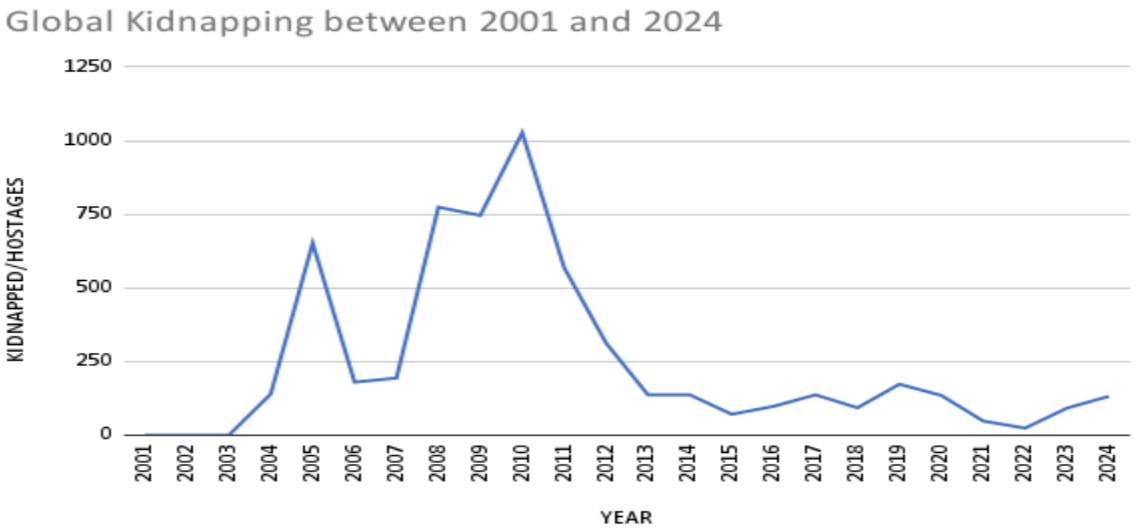
[1236] Note: IMB 2021 Annual Report recorded 57 kidnappings in West Africa, while IMO recorded 42. See also, Although the IMB annual report 2021 (ICC-IMB, Piracy and armed robbery against ships, report for the period of 1 January to 31 December 2021) and other maritime reports recorded that West Africa accounts for 100% (57) kidnappings that occurred in the year. (Mariska Buitendijk, 'IMB: All pirate kidnappings in 2021 occurred in the Gulf of Guinea, 19 April 2021, SWZ Maritime

[1237] ICC, Gulf of Guinea remains world's piracy hotspot in 2021, according to IMB's latest figures, 14 April 2021, ICC, Global Governance News

[1238] Ibid

[1239] United Nations Security Council (UNSC) Press Release, Piracy, Armed Robbery Declining in Gulf of Guinea, But Enhanced National, Regional Efforts Needed for Stable Maritime Security, Top Official Tells Security Council, 22 November 2022, SC/15113; International Chamber of Chamber of Commerce (ICC)- IMB, News, Gulf of Guinea records highest ever number of crew kidnapped in 2020, according to IMB's annual piracy report, 13 January 2021, ICC-IMB; ICC-IMB, Piracy and armed robbery against ships report for the period of 2020-2024; IMO, Reports on Acts of Piracy and Armed Robbery against Ships Annual Report, 2020-2024, n 112.

Figure 17: Global Trends in Piracy-Related Kidnappings and Hostage-Taking Incidents (2001–2024)



Source: Author's analysis of kidnapping data compiled from IMO GISIS piracy and armed robbery incident reports (2001–2024).

An examination of global kidnapping trends provides important insights into the evolving operational strategies of pirate groups. As shown in Figure 17, piracy-related kidnappings emerged as a significant component of maritime insecurity between 2001 and 2024, particularly as criminal networks increasingly adopted hostage-taking as a profitable criminal enterprise. Notable incidents in the region during this period include the attack by suspected armed pirates of the Maltese-flagged Chemical Tanker on 11 March 2021, around 212 nautical miles south of Cotonou, Benin, resulting in the kidnapping of 15 crew members.[1240] In addition, the attack on a fishing vessel on 8 February 2021, the boarding and kidnapping of 14 crew members in Gabon,[1241] and the hijacking of a Ro-Ro ship in Sierra Leone in November 2022.

[1240] IMO, Report of piracy 2021, p. 29
[1241] Ibid

Although the crew was taken hostage, the pirates tried to navigate the vessel through shallow waters but ran aground.[1242]

Similarly, in December, a Suezmax tanker was attacked at Equatorial Guinea.[1243] Although there has been a sharp decline in piracy globally and in West Africa, these incidents highlight the persistent threats of violent attacks against ships, the hijacking of a product tanker on 25 March 2023 at about 140 nautical miles in the Republic of Congo, resulting in the kidnapping of six crew members.[1244] The attacks on two Chinese-flagged fishing vessels in Cameroon on 28 June and 1 July 2023 resulted in the kidnapping of six crew members.[1245] The attack on anchored vessels, led to the kidnapping of fourteen and thirty-one crewmembers and the destruction of communication and navigation equipment.[1246] In addition, the disappearance of the Singapore-flagged Success 9 tanker about 300 nautical miles southwest of Abidjan, Côte d'Ivoire, on 10 April 2023 was also suspected to be hijacked by pirates.[1247]

In summary, piracy in the Gulf of Guinea has undergone a significant transformation, evolving from relatively opportunistic acts of theft and robbery to highly organised criminal activities characterised by cargo theft, oil-related crimes, and kidnapping for ransom. Although recent years have witnessed a notable decline in the overall number of reported piracy incidents, this reduction has not necessarily translated into greater security for seafarers and commercial vessels.[1248] Instead, the nature of attacks has become increasingly violent and sophisticated, with mass kidnapping for ransom emerging as a dominant tactic among pirate groups. As a

[1242] International Institute of Marine Surveying News, IMB Piracy Report January – December 2022, IIMS News (UK, 13 January 2023)
[1243] *Ibid*
[1244] ICC, IMB records lowest level of Q1 piracy since 1993 in 2023 report, ICC News Article 2023
[1245] The Maritime Executive, six crew members abducted in West Africa as piracy attacks increase (3 July 2023)
[1246] ICC, IMB raises concern on resurgence of maritime piracy and armed robbery in Gulf of Guinea in 2023 mid-year report, ICC New Articles June 2023.
[1247] Toner Raanan, Chemical tanker boarded by pirates off Ivory Coast- Report: Maritime domain awareness for trade centre reports Singapore-flagged tanker Success 9 was boarded on April 10, 11 April 2023, Lloyd's List
[1248] IMO, Reports of Piracy, n 17

result, the region has continued to be regarded as one of the most dangerous maritime environments in the world, where the severity and human impact of attacks often outweigh the significance of declining incident statistics.[1249]

The evolution of piracy across these phases raises important questions regarding the factors that have driven its persistence and adaptation over time. The changing operational patterns of pirate groups suggest that piracy in the Gulf of Guinea is not merely a maritime security problem but also a manifestation of deeper political, economic, social, and governance challenges within the region. Consequently, understanding the underlying triggers and drivers of piracy is essential for explaining its continued occurrence and for assessing the effectiveness of measures designed to combat it. The following section therefore examines the key factors that have contributed to the emergence, growth, and transformation of piracy in the Gulf of Guinea.

6.3 Trends, Patterns and *Modus Operandi* of Piracy

One of the distinctive features of piracy in the Gulf of Guinea is the hijacking of petroleum tankers to steal refined petroleum products.[1250] This model, often termed "petro-piracy", is characterised by the hijacking of tankers and the theft of refined petroleum cargo.[1251] It typically involves seizing a tanker, forcing the crew to disable tracking systems, transferring stolen cargo to another vessel, and selling the petroleum products through black-market networks.[1252] Such operations require considerable logistical coordination involving onshore

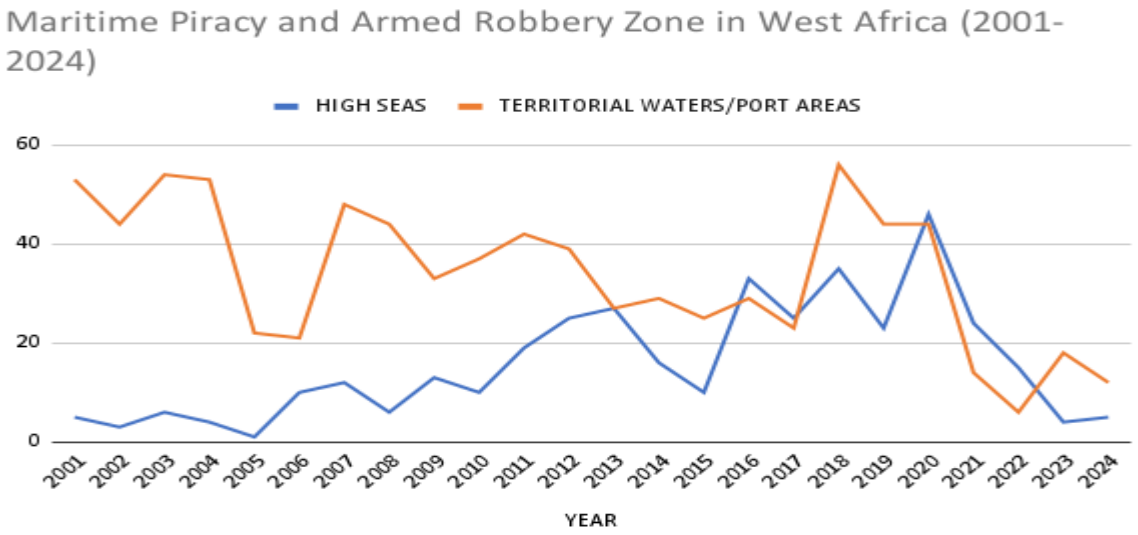
[1249] Olusegun Paul Adesanya, 'Maritime crimes and the Gulf of Guinea' (2023) 9 Cogent Social Sciences.
[1250] UNODC, Transnational Organised Crime in West Africa: A Threat Assessment, Maritime Piracy in the Gulf of Guinea, February 2013, Vienna UNODC; The Maritime Executive, Oil Soaked Pirates in Gulf of Guinea, 15 March 2014.
[1251] International Crisis Group (ICG), The Gulf of Guinea: The New Danger Zone, Africa Report N°195 – 12 December 2012, 6
[1252] Etienne Romsom, 'Global Oil Theft: Impact and Policy Responses'. February 2022, United nations University World institute for Development Economics Research (UNU-WIDER) Working Paper 2022/16, 31

criminal actors and, in some cases, corrupt officials who facilitate the sale and distribution of stolen products. Petro-piracy is closely linked to Nigeria's long-standing challenges with oil theft and the shadow economy surrounding the petroleum sector.[1253]

The emergence and proliferation of this form of piracy marked a significant shift from opportunistic theft towards more organised and financially lucrative criminal enterprises. Unlike earlier attacks that focused primarily on stealing valuables from vessels, petro-piracy demonstrated increasing levels of planning, coordination, and transnational criminal involvement, highlighting the evolving sophistication of maritime crime in the Gulf of Guinea. Although petro-piracy became a defining feature of maritime crime in the region during the 2000s and early 2010s, subsequent years witnessed a gradual shift towards kidnapping-for-ransom operations, which would eventually emerge as the dominant trend in Gulf of Guinea piracy.

Fig. 15: Distribution of Piracy and Armed Robbery Incidents by Maritime Zone in West Africa (2001–2024)

3



[1253] Freedom Onuoha, and others, 'Unbriedled Pillage: The Political Economy of Oil Theft in Nigeria' (2017) 1 South East Political Science Review, 19

Source: Author's original piracy database compiled from IMO GISIS piracy and armed robbery incident reports (2001–2024).

Furthermore, given the jurisdictional significance of the location of maritime attacks, an examination of the maritime zones in which incidents occur provides important insights into the applicability and effectiveness of international maritime security instruments. Figure 15 illustrates the distribution of reported piracy and armed robbery incidents across maritime zones in West Africa between 2001 and 2024. During this period, a significant portion of attacks occurred within or near the territorial waters of coastal states, particularly in Nigeria.[1254] This distinguished it from other regions like Somalia, which was primarily focused on kidnapping for ransom. Although the number of piracy incidents in West Africa trails behind other hotspot regions such as East Africa (Somalia) and Southeast Asia, the severity and violent nature of attacks in West Africa make the region a dangerous maritime zone.[1255] Piracy in this region is notoriously violent, using military-grade weapons and tactics by gang members, described as ex-security personnel and militant groups.[1256] This often result in grievous injury and death of crew members often resulting in injuring and killing crew members.[1257] Criminal networks became more organised, profit-driven, and focused on petro-piracy- hijacking tankers, siphoning oil cargo, and selling it on black markets.[1258] As such, petroleum cargo theft and petro-piracy emerged as a defining feature.

There was also a geographical expansion of attacks beyond Nigerian waters into other neighbouring states, including Benin, Togo, and Cameroon.[1259] During this period, kidnapping

[1254] IMO, Piracy and Armed Robbery Against Ships Annual Report: 2000 – 2010, n 17
[1255] Ibid
[1256] UNODC Maritime, Piracy in the Gulf of Guinea, (2011), UN Office on Drugs and Crime, 45
[1257] Nirit Ben-Ari, Piracy in West Africa: A Bumpy Road to Maritime Security, 19 November 2013, United Nations Africa Renewal
[1258] United Nations Security Council, Press Release Statement Piracy, Maritime Armed Robbery in the Gulf of Guinea, 30 August 2011, C/10372-AFR/2236; United Nations, UNODC set to tackle maritime piracy in the Gulf of Guinea, 20 October 2020, UNODC Country Office Nigeria
[1259] IMO, IMO urges action to deter piracy in Gulf of Guinea, 14 February 2021; ICC, Gulf of Guinea remains world's piracy hotspot in 2021, according to IMB'S latest figures, 14 April 2021, ICC; Anamika

for ransom was also introduced, affecting both local and international crews, with increased fatalities.[1260] By 2010, the Gulf of Guinea (West Africa) had become a growing international concern consistently ranked and reported by the IMO and UN as one of the top-ranked piracy-prone hotspots globally, rivalling the Horn of Africa (Somalia).[1261] Consequently, piracy in West Africa between 2000 and 2010 evolved from low-level opportunist robberies to highly organised, violent, and oil-focused piracy and ransom payment, concentrated in Nigeria but spreading regionally, driven by militant insurgency, weak maritime security, and lucrative black-market demands.

The culmination of unaddressed grievances, coupled with the failure and frustration in seeking justice for environmental degradation, led to further agitation and the formation of several protest groups.[1262] This period also revealed a clear escalation in violence, in connection with the rise of militant activity in Nigeria's Niger Delta (notably Movement for the Emancipation of the Niger Delta (MEND) and higher potential for increased profitability.[1263] The rise of the Movement for the Emancipation of the Niger Delta (MEND) and other militant groups transformed the piracy landscape.[1264] Although MEND's initial political and social goals

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Twyman-Ghoshal and Glenn Pierce, 'Changing Nature of Contemporary Maritime Piracy: Results from the Contemporary Maritime Piracy Database 2001-2010, (2014) 54 British Journal of Criminology, 652-672

[1260] Conway Waddington, 'Kidnappings in West Africa' (2013) 12 Africa Conflict Monthly Monitor

[1261] Nato association, Same Ship, Different Coast: The Disturbing Evolution of West African Piracy (2011); BBC, Piracy in West Africa: The world's most dangerous seas? BBC (UK, 19 June 2019)

[1262] International Crisis Group, Curbing Violence in Nigeria (III): Revisiting the Niger Delta, 29 September 2015, Africa Report No 231 International Crisis Group (2015) Curbing Violence in Nigeria (III): Revisiting the Niger Delta. International Crisis Group, Brussels; Ben Tantua, Joe Devine, Roy Maconachie, 'Oil governance in Nigeria's Niger Delta: Exploring the role of the militias', (2018) 5 The Extractive Industries and Society, 302-307.

[1263] Curtis Bell, Pirates of the Gulf of Guinea: A Cost Analysis for Coastal States, November 2021, UNODC Report unodc.org/documents/Maritime_crime/UNODC_Pirates_GoG_A_Cost_Analysis_for_Coastal_States.pdf Accessed 19/9/2025;

[1264] James Marcus Bridger, 'Piracy Watch: Preventing the "Somalization" of West Africa' 11 October 2011, NATO Association of Canada; Kamal-Deen, A., 'The Anatomy of Gulf of Guinea Piracy' (2015) 68 Naval War College Review, 93-118; Hazen, Jennifer M., and Jonas Horner. 'The Movement for the Emancipation of the Niger Delta (MEND).' in *Small Arms, Armed Violence, and Insecurity in Nigeria: The Niger Delta in Perspective*, Small Arms Survey, (Geneva, 2007), pp. 123–126.

included demanding local control of their oil wealth and seeking justice for environmental degradation, their piracy activities were primarily classed as a protest for economic justice against the perceived oppressive exploitation of their land by the government, and resistance against foreign oil companies for environmental degradation caused by oil exploration.[1265] Over time, the line between political protest and criminal activity became blurred, resulting in radical criminal activities, including oil theft, hijacking of vessels, and kidnapping for ransom, as a new trend of illicit maritime business and profitability.[1266] This makes it difficult to distinguish the maritime criminal activities from political activism.[1267]

The MEND group employed three basic tactics of kidnapping foreign oil workers, attacking oil pipelines, and bombing oil facilities.[1268] Their operations include using illegal weapons to hijack and steal oil vessels,[1269] sabotage against the oil industry as tools of resistance to governance, and environmental degradation caused by oil exploration.[1270] Consequently,

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[1265] Stephanie Hanson, 'MEND: The Niger Delta Umbrella Militant Council on Foreign Relations, 22 March 2007; Human Rights Watch, 'The Emergence of Armed Groups in Rivers State'(2004); Amnesty International, 'Oil Industry has brought Poverty and Pollution to Niger Delta' 30 June 2009; Amnesty International, 'Nigeria: Petroleum, Pollution and Poverty in the Niger Delta – Campaign Digest 30 June 2009 AFR 44/018/2009

[1266] Mustapha Kulungu, 'Movement for the "Emancipation of the Niger Delta" (MEND) Constitutes a Threat to the U.S. National Security' (2021) 8 Open Access Library Journal; Temitope Oriola, Kevin D. Haggerty & Andy W. Knight, 'Car Bombing "With Due Respect": The Niger Delta Insurgency and the Idea Called MEND', (2013) 6 African Security, 67-96; Caroline Duffield, 'Who are Nigeria's Mend Oil Militants?' *BBC* (UK, 4 October 2010).

[1267] United Nations Office on Drugs and Crime (UNODC Country Office Nigeria), Maritime Piracy in the Gulf of Guinea https://www.unodc.org/conig/en/stories/martime-crime-and-piracy.html Accessed on 12/6/2025; Stephen Starr, 'Maritime Piracy on the Rise in West Africa'(2014) 7; Christos Kyrou and Kaade Wallace, 'The Gulf of Guinea: Maritime Piracy's New Global Nerve Center ', Fair Observer, 3 March 2014.

[1268] James Bridger, 'Kidnapping Resurgent in Gulf of Guinea Piracy' *U.S Naval Institute News* (USA, 14 March 2014); Elias Courson, 'Movement for the Emancipation of the Niger Delta (MEND): Political Marginalization, Repression and Petro-Insurgency in the Niger Delta' (2009) Discussion paper 47, Nordic Africa Institute, Uppsala; Jennifer Giroux and Caroline Hilpert, 'The Relationship between energy infrastructure attacks and crude oil prices' (2009) Journal of Energy Security; Isaac Olawale Albert, Nathaniel Danjibo, and Olumayowa Albert, Back to the past: Evolution of kidnapping and Histage Taking in the Niger Delta, Nigeria (2020) 11 Beijing Law Review.

[1269] The Maritime Executives, 'Oil Soaked Pirates in Gulf of Guinea' 15 March 2014; Mark Doyle, 'Nigeria's Piracy – Another Form of Oil Theft' *BBC*, (UK, 18 June 2013); Salisu Dambatta, Nigeria: Mopping Up Illegal Weapons', *Vanguard, 7* July 2004.

[1270] Cyril I. Obi, Oil Extraction, Dispossession, Resistance, and Conflict in Nigeria's Oil Rich Niger Delta (2010) 30 Canadian Journal of Development Studies, 222; Elisha Bala-Gbogbo, 'Nigeria's

MEND launched several dangerous attacks on the oil and gas company's infrastructure.[1271] Some of the attacks are listed in Table 4 below.

Table 4: Some attacks carried out by MEND and their consequences

S/N	Date	Incident	consequences
1	10 January 2006	A support vessel enroute to Shell's Exploration Asset (EA/SEA EAGLE) offshore field off Nigeria, Delta State, was attacked	Four foreign workers were kidnapped, and the offshore field was temporarily shut down.[1272]
2	18 February 2006	MEND attacked the Forcados oil terminal, abducted nine workers, and damaged oil installations. The attack was in response to a military helicopter assault in the area.	Resulting in a series of coordinated violence, which included bombing a tanker loading platform and sabotaging pipelines, leading to Shell suspending exports from Forcados.[1273]

MEND Rebels Threaten Future Attack on Oil Industry,' Bloomberg, (UK, 27 January 2014); Osa Okhomina, 'We're Responsible for Agip Tug Boat Attack, Kidnapping of Engineer, Captain – MEND,' *Leadership*, (Nigeria, 28 January 2014);

[1271] Judith Burdin Asuni, Understanding the Armed Groups of the Niger Delta, September 2009, Council on Foreign Relations, New York; Al Jazeera, Shell facility attacked in Nigeria: Armed group claims third attack in 48 hours on installations, *Al Jazeera* (Nigeria, 19 September 2008) Shell facility attacked in Nigeria | News | Al Jazeera; BBC, Nigeria's oil pipeline sabotaged – Royal Dutch Shell, *BBC* (Nigeria, 1 February 2010). Furthermore, during the period 2005-2009, Cameroon also experienced several piracy cases, such as, BOURBON SAGITTA in 2008, with abduction of crewmembers by Bakassi freedom fighters, one militant group located within Bakassi peninsula. One part of this Nigeria/Cameroon piracy was linked to activities of MEND and focused on Oil and gas support vessels and oil installations. BBC, Oil crew kidnapped off Cameroon, BBC (Cameroon, 31 October 2008); Marine Link, Bourbon Sagitta Crew Kidnapped, *Marine Link (*3 November 2008); France 24, Pirates threaten to kill crew unless Bakassi talks reopen, *France 24* (31 October 2008)

[1272] Resulting in 120,000 production loss daily to Shell, and evacuation of all non-essential service personnel from the floating production storage and offloading unit (FFPSO) (Offshore Magazine, Nigeria violence strikes a blow to Shell, 13 January 2006. However, another set of hostages was taken in Bayelsa by prominent MEND leaders and kept in another camp in Delta State, Nigeria (Judith Burdin Asuni, Understanding the Armed Groups of the Niger Delta, Council on Foreign Relations, New York, 2009, 22).

[1273] The Guardian, Nigerian Militants kidnap nine foreign oil workers, *The Guardian*, (UK, 18 February 2006)

3	2 June 2006	Armed militants boarded the semi-submersible rig BULFORD DOLPHIN off 35 nm from the shores of Nigeria, abducted eight oil workers, and halted operations, which in turn contributed to a 1.5% rise in the global price per barrel	The kidnapping led to the suspension of drilling operations, which contributed to a temporary rise in global oil prices.[1274]
4	22 November 2006	MEND attacked the FSPO MYSTRAS near Rivers State, resulting in the kidnapping of seven oil workers. During transit to the hostage camp, the militants' speedboat was intercepted and engaged by the Nigerian Navy rescue operation, resulting in crossfire between the navy and the militant group.	Resulted in the death of a British hostage and serious injury to an Italian. Two of the kidnappers and one Nigerian soldier also died in the exchange of gunfire.[1275]
5	8 January 2008	Four oil company vessels were attacked by MEND in the Bonny River outside Onne Port.	Two crew members sustained very serious injuries.[1276]
6	3 May 2008	Armed men in five speedboats attacked the AHTS SEABULK TOUCAN at approximately 15NM south of the coast of Rivers State	Robbed the crew and kidnapped the captain and the 2nd engineer. The two Abducted crew members were subsequently released the next day,

[1274] The Guardian, Kidnappers release British oil worker, *The Guardian* (UK, 5 June 2006)
[1275] The Guardian, Seized British oil worker killed during rescue attempt, *The Guardian* (UK, 23 November 2006); Al Jazeera News, Oil worker killed in Niger Delta: Brighton killed as Nigerian security forces free seven kidnapped oil workers, Al Jazeera (Nigeria, 22 November 2006).
[1276] Ahamefula Ogbu, Nigeria: Mend Claims Responsibility for Bonny Attack, This Day (Nigeria, 11 January 2008)

			though the terms of their release were not made public.[1277]
7	19 December 2008	Pirates attacked and boarded the FALCON CREST oil tanker offshore Bakassi, Cameroon.	After looting the vessel, the pirates injured two crew members and killed the captain.[1278]
8	3 January 2009	A pirate attacked and boarded a BOURBON vessel offshore Bayelsa state, then hijacked and moved the vessel to the creeks.	The vessel and nine crew were looted for three days before their final release.[1279]
9	7 September 2009	Pirates attacked and boarded the TRUMPER vessel near Escravos, Niger Delta, Nigeria.	The pirates robbed the vessel and shot several times, resulting in the injury of the second mate of the vessel, a Dutch female seafarer.[1280]

These attacks of piracy activities resonated around the world and marked an exception to the usual characteristics of maritime incidents, as most of the incidents occurred within 35 nautical miles from the shore, targeting oil and gas support vessels mainly.[1281] A major trend was the shift from small-scale theft to oil-related assets, and increasingly attacks on oil platforms, offshore support vessels, including hijacking of product tankers and large-scale siphoning of

[1277] Tradewinds News, Maritime Incidents off Nigeria in 2008, 10 July 2008
[1278] UNODC, Pirates of the Niger Delta: Between Brown and Blue Waters, Global Maritime Crime Programme of UNODC, 9 June 2021
[1279] Reuters, Oil vessel, nine crew released in Nigeria – company 7 January 2009 Oil vessel, nine crew released in Nigeria -company | Reuters accessed 22/8/2025; UNODC, Ibid
[1280] UNODC, n 1272
[1281] See table 2 in the Appendix: Some case studies of attacks carried out by MEND in 2006 and their consequences

oil.[1282] Attacks were often blended with political protest (against oil companies and the government), with large revenue generation through oil bunkering and ransom. Consequently, several news reports confirmed numerous high-profile kidnappings of foreign oil workers by MEND and other militant groups between 2006 and 2009, resulting in hundreds of people being taken hostage during this period.[1283]

The persistence of piracy in this region and attacks on oil installations led to massive losses and a significant decline in the nation's oil production, especially between 2006 and 2009.[1284] While this impacts the state's revenues, it also makes the black-market sales of petroleum products in West Africa a booming, lucrative business.[1285] This involves a complex network of diverse actors, including maritime pirates, corrupt government officials, oil industry personnel, and military personnel, to promote the sale of stolen petroleum products, thereby enhancing the profitability of maritime criminal activities.[1286] The profitability of this illegal maritime trade increased the frequency of attacks on petroleum tankers, making these vessels carrying petroleum products a primary target for maritime piracy.[1287] Consequently, the piracy trend in

[1282] Aning K, 'Maritime Piracy in the Gulf of Guinea' (2008) 8 Conflict, Security & Development, 321-337

[1283] David Pallister, £21m ransom demand for oil workers kidnapped in Nigeria, *The Guardian* (UK, 7 October 2006); Al Jazeera News, Expat oil workers kidnapped in Nigeria: Eight Western oil workers have been kidnapped from an offshore oil rig in Nigeria, Al Jazeera (Nigeria, 2 June 2006); BBC, Oil workers kidnapped in Nigeria, BBC (Nigeria, 4 July 2007); The Guardian, Raid frees oil workers taken hostage in Nigeria, The Guardian (UK, 18 November 2010)

[1284] H.A. Umar, and others, 'Environmental and socioeconomic impacts of pipeline transport interdiction in Niger Delta, Nigeria', (2021) 7 Heliyon; UNODC, n 1272.

[1285] Richard Osadume, Anthony J. Okene and Jude O. Ikubor, 'Impact of Maritime Security Threats on Nigeria Economic Growth' (2024) 21 Journal of Maritime Research, 335; Silva Opuala-Charles, 'Infrastructural Protection, Security, and Prevention of Oil Theft in the Niger Delta' (2025) 8 International Journal of Social Science and Management Review, 17.

[1286] United Nations Office on Drugs and Crime (UNODC Country Office Nigeria), Maritime Piracy in the Gulf of Guinea, n 54; Evelyn Usman, "Top Government Officials, Politicians Contracted Up–Sea Pirates," Confessional statement of Bless Nube's cited in *Vanguard* (Nigeria, 12 December 2012); UN Integrated Regional Information Network (IRIN), 'NIGERIA: Conviction of Admirals Confirms Navy Role in Oil Theft,' 7 January 2005; Mike Oduniyi, 'EFCC Now to Prosecute Oil Thieves Nigeria Loses 55,000 bpd to Bunkering,' This Day, (Nigeria, 19 July 2004); Nirit Ben-Ari, 'Piracy in West Africa: A Bumpy Road to Maritime Security' 19 November 2013, United Nations Africa Renewal

[1287] The United Nations Office on Drugs and Crime (UNODC), Maritime Piracy in the Gulf of Guinea, West_Africa_TOC_PIRACY.pdf Accessed on 11/7/2025; Stephen Starr, 'Maritime Piracy on the Rise

West Africa in the 2000s became petro-piracy, which involves majorly hijacking oil vessels or cargoes for the purpose of selling the oil products and the introduction of kidnapping crew members for ransom.[1288]

To suppress maritime insecurity in the region, the Nigerian government introduced private security and the Joint Task Force (JTF), comprising the police and military.[1289] However, these government interventions intensified grievances, resulting in clashes and fierce exchanges of gunfire between pirate groups and the Nigerian military.[1290] As shown in Fig. 1, the period between 2006 and 2009 witnessed a peak in piracy insurgency activism, evidenced by numerous attacks against oil and gas offshore installations and vessels and several threats, resulting in a significant decrease in Nigeria's oil production. For instance, the Atlas Cove terminal attack in Lagos on 11 July 2009 by MEND and several other attacks crippled Nigeria's economy, compelling the Nigerian government to propose a ceasefire agreement.[1291]

To address the issue, the Nigerian government introduced an amnesty programme aimed at demobilising militant groups and reducing attacks on oil infrastructure.[1292] The programme

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in West Africa (2014) 7 Combating Terrorism Center at the West Point Maritime Piracy on the Rise in West Africa - Combating Terrorism Center at West Point Accessed 13/7/2025

[1288] UNODC, Maritime piracy in the Gulf of Guinea 2013, n 54; Hakeem O Yusuf, 'Oil on troubled waters: multi-national corporations and realising human rights in the developing world, with specific reference to Nigeria' (2008) 8 African Human Rights Law Journal; Michael Watts, Petro-Insurgency or Criminal Syndicate? Niger Delta Economies of Violence Working Papers No. 16 (Berkeley, CA: Institute of International Studies, 2008), 29.

[1289] Opeoluwa Adisa Oluyemi, 'The Military Dimension of Niger Delta Crisis and Its Implications on Nigeria National Security' (2020) 10 Sage Open Journal, https://journals.sagepub.com/doi/pdf/10.1177/2158244020922895 Accessed 24/12/2025; Henry Chiedu Irabor, Mabuyi Gumede & Stanley Osezua Ehiane, 'The Niger Delta Conflict in Nigeria: Could Federalism Be the Cause?' In: Stanley Osezua Ehiane, Lukong Stella Shulika, and Clayton Hazvinei Vhumbunu, (eds) *Engagement of Africa in Conflict Dynamics and Peace Architectures*. (Palgrave Macmillan, Singapore, 2024), 121.

[1290] Samuel Oyewole, 'Flying and bombing: the contributions of air power to security and crisis management in the Niger Delta region of Nigeria'(2018) 18 Defence Studies, 514-537; Amnesty International, Tens of thousands caught in crossfire in Niger Delta fighting, 21 May 2009; Richard Moncrieff, Niger Delta Fumble, 10 Junee 2009, International Crisis Group (ICG)

[1291] Emma Amaize, and others, Atlas Cove: MEND cripples fuel supply chain, Vanguard (Nigeria, 14 July 2009)

[1292] The Guardian, Nigeria begins amnesty for Niger Delta militants, *The Guardian*, (UK, 6 August 2009); IRB-Immigration and Refugee Board of Canada, Government amnesty program for Niger Delta

offered militants monetary incentives in exchange for surrendering their weapons and participating in rehabilitation and vocational training schemes.[1293] The programme provided monthly stipends as part of broader disarmament, demobilisation, and reintegration efforts.[1294] In addition, the government awarded security contracts to selected former militant leaders to support the protection of critical oil infrastructure. One such contract, reportedly valued at approximately US$9 million, was awarded to former militant leader Asari Dokubo.[1295] While these measures contributed to a decline in militant activity and improved stability in the Niger Delta in the short term, they did not fully resolve the structural challenges underlying the conflict. Issues such as environmental degradation, unemployment, poverty, perceived inequities in resource distribution, and weaknesses in governance remained largely unaddressed. As a result, conditions conducive to maritime insecurity and other forms of criminal activity continued to exist within the region.[1296]

Despite the relative success of the amnesty programme in reducing militant violence in the short term, opposition from some militant factions and the persistence of underlying grievances contributed to continued insecurity in the region. During the years that followed, several significant attacks targeting maritime and oil-industry assets were reported. These included the

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Militants, particularly with respect to the Movement for the Emancipation of the Niger Delta (MEND) (2009-August 2011) NGA103789.FE, 5 August 2011, Document No: 1160710; BBC News, Nigeria offers militants amnesty, *BBC News*, (Africa,26 June 2009).

[1293] BBC News, Nigeria offers militants amnesty, *BBC News*, (Africa,26 June 2009)
[1294] Will Ross, Has Nigeria's Niger Delta managed to buy peace? *BBC News* (Africa, 1 May 2013); Mayowa Tijani, CBN 'to pay' ex-militants directly as Buhari resumes amnesty payments, The Cabe, (Nigeria, 2 August 2016)
[1295] Drew Hinshaw, "Nigeria's former oil bandits now draw government cash," The Wall Street Journal, (21 August 2012).
[1296] Tarila Marclint Ebiede, Arnim Langer, and Jale Tosun, 'Disarmament, Demobilisation, and Reintegration: Analysing the Outcomes of Nigeria's Post-Amnesty Programme' 2020) 9 Stability: International Journal of Security and Development, 4-6; Al Jazeera News, Nigeria fighters threaten return, *Al Jazeera News* (Nigeria, 15 February 2010); Ekumaoko, Chijioke Egwu, 'The amnesty question in post-conflict Niger Delta and peace building' (2013) 2 Arabian Journal of Business and Management Review (OMAN Chapter); Lauwo Sarah George, and others, 'Counter-conducting environmental injustices and (un)accountability: Ken Saro Wiwa's accounts of the Ogoni's Struggle for emancipation (2023) 36 Accounting, Auditing & accountability Journal, 1637-1664.

attack on a Chevron pipeline on 10 January 2010, which reportedly resulted in the loss of approximately 77,000 barrels of crude oil per day through supply disruptions and spillage.[1297] Other incidents included the hijacking of the oil tanker Abu Dhabi off the Nigerian coast and the theft of large quantities of crude oil. In October 2012, the offshore support vessel Bourbon Liberty 249 was hijacked and its seven crew members abducted; they were subsequently released in November 2012 following the alleged payment of a ransom.[1298] Similar attacks were also recorded elsewhere in the Gulf of Guinea, including the hijacking of an oil tanker off the coast of Côte d'Ivoire, during which a substantial quantity of oil was stolen and 25 crew members were kidnapped.[1299] Likewise, the attack on the tanker MT PM Salem resulted in the death of one crew member and serious injuries to others.[1300] These incidents demonstrate the continued prevalence of piracy, kidnapping, oil theft, and other forms of maritime crime in the Gulf of Guinea despite efforts to stabilise the Niger Delta.

Therefore, although piracy reports for 2009 indicated a slight reduction in the number of incidents compared with 2007 and 2008, maritime insecurity in the region remained a significant concern.[1301] During this period, militant groups, including the Movement for the Emancipation of the Niger Delta (MEND), increasingly shifted their activities from attacks on oil infrastructure towards piracy-related offences, particularly the kidnapping of seafarers,

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[1297] Oscar Ubhenin, 'The Federal Government's Amnesty Programme in the Niger Delta: An Appraisal' (2013) 11 Journal of Administrative Sciences; Tarila Marclint Ebiede, Arnim Langer, Jale Tosun, 'Disarmament, demobilisation, and reintegration: Analysing the outcomes of Nigeria's Post-Amnesty (2020) 9 Stability International Journal of Security & Development; Benjamin A. Okonofua, 'The Niger Delta Amnesty Program: The Challenges of Transitioning From Peace Settlements to Long-Term Peace' (2016) Sage Journal, 1-16; Associated Press-Lagos Nigeria, Gunmen attack pipeline in Nigeria, The New York Times (New York, 9 January 2010); Gambrell, Nigeria navy retakes hijacked oil tanker off coast, Arab News (Saudi Arabia, 6 September 2012)

[1298] Associated Press-Lagos Nigeria, Gunmen attack ship and capture 7 sailors, French oil company says, Fox News (USA, 17 October 2012); Bourbon Press Release, Liberation of the 7 crew members abducted in Nigeria on October 15, 2012, 1 November 2012.

[1299] BBC, Ivory Coast: ITRI oil tanker seized off Abidjan, BBC (UK, 21 January 2013)

[1300] Voice of America News (VOA), Pirates hijack oil tanker off Nigeria coast, VOA (Africa, 5 September 2012)

[1301] See Fig 1; IMO, Acts of Piracy and Armed Robbery Report, 2009; ICC-IMB, Piracy and Armed Robbery against Ships, Annual Report 2009

hijacking of vessels, and theft of oil cargoes. This development contributed to a marked increase in piracy and armed robbery against ships in the Gulf of Guinea, particularly in Nigerian waters.[1302] The period also witnessed a gradual expansion of attacks beyond territorial waters, with criminal groups increasingly targeting cargo vessels and oil tankers operating offshore.[1303] Between 2000 and 2010, a total of 3,995 piracy incidents were reported globally, of which 519 occurred in West Africa, representing approximately 13 per cent of the worldwide total.[1304] Compared with the 140 incidents recorded between 1984 and 2000, this represents a substantial increase in regional piracy activity.[1305] The escalation of attacks during this period highlights how unresolved political grievances, economic deprivation, environmental degradation, and weaknesses in maritime governance contributed to the persistence and transformation of maritime insecurity in the Gulf of Guinea.

The mid-2010s marked a significant turning point in the development of piracy in the Gulf of Guinea, as pirate activities expanded beyond Nigerian waters into neighbouring maritime zones, including those of Benin, Togo, Ghana, Cameroon, and Côte d'Ivoire.[1306] This geographical expansion coincided with an important tactical shift from cargo theft and petro-piracy towards kidnapping-for-ransom operations, which subsequently emerged as the dominant form of maritime crime in the region.[1307] The period also witnessed a diversification of criminal activities, with maritime offenders engaging not only in petty theft and armed

[1302] Kamal-Deen, Ali, 'The Anatomy of Gulf of Guinea Piracy', (2015) 68 Naval War College Review, Article 7

[1303] Kamal-Deen Ali, 'Gulf of Guinea Piracy: The Old, the New and the Dark Shades, Maritime Governance Brief (2020) 2 Centre for Maritime Law and Security; Nigeria National Security, Africa Research Bulletin-18624, (Nigeria, Blackwell Publishing Ltd. 2010)

[1304] IMO, Annual Report of Piracy and Armed Robbery against Ships from 2000 to 2010, n 17

[1305] Ibid

[1306] Matthew Fiorelli, Piracy in Africa: The Case of the Gulf of Guinea, August 2014, Kofi Annan International Peacekeeping Training Centre (KAIPTC) Occasional Paper No. 37, p. 8; International Crisis Group (ICG), The Gulf of Guinea: The New Danger Zone, 12 December 2012, Africa Report N°195, 12 -19 , at13

[1307] Ali Kamal-Deen, 'The Anatomy of Gulf of Guinea Piracy' (2015) 68 Naval War College Review, 100

robbery at anchorages, but also in the hijacking of vessels for cargo theft, the kidnapping of crew members for ransom, illegal oil bunkering, attacks on offshore oil installations, and assaults on offshore support vessels.[1308] The growing sophistication of organised criminal networks, their ability to operate across national boundaries, and, in some instances, the alleged complicity of public officials, facilitated the expansion of these activities. Consequently, the expansion and transformation of piracy in the Gulf of Guinea highlighted the limitations of existing maritime governance arrangements and underscored the importance of effective regional cooperation, institutional capacity, and coordinated enforcement mechanisms in addressing maritime insecurity.

6.3.1 Geographic Spread and Migration of Piracy in the Gulf of Guinea

Although piracy and armed robbery against ships were initially concentrated in Nigerian waters, this pattern changed significantly during the period between 2011 and 2020.[1309] While relatively few incidents were recorded elsewhere in the Gulf of Guinea during the early 2000s,[1310] piracy operations gradually expanded beyond Nigeria to encompass several coastal states, including Angola, Benin, Cameroon, Equatorial Guinea, Ghana, Guinea, Côte d'Ivoire, Togo, and the Republic of the Congo.[1311] This geographical diffusion suggests that maritime piracy in the Gulf of Guinea evolved from a predominantly localised Nigerian security challenge into a transnational threat affecting the wider West African maritime domain.[1312]

[1308] United Nations Office on Drugs and Crime (UNODC), Transnational Organized Crime in West Africa: A Threat Assessment, February 2013, 45

[1309] Chijioke .J. Nwalozie, 'Exploring contemporary sea piracy in Nigeria, the Niger Delta and the Gulf of Guinea, (2020) 13 Journal of Transport Security, 159-178; Lisa Otto, 'Westward Ho! The evolution of maritime piracy in Nigeria (2014) 13 Portuguese Journal of Social Sciences; Stephen Starr, 'Maritime piracy on the rise in West Africa' (2014) 7 Combating Terrorism Center

[1310] Togo, Benin, Equatorial Guinea, and Ghana

[1311] ICC-CCS, Piracy attacks in East and West Africa dominate the world report, Piracy attacks in East and West Africa dominate world report – ICC – Commercial Crime Services Accessed 22/8/2025; ICC-IMB 2020 Piracy report, n 1318

[1312] ICC-CCS, Piracy increasing in West Africa, latest report shows, 2012.

Rather than reflecting a reduction in piracy, the dispersal of attacks across multiple jurisdictions appears to have facilitated the growth of organised maritime criminal networks capable of operating beyond national boundaries. The emergence of new piracy hotspots in countries such as Côte d'Ivoire, Benin, Togo, Cameroon, and the Republic of the Congo demonstrates the adaptive nature of these networks and their ability to exploit differences in maritime governance and enforcement capacity across the region.[1313] Consequently, the expansion, increasing sophistication, and violent character of piracy operations contributed to the Gulf of Guinea being recognised as one of the most dangerous maritime regions in the world for seafarers and commercial shipping.[1314]

6.4 Anti-Piracy Interventions and Responses

The rise of piracy and armed robbery against ships in West Africa exposed significant weaknesses in maritime governance, law enforcement capacity, and regional security cooperation. In response, states, regional organisations, and international partners developed a range of counter-piracy measures aimed at enhancing maritime domain awareness, strengthening legal frameworks, improving operational capabilities, and promoting regional cooperation. The following section examines these interventions and evaluates their effectiveness in addressing maritime insecurity in the Gulf of Guinea.

[1313] ICC-IMB, IMB Piracy Report 2018: Attacks multiply in the Gulf of Guinea, 16 January 2019, Malaysia.
[1314] BBC, Piracy in West Africa: The world's most dangerous seas? *BBC* (UK, 19 June 2019); Whitney Akhahenda, and others, 'Analysis of maritime piracy trends and patterns using spatial autocorrelation in Africa (2024) 8 Journal of International Maritime Safety, Environmental Affairs and Shipping, 1

6.4.1 Counter-Piracy Efforts in West Africa

Counter-piracy efforts in West Africa have expanded significantly over the past two decades as the Gulf of Guinea emerged as one of the world's most piracy-prone regions.[1315] Unlike the Somali case, where extensive international naval deployments played a central role, responses in the Gulf of Guinea have been largely state-led and shaped by the region's jurisdictional and governance realities. Coastal states, supported by regional and international partners, have adopted a range of legal, operational, and institutional measures aimed at preventing maritime attacks, improving maritime domain awareness, strengthening law enforcement capacity, and enhancing the security of maritime trade routes.

The nature of counter-piracy responses in West Africa reflects the distinct characteristics of piracy in the region. As shown in the piracy dataset, a substantial proportion of attacks occur within territorial waters and exclusive economic zones rather than on the high seas, responsibility for combating piracy rests primarily with coastal states.[1316] Consequently, efforts have focused on strengthening national maritime institutions, enhancing naval and coastguard capabilities, improving surveillance systems, and developing legal frameworks capable of facilitating the investigation and prosecution of maritime offenders.[1317] These measures have been complemented by initiatives aimed at promoting information sharing, intelligence

[1315] Maisie Pigeon, Atlantic piracy, current threats, and maritime governance in the Gulf of Guinea, 21 July 2025, Issue Brief, Atlantic Council; United Nations Meeting Coverage and Press Release, Piracy, Armed Robbery Declining in Gulf of Guinea, But Enhanced National, Regional Efforts Needed for Stable Maritime Security, Top Official Tells Security Council, 22 November 2022, SC/15113, UN; Kempton Baldridge, Piracy in the Gulf of Guinea: Progress and Future Challenges: The MOC, 7 August 2025, Centre for Maritime Strategy.

[1316] IMO, Reports on Piracy, n 17

[1317] Secretary of State for Defence, The UK National Strategy for Maritime Security, Cm 8829, May 2014, HM Government The UK National Strategy for Maritime Security Cm 8829 Accessed 26 January 2026; Department for Transport and Environment, 'Policy paper: National maritime security strategy' 15 August 2022, Gov. UK, National maritime security strategy - GOV.UK Accessed 28 January 2026

gathering, and coordinated maritime security operations among states within the Gulf of Guinea.[1318]

The effectiveness of these interventions has been mixed but generally positive. Available evidence suggests that improved maritime patrols, enhanced surveillance capabilities, increased naval presence, and greater inter-state cooperation have contributed to a decline in reported piracy incidents in recent years.[1319] The reduction in successful attacks, particularly after 2020, indicates that sustained security interventions can disrupt pirate networks and increase the risks associated with maritime criminal activities. However, the persistence of maritime kidnappings in the region demonstrates that piracy remains closely linked to broader governance, economic, and security challenges within the region.

Despite these improvements, significant obstacles continue to undermine the long-term effectiveness of counter-piracy efforts. Many coastal states face constraints relating to inadequate funding, limited maritime assets, insufficient surveillance coverage, and shortages of trained personnel. Weak institutional capacity, corruption, fragmented enforcement mechanisms, and difficulties in prosecuting maritime offenders further reduce the deterrent effect of maritime security initiatives.[1320] In addition, the transnational nature of piracy networks often complicates jurisdictional authority and law enforcement cooperation, enabling offenders to exploit gaps in national legal and operational frameworks.

As a result, while counter-piracy efforts have contributed to measurable improvements in maritime security across West Africa, their overall success remains dependent on the continued

[1318] United Nations Office of Drug and Crime (UNODC), Global Maritime Crime Programme, Briefing Package 2025 briefing_package_2025_en_web_version.pdf Accessed on 12 February 2026

[1319] Nigerian Maritime Administration and Safety Agency (NIMASA), IMO Secretary-General Commends Nigeria's Maritime Security Gains, Deep Blue Project, and Blue Economy Policy IMO Secretary-General Commends Nigeria's Maritime Security Gains, Deep Blue Project, and Blue Economy Policy | NIMASA Accessed 19 February 2026; Anozie Egole, Nigeria exposed to maritime insecurity – NIMASA, *Punch Newspaper* (Nigeria, 2 September 2025)

[1320] Rossella Marangio, Deep Waters: The maritime security landscape in the Gulf of Guinea, Brief/1, January 2025, European Union Institute of Security Studies (EUISS); Maisie Pigeon, Atlantic piracy, current threats, and maritime governance in the Gulf of Guinea, 21 July 2025, Atlantic Council, Africa Center.

development of effective legal frameworks, stronger institutional capacities, and sustained regional and international cooperation. The following sections examine the legal and cooperative dimensions of these responses in greater detail, beginning with the application of the United Nations Convention on the Law of the Sea (UNCLOS) to piracy in the Gulf of Guinea.

6.4.2 Application of UNCLOS to piracy in West Africa (Gulf of Guinea)

The application of the United Nations Convention on the Law of the Sea (UNCLOS) to piracy in the Gulf of Guinea presents unique legal and operational challenges. Unlike piracy off the Horn of Africa, where attacks frequently occurred on the high seas and the absence of effective governance facilitated extensive international military intervention, most incidents in West Africa have taken place within territorial waters or near coastal zones, as shown in Figure 13. Consequently, many attacks fall outside the strict definition of piracy under Article 101 of UNCLOS, which limits piracy to illegal acts committed on the high seas or outside the jurisdiction of any state. As a result, a significant proportion of maritime attacks in the region are legally classified as armed robbery against ships, placing primary responsibility for enforcement, investigation, and prosecution on coastal states.[1321]

This jurisdictional limitation has important implications for maritime security in the Gulf of Guinea. Presently, the region emerged as the global epicentre of maritime kidnappings for ransom, accounting for a substantial share of kidnapping for ransom globally.[1322] The persistence of these crimes highlighted the limitations of UNCLOS and related international legal instruments, including the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention), in addressing attacks occurring within

[1321] IMO, Code of Practice for Investigation of Crimes of Piracy and Armed Robbery against Ships, Resolution A. 1025 (26), Agenda Item 10, 2 December 2009, published on 18 January 2010.
[1322] ICC, Gulf of Guinea remains world's piracy hotspot in 2021, according to IMB's latest figures, 14 April 2021, ICC, Global Governance News

national maritime zones. In response, the United Nations adopted a series of resolutions encouraging greater regional cooperation, stronger domestic legal frameworks, and enhanced prosecution of maritime offenders.[1323] Therefore, the continued occurrence of piracy and armed robbery against ships exposed the vulnerabilities of coastal states with limited maritime governance and enforcement capacities.

6.4.3 **Regional and International Cooperative Mechanisms and Initiatives**

The adoption of the Yaoundé Code of Conduct (YCoC) in 2013 marked a significant milestone in the development of regional maritime governance in the Gulf of Guinea.[1324] The framework was designed to enhance cooperation among West and Central African states through information sharing, intelligence exchange, coordinated maritime operations, and the harmonisation of legal and institutional responses to maritime crime.[1325] As a result, the YCoC has become the principal regional framework guiding efforts to combat piracy, armed robbery against ships, and other forms of maritime insecurity within the region. Through the establishment of coordination centres and information-sharing mechanisms, the framework has contributed to improved maritime domain awareness and facilitated greater collaboration among participating states.

Despite these achievements, the implementation of the YCoC has been uneven. Significant variations in state capacity, limited financial resources, inadequate maritime assets, and

[1323] United Nations Security Council, Resolution 2039 (2012), adopted by the Security Council at its 6727th meeting, on 29 February 2012, S/RES/2039 (2012); United Nations Security Council, Resolution 2634 (2022), adopted on 31 May 2022, S/RES/2634 (2022)

[1324] Yaoundé Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and illicit Maritime Activity in West and Central Africa (West and Central Africa including the Gulf of Guinea) (adopted in Yaoundé, Cameroon, June 2013); IMO, Maritime security in West and Central Africa; Security Council Report, Briefing on Maritime Security in the Gulf of Guinea, 20 June 2023, Security Council Report.

[1325] Angola, Republic of Benin, Cameroon, Burkina Faso, Cape Verde, Central African Republic, Congo, Cote d'Ivoire, Democratic Republic of Congo, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Niger, Equatorial Guinea, Mali, Nigeria, Sao Tome and Principe, Sierra Leone, Togo, Senegal, Chad

persistent political tensions have constrained the effectiveness of the framework.[1326] In addition, the non-binding nature of the YCoC has limited its ability to ensure uniform implementation across participating states. Consequently, disparities in national legislation, law enforcement capabilities, prosecution mechanisms, and information-sharing practices continue to undermine efforts to achieve a coherent and coordinated regional response to piracy and maritime crime.

International actors have also played an important role in supporting regional maritime security initiatives. Organisations such as the International Maritime Organization (IMO), the United Nations Office on Drugs and Crime (UNODC), the European Union (EU), and other development partners have provided technical assistance, training programmes, operational support, and capacity-building initiatives aimed at strengthening maritime governance and law enforcement capabilities.[1327] These interventions have contributed to improvements in surveillance, institutional development, legal reform, and the professionalisation of maritime security agencies across the region.

However, the sustainability of these gains remains uncertain due to continued dependence on external assistance.[1328] Many Gulf of Guinea states continue to face challenges associated with

[1326] Kabiru Tanimu, 'The 2013 Yaounde code of conduct: an evaluation' (2024) 3 International Journal of Maritime Crime & Security (IJMCS), 56

[1327] Ken Ifesinachi, and Chiodiri Nwangwu, 'Implementation of the Yaoundé Code of Conduct and Maritime Security in the Gulf of Guinea', (2015) 5 Research on Humanities and Social Sciences, 54-64; United Nations Security Council, Report of the Secretary-General on the Situation of piracy and armed robbery at sea in the Gulf of Guinea and its underlying causes, 1 November 2022, S/2022/818

[1328] Malaquias Assis, Yaoundé Code of Conduct Maritime Zones A & D Workshop: Advancing Maritime Security in the Gulf of Guinea,27 November 2024, Africa Center for Strategic Studies. United States of America; Africa Center for Strategic Studies; Tyler Barker, Enhancing Maritime Domain Awareness: Obangame Express bolsters Africa's Yaoundé Code of Conduct, 9/May 2024, America's Navy; UNODC, Support to West Africa Integrated Maritime Security (SWAIMS) December 2024, GLOW63 SEGMENT, United Nations Office of Drugs and Crime Independent Project Evaluation; Ecowas Integrated Maritime Strategy (EIMS) August 2014, Articles 42 and 43; Maritime Organization of West and Central Africa (MOWCA) (Adopted in Abidjan on 7 May 1975, amended on 6 August 1999); Africa Centre for Strategic Studies, Yaounde Code of Conduct Maritime Zones A & D Workshop Executive Summary, 10-13 December 2024, Luanda, Angola; United Nations Regional Office for Central Africa (UNOCA), UNOWAS, UNOCA and UNODC support the development of actions plans for the evaluation of the code of conduct and architecure of Gulf of Guinea Maritime Security, 16 August 2023;

weak maritime domain awareness, limited surveillance infrastructure, shortages of trained personnel, and inadequate financial resources.[1329] In addition, political distrust, unresolved maritime boundary disputes, and concerns regarding sovereignty often discourage the sharing of sensitive intelligence and hinder the conduct of fully integrated joint maritime operations.[1330] Furthermore, weak judicial systems, inconsistent domestic legal frameworks, and difficulties in the prosecution of maritime offenders continue to create significant enforcement gaps.[1331] In several states, the absence or inadequate implementation of legislation criminalising piracy and armed robbery against ships has limited the ability of national authorities to effectively prosecute suspected offenders.[1332] These deficiencies contribute to impunity, weaken deterrence, and constrain the level of interoperability and cooperation required for effective regional maritime security operations.[1333] Consequently, while regional and international cooperative initiatives have contributed substantially to the reduction of piracy incidents in the Gulf of Guinea, their long-term effectiveness remains dependent on stronger domestic

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European Commission, Joint Staff Working Document: Elements on an update of the EU Strategy on the Gulf of Guinea, Brussels, 10.10.2022, SWD (2022) 339 final.

[1329] Timothy Walker, Enhancing maritime domain awareness in Africa, October 2015, Policy Brief 79, Institute for Security Studies; Stephanie Oserwa Schandorf, 'Reimagining counter-piracy efforts in the Gulf of Guinea: Lessons from the theory of infrastructure for coordination and information sharing' (2024) 33 African Security Review, 403–419.

[1330] Kabiru Tanimu, 'The 2013 Yaounde code of conduct: an evaluation' (2024) 3 International Journal of Maritime Crime and Security (IJMCS), 56; DCAF- Department of Foreign Affairs, Context and stakeholder analysis of maritime security and justice in the Gulf of Guinea, August 2023, Final Report; *(States with boundary disputes in the Gulf of Guinea include Nigeria/Cameroon (Bakassi Peninsula Maritime dispute), Gabon/Equatorial Guinea (dispute over several Islands), Ghana/Ivory Coast, Guinea/Sierra Leone, Equatorial Guinea/Sao Tome & Principe, and Guinea-Bissau/Senegal.);* Ken Ifesinachi and Chikodiri Nwangwu, 'Implementation of the Yaounde Code of Conduct and Maritime Insecurity in the Gulf of Guinea' (2015) 5 Research on Humanities and Social Sciences, 54; Chikodiri Nwangwu, 'Implementation of the Yaounde Code of Conduct and Maritime Insecurity in the Gulf of Guinea' (2015) 5 Research on Humanities and Social Sciences, 54

[1331] Bradley Beckley Ndibnu, The Legal Frameworks and Challenges in Addressing Maritime Security in the Gulf of Guinea: A comparative Study, 2024, United Nations – The Nippon Foundation of Japan Fellowship Programme 2024

[1332] Only a few states in the region, including Nigeria, Togo, Cameroon have elaborate maritime security law.

[1333] Ken Ifesinachi and Chikodiri Nwangwu, 'Implementation of the Yaounde Code of Conduct and Maritime Insecurity in the Gulf of Guinea' (2015) 5 Research on Humanities and Social Sciences, 54; Chikodiri Nwangwu, 'Implementation of the Yaounde Code of Conduct and Maritime Insecurity in the Gulf of Guinea' (2015) 5 Research on Humanities and Social Sciences, 54

institutions, sustainable funding mechanisms, and greater legal and operational harmonisation among participating states.

6.4.4 Nigerian Counter-Piracy Law and Projects

Nigeria's response to piracy has involved a combination of legislative reforms, operational enhancements, and public-private security initiatives. Among the most significant developments was the enactment of the Suppression of Piracy and Other Maritime Offences (SPOMO) Act 2019, which represented a landmark step in strengthening Nigeria's legal framework against maritime crime.[1334] By domesticating key aspects of the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), the Act established a comprehensive legal basis for the prosecution of piracy and related maritime offences. The legislation also introduced severe criminal sanctions, including lengthy prison terms and substantial financial penalties, thereby addressing a longstanding legislative gap in Nigeria's maritime security architecture.[1335]

Despite its significance, the effectiveness of the SPOMO Act depends not only on its existence but also on its implementation. The practical application of the Act was first tested in *Federal Republic of Nigeria v. Binaebi Johnson and Others*,[1336] the first piracy prosecution and conviction in the Gulf of Guinea under the SPOMO regime. While the case was widely celebrated as a milestone in regional maritime law enforcement, concerns emerged regarding the interpretation and application of the sentencing provisions.[1337] The court imposed a

[1334] Suppression of Piracy and Other Maritime Offences Act (SPOMO) 2019
[1335] Ibid, s. 12
[1336] FHC/PH/62C/2020 (Unreported)
[1337] Aaron Ologe and Ejovwo Humphrey, 'An Analysis of Piracy Provisions Under Nigeria's 2019 Suppression of Piracy Act' (2023) 2 Journal of Refugee Law and International Criminal Justice, 22-33, at 27; Kalu Kinsgley Anele, 'Repressing Piracy off the Nigerian Waters: Lessons from Korea' (2021) 8 Maritime Safety and Security Law Journal, 8-28.

sentence of twelve years' imprisonment with an option of a fine of ₦200,000, a decision that many maritime law scholars have criticised as inconsistent with the penalties prescribed under the SPOMO Act.[1338] Such inconsistencies have raised broader concerns regarding judicial capacity, legal interpretation, and the extent to which the legislation can achieve its intended deterrent effect.

Additional concerns arise from the institutional design of the SPOMO Act. As a stand-alone statute, the Act operates largely independently of other domestic maritime and criminal justice legislation, creating challenges relating to jurisdiction, coordination, and enforcement.[1339] Furthermore, the legislation provides limited guidance regarding the operational responsibilities of the various agencies involved in maritime security, including intelligence gathering, investigation, interdiction, and prosecution. These gaps have occasionally contributed to inter-agency rivalry and coordination difficulties, thereby limiting the Act's overall effectiveness.[1340] More importantly, the legislation focuses primarily on the criminalisation and prosecution of piracy rather than addressing the underlying socio-economic and governance factors that contribute to maritime crime.[1341]

Complementing these legislative reforms, Nigeria adopted a few operational initiatives aimed at enhancing maritime security capabilities. A notable example is the Deep Blue Project, launched in 2021 at a reported cost of approximately US$195 million.[1342] The project introduced an integrated security architecture comprising maritime patrol vessels, special mission aircraft, unmanned aerial vehicles, coastal surveillance infrastructure, and command-

[1338] SPOMO Act, s. 12(1)(5)
[1339] Kempton Baldridge, Piracy in the Gulf of Guinea: Progress and Future Challenges: The MOC, 7 August 2025, Center for Maritime Strategy; Maurice Ogbonnaya, Nigeria's anti-piracy law misses the mark, 7 May 2020, Institute for Security Studies (ISS)
[1340] SPOMO Act, ss 7 (1), 8(1)(2), and 9(2)(3)(4)
[1341] Chijioke J. Nwalozie, 'Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea' (2020) 13 Journal of Transportation Security, 159
[1342] Nigeria Maritime Administration and Safety Agency (NIMASA), Deep Blue Project: Facing Maritime Seucirty Head-On, The Voyage, Vol. 8, No. 4, 2020

and-control systems designed to monitor and respond to maritime threats.[1343] These assets were deployed alongside existing naval and military resources to strengthen maritime domain awareness and improve response capabilities within Nigerian waters and the wider Gulf of Guinea.

Further efforts to strengthen maritime security were introduced through collaborative arrangements involving both public and private stakeholders. In 2022, the Nigerian government expanded cooperation with international shipping interests through the Nigerian Industry Working Group (NIWG), which brought together the Nigerian Maritime Administration and Safety Agency (NIMASA), the Nigerian Navy, international shipping companies, BIMCO, the European Union, and other stakeholders.[1344] These partnerships sought to improve communication, facilitate information sharing, enhance maritime security best practices, and promote coordinated responses to piracy and armed robbery against ships.[1345]

Collectively, the SPOMO Act, the Deep Blue Project, and related counter-piracy initiatives contributed to a substantial reduction in reported piracy incidents between 2021 and 2024.[1346] However, these measures primarily addressed the operational manifestations of piracy rather than its structural causes. Consequently, although attacks within Nigerian waters declined significantly, kidnapping for ransom continued to represent a major security challenge within the Gulf of Guinea. Moreover, evidence suggests that pirate groups adapted to strengthened

[1343] Osagie Edward, NIMASA: Deep Blue Project Driven by Competent Manpower, NIMASA; Amaka Anagor-Ewuzie, Nigeria sustains exit from unsafe waters list on $195m project, *Business Day* (Nigerian, 5 October 2023)
[1344] European Union External Action (EEAC), Nigeria, EU move to strengthen partnership to boost security in the Gulf of Guinea as Italian, Spanish vessels make port call to Lagos, 19/04/2022, European Union; Abby Williams, Nigerian Government and Shipping Industry join forces on Counter-Piracy Strategies, *Daily Cargo News* (Australian, 11 July 2022); International Chamber of Shipping (ICS), Nigeria and Shipping Industry Launch Strategy to Eliminate Piracy Threat in Gulf of Guinea,11 July 2022, Press Release, https://www.ics-shipping.org/press-release/nigeria-and-shipping-industry-launch-strategy-to-eliminate-piracy-threat-in-gulf-of-guinea/
[1345] Declan Bush, Nigeria's anti-piracy initiative wins shipping's approval, 10 June 2021, Lloyd's List
[1346] IMO, Acts of Piracy and Armed Robbery Against Ships, Annual Reports 2021-2024, n 17.

enforcement measures by modifying their operational methods and, in some cases, shifting their activities beyond Nigerian territorial waters. Consequently, while Nigeria's counter-piracy initiatives have achieved notable operational successes, their long-term effectiveness remains dependent on addressing the socio-economic, governance, and institutional conditions that continue to sustain maritime criminality in the region.

6.4.5 Counter-Piracy Responses in Other Gulf of Guinea States

During the early phases of piracy in the Gulf of Guinea, most incidents were concentrated in Nigerian waters. However, enhanced maritime security measures and increased naval patrols in Nigeria contributed to the geographical displacement of piracy and related maritime crimes into neighbouring states, particularly Cameroon, Togo, and Benin, from the mid-2010s onwards.[1347] Consequently, several states introduced legal and institutional reforms aimed at strengthening their capacity to prevent, investigate, and prosecute maritime offences.

In response to the evolving maritime security threat, Cameroon enacted anti-piracy legislation in 2022, incorporating provisions derived from Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), including its 2005 Protocol. The legislation established a comprehensive legal framework for addressing piracy and related maritime crimes and prescribes penalties ranging from substantial financial fines of between CFAF 20 million and CFAF 200 million to life imprisonment for serious offences involving piracy and violence against ships.[1348]

[1347] IMO, Acts of Piracy and Armed Robbery against Ships, Annual Reports 2015 to 2024; See also ICC-IMB, Acts of Piracy and Armed Robbery against Ships, Annual Reports, 2016 to 2024; Stephen Starr, Maritime Piracy on the Rise in West Africa, April 2014, Volume 7, Issue 4, Combating Terrorism Centre at West Point (CTC Sentinel), 23-28

[1348] Law No. 2022/017 of 27 December 2022 relating to the suppression of piracy, terrorism and offences against the safety of maritime navigation and platforms, ss. 1-5.

Similarly, Togo strengthened its domestic legal framework through the enactment of anti-piracy legislation criminalising piracy and related maritime offences.[1349] While earlier Togolese maritime regulations limited criminal jurisdiction primarily to offences committed by or against Togolese-flagged vessels, subsequent legislative reforms expanded the scope of jurisdiction in line with the universal jurisdiction principles recognised under UNCLOS.[1350] The practical significance of these reforms was demonstrated in July 2021 when Togo successfully prosecuted and convicted nine pirates in what was widely recognised as a landmark piracy trial within the Gulf of Guinea region.[1351]

Despite these developments, legislative and institutional progress has remained uneven across the Gulf of Guinea.[1352] Several coastal states continue to rely on general criminal or penal legislation rather than dedicated anti-piracy statutes to prosecute offences committed at sea.[1353] Given that many maritime attacks in the region occur within territorial waters, enforcement responsibilities rest primarily with coastal states, many of which face significant resource limitations, inadequate maritime assets, weak judicial systems, and limited law enforcement capacity.[1354] These deficiencies often hinder effective investigation, prosecution, and punishment of maritime offenders.

To address these challenges, Gulf of Guinea states have increasingly relied on regional and bilateral cooperative arrangements. Examples include maritime security cooperation between

[1349] Togo Maritime Navigation Code, Ordinance No. 29

[1350] Togo Antipiracy Legislation, Act No. 2016-004 concerning measures to counter piracy and other unlawful acts, and the exercise of national police powers at sea, Article 2

[1351] The Maritime Executive, Nine Pirates convicted in a first of its kind trial in West Africa, *The Maritime Executive,* (US, 7 July 2021)

[1352] Including Benin, Ghana, Gabon, Cote d'Ivoire, Equatorial Guinea, the Republic of Congo, Democratic Republic of Congo (DRC), and São Tomé and Principe

[1353] Ibid

[1354] UN Security Council, 'Report of the United Nations assessment mission on piracy in the Gulf of Guinea (7 to 24 November 2011)' (19 January 2012) S/2012/45; Timothy Walker, West Africa must take the helm in the fight against piracy, 29 September 2025, Institute for Security Studies.

Nigeria and Benin,[1355] Benin and Togo,[1356] and broader regional frameworks involving Nigeria, Togo, Benin, and Niger.[1357] In addition, external partners, particularly the United States and European partners, have supported capacity-building initiatives, joint exercises, intelligence sharing, and maritime surveillance programmes designed to strengthen regional responses to maritime insecurity.[1358] While these arrangements have improved cooperation and enhanced maritime domain awareness, their effectiveness has been constrained by capacity disparities among participating states, inconsistent implementation, funding limitations, and concerns relating to sovereignty and information sharing. Therefore, Henrique Portela Guedes, argued that

…Despite all this prosperity, this Gulf is currently one of the most dangerous maritime areas in the world, due to the great regional insecurity that is felt there. If this is not overcome in the near future, it could endanger the entire global economic strategy for this region of the globe, especially the one related to the trade of "black gold" and natural gas from Nigeria."[1359]

The observation underscores the wider economic and strategic implications of maritime insecurity in the Gulf of Guinea. Although anti-piracy measures implemented by regional states have contributed to improvements in maritime security and a decline in reported piracy incidents in recent years, their overall effectiveness remains constrained by capacity deficits, fragmented implementation, legal inconsistencies, and the persistence of underlying socio-economic and political drivers of maritime crime. The continued occurrence of piracy, armed

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[1355] Global Defence News, 'Benin, Nigeria launch joint patrol to stop piracy surge' (*Global defence news, Cotonou, 29 September 2011;* This day, Historic Handover as Nigerian Navy Refits Benin Republic Warship to Strengthen Regional Maritime Security, *This Day* (Nigeria, 17 October 2024); Safety4Sea, Nigeria-Benin anti-piracy patrols "successful", 21 October 2011

[1356] Safety4Sea, Benin, Togo Join forces to fight piracy in the Gulf of Guinea, 1 December 2011, Benin, Togo Join forces to fight piracy in the Gulf of Guinea - SAFETY4SEA Accessed 1/1/2026

[1357] Chiemelie Ezeiobi, 'West Africa: Nigeria, Togo, Benin Republic, Niger Navies Launch Operation Safe Domain III to Counter Maritime Crimes' *This day* (Nigerian, 6 August 2024); Maritim Africa, Maritime Security: Nigeria, Benin, Togo, and Niger Jointly Launch 'Safe Domain II' Operation 13 September 2023

[1358] Christopher Gardner, U.S partnering with Benin to combat piracy in Gulf of Guinea, 14 December 2022, US Army

[1359] Henrique Portela Guedes, Maritime Piracy in the Gulf of Guinea, October 2020, Policy Brief Issue 04, Atlantic Centre for Defence Capacity Building, p. 2. Atlantic-Centre_PB_04.pdf Accessed 4/2/2026

robbery against ships, and kidnapping for ransom demonstrates that security-focused interventions alone are insufficient. Consequently, achieving long-term maritime security in the Gulf of Guinea requires a holistic approach that combines legal reform, institutional strengthening, economic development, community engagement, and sustained regional cooperation.

Conclusion

The analysis of piracy and armed robbery against ships in West Africa demonstrates that maritime insecurity in the Gulf of Guinea cannot be understood solely as a maritime phenomenon. Rather, it represents the manifestation of deeper political, economic, environmental, and governance challenges originating on land. Unlike the experiences of Southeast Asia and East Africa, where piracy emerged primarily from vulnerabilities in maritime trade routes or state collapse, piracy in the Gulf of Guinea evolved within functioning states but was sustained by persistent governance deficits, resource-related grievances, organised criminal networks, and socio-economic exclusion. The findings therefore reveal that maritime criminality is often a symptom of broader structural conditions rather than an isolated security problem occurring at sea.

The empirical evidence further illustrates the adaptive nature of piracy. Between 1984 and 2024, maritime crime in the Gulf of Guinea evolved from relatively low-level theft in ports and anchorages into increasingly sophisticated forms of organised criminal activity, including petro-piracy, attacks against offshore energy infrastructure, vessel hijackings, and kidnap-for-ransom operations. This transformation demonstrates that pirate groups responded dynamically to changing economic opportunities, security pressures, and enforcement environments. The emergence of kidnapping for ransom as the dominant piracy model during the 2010s was particularly significant, transforming the Gulf of Guinea into the global centre of maritime

hostage-taking and illustrating how maritime criminal networks continuously adapt their tactics to maximise profitability while minimising operational risk.

A critical finding arising from this case study is that declines in reported piracy incidents should not automatically be interpreted as evidence of sustainable maritime security. Although the number of reported attacks has fallen since 2021, the persistence of kidnapping, armed robbery, oil theft, and organised maritime crime suggests that underlying drivers remain largely unresolved. The Gulf of Guinea experience therefore supports the broader finding of this thesis that piracy does not simply disappear in response to enforcement measures; rather, it evolves geographically, operationally, and strategically in response to changing political, economic, and security conditions. Consequently, reductions in incident numbers may reflect displacement and adaptation rather than the eradication of maritime criminality.

From a legal perspective, the West African case exposes a significant tension within the contemporary international legal framework governing piracy. Most attacks in the Gulf of Guinea occur within territorial waters and therefore fall outside the definition of piracy contained in Article 101 of UNCLOS. As a result, most incidents are classified as armed robbery against ships and remain subject primarily to coastal-state jurisdiction rather than universal jurisdiction. This finding reinforces a central argument emerging throughout this thesis: namely, that the operational reality of contemporary maritime crime increasingly diverges from the jurisdictional assumptions upon which the international law of piracy is based. The concentration of attacks within territorial waters suggests that the effectiveness of international anti-piracy law is constrained not by the absence of legal norms, but by limitations in domestic implementation, enforcement capacity, and institutional effectiveness.

The analysis also demonstrates that legal reform alone is insufficient to achieve long-term maritime security. While recent developments, including the enactment of national anti-piracy

legislation and the establishment of regional frameworks such as the Yaoundé Code of Conduct, represent important institutional advancements, their effectiveness has been uneven due to persistent governance challenges, resource limitations, corruption, and disparities in state capacity. The West African experience therefore highlights the importance of viewing piracy through a governance lens rather than solely through a legal or security perspective. The existence of legal frameworks does not automatically translate into effective enforcement, particularly where institutions lack the capacity or political support required to implement them.

Most importantly, the Gulf of Guinea case reinforces the central thesis argument that piracy is fundamentally a multidimensional governance challenge. The persistence, transformation, and suppression of piracy are closely linked to the interaction between international legal frameworks, regional cooperation mechanisms, state institutions, socio-economic conditions, and local political realities. The evidence suggests that successful responses to maritime insecurity depend not only on maritime patrols, criminal prosecutions, and legal reforms, but also on addressing the socio-economic and governance conditions that make maritime crime attractive and sustainable.

Ultimately, the Gulf of Guinea case study demonstrates that the effectiveness of international anti-piracy law depends less on the existence of legal norms than on the capacity of states and regional institutions to implement and enforce them. While UNCLOS, the SUA Convention, national legislation, and regional cooperative frameworks provide an important legal foundation for combating piracy, their practical impact remains contingent upon effective governance, institutional capacity, political commitment, and sustained regional cooperation. The West African experience therefore illustrates a central finding of this thesis: that contemporary piracy is not merely a legal or maritime security problem, but a multidimensional governance challenge whose resolution requires the integration of legal, security, economic,

and developmental approaches. Without addressing these underlying structural conditions, anti-piracy initiatives are likely to produce only temporary reductions in maritime crime rather than its long-term suppression.

Chapter 7

Comparative Analysis of Piracy in Southeast Asia, East Africa and West Africa

Introduction

As discussed in preceding chapters, contemporary maritime piracy represents a complex transnational security challenge that intersects with issues of global trade, governance, and political economy. While piracy is often portrayed as a uniform maritime crime, empirical evidence suggests that piracy is highly contextual and shaped by region-specific socio-political, economic, and geographical conditions. Three regions have consistently dominated global piracy discourse: Southeast Asia, East Africa, and West Africa. Each region exhibits distinctive piracy dynamics, reflecting variations in governance capacity, maritime geography, economic structures, and regional security cooperation.

This chapter critically compares piracy across these regions to challenge the assumption that piracy can be addressed through uniform counter-piracy strategies. Instead, the analysis argues that piracy in Southeast Asia, East Africa, and West Africa represents three distinct models of maritime criminality: opportunistic piracy, organised ransom piracy, and resource-linked maritime criminality, respectively. By examining the historical evolution, operational characteristics, underlying drivers, and policy responses in each region, the chapter demonstrates that successful counter-piracy strategies must be tailored to the specific governance and socio-economic contexts in which piracy emerges.

7.1 Comparative Regional Dynamics of Maritime Piracy

The comparative analysis undertaken in this thesis demonstrates that piracy has not evolved uniformly across maritime regions. Instead, the experiences of Southeast Asia, East Africa, and West Africa illustrate how governance capacity, political economy, maritime geography, and

institutional responses shape distinct patterns of maritime insecurity. These findings challenge the tendency of international legal frameworks to conceptualise piracy as a universal phenomenon and instead suggest that its emergence, evolution, and persistence are highly context dependent.

A comparative review of piracy incidents between 1984 and 2024 reveals that piracy has not evolved uniformly across maritime regions. Rather, the historical trajectory of piracy in Southeast Asia, East Africa, and West Africa reflects distinct interactions between governance capacity, political economy, maritime geography, and institutional responses. While international legal frameworks frequently conceptualise piracy as a universal maritime crime, the empirical evidence suggests that its emergence, persistence, and transformation are highly context dependent.

A central distinction between the three regions concerns the role of governance in shaping maritime insecurity. In **Southeast Asia,** piracy developed within relatively stable state systems characterised by some of the world's busiest maritime trade corridors, particularly the Strait of Malacca and the Singapore Strait.[1360] The concentration of commercial shipping traffic, combined with maritime congestion, complex archipelagic geography, and jurisdictional fragmentation, created opportunities for maritime crime despite the existence of functioning state institutions.[1361] As a result, piracy in the region evolved primarily as a low-level and opportunistic activity directed at vulnerable vessels, involving theft of ship stores, equipment, and other valuable items rather than prolonged vessel seizure or ransom operations.[1362]

[1360] Spencer Feingold, Andrea Willige, These are the world's most vital waterways for global trade, 15 February 2024, World Economic Forum; Chua Thia-Eng, and others, 'The Malacca Straits' (2000) 41 Marine Pollution Bulletin, 160; Benjamin English, 'Contemporary Maritime Piracy in Southeast Asia: An Australian Perspective' (2025) 5 Nusantara Maritime, 66; Catherine Zara Raymond, 'Piracy and Armed Robbery in the Malacca Strait: A Problem Solved?' (2009) 62 Naval War College Review, 32

[1361] Azifah Astrina, Infrastructure of Insecurity: Deterring Maritime Incidents in the Malacca Straits, February 2026, The International Institute for Strategic Studies, 15; Stefan Mair (ed), Piracy and Maritime Security, March 2011, SWP Research Paper RP 3, Berlin

[1362] Zhaoyang He, 'Assessment of global shipping risk caused by maritime piracy' (2023) 9 Heliyon; IMO, Reports on Acts of Piracy and Armed Against Ships, Annual Report, 1984-2024, n 16; Carolin

Although organised criminal networks have occasionally been associated with sophisticated cargo thefts, piracy in Southeast Asia has generally remained constrained by the presence of effective law-enforcement institutions and comparatively robust governance structures.

The experience of **East Africa** presents a fundamentally different historical trajectory. Whereas piracy in Southeast Asia emerged despite the presence of functioning governance systems, Somali piracy arose largely because of the absence of effective state authority. Following the collapse of the Somali state in 1991, the absence of effective governmental authority created a maritime governance vacuum that enabled the rapid expansion of maritime criminal activity throughout the western Indian Ocean.[1363] What initially appeared as localised responses to illegal fishing and weak maritime regulation evolved into one of the most sophisticated piracy enterprises in modern history.[1364]

Unlike the opportunistic and generally low-violence piracy observed in Southeast Asia, Somali piracy developed into a highly organised ransom-based industry involving financiers, negotiators, armed boarding teams, and coastal support networks.[1365] Between 2008 and 2011,

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Liss, Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses, 2014, PRIF Report No. 125, Peace Research Institute Frankfurt (PRIF), Germany; Jay S. Albanese, 'Risk assessment in organized crime' (2008) 24 Journal of Contemporary Criminal Justice, 263-273; Lee Yin Mui, Piracy and armed robbery as an evolving threat to Southeast Asia's maritime security, 2002. Asia Maritime Transparency Initiative CSIS.

[1363] Heilala von Keyserlingk, Understanding Somali Piracy: Beyond a State-Centric Approach, July 2012, New Research in Global Political Economy Working Paper No. 01/2012, Department of Social Sciences "Globalisation & Politics" Kassel University; Zakaria Ousman Ramadane, 'Somalia: State Failure, Poverty and Terrorism' (2014) 6 Counter Terrorist Trends and Analyses , 13-16; Jatin Dua, Piracy and Maritime Security in Africa, 26 March 2019, Oxford Research Encyclopedia of Politics; Keunsoo Jeong, 'Piracy and Crime Embeddedness: State Decay and Social Transformation in Somalia' (2019) 9 African Conflict and Peacebuilding Review, 72.

[1364] Abdimalik Jama Omar, Ayub Abdirahman Mohamed, and Sulaiman Abdullahi Bambale, 'Impacts of Illegal, Unreported and Unregulated (IUU) Fishing on Developing Countries: The Case of Somalia' (2019) 9 Asian Research Journal of Arts & Social Sciences, 1; Sarah Glaser, Paige Roberts, and Kaija Hurlburt, 'Foreign Illegal, Unreported, and Unregulated Fishing in Somali Waters Perpetuates Conflict' (2019) 6 Frontiers in Marine Science; BBC News, Waves 'brought waste to Somalia', *BBC News* (Africa, 2 March 2005); Amal Mohamud, Somalis say foreign ships are stealing their fish, and it's fuelling a piracy resurgence, *CBC News* (Canada, 21 December 2025)

[1365] World Bank, The Pirates of Somalia: Ending the Threat, Rebuilding a Nation, 2013, World Bank, 24; World Bank, Ending Somali Piracy: Go After the System, Not Just the Pirates. 11 April 2013, World Bank.

pirate groups demonstrated an unprecedented capacity to project their operations far beyond coastal waters, using mother ships, satellite communications, and advanced navigation systems to target international shipping routes.[1366] The evolution of Somali piracy therefore illustrates how state collapse, economic deprivation, and weak maritime governance can transform local criminal activity into a global security threat.

West Africa represents a third and distinct evolutionary pathway. Unlike Somalia, where piracy emerged from the near-total absence of state authority, maritime crime in the Gulf of Guinea evolved within formally functioning states. However, these states have often been characterised by governance deficits, corruption, environmental degradation, resource conflicts, and uneven enforcement capacity.[1367] Consequently, piracy in West Africa is best understood not as a symptom of state collapse but as a manifestation of state fragility and political-economic dysfunction.[1368]

The historical roots of maritime criminality in the region are closely linked to the political economy of oil production in the Niger Delta. Environmental degradation, perceived inequities in resource distribution, and longstanding grievances against central government authorities facilitated the emergence of militant groups that initially framed their activities as political

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[1366] Kees Homan, Susanne Kamerling, 'Operational challenges to counterpiracy operations off the coast of Somalia' in Bibi van Ginkel and Frans-Paul van der Putten (eds), *The International Response to Somali Piracy* (Brill | Nijhoff, Leiden, The Netherlands, 2010) 65 – 103; IMO, Reports of Acts of Piracy and Armed Robbery against Ships, Annual Reports 2008-2011, n 16; Awet Tewelde Weldemichael, 'The Epic Spiraling of Ransom Piracy' In: *Piracy in Somalia: Violence and Development in the Horn of Africa* (Cambridge University Press, UK, 2019), 99-132; BBC News, Somali pirates receive record ransom for ships' release, *BBC News* (Africa, 6 November 2010); House of Commons, Piracy (Somalia), 14 June 2012, Volume 546, Tenth Report from the Foreign Affairs Committee, Session 2010-12, HC 1318, and the Government Response, Cm 8324, Column 144 WH, UK Parliament; United Nations News, Piracy ransoms amount to more than $339 million over seven-year period – UN report, 1 November 2013, United Nations

[1367] Geneva Centre for Security Policy (GCSP), Maritime Security: Piracy in the Gulf of Guinea, 5 December 2022, Geneva Centre for Security Policy, Switzerland. Maritime Security: Piracy in the Gulf of Guinea | GCSP Accessed 11/1/2026; Eric Pichon and Marian Pietsch, Briefing - Piracy in the Gulf of Guinea: EU and international action, March 2020, European Parliamentary Research Service; Nirit Ben-Ari, 'Piracy in West Africa' (2013) 27 Africa Renewal, 12-13

[1368] Michael Mitchell Omoruyi Ehizuelen, 'Assessing the possible influence of maritime piracy on African Continental Free Trade Area (AfCFTA) in Nigeria' (2025) 10 Journal of Shipping and Trade, 30

resistance.[1369] Over time, however, these movements increasingly became integrated with organised criminal enterprises engaged in illegal oil bunkering, petro-piracy, tanker hijackings, and kidnapping-for-ransom operations.[1370] This evolution demonstrates the increasingly blurred boundary between political violence, organised crime, and maritime piracy.[1371]

Comparison across the three regions reveals that piracy is not merely a function of maritime opportunity but is shaped by fundamentally different governance environments. In Southeast Asia, piracy persists despite governance; in East Africa, it flourished because governance collapsed; while in West Africa it evolved within states where governance existed but was weakened by corruption, resource conflicts, and institutional fragility. The comparison therefore challenges simplistic explanations that attribute piracy solely to poverty, geography, or weak maritime enforcement. Instead, piracy appears to emerge under diverse governance conditions, although its form and intensity vary according to the nature of those conditions.

The historical evolution of piracy also reveals important differences in operational objectives and organisational sophistication. Southeast Asian piracy has largely been characterised by

[1369] Celestine Oyom Bassey, 'Oil and Conflict in the Niger Delta: A Reflection on the Politics of State Response to Armed Militancy in Nigeria' (2012) 11 Mediterranean Journal of Social Sciences, 77; Ukoha Ukiwo , 'The Nigerian state, oil and the Niger Delta crisis' in Cyril Obi and Siri Aas Rustad (eds), *Oil and insurgency in the Niger Delta: Managing the complex politics of petro-violence* (Zed Books, London, 2011) 17; Elias Courson, 'MEND: Political Marginalization, Repression, and Petro-Insurgency in the Niger Delta (2011) 4 African Security, 20-43; Mustapha Kulungu, 'Movement for the "Emancipation of the Niger Delta" (MEND) Constitutes a Threat to the U.S. National Security' (2021) 8 Scientific Research – Open Access Library Journal Movement for the "Emancipation of the Niger Delta" (MEND) Constitutes a Threat to the U.S. National Security, Accessed on 12/1/2026

[1370] Michael Watts, 'Petro-Insurgency or Criminal Syndicate? Conflict & Violence in the Niger Delta' (2007) 34 Review of African Political Economy, 637 -660; Abu Edet, 'Niger Delta Region and the Crisis of Environmental and Socio-Economic Degradation' (2017) 7 International Journal of Social Sciences and Humanities Reviews, 103 –112

[1371] United Nations Security Council, Piracy, Armed Robbery Declining in Gulf of Guinea, But Enhanced National, Regional Efforts Needed for Stable Maritime Security, Top Official Tells Security Council, 22 November 2022, SC/15113; Daud Hassan, Sayed Hasan, 'Effectiveness of the Current Regimes to Combat Piracy in the Gulf of Guinea: An Evaluation' (2017) 10 African Journal of Legal Studies, 35–65; Gideon Pelumi Adejumo, Jibaniya Simon Awudu, 'Examining the Ecer-Persistent Challenges of Maritime Piracy in Africa' (2026) 11 International Journal of Humanities and Social Sciences Reviews, 173

short-duration opportunistic thefts aimed at immediate financial gain.[1372] By contrast, Somali piracy evolved into a highly organised business model centred on vessel hijacking and hostage-taking for ransom, generating substantial revenues and sustaining complex criminal networks.[1373] In West Africa, maritime criminality became deeply integrated with land-based illicit economies, particularly those associated with oil theft and kidnapping industries.[1374] These variations demonstrate that piracy adapts to available economic opportunities within each regional context, producing distinct forms of maritime criminality despite shared international legal classifications.

A further point of comparison concerns the effectiveness of responses deployed against piracy over time. Southeast Asia experienced a gradual decline in piracy through the strengthening of regional cooperation mechanisms, including ReCAAP, the Malacca Straits Patrols, and coordinated information-sharing frameworks.[1375] East Africa witnessed a dramatic reduction in piracy following an unprecedented combination of multinational naval operations, international legal cooperation, industry compliance measures, and partial restoration of governance within Somalia.[1376] West Africa, by contrast, has achieved more limited and

[1372] Tony Yuan Li, 'Seeing like a Pirate: The Entrepreneurship of Piracy in Southeast Asia' (2024) 3 International Journal of Maritime Crime & Security; Sebastian Axbard, 'Income opportunities and sea piracy in Indonesia: Evidence from satellite data' (2016) 8 American Economic Journal: Applied Economics,154-194.

[1373] World Bank, n 1381

[1374] Celestine Oyom Bassey, 'Oil and Conflict in the Niger Delta, n 1385

[1375] Sumathy Permal, 'Maritime Security Governance: Indonesia, Malaysia, and Singapore's Approach Towards the Proliferation Security Initiative' (2023) 100 International Law Studies, 403; John Bradford and Bec Starting, Maritime Governance Policy and Priorities in Southeast Asia, 21 November 2023, Asia Maritime Transparency Initiative (AMTI); Sarah Chan, Malaysia, Singapore strengthen maritime cybersecurity ties amid rising threats, 26 December 2025, Indo-Pacific Defense Forum, Singapore; Ahmad Almaududy Amri, 'Southeast Asia's maritime piracy: Challenges, legal instruments and a way forward' (2014) 6 Australian Journal of Maritime & Ocean Affairs, 154-169; Yunias Dao, and others, 'The Concept of the Archipelagic State in Addressing Maritime Security Threats' (2024) 3 Formosa Journal of Social Sciences (FJSS), 939-954; Hasjim Djalal, 'Piracy in Southeast Asia: Indonesian and Regional Responses' (2021) 1 Indonesian Journal of International Law, 419; Péron-Doise, ReCAAP and Maritime Governance in Southeast Asia: A Catalysing Role, 12 July 2020, Stable Seas

[1376] Paul R. Williams & Lowry Pressly, 'Maritime Piracy: A Sustainable Global Solution' (2013) 46 Case Western Reserve Journal of International Law, 177; IMO, Reports on Acts of Piracy and Armed Robbery Against Ships, Annual Report- 2012, 2 April 2013, MSC.4/Circ.193.

uneven success. Although regional initiatives such as the Yaoundé Code of Conduct and increased investment in maritime security capabilities have contributed to declining incident numbers in recent years, piracy and kidnapping networks have demonstrated considerable resilience.[1377] This persistence reflects the deeply entrenched land-based political and economic conditions that continue to sustain maritime criminality in the Gulf of Guinea.

Collectively, these divergent trajectories demonstrate that piracy is not a single phenomenon requiring a universal solution. Instead, the historical evolution of piracy across Southeast Asia, East Africa, and West Africa suggests that maritime insecurity is fundamentally shaped by the interaction of governance capacity, economic incentives, institutional effectiveness, and regional cooperation. The comparison therefore exposes the limitations of one-size-fits-all counter-piracy strategies and highlights the need for context-sensitive approaches that address both maritime symptoms and their underlying political, economic, and governance drivers. Most importantly, the evidence suggests that sustainable reductions in piracy are achieved not solely through maritime enforcement but through broader governance arrangements capable of addressing the structural conditions that enable maritime criminality to emerge and persist.

7.2 Economic Drivers, Structural Causes, and Political Economy

The comparative evidence demonstrates that piracy is fundamentally shaped by economic incentives and governance conditions, although these factors manifest differently across Southeast Asia, East Africa, and West Africa. While international legal discourse often treats piracy primarily as a maritime security problem, the historical and contemporary experiences

[1377] IMO, Reports on Acts of Piracy and Armed Robbery Against Ships, Annual Report- 2020, 29 April 2021, MSC.4/Circ.265; IMO, Reports on Acts of Piracy and Armed Robbery Against Ships, Annual Report- 2021, 15 April 2022, MSC.4/Circ.266; IMO, Reports on Acts of Piracy and Armed Robbery Against Ships, Annual Report- 2022, 19 April 2023, MSC.4/Circ.267; IMO, Reports on Acts of Piracy and Armed Robbery Against Ships, Annual Report- 2023, 7 June 2024, MSC.4/Circ.268; IMO, Reports on Acts of Piracy and Armed Robbery Against Ships, Annual Report- 2024, 17 April 2025, MSC.4/Circ.269.

of the three regions suggest that piracy is more accurately understood as a political-economic phenomenon rooted in broader land-based structural conditions. The principal distinction between the regions lies not in whether economic incentives matter, but in the specific economic and governance environments through which maritime criminality is generated, sustained, and transformed.

In **Southeast Asia,** piracy has historically been associated with opportunity structures created by dense maritime traffic, strategic shipping routes, and localized economic incentives. The concentration of commercial vessels transiting through the Strait of Malacca and Singapore Strait provides a large pool of potential targets, creating favourable conditions for low-level maritime theft. However, unlike the more sophisticated criminal economies found in East and West Africa, maritime crime in Southeast Asia has generally remained limited in scale and profitability.

Pirate activities are predominantly motivated by immediate financial gains obtained through the theft of ship stores, personal belongings, spare parts, or small cargoes.[1378] Although organised criminal groups occasionally engage in more sophisticated operations, piracy in the region is generally characterised by relatively low-value attacks conducted by small and loosely organised groups.[1379] The persistence of these patterns reflects the existence of functioning state institutions, active law enforcement mechanisms, and alternative economic opportunities that reduce the attractiveness of developing large-scale maritime criminal enterprises. Consequently, while economic motivations remain important, piracy in Southeast

[1378] Carolin Liss, Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses, 2014, Peace Research Institute Frankfurt (PRIF), PRIF Report No. 125
[1379] Ibid

Asia is largely opportunistic rather than structurally embedded within broader illicit economies.[1380]

By contrast, the political economy of piracy in **East Africa** evolved under conditions of severe governance collapse.[1381] Following the disintegration of state authority in Somalia in 1991, the absence of effective maritime governance created opportunities for criminal actors to exploit international shipping routes with minimal risk of detection or prosecution.[1382] Unlike Southeast Asia, where piracy largely remained a supplementary source of income, Somali piracy developed into a highly lucrative transnational economic enterprise. Between 2005 and 2012, ransom payments generated substantial revenues that transformed piracy into one of the most profitable economic activities in certain coastal communities.[1383] The resulting political economy extended beyond the pirate groups themselves and incorporated financiers, negotiators, recruiters, local elites, arms suppliers, and community protection networks.[1384] Therefore, piracy functioned not merely as criminal behaviour but as an alternative economic system that compensated for the absence of legitimate governance structures and economic opportunities.[1385] The Somali case therefore illustrates how governance collapse can facilitate

[1380] The Global Initiative against Transnational Organized Crime, The Economics of Piracy in Southeast Asia, May 2016, Switzerland, 5

[1381] Suleiman Walhad, The Horn Of Africa States: Somalia's Maritime Security, Governance, And Economic Exploitation, 17 April 2025, Eurasia Review; Ken Menkhaus, 'State Failure, State-Building, and Prospects for a "Functional Failed State" in Somalia' (2014) 656 The Annals of the American Academy of Political and Social Science, 154-172.

[1382] Mohamud Mohamed Adan, 'Somalia as a Failed State' (2025) 6 International Journal of Multidisciplinary Research and Growth Evaluation, 497; Peter T. Leeson, 'Better off stateless: Somalia before and after government collapse' (2007) 35 Journal of Comparative Economics, 689–710

[1383] IMO, Acts of Piracy and Armed Robbery Against Ships, Annual Reports, 2005- 2012; Ken Menkhaus, 'Governance without Government in Somalia Spoilers, State Building, and the Politics of Coping' (2007) 31 International Security, 74-106

[1384] Awet T. Weldemichael, 'Ransoming in Contemporary Northeast Africa: Piracy Off the Coast of Somalia' (2014) 42 African Economic History, 215; World Bank Group, Pirate Trails: Tracking the Illicit Financial Flows from Piracy off the Horn of Africa, https://www.worldbank.org/en/topic/financialsector/publication/pirate-trails-tracking-the-illicit-financial-flows-from-piracy-off-the-horn-of-africa; BBC News, Horn of Africa piracy 'netted $400m' from 2005-12, *BBC News* (Africa, 2 November 2013)

[1385] Sarah Percy, Anja Shortland, The Business of Piracy in Somalia, August 2011, Deutsches Institut für Wirtschaftsforschung (DIW) Berlin Discussions Papers 1033, German Institute for Economic

the emergence of a fully institutionalised maritime criminal economy capable of sustaining complex organisational structures and projecting insecurity across international waters.

The experience of **West Africa** reveals a different but equally significant relationship between political economy and maritime insecurity. Unlike Somalia, where piracy emerged in a context of state absence, maritime crime in the Gulf of Guinea evolved within formally functioning states characterised by persistent governance deficits, environmental degradation, corruption, and unequal resource distribution.[1386] The economic foundations of piracy in West Africa are closely linked to the extractive political economy of the Niger Delta. Despite generating substantial oil revenues, local communities have frequently experienced environmental destruction, unemployment, and limited access to the benefits derived from resource extraction.[1387] These conditions contributed to the growth of militant movements and organised criminal networks that increasingly incorporated maritime activities into their operations.[1388] Consequently, piracy in West Africa became integrated with broader illicit economies involving oil theft, illegal bunkering, fuel trafficking, kidnapping for ransom, and organised violence.[1389] Unlike Southeast Asia, where piracy remains largely maritime in nature, or Somalia, where piracy evolved into a ransom industry, maritime criminality in West Africa

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Research, 14-18; Ken Menkhaus, 'State Collapse in Somalia: Second Thoughts' (2003) 30 Review of African Political Economy, 405-422

[1386] DCAF – Geneva Centre for Security Sector Governance, Final Report - Context and stakeholder analysis of Maritime Security and Justice in the Gulf of Guinea, August 2023, DCAF - Switzerland

[1386] Kalu Kingsley Anele, 'Theoretical analysis of the linkages between the IOCs' oil exploration activities and piracy in Nigeria' (2022) 36 Security Journal, 732-759; United Nations Conference on Trade and Development (UNCTAD), Maritime Piracy, Part 1: An Overview of Trends, Costs and Trade Related Implications, 2014, Studies in Transport Law and Policy – 2014 No.1, UNCTAD/DTL/TLB/2013/1, 36; IMO, Acts of Piracy and Armed Robbery Against Ships, Annual Reports, 2020-2024.

[1387] Kalu Kingsley Anele, 'Theoretical analysis of the linkages between the IOCs' oil exploration activities and piracy in Nigeria' (2022) 36 Security Journal, 732-759

[1388] Wasiu Abiodun Balogun, 'Dynamics of Illicit Arms Trade and Regional Security Challenges in West Africa: A Focus on Nigeria' (2024) 17 Africa Review, 1-21; David Klein, UN: Piracy and Organized Crime Perpetuate Poverty in West Africa, 13 January 2022, Organized Crime and Corruption Reporting Project, OCCPR UN: Piracy and Organized Crime Perpetuate Poverty in West Africa | OCCRP

[1389] Olusegun Paul Adesanya, 'Maritime crimes and the Gulf of Guinea' (2023) 9 Cogent Social.

forms part of a wider system of land-based criminal and political-economic networks.[1390] The distinction between piracy, organised crime, political violence, and resource-based conflict is therefore often blurred.[1391]

Comparison across the three regions demonstrates that piracy rarely emerges as a purely maritime phenomenon. Instead, maritime insecurity consistently reflects deeper political, economic, and governance dynamics operating on land. However, the relationship between these factors varies considerably. In Southeast Asia, piracy is primarily driven by localised economic opportunity within otherwise functioning governance systems. In East Africa, piracy emerged as a substitute economy in response to state collapse and the absence of legitimate economic structures. In West Africa, piracy became embedded within resource-driven criminal economies facilitated by governance failures rather than governance absence. These differences reveal that while economic deprivation is frequently associated with piracy, deprivation alone does not explain the varying forms of maritime criminality observed across regions. Instead, the interaction between economic incentives, governance capacity, and political structures determines whether piracy develops as opportunistic theft, organised ransom-based criminality, or resource-linked maritime violence.

The comparison also challenges explanations that attribute piracy solely to poverty. All three regions contain communities facing economic hardship, yet piracy manifests in markedly different forms. This suggests that governance quality, institutional legitimacy, regulatory capacity, and access to economic opportunities are more significant explanatory variables than poverty alone. Indeed, the evidence indicates that piracy is most likely to flourish where economic grievances coincide with weak governance structures capable of providing

[1390] Curtis Bell and others, Pirates of the Gulf of Guinea: A Cost Analysis for Coastal States, November 2021, United Nations Office on Drugs and Crime Report, 7-12.
[1391] Chijioke J Nwalozie, 'Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea' (2020) 13 Journal of Transportation Security, 159–178.

opportunities for criminal entrepreneurship while limiting the risks associated with maritime crime.

Consequently, the comparative analysis demonstrates that piracy should be understood as a symptom of broader governance and political-economic failures rather than merely a maritime law-enforcement challenge. While maritime security measures remain necessary, their effectiveness is ultimately constrained where underlying structural drivers remain unaddressed. Sustainable suppression of piracy therefore requires not only naval patrols and legal enforcement but also governance reforms, economic inclusion, institutional capacity-building, and the resolution of land-based socio-economic grievances. The experiences of Southeast Asia, East Africa, and West Africa collectively suggest that long-term maritime security is achieved not through maritime interventions alone but through the creation of governance systems capable of reducing the incentives and opportunities that sustain maritime criminality.

7.3 *Modus Operandi* and Operational Adaptation Patterns

The comparative evidence demonstrates that piracy is characterised by a high degree of operational adaptability. Although piracy is frequently defined as a single category of maritime crime within international legal frameworks, pirate groups in Southeast Asia, East Africa, and West Africa have employed markedly different operational models in response to varying geographical environments, economic incentives, enforcement capabilities, and governance conditions. These differences reveal that piracy is not a static form of criminality but an adaptive enterprise that evolves in response to opportunities and constraints within specific maritime contexts.

A key distinction between the three regions lies in the objectives pursued by pirate groups. In **Southeast Asia,** the dominant operational model is opportunistic and transactional, with attacks typically designed to generate immediate financial gain through the theft of ship stores,

personal possessions, spare parts, fuel, or small cargoes.[1392] Most incidents occur within territorial waters, anchorages, ports, and congested maritime corridors, particularly around the Strait of Malacca and the Singapore Strait.[1393] Pirate groups generally favour short-duration operations that minimise the risk of detection and confrontation.[1394] Violence is often limited because the value of stolen goods can be secured without prolonged engagement with crews or vessels. Consequently, operational success is achieved through speed, surprise, and rapid withdrawal rather than through the sustained control of ships or hostages. This pattern reflects the presence of functioning maritime law-enforcement institutions and growing surveillance capabilities, which increase the risks associated with prolonged maritime operations.

In contrast, the operational model that emerged off the coast of Somalia represented one of the most sophisticated forms of maritime piracy witnessed in the modern era.[1395] Unlike Southeast Asian attacks, which were largely localised and low intensity, Somali piracy evolved into long-range, highly organised operations specifically designed to capture vessels and crews for ransom.[1396] Between 2005 and 2012, pirate groups developed increasingly complex capabilities, including the use of mother ships, satellite communication systems, GPS

[1392] Lee Yin Mui, Piracy and Armed Robbery as an Evolving Threat to Southeast Asia's Maritime Security, 7 December 2022, Asia Maritime Transparency Initiative.
[1393] ICC-IMB, Acts of Piracy and Armed Robbery Annual Reports. 2015-2020
[1394] Ibid
[1395] Edward R. Lucas, 'Somalia's "Pirate Cycle": The Three Phases of Somali Piracy' (2013) 6 Journal of Strategic Security, 55-63; International Chamber of Commerce - Commercial Crime Services (ICC-CCS) News, Piracy Attacks in East and West Africa dominate World Report, 18 January 2012, London, England.
[1396] Peter Chalk, Piracy in the Horn of Africa, September 2010, Vol. 3, Combating Terrorism Center, West Point, New York; ICC-IMB, Piracy Against Ships Reports for the Period of 1 January to 31 December 2008, January 2009; ICC-IMB, Piracy Against Ships Reports for the Period of 1 January to 31 December 2009, January 2010; ICC-IMB, Piracy Against Ships Reports for the Period of 1 January to 31 December 2010, January 2011; ICC-IMB, Piracy Against Ships Reports for the Period of 1 January to 31 December 2011, January 2012

technology, and heavily armed boarding teams capable of operating far beyond Somali territorial waters.[1397]

The objective was not the immediate theft of cargo or equipment but the prolonged detention of vessels and personnel in order to secure substantial ransom payments.[1398] As a result, the operational logic of Somali piracy differed fundamentally from that observed in Southeast Asia. Whereas Southeast Asian pirates generally sought to avoid sustained interaction with victims, Somali pirates depended upon maintaining control over vessels and hostages for extended periods.[1399] Violence therefore served primarily as a coercive mechanism rather than an end in itself. Excessive violence was often avoided because preserving the value of hostages was essential to the profitability of the ransom business model.

West African piracy occupies an intermediate but distinct position between these two operational extremes. While sharing some characteristics with Somali piracy, particularly kidnapping for ransom, pirate groups in the Gulf of Guinea employed tactics shaped by different geographical, legal, and economic realities. Historically, maritime attacks in the Gulf of Guinea were closely linked to petro-piracy, oil cargo theft, and illegal bunkering activities originating from the political economy of Nigeria's Niger Delta.[1400] Over time, however, many groups shifted towards kidnapping operations targeting vessel crews, recognising that hostage-taking frequently generated faster and more predictable financial returns than large-scale cargo theft.[1401] Unlike Somali pirates, West African groups rarely sought to hold vessels for

[1397] NBC News, Somali pirates go high tech, *NBC News* (USA, 2 July 2011); Chris Gayomali, Pirates Now Using Blogs and GPS to Hunt Merchant Vessels, *Time Magazine* (New York, 23 June 2011); BBC News, Q&A: Somali piracy, BBC News (Africa, 21 January 2011).
[1398] Brittany V. Gilmer, Susan C. Dewey, 'Captive calculations and benevolent abandonment: Ransom piracy and the carceral occupation of hostage ships along the coast of Somalia' (2022) 95 Political Geography,
[1399] BBC News, Horn of Africa piracy 'netted $400m' from 2005-12, *BBC News* (Africa, 2 November 2013)
[1400] IMO, Acts of Piracy and Armed Robbery Against Ships, Annual Reports, 1995-2012, n 16
[1401] Eric Pichon with Marian Pietsch, Piracy and armed robbery off the coast of Africa, EU and global impact, March 2019, European Parliamentary Research Service (EPRS) European Parliament; Funda

prolonged periods. Instead, attacks were typically designed to facilitate the rapid extraction of hostages, fuel, or cargo before security forces could respond. Consequently, operations in the Gulf of Guinea tended to be shorter in duration but considerably more violent than those observed elsewhere.[1402] The prevalence of heavily armed attackers, coupled with attacks occurring within territorial waters, further limited opportunities for external intervention and increased the vulnerability of commercial vessels operating in the region.[1403]

The comparison also reveals important differences in the relationship between geography and operational strategy. Southeast Asian piracy exploits densely trafficked maritime chokepoints characterised by large numbers of potential targets and relatively short escape distances.[1404] Somali piracy capitalised on the vast and weakly governed maritime spaces of the western Indian Ocean, enabling attackers to extend operations across major international shipping lanes.[1405] By contrast, West African piracy is concentrated in coastal waters and territorial seas closely connected to land-based criminal networks and resource economies.[1406] These geographical differences have influenced not only where piracy occurs but also how attacks are planned, executed, and sustained.

Yercan, Oktay Cetin & Rahim Conguloglu, 'The economic impact of piracy: a critical assessment of maritime security and trade disruptions in the Gulf of Guinea' (2026), Maritime Economics and Logistics (2026). https://doi.org/10.1057/s41278-025-00344-1

[1402] ICC-IMB, Piracy Against Ships Reports for the Period of 1 January to 31 December 2018, January 2019; ICC-IMB, Piracy Against Ships Reports for the Period of 1 January to 31 December 2019, January 2020; ICC-IMB, Piracy Against Ships Reports for the Period of 1 January to 31 December 2020, January 2021

[1403] Gideon Pelumi Adejumo and Jibaniya Simon Awudu, 'Examining the Ever-Persistent Challenges of Maritime Piracy in Africa' (2026) 11 International Journal of Humanities Literature and Art Research, 173; Rossella Marangio, Brief 1 - Deep Waters, The maritime security landscape in the Gulf of Guinea, January 2025, European Union Institute for Security Studies, Luxembourg.

[1404] Amri, A. 'Piracy in Southeast Asia: an overview of international and regional efforts' (2014) 1 Cornell International Law Journal, 128-132.

[1405] The World Bank, Ending Somali Piracy: Go After the System, Not Just the Pirates April 11, 2011 Ending Somali Piracy: Go After the System, Not Just the Pirates Accessed on 14 May 2026

[1406] Yercan, F., Cetin, O. & Conguloglu, R. 'The economic impact of piracy: a critical assessment of maritime security and trade disruptions in the Gulf of Guinea' (2026) 28 Maritime Economics Logistics, 163–18; Maisie Pigeon, Atlantic piracy, current threats, and maritime governance in the Gulf of Guinea 21 July 2025, Issue Brief, Atlantic Council

Equally significant are the adaptations pirate groups have made in response to counter-piracy measures. Across all three regions, evidence suggests that pirate organisations continuously adjust their tactics in response to changes in enforcement strategies, surveillance technologies, and legal frameworks. In Southeast Asia, improved maritime patrols, information-sharing mechanisms, and surveillance systems have encouraged pirates to adopt smaller-scale and less conspicuous operations.[1407] In East Africa, the deployment of multinational naval forces, private maritime security personnel, and industry best-management practices significantly increased the costs and risks associated with vessel hijackings, contributing to the collapse of large-scale Somali piracy.[1408] In West Africa, however, strengthened maritime enforcement has not eliminated piracy but has instead encouraged tactical shifts from oil theft towards kidnapping-for-ransom operations.[1409] These developments demonstrate that piracy is highly resilient and capable of evolving in response to changing security environments rather than disappearing entirely.

The comparative evidence therefore suggests that operational variation is best understood as a reflection of broader governance and political-economic conditions. In Southeast Asia, operational restraint reflects the constraining effects of relatively strong institutions and effective regional cooperation. In East Africa, operational sophistication emerged in response to the governance vacuum created by state collapse and the opportunities presented by international shipping routes. In West Africa, high levels of violence and the integration of

[1407] Carolin Liss, Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses, 2014, Peace Research Institute Frankfurt (PRIF) 2014 PRIF Report No. 125

[1408] Barış Şahiner, 'Multinational responses to Somali piracy: the emergence and contribution of combined task force151 (2009–2023)' (2026) 19 Journal of Transportation Security; Peter Viggo Jakobsen & Troels Burchall Henningsen, 'Success defying all expectations: How and why limited use of force helped to end Somali piracy' (2024) 47 Journal of Strategic Studies, 263

[1409] Gideon Pelumi Adejumo & Jibaniya Simon Awudu, 'Examining the ever-persistent challenges of maritime piracy in Africa' (2026) 11 International Journal of Humanities and Art Research, 173; Justin V. Hastings, Sarah G. Phillips, 'Maritime Piracy Business Networks and Institutions in Africa' (2015) 114 African Affairs, 555

maritime attacks with terrestrial criminal economies reflect the persistence of governance deficits, resource conflicts, and organised criminal networks. The differing modus operandi observed across the three regions therefore illustrate how piracy adapts to local opportunities while remaining fundamentally shaped by wider political, economic, and institutional structures.

Consequently, the evidence demonstrates that there is no singular operational model of piracy. Rather, piracy should be understood as a flexible and adaptive form of maritime criminality whose tactics evolve according to changing incentives, enforcement pressures, and governance realities. This finding further reinforces the central argument of this thesis that counter-piracy strategies and maritime security instruments are unlikely to be effective when applied uniformly across regions characterised by fundamentally different forms of maritime criminality. Instead, effective maritime security governance requires responses tailored to the operational realities and structural drivers of piracy within specific regional contexts.

7.4 Organisational Structures

The organisational structures of pirate groups vary considerably across Southeast Asia, East Africa, and West Africa, reflecting differences in governance capacity, economic incentives, operational objectives, and relationships with local communities. Comparative analysis demonstrates that piracy is not merely distinguished by its methods of attack but also by the degree of organisational sophistication underpinning maritime criminal activities. The evolution of pirate organisations across these regions suggests that the complexity of criminal structures tends to increase where piracy becomes embedded within broader political and economic systems rather than remaining a largely opportunistic activity.

In **Southeast Asia,** pirate organisations are generally characterised by small, fluid, and decentralised structures. Most attacks are conducted by loosely organised groups consisting of local fishermen, opportunists, or low-level criminal actors operating within limited geographic areas.[1410] The predominance of short-duration thefts and low-value targets reduces the need for complex organisational hierarchies or long-term planning. Consequently, many groups operate on an ad hoc basis, assembling temporarily to exploit immediate opportunities before dispersing. Although more sophisticated criminal syndicates have occasionally emerged, particularly in connection with high-value cargo theft and fuel siphoning operations, such groups remain the exception rather than the norm.[1411] The generally decentralised nature of piracy in Southeast Asia reflects both the relatively limited profitability of maritime crime and the constraining influence of functioning state institutions, law-enforcement mechanisms, and regional security cooperation.

By contrast, the organisational evolution of piracy in **East Africa** demonstrates how maritime criminality can develop into a sophisticated transnational enterprise when governance institutions collapse. Somali piracy expanded beyond isolated acts of vessel robbery and developed into complex networks involving multiple specialised actors performing distinct operational functions. These networks commonly incorporated financiers who provided capital for operations, logisticians responsible for planning attacks, armed boarding teams, negotiators managing ransom discussions, local facilitators providing intelligence and support, and community actors who benefited economically from the piracy economy.[1412] Such structures enabled pirate groups to conduct lengthy operations far from the Somali coastline and sustain prolonged hostage negotiations.[1413] The distribution of roles, resources, and profits resembles

[1410] Jennifer C. Bulkeley, Regional Cooperation on Maritime Piracy: A Prelude to Greater Multilateralism in Asia? (2003) 14 Journal of Public and International Affairs
[1411] Carolin Liss, Assessing Contemporary Maritime Piracy in Southeast Asia, n 1423
[1412] Julian Casal, and others, Pirate Trails: Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa, 2013, A World Bank Study 81232, World Bank Group, Washington DC, USA
[1413] ibid

characteristics commonly associated with organised transnational criminal enterprises. Furthermore, piracy revenues frequently extended beyond maritime activity itself, being reinvested into real estate, commercial ventures, arms procurement, and informal financial networks.[1414] The Somali experience therefore illustrates how piracy can evolve into a parallel economic system where criminal networks perform functions often associated with formal governance and economic institutions.

West Africa occupies a distinct position between the relatively decentralised model observed in Southeast Asia and the highly structured piracy enterprises that emerged in Somalia. Pirate groups operating in the Gulf of Guinea are generally characterised by a significant degree of organisation and operational sophistication, yet their structure is closely intertwined with terrestrial criminal, political, and militant networks.[1415] Unlike Somali piracy, which evolved into a specialised maritime ransom economy, West African piracy developed as one component of broader criminal ecosystems linked to oil theft, illegal bunkering, kidnapping, militancy, and organised crime.[1416] As a result, maritime attacks are often coordinated through networks that include criminal gangs, oil-theft syndicates, former militant groups, local elites, and, in some cases, corrupt state or security actors.[1417] The organisational boundaries between maritime piracy, political violence, and organised crime are therefore frequently blurred.[1418] This interconnectedness provides pirate groups with access to intelligence, weapons, financial

[1414] Ibid; BBC News, Horn of Africa piracy 'netted $400m' from 2005-12, *BBC News* (Africa, 2 November 2013).

[1415] Beckley, E.O. 'Maritime Security in Nigeria: Perspective for a Comprehensive Approach', In: Ali Arazeem Abdullahi, and others (eds) *Understanding Contemporary Security Challenges in Nigeria: Africa's Global Engagement: Perspectives from Emerging Countries*. (Palgrave Macmillan, Singapore, 2024)

[1416] Olusegun Paul Adesanya, 'Maritime crimes and the Gulf of Guinea' (2023) 9 Cogent Social Sciences; 9(1); Chijioke Nwalozie, 'Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea' (2020) 13 Journal of Transportation Security, 159–178.

[1417] Ibid

[1418] Ibid

resources, and protection networks that strengthen their operational resilience and complicate law-enforcement responses.

A comparative assessment of organisational structures reveals important differences in the relationship between piracy and governance. In Southeast Asia, piracy generally remains peripheral to wider political and economic systems, resulting in relatively simple and decentralised organisational forms. In East Africa, state collapse created opportunities for piracy to develop into a sophisticated and economically integrated criminal enterprise capable of projecting power across international waters. In West Africa, piracy emerged within functioning but fragile governance systems, where criminal organisations became deeply embedded in broader political and economic networks associated with resource extraction and local grievances. Consequently, the organisational complexity of pirate groups appears closely linked to the extent to which maritime crime becomes integrated into wider systems of governance failure, economic exclusion, and illicit political economies.

The comparison also reveals that pirate organisations are adaptive rather than static. As enforcement pressures, economic opportunities, and governance conditions change, organisational structures evolve accordingly. Where piracy remains relatively low-profit and high-risk, as in much of Southeast Asia, decentralised and opportunistic structures prevail. Where maritime crime generates substantial revenues and encounters limited state resistance, as witnessed during the peak of Somali piracy, highly sophisticated and hierarchical organisations emerge. Where piracy becomes embedded within land-based criminal and political economies, as in the Gulf of Guinea, hybrid organisational structures develop that combine elements of organised crime, militancy, and maritime violence.

Therefore, the evidence demonstrates that organisational structures are not merely operational characteristics of piracy but important indicators of the broader governance environments within which maritime criminality develops. The varying levels of organisational

sophistication observed across Southeast Asia, East Africa, and West Africa reinforce the central argument of this thesis that piracy is fundamentally shaped by political, economic, and institutional conditions. They further suggest that effective counter-piracy strategies must be tailored not only to the tactics employed by pirate groups but also to the organisational and governance structures that sustain them. Such findings underscore the limitations of uniform maritime security approaches and highlight the importance of context-specific governance responses in addressing contemporary maritime insecurity.

7.5 Effectiveness of International Maritime Security Instruments

The comparative analysis of Southeast Asia, East Africa, and West Africa provides important insights into the effectiveness of international maritime security instruments in addressing piracy and armed robbery against ships. While international legal frameworks such as the United Nations Convention on the Law of the Sea (UNCLOS),[1419] the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention),[1420] United Nations Security Council (UNSC) resolutions,[1421] and regional cooperative mechanisms provide the normative foundation for maritime security governance,[1422] the experiences of the three regions demonstrate that their effectiveness has been uneven. Rather than producing uniform outcomes, the operation of these instruments has varied considerably according to regional governance conditions, institutional capacity, enforcement mechanisms, and levels of political commitment. Consequently, the comparative evidence suggests that the effectiveness of maritime security instruments depends not only on

[1419] United Nations Convention on the Law of the Sea (UNCLOS), Articles 100-105
[1420] SUA Convention 1988 & its 2005 Protocol
[1421] United Nations Security Council (UNSC) resolutions, Resollutions 1816 (2008); 1851 (2008); 1918 (2010); 2039 (2012); 2608 (2021) & 2634 (2022)
[1422] ReCAAP, DCoC, JCoC

their legal design but also on the broader political and institutional environments within which they are implemented.

A central finding emerging from the comparison is that UNCLOS provides an essential legal framework for the suppression of piracy but exhibits significant limitations when applied to contemporary manifestations of maritime insecurity. Although the Convention establishes piracy as a universal crime and imposes a duty upon states to cooperate in its repression under Article 100, its definition of piracy remains largely confined to acts committed on the high seas for private ends.[1423] This limitation has had varying implications across the three regions. In East Africa, where Somali pirates frequently operated on the high seas and targeted international shipping routes, UNCLOS provided an important legal basis for multinational naval intervention and the exercise of universal jurisdiction. However, even in the Somali context, the Convention proved insufficient on its own. The suppression of Somali piracy ultimately required supplementary legal and operational mechanisms, including UNSC resolutions, multinational naval deployments, private maritime security measures, and coordinated industry compliance initiatives.[1424]

In contrast, the limitations of UNCLOS have been more pronounced in Southeast Asia and West Africa, where a significant proportion of attacks occur within territorial waters rather than on the high seas.[1425] In Southeast Asia, many incidents take place in ports, anchorages, and

[1423] UNCLOS, Article 101; Mohamed Elkassar, 'International legal and practical challenges in combating maritime crime, an analysis (based on the UNODC Maritime Crime Manual)' (2025) 11 International Journal of Law, 118-124

[1424] Yaron Gottlieb, 'The Security Council's Maritime Piracy Resolutions: A Critical Assessment' (2015) 24, Minnesota Journal of International Law, 1; House of Lords, Combating Somali Piracy: the EU's Naval Operation Atalanta Report with Evidence, 14 April 2010, HL Paper 103, European Union Committee 12th Report of Session 2009–10, UK Parliament; János Besenyő &Gábor Sinkó, 'Combating piracy strategically: Analysing the successes and challenges of NATO and EU interventions off the Somali coast' (2022) 29 South African Journal of International Affairs, 295–309; *notably United Nations Security Council (UNSC) resolutions (e.g., 1816, 1851, and 2608). These resolutions, combined with ad hoc multinational naval operations (like EU NAVFOR Atalanta and Combined Maritime Forces), enabled effective, lawful action to combat piracy and protect maritime trade in the region*

[1425] IMO, Acts of Piracy and Armed Robbery Against Ships, Annual Reports, 1984-2024, n 16

narrow maritime straits under national jurisdiction, while piracy and armed robbery in the Gulf of Guinea are similarly concentrated within territorial seas and coastal waters.[1426] Consequently, many contemporary attacks fall outside the classical definition of piracy contained within UNCLOS and are instead categorised as armed robbery against ships.[1427] This jurisdictional distinction significantly limits the practical applicability of the Convention and reinforces dependence upon domestic legislation, regional cooperation arrangements, and national enforcement institutions. The experiences of Southeast Asia and West Africa therefore reveal a growing disconnect between the traditional legal conception of piracy and the operational realities of contemporary maritime crime.

The comparative evidence also highlights the varying effectiveness of the SUA Convention as a supplementary legal instrument. Unlike UNCLOS, the SUA Convention extends legal coverage beyond the high seas and criminalises a broader range of unlawful acts against the safety of maritime navigation.[1428] In theory, this enables states to address many of the jurisdictional gaps that have constrained the application of UNCLOS. However, the effectiveness of the Convention has depended heavily upon domestic implementation and enforcement.[1429] Across the three regions, uneven levels of ratification, legislative incorporation, prosecutorial capacity, and institutional effectiveness have limited its practical impact.[1430] Although SUA provides a more comprehensive legal framework for addressing

[1426] Ibid
[1427] UNCLOS, Article 101
[1428] SUA Convention 1988, Article 4; SUA 2005 Protocol, Article 6
[1429] SUA Convention 1988, Articles 5, 6, 10, 12 & 14; SUA 2005 Protocol, Articles 3 *bis,* 5 *bis* & 8 *bis*
[1430] United Nations Treaty Convention, Convention for the suppression of unlawful acts against the safety of maritime navigation, Reg. No: 29004, UNTS Vol. No: 1678 UNTC Accessed on 11 March 2026. With only 40 ratifications globally. Only Seychelles (East Africa) in the three-piracy hotspot region has ratified the SUA Convention. See also United Nations Treaty Convention, Protocol of 2005 to the Convention for the suppression of unlawful acts against the safety of maritime navigation, 29004, UNTS Vol. No: 3429 UNTC Accessed on 11 March 2026. However, for the SUA 2005 Protocol 50 states globally have ratified it, with few states in the hotspot regions including Benin, Côte d'Ivoire, Ghana, Nigeria & Togo ratifying the SUA Protocol. Furthermore, while only few states in East Africa (Kenyan, Seychelles, Tanzania & Somalia) & West Africa (Gulf of Guinea) (Nigeria, Togo & Cameroon) have domesticated SUA Convention & its 2005 Protocol. Although with very limited

maritime violence, its utility has often been constrained by the same implementation deficits that affect many international legal instruments more broadly.

The regional comparison further demonstrates that cooperative mechanisms frequently play a more decisive role in reducing piracy than international legal instruments operating in isolation. In Southeast Asia, the combination of UNCLOS obligations with regional mechanisms such as ReCAAP, the Malacca Straits Patrols, coordinated surveillance systems, and information-sharing arrangements contributed significantly to maintaining piracy at relatively manageable levels despite the region's dense maritime traffic.[1431] The Southeast Asian experience therefore suggests that international legal obligations achieve their greatest effectiveness when embedded within strong institutional cooperation frameworks capable of translating legal commitments into practical enforcement activities.

A similar pattern is evident in East Africa. The dramatic decline of Somali piracy after 2012 was not attributable solely to UNCLOS or SUA, but rather to a convergence of legal, military, political, and commercial responses. The deployment of multinational naval forces, the adoption of UNSC mandates, the widespread use of private maritime security personnel, compliance with industry best-management practices, and gradual improvements in Somali governance collectively increased the costs and risks associated with piracy.[1432] The East African case therefore demonstrates that international legal instruments can provide an enabling framework for collective action, but their effectiveness often depends upon substantial operational and political support mechanisms.

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prosecution and convention. Although states such as Malaysia, Indonesia & Singapore has enacted anti-piracy laws, they mostly do not comply with UNCLOS or SUA and limited to piracy and armed robbery activities within their territorial waters.

[1431] Jennifer C. Bulkeley, Regional Cooperation on Maritime Piracy: A Prelude to Greater Multilateralism in Asia? (2003) 14 Journal of Public and International Affairs; Carolin Liss, Assessing Contemporary Maritime Piracy in Southeast Asia, n 1423

[1432] Yaron Gottlieb, 'The Security Council's Maritime Piracy Resolutions, n 1440

West Africa presents perhaps the greatest challenge to the effectiveness of the current international maritime security architecture. Although regional initiatives such as the Yaoundé Code of Conduct have strengthened cooperation and contributed to reductions in reported incidents in recent years, piracy and kidnapping-for-ransom remain persistent threats.[1433] Unlike East Africa, where piracy largely occurred beyond territorial seas, maritime insecurity in the Gulf of Guinea remains closely linked to land-based criminal economies, resource conflicts, corruption, and governance deficits. Consequently, the effectiveness of legal and enforcement measures has been constrained by structural conditions that extend beyond the maritime domain itself. The persistence of maritime criminality in the region demonstrates that legal frameworks and security operations alone are unlikely to produce sustainable outcomes where the underlying political and economic drivers of insecurity remain unresolved.

Therefore, the comparative evidence reveals that the effectiveness of international maritime security instruments varies according to three interrelated factors: legal adequacy, institutional capacity, and cooperative implementation. While UNCLOS and the SUA Convention establish an essential legal foundation for maritime security governance, their practical effectiveness is significantly shaped by the capacity and willingness of states to implement and enforce their provisions. The experiences of Southeast Asia, East Africa, and West Africa further suggest that international legal instruments function most effectively when supported by strong domestic institutions, robust regional cooperation mechanisms, and broader governance arrangements capable of addressing the structural drivers of maritime insecurity.

A broader pattern emerges across the three regions. International maritime security instruments proved most effective when they operated as part of an integrated governance framework combining legal regulation, enforcement capacity, political commitment, regional cooperation, and measures addressing underlying socio-economic drivers. Where these elements operated

[1433] IMO, Acts of Piracy and Armed Robbery Against Ships, Annual Reports, 2020-2024, n 16

in isolation, outcomes were generally less sustainable. The comparative evidence therefore suggests that maritime security effectiveness depends not on individual instruments alone but on their integration within wider governance arrangements.

The comparison therefore challenges any assumption that international maritime security instruments are inherently effective simply because they exist or have been ratified. Instead, effectiveness emerges as a function of implementation, enforcement, cooperation, and governance. The evidence from the three regions suggests that maritime security instruments should be understood as enabling frameworks whose success depends upon the quality of the political, legal, and institutional environments within which they operate. This finding reinforces the central argument of this thesis that the effectiveness of international maritime security law cannot be assessed solely by reference to legal provisions but must be evaluated in light of the operational realities, governance conditions, and regional contexts that shape maritime security outcomes.

7.6 Governance Capacity and Regional Cooperation

The comparative analysis indicates that governance capacity and regional cooperation constitute the most significant variables influencing piracy outcomes across Southeast Asia, East Africa, and West Africa. Although international maritime security instruments provide the legal foundation for piracy suppression, the effectiveness of these frameworks is ultimately determined by the institutional capacity of states and the extent to which cooperative mechanisms are translated into operational practice. The experiences of the three regions demonstrate that piracy outcomes are shaped less by the existence of legal rules than by the political, institutional, and cooperative structures responsible for implementing them.

A central pattern emerging from the comparison is that successful suppression of piracy is consistently associated with effective governance and coordinated cooperation, although the

form of cooperation varies considerably across regions. In **Southeast Asia,** relatively strong state institutions, functioning legal systems, and sustained regional collaboration have enabled piracy to be managed without large-scale international military intervention. Mechanisms such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), the Malacca Straits Patrols (MSP), and coordinated intelligence-sharing frameworks have strengthened maritime domain awareness and facilitated rapid responses to maritime threats.[1434] Rather than seeking to eliminate piracy entirely, these arrangements have largely succeeded in containing maritime insecurity, preventing escalation, and maintaining attacks at comparatively manageable levels despite the region encompassing some of the world's most heavily trafficked shipping routes.[1435] The Southeast Asian experience therefore demonstrates the preventative value of strong governance structures combined with sustained regional cooperation.

The **East African** experience presents a markedly different governance trajectory. Whereas piracy in Southeast Asia emerged within functioning governance systems, Somali piracy flourished in an environment characterised by state collapse and the absence of effective maritime institutions. Under such conditions, regional cooperation alone was insufficient to address the scale and sophistication of piracy. Instead, the Somali crisis generated one of the most extensive international maritime security responses in modern history. Multinational naval operations, including those conducted under international mandates, were supported by private maritime security providers, enhanced industry compliance with Best Management Practices (BMPs), intelligence-sharing mechanisms, and international capacity-building

[1434] Kevin Socquet-Clerc, and others, Maritime Security Sector Governance and Reform in Southeast Asia: Thematic SSG Brief, April 2023, DCAF - Geneva Centre for Security Sector Governance, Switzerland, 10

[1435] Scott Edwards and John Bradford, Southeast Asia's Maritime Security Challenges: An Evolving Tapestry, 28 March 2023, Asia Maritime Transparency Initiative; IMO, Acts of Piracy and Armed Robbery Against Ships, Annual Reports, 2015-2024, n 16

initiatives.[1436] The effectiveness of these measures was further reinforced by gradual improvements in governance within Somalia itself.

Consequently, these interventions significantly increased the operational risks and costs associated with piracy, contributing to the dramatic decline of Somali piracy after 2012.[1437] However, the East African case also highlights the limitations of externally driven maritime security governance. The success achieved was heavily dependent upon sustained international financial, military, and political commitments, raising questions regarding the long-term sustainability and replicability of such interventions elsewhere.

West Africa illustrates a third model of maritime security governance. Unlike East Africa, where extensive foreign naval intervention was broadly accepted due to the absence of effective state authority, Gulf of Guinea states generally adopted a sovereignty-centred approach that emphasised regional ownership, national legal reforms, and capacity-building initiatives.[1438] Frameworks such as the Yaoundé Code of Conduct, ECOWAS maritime strategies, and national maritime security programmes sought to strengthen cooperation while preserving state control over maritime enforcement activities.[1439] This approach reflects the political sensitivities associated with sovereignty and external intervention in the region. Although these

[1436] Ahmed Khalif Bile, 'Warships Alone Will Not Curb Piracy Off the Somali Coast: Lessons from Puntland, State of Somalia' In: Maximo Q. Mejia, Jr., Chie Kojima, Mark Sawyer (eds) *Piracy at Sea (*Springer, Berlin, Heidelberg, 2013) 157–175; Eugene Kontorovich, 'International Legal Responses to Piracy off the Coast of Somalia', (2009) 13 American Society of International Law; Andrew Poulin, How the World Overpowered Piracy in the Horn of Africa, 16 January 2016, International Policy Digest; Emma Lin Hurlbert, Market for Force: The Emerging Role of Private Military and Security Companies in Anti-Piracy Operations, 26 March 2021, Security Distillery; BBC News, Drop in sea piracy helped by big Somali improvement, says watchdog, BBC News, (Africa, 15 January 2014)

[1437] IMO, Acts of Piracy and Armed Robbery Against Ships, Annual Reports, 2012-2024, n 16

[1438] Nirit Ben-Ari, Piracy in West Africa: A bumpy road to maritime security, 19 November 2013, Africa Renewal, United Nations

[1439] Kabiru Tanimu, 'The 2013 Yaoundé code of conduct: an evaluation' (2025) 3 International Journal of Maritime Crime & Security (IJMCS), 56; Hüseyin Yücel, 'Sovereignty and Transnational Cooperation in the Gulf of Guinea: How a Network Approach can Strengthen the Yaoundé Architecture' (2021) 4 Scandinavian Journal of Military Studies, 146–157; Jessica Larsen and Christine Nissen, Reconciling international Priorities with Local Needs: Denmark as a New Security Actor in the Gulf of Guinea, 2018, DIIS Report 2018:08, Danish Institute for International Studies, Denmark, 25

initiatives contributed to notable reductions in reported incidents between 2020 and 2024,[1440] their effectiveness has been constrained by persistent capacity deficits, resource limitations, political rivalries, corruption, and uneven implementation among participating states.[1441] Furthermore, while overall piracy incidents declined, kidnapping-for-ransom remained highly prevalent, indicating that criminal networks adapted their tactics rather than disappearing entirely.[1442] Consequently, the West African experience demonstrates both the potential and limitations of a regional governance model that prioritises sovereignty while seeking to strengthen collective security.

Comparison across the three regions reveals that governance capacity influences piracy outcomes in several interconnected ways. First, effective institutions enhance states' ability to enforce maritime laws, monitor maritime spaces, prosecute offenders, and coordinate security operations. Second, institutional capacity determines whether international legal obligations can be translated into operational outcomes. Third, governance quality affects the degree to which underlying drivers of piracy, such as economic marginalisation, corruption, political instability, and weak rule of law, are addressed. Consequently, piracy appears to thrive where governance deficits reduce the risks associated with maritime crime and weaken the state's ability to provide effective maritime oversight.

[1440] IMO, Acts of Piracy and Armed Robbery Against Ships, Annual Reports, 2020-2024, n 16

[1441] Kempton Baldridge, Piracy in the Gulf of Guinea: Progress and Future Challenges, 7 August 2025, Center for Maritime Strategy; Stephanie Oserwa Schandorf, 'Reimagining counter-piracy efforts in the Gulf of Guinea: Lessons from the theory of infrastructure for coordination and information sharing' (2024) 33 African Security Review, 403–419; Adeniyi Adejimi Osinowo, Combating Piracy in the Gulf of Guinea, 28 February 2015, Africa Security Brief No. 30, Africa Center for Strategic Studies

[1441] Nirit Ben-Ari, Piracy in West Africa: A bumpy road to maritime security, 19 November 2013, Africa Renewal, United Nations

[1442] United Nations Security Council, Ongoing Decline in Gulf of Guinea's Piracy, Armed Robbery Encouraging, But Support Needed to Fully Implement Yaoundé Architecture, Briefers Tell Security Council, 21 June 2023, SC/15331; ICC-IMB, News Article, Maritime Piracy dropped in 2024, but Crew Safety Remains at Risk, 14 January 2025; United Nations Security Council, Piracy, Armed Robbery Declining in Gulf of Guinea, But Enhanced National, Regional Efforts Needed for Stable Maritime Security, Top Official Tells Security Council, 22 November 2022, SC/15113; IMO, Acts of Piracy and Armed Robbery Against Ships, Annual Reports, 2020-2024, n 16

The comparative evidence also demonstrates that regional cooperation is most effective when supported by strong institutional frameworks and political commitment. In Southeast Asia, cooperation functions largely as a force multiplier for capable states. In East Africa, cooperation was supplemented by substantial international intervention to compensate for governance collapse. In West Africa, cooperation has achieved moderate success but remains constrained by uneven institutional capacity and sovereignty-related concerns. These differing outcomes suggest that cooperation alone is insufficient; its effectiveness depends heavily upon the institutional environments within which it operates.

The regional comparison demonstrates that successful maritime security governance is inherently integrated in nature. The most effective responses combined legal frameworks, operational enforcement, institutional cooperation, governance capacity, and political support. The relative success of Southeast Asia, the suppression of Somali piracy, and the more limited progress in West Africa all illustrate that no single intervention is sufficient when operating independently from broader governance mechanisms.

Importantly, the comparison challenges internationalist assumptions underlying many counter-piracy strategies. The relative success of regional information-sharing arrangements in Southeast Asia could not simply be replicated in Somalia during the height of state collapse. Likewise, the large-scale multinational naval operations deployed off the coast of Somalia would have been politically difficult to implement in the Gulf of Guinea due to concerns regarding sovereignty and regional ownership. The evidence therefore suggests that effective maritime security governance must be adapted to regional political realities rather than based on standardised enforcement models.

Therefore, the experiences of Southeast Asia, East Africa, and West Africa demonstrate that governance capacity and regional cooperation are not merely supporting factors but fundamental determinants of maritime security outcomes. While legal instruments such as

UNCLOS and the SUA Convention provide the normative framework for counter-piracy efforts, their effectiveness is ultimately mediated by the institutional capacity of states, the strength of regional cooperation mechanisms, and the broader governance environments within which they operate. The comparison therefore reinforces the central argument of this thesis that sustainable maritime security cannot be achieved through legal rules or military deterrence alone. Instead, it requires governance systems capable of translating legal obligations into effective enforcement, fostering meaningful cooperation, and addressing the structural conditions that enable maritime criminality to emerge and persist.

7.7 Effectiveness and Sustainability

The comparative evidence demonstrates that effectiveness and sustainability are distinct, although closely related, dimensions of maritime security governance. While piracy can often be suppressed through coordinated enforcement measures, sustaining long-term maritime security requires addressing the broader governance, political, and economic conditions that enable maritime criminality to emerge. The experiences of Southeast Asia, East Africa, and West Africa reveal significant variation in both the effectiveness of counter-piracy interventions and their long-term sustainability, highlighting the limitations of approaches that focus exclusively on maritime enforcement.

A central finding emerging from the comparison is that the most sustainable reductions in piracy occur where maritime security measures are embedded within broader governance frameworks. **Southeast Asia** provides the clearest example of preventative success based upon this model. Although the region continues to experience incidents of piracy and armed robbery against ships, sustained regional cooperation, effective information-sharing mechanisms, coordinated maritime patrols, and comparatively strong state institutions have largely

prevented the escalation of maritime crime into a major transnational security crisis.[1443] Instead of relying primarily on intensive military interventions, Southeast Asian states have developed institutionalised mechanisms capable of managing maritime threats over the long term. The region therefore illustrates how governance capacity and cooperative security arrangements can generate durable maritime stability by reducing opportunities for maritime criminality before they evolve into more sophisticated forms.

The **East African** experience demonstrates a different pathway to effectiveness. The decline of Somali piracy after 2012 remains one of the most significant counter-piracy successes of the modern era.[1444] The combination of multinational naval deployments, United Nations Security Council mandates, private maritime security personnel, industry compliance with Best Management Practices, and enhanced legal cooperation dramatically increased the operational risks associated with piracy and contributed to a rapid reduction in attacks.[1445] Equally important was the gradual restoration of governance structures within Somalia, which reduced the permissive environment upon which piracy had thrived.[1446] However, while highly effective in operational terms, the sustainability of this model is more complex. The suppression of Somali piracy was achieved through extraordinary levels of international financial, military, and political commitment that may be difficult to replicate elsewhere. Consequently, East Africa demonstrates that maritime insecurity can be significantly reduced through intensive

[1443] ReCAPP ISC, Piracy and Sea Robbery Conference 2023, 27 April 2023, Singapore; Jennifer C. Bulkeley, Regional Cooperation on Maritime Piracy, n 1447; Rick Ozzie Nelson and Brianna Fitch, Combating Piracy: Challenges and Opportunities for Regional and Private-Sector Involvement, 20 June 2012, Center for Strategic and International Studies

[1444] IMO, Acts of Piracy and Armed Robbery Against Ships, Annual Reports, 2012-2024, n 16

[1445] Thierry Tardy (ed), Fighting piracy off the coast of Somalia: Lessons learned from the Contact Group, October 2014, Report No 20, EU Institute for Security Studies, Paris, p. 37

[1446] Stanley Ehiane, Dominique Uwizeyimana, 'Exploring Maritime Piracy and Somalia National Security' (2023) 10 International Journal of Membrane Science and Technology, 3128; United Nations News, Sustained response to Somalia piracy requires effective State governance – UN political chief, 22 October 2014, UN https://news.un.org/en/story/2014/10/481692 Accessed 11 March 2026

international intervention, but that long-term sustainability remains dependent upon the continued development of local governance capacity and institutional resilience.

In contrast, the **West Africa** (**Gulf of Guinea)** highlights the challenges of achieving sustainable maritime security where the underlying drivers of insecurity remain deeply embedded within land-based political and economic systems.[1447] Although regional cooperation initiatives, expanding naval capabilities, and maritime security investments have contributed to declines in reported piracy incidents in recent years, these improvements have not fundamentally altered the structural conditions that sustain maritime criminality.[1448] Piracy in West Africa remains closely connected to oil theft, illegal bunkering, economic marginalisation, corruption, and broader governance challenges within coastal communities. Consequently, criminal networks have demonstrated a capacity to adapt their activities in response to changing enforcement strategies, particularly through increased reliance on kidnapping-for-ransom operations. The West African experience therefore underscores the limitations of security-centred approaches that focus primarily on suppressing maritime symptoms while leaving the underlying political and economic drivers largely intact.

The comparison further reveals that effectiveness does not necessarily guarantee sustainability. East Africa achieved perhaps the greatest reduction in piracy incidents, yet this outcome depended heavily on exceptional external intervention. By contrast, Southeast Asia has experienced more modest but arguably more sustainable success because maritime security improvements have been institutionalised through regional cooperation frameworks and

[1447] Daud Hassan & Sayed Hasan, 'Effectiveness of the Current Regimes to Combat Piracy in the Gulf of Guinea: An Evaluation' (2017) 10 African Journal of Legal Studies, 35-65

[1448] Frederick Boamah, 'The Role of the UN Security Council in the Fight Against Piracy in the Gulf of Guinea' (2023) 17 Central European Journal of International and Security Studies, 66; UNSC, Press Release, Piracy, Armed Robbery Declining in Gulf of Guinea, But Enhanced National, Regional Efforts Needed for Stable Maritime Security, Top Official Tells Security Council, 22 November 2022, SC/15113

domestic governance structures. West Africa illustrates the opposite scenario, where improvements in operational enforcement have generated measurable short-term gains but have not yet produced the broader governance transformations necessary for long-term maritime stability. These contrasting experiences suggest that sustainable maritime security is achieved not merely through the suppression of piracy incidents but through the establishment of governance systems capable of managing the conditions from which maritime insecurity originates.

A common feature of the most sustainable counter-piracy outcomes is the adoption of integrated approaches that combine security, governance, legal, economic, and developmental measures. The comparative evidence suggests that sustainability increases as maritime security responses become more comprehensive and multidimensional. Southeast Asia's experience demonstrates the benefits of embedding maritime security within institutional cooperation and governance frameworks, while the suppression of Somali piracy reflected the combined effects of legal, military, political, and governance interventions. Conversely, the continuing challenges in West Africa highlight the limitations of approaches that focus primarily on maritime enforcement without fully addressing broader governance and political-economic drivers.

A further lesson emerging from the comparative analysis is that maritime security cannot be divorced from wider questions of political economy. While piracy manifests at sea, its foundations are often located on land. In Southeast Asia, economic opportunities and relatively effective governance reduce the incentives for large-scale maritime criminal enterprises. In East Africa, the gradual restoration of state authority weakened the economic and institutional foundations of piracy. In West Africa, however, persistent governance deficits, resource inequalities, and entrenched criminal economies continue to generate incentives for maritime

crime despite improvements in maritime enforcement. The evidence therefore suggests that piracy is not merely a security problem but also a development and governance challenge.

The Gulf of Guinea illustrates this point most clearly. The persistence of maritime insecurity despite increased security investments suggests that maritime enforcement alone is insufficient to achieve long-term stability. Sustainable solutions require a broader governance strategy that integrates maritime security with economic development, environmental protection, institutional reform, community empowerment, and improved resource governance. In this regard, a comprehensive "blue economy" approach offers a potentially more sustainable framework by linking maritime safety and security objectives to broader social and economic development goals. Such an approach recognises that lasting maritime security depends not only on controlling maritime spaces but also on addressing the land-based conditions that enable criminal networks to flourish.

Consequently, the comparative evidence demonstrates that the sustainability of counter-piracy outcomes is determined by the interaction between governance capacity, regional cooperation, political economy, institutional legitimacy, and the extent to which security interventions address underlying structural drivers. The experiences of Southeast Asia, East Africa, and West Africa collectively suggest that operational deterrence, while necessary, is rarely sufficient on its own. Maritime security frameworks are most effective when they are supported by functioning institutions, cooperative governance arrangements, and broader political and economic reforms capable of reducing the incentives for maritime criminality. Where criminal economies remain deeply entrenched and governance deficits persist, security gains are likely to remain fragile and vulnerable to reversal. The comparison therefore reinforces the central argument of this thesis that sustainable maritime security depends not simply on suppressing piracy at sea but on addressing the underlying governance and political-economic conditions from which maritime insecurity emerges.

7.8 Comparative Implications for Maritime Security Governance

The comparative analysis of piracy in Southeast Asia, East Africa, and West Africa generates several broader implications for maritime security governance and for understanding the effectiveness of international maritime security instruments. Collectively, these findings contribute to knowledge in several important respects. **First,** the thesis demonstrates that piracy is best understood as a governance and political-economy phenomenon rather than solely a maritime security challenge. **Second,** it develops a comparative explanation of how different governance environments shape the organisational structures, operational patterns, and sustainability of piracy across regions. **Third**, it demonstrates that the effectiveness of international maritime security instruments depends less on their formal legal provisions than on the governance capacities, institutional arrangements, and cooperative mechanisms through which they are implemented. **Fourth,** the thesis advances the argument that the long-term suppression of piracy depends not only on maritime enforcement measures but also on addressing the underlying land-based drivers of maritime insecurity, including governance deficits, economic exclusion, resource conflicts, environmental degradation, and institutional weakness.

While the three regions exhibit important differences in historical development, organisational structures, operational practices, and governance environments, the comparison also reveals common patterns that challenge prevailing assumptions within international maritime security policy. Most significantly, the evidence demonstrates that piracy is fundamentally shaped by governance conditions rather than geography alone, that maritime insecurity cannot be separated from broader political and economic structures, and that the effectiveness of maritime security frameworks depends upon their capacity to adapt to regional realities.

7.8.1 Piracy as a Governance and Political-Economy Problem Rather than a Purely Maritime Security Threat

The first major finding is that piracy should not be understood solely as a maritime security issue but as a multidimensional phenomenon rooted in governance, development, and political economy. Across all three regions, piracy was found to originate not simply from opportunities at sea but from conditions on land.

The experiences of Southeast Asia, East Africa, and West Africa demonstrate different manifestations of this relationship. In Southeast Asia, piracy emerged within dense commercial shipping corridors where maritime opportunities existed, yet the relatively limited scale and sophistication of attacks reflected the continued presence of functioning governance systems, alternative economic opportunities, and effective regional cooperation. In East Africa, piracy evolved into a sophisticated ransom-based enterprise following the collapse of governance structures in Somalia and the absence of effective maritime enforcement institutions. In West Africa, piracy became embedded within the political economy of oil extraction, environmental degradation, resource conflicts, corruption, and economic marginalisation.

The common thread across all three regional experiences is that maritime criminality developed in response to conditions created by governance failures rather than maritime factors alone.[1449] Although geography influenced the operational opportunities available to pirate groups, geography itself does not explain the different forms piracy assumed across regions. Instead, governance quality, institutional capacity, economic exclusion, and political stability played more decisive roles in shaping both the character and intensity of maritime insecurity.

[1449] Christian Bueger, Learning from Piracy: Future Challenges of Maritime Security Governance (2015) 1 Global Affairs, 33-42; Michael Mitchell Omoruyi Ehizuelen, 'Assessing the possible influence of maritime piracy on African Continental Free Trade Area (AfCFTA) in Nigeria' (2025) 10 Journal of Shipping and Trade; Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62–69.

This finding challenges approaches that conceptualise piracy primarily as a naval or law-enforcement problem. While maritime security measures remain necessary, the comparative evidence suggests that lasting suppression of piracy requires broader interventions aimed at strengthening governance institutions, improving economic opportunities, reducing corruption, enhancing political legitimacy, and addressing resource-related grievances. Maritime insecurity therefore represents a symptom of wider governance deficiencies rather than an isolated security phenomenon.

7.8.2 The Limits of Reactive and Militarised Counter-Piracy Responses

The second major finding concerns the limitations of security-centred and predominantly militarised approaches to piracy suppression. While military interventions can significantly reduce piracy incidents, the comparative evidence suggests that such approaches achieve sustainable results only when accompanied by broader governance reforms.

The East African experience remains the most successful modern example of piracy suppression. Multinational naval deployments, UNSC authorisations, private maritime security measures, and industry compliance with Best Management Practices collectively contributed to a dramatic reduction in Somali piracy after 2012. However, closer examination reveals that this success cannot be attributed solely to military intervention. It also depended upon increased regional cooperation, strengthened legal frameworks, capacity-building initiatives, and gradual improvements in governance within Somalia itself.

The experience of West Africa demonstrates the limitations of relying exclusively upon enforcement measures. Despite significant investment in naval capability, maritime surveillance, and regional security cooperation, criminal networks in the Gulf of Guinea adapted their operational models from oil theft and vessel hijacking towards kidnapping-for-

ransom activities.[1450] Although incident numbers declined, the persistence of maritime criminality reflects the continued existence of the underlying political and economic conditions that sustain criminal enterprises.[1451] Criminal organisations were not eliminated; instead, they modified their activities in response to changing enforcement pressures.

Southeast Asia offers a contrasting model. Instead of relying primarily on military deterrence, the region has generally prioritised preventive governance measures, institutional cooperation, and information-sharing arrangements. The relative success of these approaches suggests that preventing the escalation of piracy may be more sustainable than attempting to suppress highly developed criminal enterprises after they emerge.

Consequently, these regional experiences indicate that military force can suppress piracy temporarily but cannot resolve the structural conditions that generate it. Sustainable maritime security therefore requires a balance between deterrence, law enforcement, governance reform,

[1450] Gideon Pelumi Adejumo and Jibaniya Simon Awudu, 'Examining the Ever-Persistent Challenges of Maritime Piracy in Africa' (2026) 11 International Journal of Humanities Literature and Art Research, 174; Stanley Osezua Ehiane, 'The Emergence of Maritime Piracy in Nigeria and the Challenges in Combating the Menace' (2025) 13 Journal of Law and Sustainable Development; János Besenyő &Gábor Sinkó, 'Combating piracy strategically: Analysing the successes and challenges of NATO and EU interventions off the Somali coast' (2022) 29 South African Journal of International Affairs, 295–309; Frederick Boamah, 'The Role of the UN Security Council in the Fight Against Piracy in the Gulf of Guinea' (2023) 17 Central European Journal of International and Security Studies, 66-89.

[1451] Katja Lindskov Jacobsen, Carina Bruwer, Amanda Møller Rasmussen, 'Rethinking Contemporary (Counter)Piracy: Lessons from the Western Indian Ocean and the Gulf of Guinea' (2026) 9 Scandinavian Journal of Military Studies; Paul R. Williams & Lowry Pressly, 'Maritime Piracy: A Sustainable Global Solution' (2013) 46 Case Western Reserve Journal of International Law, 177; Mikkel Ørum Andersen, Francois Vreÿ, 'Exploring Communities of Practice for Maritime Security in the Gulf of Guinea: Opportunities and Constraints' (2025) 8 Scandinavian Journal of Military Studies, 521–536.

[1451] Christian Bueger, Timothy Edmunds and Jan Stockbruegger, 'UNCLOS under Fire: Recalibrating Maritime Security Governance' (2025) 74 International and Comparative Law Quarterly, 85-102; Ibukun Jacob Adewumi, 'Exploring the Nexus and Utilities Between Regional and Global Ocean Governance Architecture' (2021) 8 Frontiers in Marine Science; Eleanor Dayan, Aviad Rubin, 'Complexities of governance and sovereignty in maritime security' (2026) 187 Marine Policy; Destin Novitasari, and others, 'Maritime Security Strategy in the Indo-Pacific Region from the Perspective of Geopolitics and International Law' (2025) 48 International Journal of Progressive Sciences and Technologies (IJPSAT), 584-590

and economic development. Counter-piracy policies that prioritise maritime enforcement while neglecting underlying governance challenges risk producing only temporary gains.

7.8.3 The Need for Context-Specific Maritime Security Governance Frameworks

The third major finding is that piracy is highly context-dependent, requiring governance responses tailored to regional realities rather than universal counter-piracy strategies. The comparative evidence strongly challenges the assumption that a single model of piracy exists or that a standardised response can be applied across different maritime regions.

Despite being classified under the same international legal framework, piracy in Southeast Asia, East Africa, and West Africa exhibited markedly different characteristics. In Southeast Asia, piracy was predominantly opportunistic, decentralised, and concentrated within busy maritime corridors. In East Africa, piracy evolved into a highly organised transnational ransom economy facilitated by state collapse and weak governance. In West Africa, piracy became intertwined with resource conflicts, organised crime, oil theft, and local political economies.

These variations created distinct operational environments requiring fundamentally different responses. The cooperative information-sharing arrangements and coordinated patrol systems that proved effective in Southeast Asia emerged within relatively stable governance contexts and may not have succeeded in Somalia during the period of state collapse. Similarly, the large-scale multinational naval interventions deployed in repressing Somalia piracy in the western Indian Ocean would have encountered significant political and sovereignty-related obstacles if replicated in the Gulf of Guinea. West Africa instead pursued a regional governance model emphasising state sovereignty, national ownership, legal reform, and capacity-building.

The comparison therefore highlights important limitations within existing international maritime security frameworks. While UNCLOS and the SUA Convention establish important legal foundations, they provide relatively limited guidance regarding the design of regionally

tailored implementation strategies. Consequently, the effectiveness of international maritime law depends heavily upon the ability of states and regional organisations to adapt legal principles to local governance structures, political realities, institutional capacities, and threat environments.

7.8.4 The Importance of Integrated Maritime Security Governance

A fourth finding emerging from the comparative analysis concerns the importance of integrated maritime security governance. Across all three regions, successful piracy suppression was associated not with any single intervention, but with the interaction of legal frameworks, enforcement mechanisms, governance institutions, regional cooperation, and efforts to address underlying political and economic drivers. Southeast Asia combined legal obligations with regional cooperation and institutional capacity. East Africa combined naval operations with legal reforms, international cooperation, industry measures, and improvements in governance. West Africa's continuing challenges demonstrate the limitations of enforcement-led approaches where broader governance and political-economic problems remain unresolved. The comparative evidence therefore suggests that integrated governance frameworks provide the most effective and sustainable basis for maritime security.

The findings of this study therefore support a more flexible and adaptive approach to maritime security governance. Rather than prescribing universal solutions, international maritime policy should facilitate context-sensitive responses capable of addressing the specific drivers, organisational structures, and operational characteristics of piracy within particular regions.

Conclusion

The comparative analysis of piracy in Southeast Asia, East Africa, and West Africa demonstrates that piracy is neither a uniform maritime crime nor a phenomenon that can be

adequately explained by geography alone. Instead, the evidence presented in this chapter shows that maritime insecurity emerges through the interaction of governance conditions, political economy, institutional capacity, and regional security arrangements. Although all three regions have experienced significant piracy and armed robbery against ships, the nature, intensity, and persistence of maritime criminality have varied considerably according to local political, economic, and governance realities.

The comparison reveals three distinct manifestations of piracy. In Southeast Asia, piracy has largely remained opportunistic, localised, and manageable due to relatively effective governance systems and sustained regional cooperation. In East Africa, piracy evolved into a highly organised transnational ransom economy following state collapse in Somalia before declining under a combination of international intervention, legal cooperation, and governance reconstruction. In West Africa, maritime criminality has remained closely connected to land-based resource economies, governance deficits, and organised criminal networks, making long-term suppression considerably more difficult. These contrasting trajectories demonstrate that piracy is fundamentally shaped by governance structures rather than maritime space alone.

More broadly, the chapter identifies three overarching implications for maritime security governance. First, piracy should be understood not simply as a maritime security threat but as a multidimensional governance and political-economy challenge. Across all three regions, maritime criminality emerged from underlying land-based conditions, including governance failures, economic marginalisation, institutional weaknesses, and resource-related grievances. Second, the analysis demonstrates the limitations of security-centred and predominantly militarised approaches. While enforcement measures and military interventions can significantly reduce piracy incidents, their effectiveness is often temporary when underlying structural drivers remain unaddressed. Third, the comparison confirms that successful counter-piracy strategies must be context-sensitive and adapted to regional realities. The differing

experiences of Southeast Asia, East Africa, and West Africa challenge assumptions that universal legal or operational solutions can effectively address all manifestations of maritime insecurity.

The chapter further highlights the critical role of governance capacity and cooperation in determining the effectiveness and sustainability of counter-piracy efforts. Regions characterised by stronger institutions, effective information sharing, and sustained cooperative arrangements have generally achieved more durable outcomes than those relying primarily on reactive enforcement measures. However, the analysis also demonstrates that even successful operational suppression does not necessarily translate into sustainable maritime security where the broader political and economic conditions enabling criminal activity remain unchanged. Consequently, lasting maritime security requires the integration of enforcement measures within wider governance, development, and institutional reform agendas.

Most significantly, the comparative findings raise important questions regarding the effectiveness of the international legal frameworks intended to suppress piracy and ensure safety at sea. Although international instruments have provided an essential normative foundation for counter-piracy efforts, their practical effectiveness has varied considerably across regions. Many contemporary incidents occur within territorial waters and port areas, particularly in Southeast Asia and West Africa, placing them beyond the traditional scope of piracy as defined under UNCLOS. Similarly, jurisdictional constraints, sovereignty concerns, uneven domestic implementation, and disparities in enforcement capacity have often limited the practical application of international legal obligations. As a result, states have frequently relied upon regional arrangements, ad hoc enforcement mechanisms, and non-legal deterrence measures to address maritime insecurity.

The comparison therefore exposes a growing disjunction between the operational realities of contemporary piracy and the legal frameworks designed to regulate and suppress it. While

instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) remain central pillars of maritime security governance, the evidence presented in this chapter suggests that their effectiveness is contingent upon domestic implementation, institutional capacity, political will, and the broader governance environment in which they operate. The findings therefore support the broader argument of this thesis that international maritime security instruments function primarily as enabling frameworks rather than as self-executing solutions to maritime insecurity.

Chapter 8

Conclusion and Recommendation

Introduction

This final chapter brings together the key findings, critical analyses, and comparative insights developed throughout this thesis to present the overall conclusions and recommendations arising from the study. Drawing on the empirical examination of piracy trends between 1984 and 2024 across Southeast Asia, East Africa, and West Africa, as well as the critical evaluation of international maritime security instruments, particularly the United Nations Convention on the Law of the Sea (UNCLOS), complemented by the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), the chapter synthesises the extent to which these frameworks remain effective in addressing contemporary maritime security threats.

The thesis has demonstrated that while international maritime security instruments provide an important legal foundation for combating piracy, their effectiveness is shaped by variations in state capacity, governance quality, institutional effectiveness, and regional cooperation mechanisms. The study further reveals that contemporary piracy is not solely a legal or maritime security problem, but a multidimensional governance challenge influenced by political, economic, social, and environmental factors.

Against this backdrop, the chapter reflects on the principal challenges identified throughout the research, including jurisdictional limitations within international law, uneven domestic implementation of international obligations, persistent socio-economic drivers of piracy, and operational constraints affecting counter-piracy initiatives. Drawing upon these findings, the chapter proposes a series of recommendations aimed at strengthening international and regional legal frameworks, enhancing institutional and enforcement capacity, improving regional

cooperation, and addressing the underlying structural conditions that contribute to maritime insecurity. In doing so, the chapter highlights the theoretical, legal, and policy contributions of the research while identifying areas for future study.

8.1 Overview of Thesis

This thesis examined the effectiveness of international maritime security instruments in combating piracy and ensuring safety at sea, with particular emphasis on the role of state capacity, governance, and regional cooperation in shaping the implementation of international legal frameworks. The central argument advanced throughout this study is that existing international maritime security instruments, particularly the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) and its 2005 Protocol, are not effective in addressing contemporary piracy. While these instruments provide an essential legal foundation for maritime security governance, their effectiveness is significantly constrained by jurisdictional limitations, uneven domestic implementation, institutional weaknesses, and the increasingly complex nature of contemporary maritime crime.

The research was undertaken in response to the continuing threat posed by piracy despite the existence of an extensive international legal framework. Although significant progress has been made in developing international norms and cooperative mechanisms to combat piracy, maritime insecurity continues to affect major global shipping routes, threaten international trade, undermine regional stability, and endanger the safety of seafarers. Consequently, the principal objective of this thesis was to critically evaluate whether contemporary international maritime security instruments is capable of addressing the evolving nature of piracy and armed robbery against ships in the twenty-first century.

To achieve this objective, the study adopted a comparative analytical approach that combined doctrinal legal analysis with empirical examination of piracy incidents between 1984 and 2024.

Three major piracy hotspots, Southeast Asia, East Africa, and West Africa, were selected as case studies to explore how variations in governance capacity, socio-economic conditions, maritime law enforcement capability, and regional security cooperation influence both the manifestation of piracy and the effectiveness of legal responses. This approach enabled the research to move beyond purely legal analysis and assess the practical operation of international maritime security instruments within different political, economic, and institutional contexts.

The thesis was organised into several interconnected chapters. The early chapters established the conceptual, theoretical, and legal foundations of the study by examining the historical evolution of piracy and the development of international maritime security law. Particular emphasis was devoted to the legal frameworks established under UNCLOS, complemented by the SUA Convention, including their definitions of piracy, jurisdictional provisions, obligations imposed on states, and enforcement mechanisms. These chapters identified significant legal and operational limitations, particularly concerning the narrow definition of piracy under international law, the territorial jurisdiction restrictions associated with piracy offences, and the dependence of international legal frameworks on effective domestic implementation.

The subsequent empirical chapters examined piracy trends across the selected case study regions. The Southeast Asian case study demonstrated how relatively strong governance structures, effective maritime institutions, and sustained regional cooperation contributed to significant reductions in piracy incidents within strategic maritime corridors. In contrast, the East African case illustrated how state collapse, institutional weakness, and limited maritime governance capacity created conditions that enabled the emergence and expansion of organised piracy networks off the coast of Somalia. The West African case study further revealed the complex relationship between piracy, environmental degradation, resource-related grievances,

socio-economic marginalisation, and governance failures within the Gulf of Guinea. Collectively, these regional analyses demonstrated that piracy manifests differently across geographical contexts and is shaped by varying combinations of political, economic, social, and institutional factors.

Building on these individual case studies, the thesis undertook a comparative assessment of piracy dynamics across the three regions. The comparison revealed that while international maritime legal frameworks provide a necessary foundation for combating piracy, their effectiveness depends substantially on the capacity of states to implement and enforce them. The findings demonstrate that differences in institutional capability, political commitment, regional cooperation, domestic legal frameworks, and socio-economic conditions significantly influence maritime security outcomes. Consequently, the effectiveness of international maritime law cannot be assessed solely on the basis of its legal provisions but must also be evaluated within the broader governance environments in which it operates.

Overall, the thesis concludes that the persistence of piracy is not primarily a consequence of an absence of international legal rules. Instead, it reflects the interaction between legal limitations, uneven governance capacity, institutional weaknesses, socio-economic conditions, and regional security dynamics. The study therefore challenges approaches that view piracy predominantly as a maritime law-enforcement problem and instead argues that it should be understood as a multidimensional governance challenge requiring integrated legal, institutional, security, and developmental responses. These findings provide the foundation for the conclusions and recommendations presented in the remainder of this chapter.

8.2 Research Findings

This section synthesises the principal findings of the research and evaluates their significance in relation to the study's objectives, research questions, and overall thesis argument. Drawing

upon the doctrinal analysis of international maritime security law and the empirical examination of piracy trends across Southeast Asia, East Africa, and West Africa between 1984 and 2024, the study identifies several key themes relating to the effectiveness of international maritime security instruments in combating piracy and ensuring safety at sea. The findings demonstrate that while international legal frameworks such as the United Nations Convention on the Law of the Sea (UNCLOS), complemented by the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) provide an important foundation for addressing maritime insecurity, their effectiveness remains heavily dependent upon state capacity, governance quality, domestic implementation, and regional cooperation. The analysis further reveals that contemporary piracy is shaped not only by legal and security considerations but also by broader political, economic, and socio-economic factors that influence both its manifestation and persistence. The key findings are presented under the thematic areas discussed below.

8.2.1 International Maritime Security Instruments: Necessary but Insufficient Maritime Governance Frameworks

This study finds that international maritime security instruments, particularly the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention), remain the cornerstone of contemporary maritime security governance. However, the findings demonstrate that these instruments function more effectively as enabling legal frameworks than as comprehensive solutions to piracy and maritime insecurity.

While existing scholarship generally acknowledges the importance of UNCLOS and the SUA Convention in establishing legal authority for maritime security operations,[1452] this research argues further that their effectiveness is constrained by three interconnected weaknesses. **First,** important legal gaps remain between the traditional legal conception of piracy and contemporary operational realities. **Second,** implementation is highly dependent upon domestic legal systems, institutional capacity, and political will, resulting in significant variations in enforcement across jurisdictions. **Third,** these instruments focus primarily on the regulation and suppression of piracy at sea while providing limited mechanisms for addressing the governance, economic, and environmental conditions that often facilitate maritime criminality.

Consequently, the findings challenge perspectives that view international maritime law as a self-sufficient regulatory framework. Instead, the evidence suggests that maritime security is best understood as a multi-level governance challenge in which legal instruments constitute only one component of a broader system involving national institutions, regional cooperative arrangements, international organisations, and local governance structures. The effectiveness of maritime security frameworks therefore depends not only on legal design but also on the extent to which legal, operational, institutional, and developmental responses are integrated.

8.2.2 The Mismatch Between the UNCLOS Piracy Framework and Contemporary Piracy Dynamics

A central finding of this study is that the UNCLOS definition of piracy no longer fully reflects the operational realities of contemporary maritime criminality. UNCLOS was drafted around

[1452] Yaron Gottlieb, 'Combating Maritime Piracy: Inter-Disciplinary Cooperation and Information Sharing' (2013) 46 Case Western Reserve Journal of International Law, 301; Vasileios Lymperopoulos, 'Regional Maritime Security Limitations under UNCLOS' (2024) 4 The Review of Contemporary Scientific and Academic Studies; Christian Bueger, Timothy Edmunds and Jan Stockbruegger. 'UNCLOS under Fire: Recalibrating Maritime Security Governance' (2025) 74 International and Comparative Law Quarterly, 85-102.

a traditional conception of piracy occurring on the high seas and involving direct attacks against vessels outside the jurisdiction of any state.[1453] However, the empirical evidence generated in this study demonstrates that contemporary piracy frequently transcends these jurisdictional and operational assumptions.

Analysis of piracy incidents between 2001 and 2024 reveals that approximately 65.8% of reported incidents occurred within territorial waters, whereas only 34.2% occurred on the high seas.[1454] Significant regional variations were also identified. While almost 90% of Somali piracy incidents occurred on the high seas, approximately 89% of incidents in the Gulf of Guinea occurred within territorial waters.[1455] These findings suggest that contemporary piracy is geographically differentiated and that a substantial proportion of modern piracy falls outside the jurisdictional focus of UNCLOS piracy provisions.

The study further finds that piracy has evolved from largely opportunistic theft at sea into a sophisticated transnational criminal enterprise. The Somali piracy model between 2005 and 2012, and subsequent kidnapping-for-ransom operations in the Gulf of Guinea, demonstrate how piracy increasingly relies upon organised criminal networks, land-based support structures, financial facilitators, intelligence networks, and prolonged hostage negotiations. As opposed to functioning solely as maritime crimes in the high sea, contemporary piracy operations often combine maritime attacks with territorial-water activities and onshore criminal infrastructure.

The Somali case provides a particularly important illustration of this limitation. Although Somali piracy occurred predominantly on the high seas, pirate groups routinely transferred hostages into territorial waters and land-based safe havens beyond the practical reach of

[1453] UNCLOS, Article 101; Elizabeth Nyman, 'Modern Piracy and International Law: Definitional Issues with the Law of the Sea' (2011) 5 Geography Compass, 863-874; Mazyar Ahmad, 'Maritime piracy operations: Some legal issues' (2020) 4 Journal of International Maritime Safety, Environmental Affairs, and Shipping, 62–69.
[1454] IMO, Reports of Piracy and Armed Robbery against Ships, 2001 – 2024, n 17
[1455] Ibid, IMO, 1984 - 2024

international naval forces. This created a jurisdictional disconnect whereby international forces could intervene at sea but lacked authority to address the land-based dimensions of piracy operations without additional legal authorisation. The subsequent adoption of UNSC Resolutions 1816 and 1851 temporarily extended enforcement authority into Somali territorial waters,[1456] but these measures addressed operational symptoms rather than the underlying structural limitations of the UNCLOS framework. Accordingly, this study argues that contemporary piracy should be understood as a hybrid maritime-land-based criminal phenomenon that exceeds the assumptions upon which the original UNCLOS piracy provisions were constructed.

The findings also challenge explanations of scholars that attribute the decline of Somali piracy primarily to multinational naval intervention.[1457] While naval operations, private armed security personnel, and Best Management Practices undoubtedly increased the operational risks faced by pirates, the empirical evidence suggests that military responses alone cannot fully explain the sustained reduction in piracy after 2012. Notably, piracy continued to increase during the peak years of multinational naval deployments between 2008 and 2011, reaching its highest recorded levels in 2011.[1458] By contrast, the most significant and sustained decline occurred following the establishment of the Federal Government of Somalia in 2012 and the

[1456] United Nations Security Council, Resolution 1816 (2008), adopted by the Security Council at its 5902nd meeting on 2 June 2008, S/RES/1816 (2008); United Nations Security Council, Resolution 1851 (2008), adopted by the Security Council at its 6046th meeting, on 16 December 2008, S/RES/1851
[1457] Christian Bueger, 'Learning from piracy: future challenges of maritime security governance', (2015) 1 Global Affairs, 33–42; Peter Viggo Jakobsen &Troels Burchall Henningsen, 'Success defying all expectations: How and why limited use of force helped to end Somali piracy', (2024) 47 Journal of Strategic Studies, 263–287; Barış Şahiner, 'Multinational responses to Somali piracy: the emergence and contribution of combined task force 151 (2009–2023)' (2026) 19 Journal of Transportation Security, Article 3; Eugene Kontorovich, 'International Legal Responses to Piracy off the Coast of Somalia' (2009) 13 American Society of International Law (ASIL); Jing Jin and Erika Techera, 'Strengthening Universal Jurisdiction for Maritime Piracy Trials to Enhance a Sustainable Anti-Piracy Legal System for Community Interests' (2021) 13 Sustainability, 7268.
[1458] IMO, Reports of Piracy and Armed Robbery against Ships, Annual Reports 2008-2011, n 17

gradual restoration of governance institutions.[1459] This suggests that improvements in governance reduced the freedom with which pirate networks could operate onshore and weakened the enabling environment upon which piracy depended.

Consequently, the Somali case demonstrates that security interventions are most effective when combined with governance reforms rather than implemented in isolation. The findings therefore support an integrated governance perspective in which maritime security outcomes are shaped by the interaction of legal frameworks, security measures, and state-building processes.

8.2.3 The Jurisdictional and Enforcement Deficit within the UNCLOS Framework

The findings reveal a significant disconnect between the existence of universal jurisdiction under UNCLOS and its practical enforcement. Although UNCLOS grants states authority to seize pirate vessels and prosecute offenders, it does not impose a corresponding obligation on states to criminalise piracy domestically or prosecute suspects apprehended during counter-piracy operations. This distinction is reflected in the drafting of Articles 100 and 105. Whereas Article 100 creates a mandatory obligation requiring states to cooperate in the repression of piracy, Article 105 merely permits states to exercise jurisdiction over captured pirates. Consequently, the legal framework establishes authority without guaranteeing implementation. The Somali piracy crisis exposed the practical implications of this enforcement deficit. Despite widespread international naval engagement, many states declined to prosecute apprehended suspects because of evidential challenges, financial costs, procedural complexities, and in

[1459] Lutfi Sheriff Mohammed and Robyn Dixon, Somalia has new parliament but no president yet, *Los Angeles Times* (World, 20 August 2012); Nastasya Tayand David Smith, Somalia's first parliament since 1991 inaugurated in Mogadishu, *The Guardian* (UK, 20 August 2012); IMO, Reports of Piracy and Armed Robbery against Ships, Annual Reports 2012-2024, n 17

domestic legislation.[1460] The resulting practice of catch-and-release revealed that universal jurisdiction frequently existed in theory but not in practice.

The findings therefore suggest that the principal weakness of the UNCLOS piracy regime is not the absence of legal authority but the absence of institutional mechanisms ensuring its consistent implementation. This enforcement deficit creates a jurisdictional vacuum in which pirates can be apprehended but are not necessarily prosecuted.

8.2.4 Piracy is Fundamentally a Land-Based Governance Problem Manifesting at Sea

The findings demonstrate that piracy is most effectively explained by conditions on land rather than conditions at sea alone. Across all three case study regions, the emergence, persistence, and decline of piracy were closely associated with variations in governance capacity, economic opportunity, political stability, environmental pressures, and institutional effectiveness. While piracy manifests within maritime spaces, its underlying drivers originate primarily from deficiencies in governance structures operating onshore. Consequently, enduring reductions in piracy require not only maritime enforcement and legal intervention, but also broader governance reforms capable of addressing the political, economic, and social conditions that facilitate maritime criminal activity.

8.2.5 Towards an Integrated Governance Explanation of Piracy

Perhaps the most significant finding emerging from this research is that piracy cannot be adequately explained or addressed through legal and security frameworks alone. Across all three case study regions, the persistence, transformation, and decline of piracy were closely associated with broader governance conditions operating both at sea and on land.

[1460] United Nations Press Release, Security Council Stresses Long-Term Solution Needed to Problem of Prosecuting, Imprisoning Pirates Operating off Somalia Coast, Welcomes Report on Issue, 25 August 2010, SC/10014; United Nations Security Council, Report of the Secretary-General on the modalities for the establishment of specialized Somali anti-piracy courts, 15 June 2011, S/2011/360, pp. 4-5

In Southeast Asia, piracy declined largely through coordinated regional governance mechanisms, information-sharing arrangements, and enhanced maritime cooperation. In Somalia, piracy flourished under conditions of state collapse and diminished following the gradual restoration of governance structures. In the Gulf of Guinea, piracy has persisted despite the existence of international legal frameworks because underlying governance deficits, institutional weaknesses, economic marginalisation, and environmental grievances remain largely unresolved.

These findings indicate that piracy is fundamentally a governance problem with maritime manifestations rather than solely a maritime security problem. International legal instruments facilitate cooperation and provide normative guidance, but their effectiveness depends on the institutional, political, and socio-economic environments within which they operate.

Consequently, this study proposes an integrated maritime security governance framework in which successful counter-piracy efforts require the simultaneous interaction of four dimensions. **First,** legal governance – effective international and domestic legal frameworks; **second,** operational governance – maritime surveillance, naval capability, and law-enforcement capacity; **third,** institutional governance – functioning state institutions, judicial systems, and regional cooperation mechanisms; and **fourth,** developmental governance – addressing the socio-economic and environmental conditions that enable recruitment into piracy networks.

The central contribution of this research is therefore the finding that piracy is best understood as a multidimensional governance challenge requiring integrated and mutually reinforcing legal, security, institutional, and developmental responses. Where these elements operate together, piracy declines. Where one or more are absent, piracy adapts, relocates, or re-emerges despite legal and military interventions.

8.3 Policy Implications of the Research

The findings of this research have significant implications for international maritime governance, maritime security policy, and the future development of international legal frameworks for combating piracy. The central policy implication emerging from this study is that piracy should not be viewed solely as a maritime security threat or legal enforcement challenge, but rather as a multidimensional governance problem with maritime manifestations. Although international maritime security instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) remain essential components of the global maritime security architecture, the evidence presented in this thesis demonstrates that legal frameworks alone are insufficient to ensure sustainable maritime security. Effective piracy suppression depends on the interaction of legal, operational, institutional, regional, and socio-economic governance mechanisms.

A key policy implication concerns the need to strengthen the implementation of international maritime legal frameworks rather than relying solely on their existence. While UNCLOS remains the cornerstone of international maritime law, the findings demonstrate that its piracy provisions reflect a traditional conception of piracy that does not fully align with the realities of contemporary maritime criminality. The geographical limitation of piracy to the high seas, challenges associated with the prosecution of arrested piracy suspects, inconsistencies in domestic implementation, and difficulties arising from organised criminal networks operating across maritime and territorial domains collectively expose limitations in the practical operation of the current legal framework. Consequently, future legal reform should focus on strengthening implementation mechanisms, enhancing harmonisation of domestic piracy legislation, improving prosecution and evidential procedures, and promoting greater coordination between UNCLOS and complementary legal instruments.

A second implication concerns the critical role of state capacity in determining the effectiveness of maritime security governance. The comparative analysis of Southeast Asia, East Africa, and West Africa demonstrates that the existence of international legal frameworks does not automatically translate into effective maritime security outcomes. Rather, successful implementation depends on the presence of capable institutions, effective maritime law-enforcement agencies, functioning judicial systems, and adequate maritime surveillance capabilities. Regions characterised by stronger governance structures and institutional capacity have generally achieved greater success in suppressing piracy than regions affected by political instability, weak institutions, and limited enforcement capacity. This finding suggests that institutional and operational capacity-building should be regarded as a central pillar of maritime security policy rather than a secondary support measure.

The findings also highlight the importance of regional governance mechanisms in translating international legal obligations into effective operational outcomes. Piracy is inherently transnational and frequently exploits jurisdictional boundaries between states. The experiences of Southeast Asia demonstrate that coordinated patrols, intelligence-sharing arrangements, and regional cooperation frameworks can significantly reduce piracy incidents, even in heavily congested maritime corridors. Conversely, weaknesses in regional cooperation and coordination continue to undermine anti-piracy efforts in other regions. These findings suggest that strengthening regional maritime governance institutions should be a strategic priority, particularly in regions such as the Gulf of Guinea where transnational maritime threats remain persistent.

Another important implication concerns the need to address the underlying political, socio-economic, and environmental conditions that facilitate piracy. The findings demonstrate that piracy is often rooted in governance failures, economic marginalisation, environmental degradation, unemployment, and limited livelihood opportunities within coastal communities.

The cases of Somalia and the Gulf of Guinea particularly illustrate that piracy cannot be adequately understood or addressed solely through maritime enforcement measures. Policies focused exclusively on naval deployments, maritime patrols, or criminal prosecution may temporarily suppress piracy activity, but they are unlikely to produce sustainable long-term outcomes unless the structural drivers that enable piracy are also addressed. Maritime security policy should therefore be integrated with broader governance, development, and environmental interventions.

Finally, the most significant policy implication of this research is the need to adopt an Integrated Maritime Security Governance approach. The findings demonstrate that sustainable reductions in piracy occur not when legal, military, or developmental interventions operate independently, but when they function as mutually reinforcing components of a broader governance framework. Effective maritime security therefore requires the integration of international legal regulation, domestic institutional capacity, regional cooperation mechanisms, maritime law-enforcement capabilities, economic development initiatives, and environmental governance measures. Future maritime security strategies should move beyond fragmented and predominantly security-focused responses towards comprehensive governance frameworks capable of addressing both the symptoms and underlying causes of maritime insecurity.

8.4 Recommendations

The findings of this research demonstrate that the effectiveness of international maritime security governance depends upon the interaction of international legal frameworks, domestic implementation mechanisms, regional cooperation arrangements, and broader governance conditions. The study further finds that piracy cannot be effectively addressed through legal or military responses alone, as sustainable piracy reduction requires the simultaneous

strengthening of governance institutions, maritime security capacity, regional cooperation, and socio-economic development. Accordingly, this thesis advances an Integrated Maritime Security Governance Framework as its principal contribution to knowledge. The framework provides a multidimensional approach to piracy governance by integrating legal, institutional, operational, and developmental measures within a coherent governance structure. The recommendations that follow represent the practical components of this framework and are organised according to their relative significance and implementation timeframe. While the adoption of an integrated governance approach constitutes the primary recommendation of this study, the remaining recommendations provide specific measures through which states, regional organisations, international institutions, and industry stakeholders may strengthen piracy prevention, suppression, and prosecution efforts.

8.4.1 Adoption of Integrated Maritime Security Governance Frameworks

Responsible actors: International Maritime Organisation (IMO), national governments, regional organisations, United Nations Office of Drugs and Crime (UNODC), development agencies, and maritime industry stakeholders.

The principal recommendation emerging from this thesis is the adoption of an Integrated Maritime Security Governance Framework that combines legal, institutional, operational, and developmental responses to piracy within a unified governance approach. This recommendation represents the central contribution of the research and reflects the study's core finding that sustainable piracy reduction is most effectively achieved through the interaction of multiple governance mechanisms rather than through isolated legal or military interventions.

The comparative analysis of Somalia, the Gulf of Guinea, and Southeast Asia demonstrates that counter-piracy strategies have been most successful where legal frameworks, maritime security operations, institutional capacity-building, regional cooperation, and socio-economic interventions have operated in a complementary manner. Conversely, approaches that rely

primarily on naval deployments or legal reforms have often produced only temporary reductions in piracy where underlying governance weaknesses remain unresolved.

Accordingly, policymakers, governments, regional organisations, and maritime stakeholders should adopt integrated maritime security strategies that address both the immediate manifestations of piracy and the political, economic, social, and institutional conditions that facilitate its persistence.

Such strategies should:

- Foster integrated maritime security frameworks that align security objectives with broader governance and development goals.
- Strengthen domestic implementation of international maritime security instruments through legal reform and institutional capacity-building.
- Promote the integration of maritime law enforcement measures with broader judicial reform, institutional capacity-building, and governance strengthening.
- Facilitate effective coordination mechanisms among national authorities, government agencies, regional organisations, and private-sector industry stakeholders.
- Align anti-piracy operations with socio-economic development initiatives that addresses the structural drivers of maritime crime, including poverty, unemployment, weak state institutions, environmental degradation, and limited economic opportunities in coastal communities. Addressing these underlying structural factors is essential for tackling the root causes of piracy and achieving sustainable maritime security outcomes.
- Incorporate measurable performance indicators to evaluate the effectiveness of piracy prevention and response efforts.

By adopting an integrated governance approach, states would be better positioned to address both the symptoms and root causes of piracy, thereby enhancing the long-term effectiveness, resilience, and sustainability of international maritime security efforts.

The recommendations that follow should be understood as key operational pillars of the Integrated Maritime Security Governance Framework. Together they provide practical mechanisms through which the framework may be implemented at national, regional, and international levels. While recommendations concerning legal reform and regional cooperation are important, they are intended to complement, rather than replace, the broader governance-based approach advanced in this study.

8.4.2 **Addressing the Socio-Economic and Environmental Drivers of Piracy**

Responsible actors: National governments, development agencies, the World Bank, the United Nations Development Programme (UNDP), International community and partners, the African Union (AU), and regional development organisations.

This study finds that piracy is a governance problem with maritime manifestations. Therefore, it recommends that counter-piracy strategies move beyond a predominantly legal and security-oriented approach and incorporate measures aimed at addressing the socio-economic and environmental factors that contribute to maritime piracy. The findings indicate that while legal frameworks, naval operations, and law enforcement initiatives are essential for the suppression of piracy, sustainable reductions in piracy are unlikely to be achieved without addressing the underlying conditions that incentivise participation in maritime criminal activities. Accordingly, governments and development partners should integrate anti-piracy initiatives into broader development, governance, and environmental sustainability strategies aimed at improving conditions within coastal communities.

As such, priority should be given to:

- ❖ Expanding employment opportunities and vocational training programmes in coastal regions to reduce economic vulnerability and provide viable alternatives to piracy-related activities.
- ❖ Promoting sustainable maritime economic development, including investment in the fisheries, maritime transport, port services, and wider blue economy sectors.
- ❖ Strengthening governance institutions and public service delivery in coastal communities to enhance state legitimacy, improve accountability, and increase public trust in government institutions.
- ❖ Ensuring equitable distribution of benefits derived from marine and environmental resources, thereby reducing economic grievances and marginalisation among coastal populations.
- ❖ Implementing environmental protection and restoration initiatives in areas affected by illegal exploitation of marine resources, pollution, and environmental degradation, which may undermine local livelihoods and contribute to conditions conducive to maritime crime.

The findings of this research suggest that piracy is often linked to broader challenges relating to poverty, unemployment, weak governance, and environmental insecurity. Consequently, anti-piracy policies should be incorporated into wider national development and maritime security strategies rather than being treated solely as a law enforcement issue. In regions such as Somalia and the Gulf of Guinea, a comprehensive approach that combines maritime security measures with socio-economic development, environmental sustainability, and institutional strengthening is more likely to produce durable and long-term reductions in piracy. By addressing these underlying structural drivers, states can reduce the conditions that facilitate recruitment into pirate networks and strengthen the foundations for sustainable maritime security.

8.4.3 Strengthening Domestic Maritime Governance and Legal Capacity

Responsible actors: National governments, coastal states legislatures and judiciaries, IMO, UNODC, international community & organisations

The findings of this study indicate that the effectiveness of international maritime security frameworks ultimately depends upon their implementation within domestic legal and institutional systems. Consequently, efforts to combat piracy should focus on strengthening national implementation through the harmonisation of domestic legislation with UNCLOS and the SUA Convention, alongside the development of specialised maritime law-enforcement, prosecutorial, and judicial capacities. Achieving these objectives will require sustained support from the IMO, UNODC, and the wider international community through long-term capacity-building and technical assistance initiatives.

Specifically, the governments should:

- Promote the harmonisation of national maritime legislation to reduce jurisdictional inconsistencies and facilitate international cooperation.
- Criminalise piracy, armed robbery at sea, maritime terrorism, and related offences in national legislation.
- Remove legal gaps that hinder prosecution.
- Introduce legislation permitting the exercise of universal jurisdiction over piracy offences where appropriate.
- Develop specialised prosecutorial guidelines for maritime crime cases.

In strengthening maritime law enforcement and judicial capacity, priority should include:

- Invest in maritime law-enforcement, judicial capacity, and maritime domain awareness capabilities.

- ❖ Establishing specialised maritime crime prosecution units.
- ❖ Training judges, prosecutors, coastguards, and naval personnel in maritime law.
- ❖ Investing in maritime surveillance technologies, including coastal radar systems and maritime domain awareness platforms.
- ❖ Improving evidence-management systems to support successful prosecutions.
- ❖ Encourage sustained partnerships between national authorities, international organisations, and the maritime industry to support capacity-building, technical assistance, and knowledge-sharing initiatives.
- ❖ Prioritise long-term institutional development and good maritime governance over short-term operational responses.

This study recommends that efforts to combat maritime piracy focus not only on the harmonisation of domestic anti-piracy legislation but also on the development of robust institutional frameworks capable of implementing and enforcing such laws effectively. While legal harmonisation can reduce jurisdictional fragmentation and enhance international cooperation, its effectiveness depends on the availability of capable maritime, law enforcement, and judicial institutions. Therefore, the international community should place greater emphasis on long-term capacity-building and institutional strengthening programmes that support effective maritime governance and criminal justice systems, rather than relying predominantly on short-term operational responses.

8.4.4 Strengthening Regional Maritime Security Cooperation

Responsible actors: Regional organisations including the African Union, ECOWAS, ECCAS, East African Community (EAC), Association of Southeast Asian Nations (ASEAN), Asian Regional Forum (ARF), regional maritime centres, and international organisations such as the European Union (EU).

This study recommends the strengthening of regional cooperation frameworks as a central component of international efforts to combat maritime piracy. The findings from Southeast Asia demonstrate that regional cooperation is not merely supportive of maritime security efforts but may serve as a primary driver of sustainable piracy reduction. These experiences highlight the importance of collective action in addressing maritime security threats that transcend national jurisdictions.

Accordingly, regional organisations should:

- Expand information-sharing mechanisms and regional maritime security initiatives to improve coordination, situational awareness, and operational effectiveness. Existing frameworks, such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), provide useful models that may be adapted to other regions.
- Increase the frequency and scope of coordinated maritime patrols to enhance deterrence, improve surveillance coverage, and strengthen regional maritime security cooperation.
- Establish and strengthen regional intelligence fusion centres to facilitate the timely collection, analysis, and dissemination of maritime security information among participating states.
- Conduct regular joint maritime security exercises and training programmes to improve interoperability, operational readiness, and the exchange of best practices among maritime security agencies.
- Develop harmonised regional procedures for the transfer, investigation, and prosecution of piracy suspects to reduce jurisdictional obstacles and promote greater consistency in the enforcement of anti-piracy measures.

In addition, the international community should provide long-term sustained financial, technical, and institutional support to regions with limited maritime governance capacity. Focus should be given to strengthening the implementation and effectiveness of the Yaoundé Architecture in the Gulf of Guinea, which remains a key regional framework for coordinating maritime security and counter-piracy efforts in West and Central Africa.

8.4.5 Adoption of a Supplementary UNCLOS Implementation Agreement on Piracy and Armed Robbery Against Ships

Responsible actors: The International Maritime Organization (IMO), United Nations Member States, the United Nations General Assembly (UNGA), and the United Nations Office on Drugs and Crime (UNODC).

This study identifies a significant implementation deficit within the contemporary international piracy regime. Although UNCLOS remains the principal legal framework governing piracy, limitations in its practical implementation continue to undermine its effectiveness. The findings reveal persistent challenges relating to domestic criminalisation, evidential requirements, prosecution arrangements, inter-state cooperation, and the legal treatment of armed robbery against ships. Consequently, this research recommends that States consider negotiating a supplementary UNCLOS Implementation Agreement addressing piracy and armed robbery against ships through harmonised legal standards, implementation obligations, and cooperation mechanisms.

To enhance the effectiveness and uniform application of UNCLOS provisions, the proposed agreement should:

- Develop complementary legal standards and jurisdictional arrangements addressing armed robbery against ships, thereby reducing the current disconnect between the operational realities of contemporary maritime crime and the predominantly high seas focus of the UNCLOS piracy framework.

- ❖ Establish uniform procedures for the collection, preservation, and transfer of evidence obtained during maritime interdictions to facilitate successful prosecutions and minimise evidential challenges.
- ❖ Create a clear framework for the transfer of piracy suspects to states that possess the legal capacity and willingness to prosecute them, thereby addressing jurisdictional and practical obstacles arising from the capture of suspects at sea.
- ❖ Require States Parties to criminalise piracy and armed robbery against ships in their domestic legislation using harmonised definitions and minimum legal standards, thereby reducing inconsistencies across national jurisdictions.
- ❖ Establish burden-sharing mechanisms, including financial, technical, and institutional support for developing coastal states responsible for conducting piracy prosecutions.
- ❖ Expand the legal regulatory focus beyond direct perpetrators to include piracy financiers, facilitators, organised criminal networks, and other actors who enable or profit from pirate activities.
- ❖ Strengthen international cooperation mechanism through formalise arrangements for intelligence-sharing, extradition, mutual legal assistance, information exchange and joint investigations.

The adoption of such an agreement would strengthen the practical implementation of universal jurisdiction under UNCLOS, promote greater consistency in state practice, and address many of the legal and operational challenges that currently discourage states from investigating and prosecuting piracy offences. Ultimately, it would contribute to a more coherent, effective, and sustainable international framework for combating contemporary maritime piracy.

8.4.6 Establishment of a Specialised International or Hybrid Piracy Tribunal as a Contingency Mechanism

Responsible actors: United Nations Security Council (UNSC), United Nations General Assembly (UNGA), IMO, interested coastal states, and regional organisations.

This study recommends that priority be given to strengthening existing legal and institutional frameworks for piracy prosecution, particularly through the adoption of a supplementary UNCLOS implementation agreement designed to address current deficiencies in the investigation, prosecution, and punishment of piracy. However, if significant prosecution challenges persist despite the implementation of such reforms, the United Nations should explore the feasibility of establishing a specialised piracy chamber or a hybrid regional piracy tribunal.

The findings of this research demonstrate that many states remain reluctant to prosecute captured pirates due to legal, financial, evidential, and jurisdictional constraints. While the proposed supplementary UNCLOS framework may alleviate many of these obstacles, persistent gaps in prosecutorial capacity and judicial cooperation may require additional institutional mechanisms to ensure accountability.

A specialised international or hybrid tribunal could provide a more coordinated and effective mechanism for the prosecution of piracy by:

- Exercising jurisdiction in cases where national courts are unwilling or unable to prosecute, thereby reducing gaps in enforcement and limiting impunity.
- Promoting the consistent interpretation and application of international piracy law, thereby reducing legal fragmentation and discrepancies in prosecution practices across jurisdictions, while enhancing uniformity in judicial practice.

- ❖ Alleviating the financial and administrative burdens currently borne by individual states, particularly developing coastal states with limited legal, prosecutorial and judicial capacity.
- ❖ Providing specialised judicial expertise in maritime crime, including piracy and related maritime security offences.
- ❖ Facilitating the development of a coherent body of jurisprudence on contemporary piracy, thereby contributing to greater legal clarity and strengthening the international legal framework governing maritime security.

Recognising the political and financial challenges associated with establishing a permanent international tribunal, a more practical approach may be the creation of regional hybrid piracy tribunals in piracy-affected regions, such as Southeast Asia, the Gulf of Guinea (West Africa) and the Horn of Africa (East Africa). Such institutions could combine international legal expertise with domestic judicial participation, thereby strengthening regional ownership while enhancing prosecutorial effectiveness and judicial capacity.

Accordingly, the establishment of a specialised piracy chamber or hybrid regional piracy tribunal should be viewed as a contingency measure to be considered if prosecution challenges continue to undermine the effective implementation of international anti-piracy efforts despite the adoption of enhanced legal frameworks under UNCLOS. This approach would preserve the primacy of national and international legal reforms while providing an additional mechanism for addressing persistent enforcement gaps.

8.4.7 Expanding Public–Private Maritime Security Partnerships

Responsible actors: IMO, Shipping companies, maritime insurers, port authorities, flag states, and the International Chamber of Shipping (ICS).

This study recommends the expansion of public–private partnerships in maritime security to complement state-led efforts to prevent and suppress piracy. Given that commercial vessels

remain the principal targets of pirate attacks, the maritime industry's active participation is essential to the development of an effective and sustainable counter-piracy framework. The findings of this research indicate that private-sector initiatives, particularly the implementation of industry security standards and vessel protection measures, have played a significant role in reducing vulnerabilities within the shipping sector and mitigating piracy risks.

To strengthen maritime security, industry stakeholders should:

- Maintain and regularly update the implementation of Best Management Practices (BMPs) and other industry-recognised security measures designed to reduce the likelihood of pirate attacks.
- Invest in vessel protection technologies, security infrastructure, and crew training programmes to enhance vessel resilience and strengthen preparedness for piracy-related incidents.
- Strengthen information-sharing arrangements with national maritime authorities and regional maritime security centres to improve threat detection, situational awareness, and operational coordination.
- Contribute to regional maritime security initiatives through structured public–private partnership frameworks, including financial support, technical expertise, and capacity-building assistance where appropriate.

Expanding public–private cooperation would strengthen the overall maritime security architecture by combining the operational capabilities and resources of the private sector with the regulatory authority and enforcement functions of states. Such collaboration has the potential to enhance risk management, improve maritime domain awareness, and reduce vulnerabilities across the shipping industry, thereby contributing to more effective and sustainable piracy prevention efforts.

Concluding Synthesis

Collectively, these recommendations reflect the central finding of this thesis that piracy is not merely a maritime security challenge but a multidimensional governance problem. The research demonstrates that sustainable piracy suppression depends upon the effective interaction of legal frameworks, domestic institutions, regional cooperation mechanisms, operational maritime security measures, socio-economic development initiatives, and private-sector engagement. Consequently, efforts to combat piracy should move beyond fragmented and sector-specific responses towards a more comprehensive governance-based approach.

The Integrated Maritime Security Governance Framework developed in this study provides such an approach by bringing together legal, institutional, operational, and developmental dimensions within a single analytical and policy framework. By adopting and implementing the recommendations advanced in this chapter, states and international organisations would be better positioned to address both the immediate manifestations of piracy and the underlying conditions that enable its emergence and persistence, thereby contributing to more effective, coordinated, and sustainable maritime security outcomes.

8.5 Contribution to Knowledge

This thesis contributes to knowledge in international maritime law, maritime security studies, and maritime governance by advancing a multidisciplinary explanation of piracy that integrates legal, governance, security, and developmental perspectives. While existing scholarship has often examined piracy either as a legal problem or as a maritime security challenge, this research demonstrates that piracy is better understood as an adaptive governance phenomenon whose emergence, persistence, suppression, and transformation are shaped by the interaction between legal frameworks, institutional capacity, regional cooperation, and socio-economic conditions.

First, the thesis makes an empirical contribution through the development and analysis of an original piracy incident database covering the period 1984-2024. The analysis provides a long-term comparative assessment of piracy across Southeast Asia, East Africa, and West Africa and demonstrates that piracy evolves through distinct phases of escalation, adaptation, displacement, and decline. The findings challenge assumptions that reductions in incident numbers necessarily indicate the eradication of piracy and instead show that piracy adapts geographically and operationally in response to changing political, economic, and security conditions.

Second, the thesis contributes to legal scholarship by demonstrating a significant disconnect between the contemporary geography of maritime crime and the jurisdictional framework established by UNCLOS. The empirical findings reveal that approximately 65.8% of reported incidents occur within territorial waters, while only 34.2% occur on the high seas. This suggests that a substantial proportion of contemporary maritime attacks fall outside the traditional international legal definition of piracy. Consequently, the thesis argues that the operational realities of contemporary maritime crime increasingly diverge from the assumptions upon which the UNCLOS piracy regime was originally constructed.

Third, the thesis advances understanding of the relationship between governance and maritime security. The comparative analysis demonstrates that the effectiveness of international maritime security instruments is determined not simply by their legal provisions but by the governance environments within which they operate. Variations in state capacity, institutional effectiveness, political commitment, economic conditions, and regional cooperation largely explain differences in piracy outcomes across Southeast Asia, East Africa, and West Africa.

Fourth, the thesis contributes to maritime security theory by demonstrating that piracy is fundamentally a governance problem with maritime manifestations. The findings show that piracy is consistently linked to governance deficits, economic marginalisation, environmental

pressures, institutional weaknesses, and political instability. Consequently, sustainable reductions in piracy require interventions that extend beyond maritime enforcement and legal regulation to address the underlying conditions that facilitate maritime criminality.

Finally, the thesis develops an Integrated Maritime Security Governance Framework that explains piracy through the interaction of legal, operational, institutional, and developmental dimensions of governance. This framework provides a more comprehensive explanation of piracy than approaches that rely exclusively on legal or security perspectives and offers a foundation for future research, policy development, and institutional reform.

Overall, the thesis demonstrates that the future effectiveness of international maritime security frameworks depends not only on the existence of international legal rules but on the capacity of states and regional institutions to implement, coordinate, and enforce those rules within complex political, economic, and governance environments. In doing so, the research provides a new governance-centred understanding of piracy and advances scholarly debates concerning the relationship between international law, maritime security, and state capacity.

8.6 Limitation of the Study

While this thesis provides a comprehensive analysis of the effectiveness of international maritime security instruments in addressing piracy, several limitations should be acknowledged. Recognising these limitations does not diminish the value of the research; rather, it highlights areas where caution should be exercised in interpreting the findings and where further investigation may be beneficial.

First, a primary limitation of this study relates to the availability and reliability of piracy data. Although empirical data from international maritime organisations and regional monitoring centres were utilised to analyse piracy incidents between 1984 and 2024, providing valuable insights into global piracy patterns, piracy reporting remains inherently incomplete. Many incidents of armed robbery at sea go unreported due to concerns over insurance implications,

reputational damage, or delays associated with investigative procedures. As a result, existing datasets may underrepresent the true scale of piracy in some regions. This limitation is particularly relevant in areas such as the Gulf of Guinea, where attacks frequently occur within territorial waters and may not always be captured within international piracy databases. Consequently, the statistical analysis presented in this study should be interpreted as reflecting broader trends rather than an exhaustive record of all piracy incidents.

Second, while the thesis adopts a comparative regional approach, focusing on Southeast Asia, East Africa, and West Africa, the scope of the study necessarily limits the depth of analysis that can be applied to other regions where piracy or maritime criminal activity may also occur. Although these three regions represent the most significant contemporary piracy hotspots, maritime security challenges in other areas, such as parts of the Caribbean or Latin America, were beyond the scope of this research.

Third, the study focuses primarily on legal frameworks and governance capacity, which means that other dimensions of maritime security, such as technological surveillance systems, private maritime security contractors, and naval operational strategies, are discussed only insofar as they relate to the implementation of international maritime law. A more detailed examination of these operational and technological factors could provide additional insights into the practical suppression of piracy.

Finally, the study uses secondary data and legal analysis, limiting the extent to which it incorporates direct perspectives from maritime security practitioners, policymakers, or affected coastal communities. While existing reports and academic literature provide substantial insight into these issues, future studies incorporating interviews or field-based research could further enrich understanding of the practical challenges of implementing maritime security frameworks.

Despite these limitations, the research provides a robust comparative analysis of piracy trends and maritime security governance over forty years, offering valuable insights into the effectiveness and limitations of existing international maritime security instruments.

8.7 Areas for Future Research

This thesis has examined the effectiveness of international maritime security instruments in addressing piracy and maritime insecurity through a comparative analysis of Southeast Asia, East Africa, and West Africa between 1984 and 2024. While the findings contribute to both legal scholarship and maritime security studies, they also identify several areas requiring further investigation.

First, future research should examine the implications of emerging technologies for maritime security governance. As the maritime sector becomes increasingly dependent on digital navigation systems, automated shipping processes, satellite communications, and interconnected logistics platforms, cyber-enabled maritime threats are likely to become more significant. While existing international maritime security instruments were primarily designed to address physical attacks against ships, their applicability to cyber-enabled disruptions, autonomous vessels, and digital attacks on maritime infrastructure remains uncertain. Further research could therefore assess whether existing legal frameworks are capable of responding effectively to evolving technological threats within the maritime domain.

Second, additional research is required on the role of private maritime security companies (PMSCs) in counter-piracy operations. The deployment of privately contracted armed security personnel aboard commercial vessels contributed significantly to the reduction of Somali piracy after 2010. However, questions remain regarding accountability, the use of force, jurisdiction, liability, and the long-term implications of private actors performing functions traditionally associated with state security institutions. Future studies could evaluate the

effectiveness, legality, and governance implications of expanding private-sector participation in maritime security.

Third, future research should further explore the relationship between environmental governance and maritime insecurity. The findings of this thesis suggest that environmental degradation, illegal fishing, resource competition, and declining economic opportunities within coastal communities can contribute to conditions that facilitate maritime criminality. This was particularly evident in Somalia and the Niger Delta of Nigeria. As climate change continues to affect marine ecosystems and coastal livelihoods, future research could investigate the extent to which environmental pressures may become increasingly significant drivers of piracy and other forms of maritime crime.

Fourth, further research should assess the long-term effectiveness of regional maritime governance frameworks. While this thesis examined initiatives such as ReCAAP, the Djibouti Code of Conduct, and the Yaoundé Code of Conduct, additional longitudinal research is needed to evaluate their sustainability, institutional development, and long-term impact on piracy reduction. Comparative analysis of regional governance mechanisms may also identify best practices capable of strengthening maritime security cooperation across different regions.

Fifth, future studies should examine the role of local governance and community-based approaches in preventing maritime criminality. The findings of this research indicate that piracy is often rooted in local socio-economic and governance conditions. While this thesis focused primarily on international, regional, and national responses, greater attention should be given to the role of coastal communities, fishing associations, civil society organisations, and local authorities in preventing recruitment into piracy networks and strengthening maritime resilience. Such research would contribute to a more comprehensive understanding of piracy as a governance challenge extending beyond the maritime domain.

Sixth, future research could build upon the governance framework developed in this thesis by testing its applicability in other maritime regions and security contexts. The Integrated Maritime Security Governance Framework proposed in this study was developed through the analysis of Southeast Asia, East Africa, and West Africa. Further research could evaluate whether this framework provides a useful explanatory model for understanding maritime insecurity in other regions or for analysing related transnational maritime crimes such as illegal fishing, maritime terrorism, trafficking, and smuggling.

Finally, future research would benefit from incorporating more extensive field-based and qualitative methodologies, including interviews with policymakers, maritime security practitioners, naval personnel, coastguard officials, judicial authorities, shipping companies, and affected coastal communities. Such approaches would provide valuable insights into the practical implementation of international maritime security instruments and help bridge the gap between formal legal frameworks and operational realities.

Overall, the findings of this thesis suggest that maritime security is becoming increasingly complex, requiring responses that extend beyond traditional legal and naval approaches. Future research should therefore continue to adopt interdisciplinary perspectives that integrate international law, governance, security studies, political economy, and environmental analysis to better understand the evolving nature of piracy and maritime insecurity.

Conclusion

This thesis has critically examined the effectiveness of international maritime security instruments in addressing contemporary piracy and ensuring safety and security at sea in the twenty-first century. Drawing upon doctrinal legal analysis, an original piracy incident database covering the period 1984-2024, and comparative case studies of Southeast Asia, East Africa, and West Africa, the research has demonstrated that international maritime security

instruments, particularly the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention), remain indispensable components of the international maritime security architecture. However, the findings reveal that these instruments function primarily as enabling legal frameworks rather than self-sufficient mechanisms for suppressing piracy and maritime insecurity.

A central finding of this thesis is that the effectiveness of international maritime security instruments is constrained by a significant mismatch between the legal assumptions underpinning the international piracy regime and the operational realities of contemporary maritime criminality. While UNCLOS was constructed around a model of piracy occurring on the high seas, the empirical evidence demonstrates that the majority of contemporary attacks occur within territorial waters and port areas. Consequently, a substantial proportion of maritime attacks commonly described as piracy fall outside the Convention's jurisdictional framework. This disconnect exposes important limitations within the existing legal regime and highlights the challenges of applying traditional piracy provisions to increasingly complex and geographically dispersed forms of maritime criminality.

The comparative analysis further demonstrates that piracy is neither a uniform nor static phenomenon. Instead, it evolves in response to changing political, economic, institutional, and security conditions. The historical trajectory of piracy between 1984 and 2024 reveals a process of continual adaptation, evolving from low-level opportunistic theft to organised transnational hijacking and hostage-taking, and subsequently to regionalised forms of kidnap-for-ransom and armed robbery against ships. The findings therefore challenge the assumption that declining piracy incident rates necessarily indicate the elimination of the threat. Instead, piracy should be understood as an adaptive form of maritime criminality that shifts geographically

and operationally in response to enforcement pressures, economic incentives, and governance conditions.

The research also demonstrates that variations in piracy outcomes are largely explained by differences in governance capacity. The experiences of Southeast Asia, East Africa, and West Africa reveal that the effectiveness of maritime security frameworks is shaped not merely by the existence of legal rules, but by the ability of states and regional institutions to implement, coordinate, and enforce them. In Southeast Asia, sustained regional cooperation, institutional development, and coordinated enforcement contributed significantly to the reduction of piracy. In contrast, the rapid escalation of piracy in Somalia following state collapse, and its persistence in parts of the Gulf of Guinea despite extensive legal and security initiatives, illustrate the critical importance of governance capacity, political stability, and socio-economic conditions in shaping maritime security outcomes.

Accordingly, the principal contribution of this thesis is the development of an Integrated Maritime Security Governance Framework for understanding and addressing contemporary piracy. The findings demonstrate that piracy is best understood not simply as a legal problem or maritime security threat, but as a multidimensional governance challenge that manifests at sea. The persistence, adaptation, suppression, and transformation of piracy are shaped by the interaction of legal frameworks, institutional capacity, operational enforcement, regional cooperation, and wider political, economic, and environmental conditions. These findings advance existing scholarship by moving beyond predominantly legal and security-centred explanations and offering a more comprehensive framework for understanding the governance dynamics that shape maritime insecurity.

Ultimately, this thesis argues that the future effectiveness of international maritime security instruments will depend less on the development of additional legal rules and more on strengthening the governance structures responsible for implementing and enforcing existing

frameworks. Ensuring safety and security at sea therefore requires an integrated approach combining international legal regulation, effective domestic implementation, robust institutions, regional cooperation, and sustained efforts to address the underlying socio-economic and governance conditions that facilitate maritime criminality. The evidence presented throughout this research demonstrates that piracy is not a disappearing phenomenon but an adaptive and evolving one. Consequently, sustainable maritime security will depend not upon law or force alone, but upon governance systems capable of responding effectively to the changing realities of the maritime domain.

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Appendix

Compilation of IMO GISIS Annual Reports on Piracy and Armed Robbery Against Ships (1984-2024)

Analytical Overview of the Dataset

This appendix presents the dataset compiled from the International Maritime Organization (IMO) Global Integrated Shipping Information System (GISIS) piracy and armed robbery incident reports covering the period 1984-2024. The dataset forms the primary empirical basis for the quantitative analysis undertaken in this thesis and provides one of the most comprehensive longitudinal records of reported piracy and armed robbery against ships available for the study period.

Analysis of the compiled data reveals several significant trends. First, piracy and armed robbery against ships are characterised by cyclical patterns of escalation and decline rather than a linear trajectory. Three broad phases are identifiable: a period of relatively low and localised activity between 1984 and 1994; a period of rapid expansion, organisational sophistication, and internationalisation between 1995 and 2011; and a period of overall decline accompanied by geographical displacement and operational adaptation between 2012 and 2024.

Second, the data demonstrate a marked geographical concentration of incidents. Southeast Asia accounted for the largest proportion of reported incidents throughout the study period, followed by West Africa and East Africa. However, while Southeast Asia experienced predominantly low-level theft and armed robbery within territorial waters, East Africa was characterised by large-scale high-seas piracy and vessel hijackings, and West Africa increasingly became associated with kidnap-for-ransom operations and violent attacks against crews.

Third, the dataset highlights a significant divergence between the legal definition of piracy under UNCLOS and the operational reality of maritime attacks. Analysis of incidents recorded

between 2001 and 2024 indicates that approximately 65.8 per cent of attacks occurred within territorial waters and port areas, while only 34.2 per cent occurred on the high seas. Consequently, the majority of recorded incidents fall outside the traditional UNCLOS definition of piracy and would more accurately be classified as armed robbery against ships. This finding provides important empirical evidence for evaluating the adequacy of the existing international legal framework governing maritime security.

Fourth, the data illustrate the evolving nature of piracy. Over time, attacks developed from opportunistic theft and petty robbery into increasingly organised forms of maritime criminality involving vessel hijackings, hostage-taking, cargo theft, and kidnap-for-ransom operations. These changes demonstrate the adaptive capacity of maritime criminal groups and suggest that piracy responds dynamically to changing governance conditions, economic incentives, and enforcement pressures.

Overall, the dataset provides strong empirical support for the central argument of this thesis: that piracy is not a static maritime crime but an adaptive governance challenge whose persistence, transformation, and decline are shaped by the interaction of legal frameworks, institutional capacity, regional cooperation, and socio-economic conditions.

Appendix 1: This is the table referred to in footnote 843

Table 2: Regional analysis of piracy and armed robbery against ships, 1984- 2024

Year	India Ocean	Malacca Strait	South China	West Africa	East Africa	South America	Mediterranean Sea	Arabian sea	others	total
1984	2	7	0	18	0	5	0	0	0	32
1985	0	7	3	14	2	5	0	0	0	31
1986	3	3	3	8	0	1	0	0	0	18
1987	5	8	8	7	0	1	0	0	0	29

1988	2	6	6	3	0	2	0	0	0	19
1989	4	4	4	2	0	0	0	0	0	14
1990	3	14	24	4	1	4	0	0	0	50
1991	1	46	20	3	1	8	0	0	0	79
1992	5	21	19	12	6	5	0	0	0	68
1993	4	6	36	9	1	13	1	0	0	70
1994	6	3	11	2	9	17	0	0	0	48
1995	15	12	68	4	11	20	2	0	0	132
1996	30	12	121	21	7	32	4	0	0	227
1997	41	8	101	31	11	45	11	0	0	248
1998	25	6	94	22	19	38	2	0	0	206
1999	51	37	136	36	16	29	4	0	0	309
2000	109	112	143	33	29	43	2	0	0	471
2001	86	58	120	58	22	23	2	0	1	370
2002	66	34	141	47	23	67	2	0	3	383
2003	96	38	152	67	22	72	1	0	4	452
2004	41	52	121	57	13	46	0	0	0	330
2005	51	18	99	23	49	26	0	0	0	266
2006	53	19	69	31	31	31	1	4	1	240
2007	40	12	67	60	60	25	3	7	8	282
2008	26	2	72	50	134	19	2	1	0	306
2009	27	2	69	46	222	36	0	2	2	406
2010	77	3	131	47	172	40	1	16	2	489
2011	63	22	114	61	223	29	2	28	2	544

2012	33	24	90	64	61	21	6	38	4	341
2013	31	17	142	54	20	17	8	6	3	298
2014	44	81	93	45	3	9	0	12	4	291
2015	18	134	81	35	4	5	2	15	9	303
2016	10	21	68	62	4	25	0	21	10	221
2017	18	26	61	48	4	23	0	21	2	203
2018	25	8	57	81	1	30	0	10	11	223
2019	10	45	34	67	4	29	1	0	3	193
2020	12	48	37	90	4	29	0	6	3	229
2021	5	70	15	38	2	39	0	3	0	172
2022	9	72	4	21	0	24	0	1	0	131
2023	5	85	14	22	2	19	1	2	0	150
2024	19	91	10	17	0	2	0	7	0	146
total	1171	1287	2659	1421	1192	951	57	200	76	9020

Source: Author's original piracy database compiled from International Maritime Organization (IMO) GISIS piracy and armed robbery incident reports (1984-2024).

Appendix 2: Author's raw piracy dataset compiled from International Maritime Organization (IMO) GISIS Reports on Acts of Piracy and Armed Robbery Against Ships (1984-2024) and analyse to make this research.

TABLE 1: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2001												
ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											
	FAR EAST			AFRICA								
	MALACCA STRAIT	SOUTH CHINA SEA	INDIA OCEAN	EAST AFRICA	WEST AFRICA	SOUTH AMERICA AND THE CARIBEAN	MEDITERAN SEA	OTHERS				
LOCATION OF INCIDENTS												
International Waters	27	22	15	9	5	1						
Territorial Waters	17	38	35	4	19	11	1					
Port areas	14	60	36	9	34	11	1	1				
CONSEQUENCES												
ACTUAL VIOLENCE & VIOLENCE AGAINST CREW AND PASSENGERS	40	55	43	13	45	21	1	1				
MISSING/HIJACKED SHIPS	2	12	3	1								
NOT STATED	16	52	40	8	13	2	1					
OTHER CONSEQUENCES IN THIS REPORT												
17 CREW MEMBERS KILLED												
5 MISSING												
42 WOUNDED												
THE ATTACKERS USE EXPLOSIVE DEVICES TO ATTACK SHIPS												
WEAPONS USED BY THE ATTACKERS												
GUNS	5	16	19	5	9	10		1				
KNIVES	18	20	14	4	23	5	1					
OTHERS	3	4	2		2	1						
NOT STATED	32	80	51	13	24	7	1					
TOTAL NUMBERS OF INCIDENTS REPORT	58	120	86	22	58	23	2	1				
TOTAL NUMBER OF REPORTED INCIDENTS IN 2001 =		370										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2001 (31 MARCH 2002) REF. T1/13.01 MSC.4/Circ.16												

TABLE 2: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED OR ATTEMPTED IN 2002												
ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											
	FAR EAST		AFRICA			SOUTH AMERICA AND THE CARIBEAN	MEDITERAN SEA	OTHERS				
	MALACCA	SOUTH CHINA SEA	INDIA OCEAN	EAST AFRICA	WEST AFRICA							
LOCATION OF INCIDENTS												
International Waters	13	7	15	8	3	3						
Territorial Waters	11	22	9	6	10	12	1	1				
Port areas	10	111	42	9	34	52	2	2				
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	18	67	29	11	38	36	2					
MISSING/HIJACKED SHIPS	10	8		1			1					
NONE/NOT STATED	6	66	37	11	9	31		2				
OTHER CONSEQUENCES IN THIS REPORT												
6 CREW MEMBERS KILLED												
38 MISSING												
38 THROWN OVERBOARD												
50 WOUNDED												
WEPONS USED BY THE ATTACKERS												
GUNS	15	13	5	5	14	14	1					
KNIVES	7	42	17	3	19	14						
OTHERS		6	1	2	2	1						

NOT STATED	17	80	43	13	12	38	2	1				
TOTAL NUMBERS OF INCIDENTS REPORT	34	140	66	23	47	67	3	3				
TOTAL NUMBER OF REPORTED INCIDENTS IN 2002=		383										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2002 (17 APRIL 2003) REF TI/13.01 MSC.4/Circ.32												
TABLE 3: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED OR ATTEMPTED IN 2003												
ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA AND THE CARIBEAN	MEDITERAN SEA	OTHERS				
	MALACCA	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFRICA							
LOCATION OF INCIDENTS												
International Waters	26	51	11	14	6	11		3				
Territorial Waters	6	42	22	3	12	3						
Port areas	4	61	63	5	49	14						
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	18	71	40	8	40	22						
MISSING/HIJACKED SHIPS	16	45	18	7	4	2						
NONE/NOT STATED	15	77	52	13	25	12						
OTHER CONSEQUENCES IN THIS REPORT												
13 CREW MEMBERS KILLED												
45 MISSING												
3 THROWN OVERBOARD												
45 WOUNDED												
1 ship was set ablaze												
1 ship ran aground												
WEPONS USED BY THE ATTACKERS												
GUNS	14	34	4	9	17	5						
KNIVES	7	42	24		17	17						
OTHERS	1	8	7		4	3						
NOT STATED	14	74	61	13	4	47	1					
TOTAL NUMBERS OF INCIDENTS REPOR	36	154	96	22	67	72	1	3				
TOTAL NUMBER OF REPORTED INCIDENTS IN 2003 =		452										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2003 (27 APRIL 2004) REF. 12-NAVSEC/2.7.1 MSC.4/Circ.50												
TABLE 4: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED OR ATTEMPTED IN 2004												
ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA				MEDITERAN SEA	OTHERS	
	MALACCA	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	44	24	14	9	4	3	1					
Territorial Waters	4	27	10	4	12	2	1					
Port areas	14	62	17		41	23	7	9				
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	36	55	16	9	36	13	4	1				
MISSING/HIJACKED SHIPS	1	4	4			13						
NONE/NOT STATED	23	52	20	4	21	2	5	8				
OTHER CONSEQUENCES IN THIS REPORT												

30 CREW MEMBERS KILLED												
140 TAKING HOSTAGE												
43 MISSING												
87 WOUNDED												
WEPONS USED BY THE ATTACKERS												
GUNS	26	28	4	6	9	7	4	1				
KNIVES	8	32	9	2	16	8	1	1				
OTHERS	1	6	2	2	6		2					
NOT STATED	25	47	23	3	26	13	3	7				
TOTAL NUMBERS OF INCIDENTS REPORT	60	113	41	13	57	28	9	9				
TOTAL NUMBER OF REPORTED INCIDENTS IN 2004 =		330										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2004 (5 MAY 2005) Ref. T2-NAVSEC/2.7.1 MSC.4/Circ.64												
TABLE 5: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED OR ATTEMPTED IN 2005												
ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA				MEDITERAN SEA	OTHERS	
	MALACCA	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	18	12	8	26	1							
Territorial Waters	2	25	13	17	5	2	1	1				
Port areas		60	30	6	17	12	8	2				
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	10	42	24	21	18	9	5	2				
MISSING/HIJACKED SHIPS		16		20								

NONE/NOT STATED	10	39	27	4	5	5	4	1				
OTHER CONSEQUENCES IN THIS REPORT												
652 TAKING HOSTAGE/KIDNAPPED												
16 SHIPS,A BARGE AND A TUG STILL MISSING												
11 PEOPLE MISSING												
152 WOUNDED/injured/assaulted												
WEPONS USED BY THE ATTACKERS												
GUNS	8	14	14	21	4	9	1	2				
KNIVES	2	31	9	2	13	1	4					
OTHERS		4	1		1	1						
NOT STATED	12	38	25	26	5	3	4	1				
TOTAL NUMBERS OF INCIDENTS REPORT	20	97	51	49	23	14	9	3				
TOTAL NUMBER OF REPORTED INCIDENTS IN 2005 =		266										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2005 (22 March 2006) Ref. T2-MSS/2.11.4.1 MSC.4/Circ.81												
TABLE 6: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED OR ATTEMPTED IN 2006												
ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA				MEDITERAN SEA	OTHERS	
	MALACCA	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	9	17	2	18	10						5	
Territorial Waters	4	23	16	10	8	5	5	6				
Port areas	9	26	35	3	13	4	6	4			1	

CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	8	33	26	3	15	9	6	3			1	
MISSING/HIJACKED SHIPS	6	15	1	4	3							
NONE/NOT STATED	8	18	26	20	5	5	5	7			1	
OTHER CONSEQUENCES IN THIS REPORT												
13 people killed												
180 taken hostage and kidnapped												
37 PEOPLE MISSING												
112 WOUNDED/injured/assaulted												
WEPONS USED BY THE ATTACKERS												
GUNS	3	14		8	6	4	3	3			1	
KNIVES	4	15	23	4	7	2	3					
OTHERS			2		1						1	
NOT STATED	15	37	29	18	17	4	5	7			2	
TOTAL NUMBERS OF INCIDENTS REPORT	22	66	53	31	31	10	11	10		1	5	
TOTAL NUMBER OF REPORTED INCIDENTS IN 2006 =		240										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2006 (13 April 2007) Ref. T2-MSS/2.11.4.1 MSC.4/Circ.98												
TABLE 7: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED OR ATTEMPTED IN 2007												
ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA				MEDITERAN SEA	OTHERS	
	MALACCA	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				

LOCATION OF INCIDENTS												
International Waters	10	13	11	33	12		1	2			6	
Territorial Waters	1	38	13	18	31	1	3	8		1	2	
Port areas	1	16	16	9	17	4	5	2		2	1	
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	2	25	5	11	37			8				
MISSING/HIJACKED SHIPS		14	1	10	1			1		1	2	
NONE/NOT STATED	10	23	34	39	22	4	6	3			4	
OTHER CONSEQUENCES IN THIS REPORT												
20 people killed												
194 taken hostage and kidnapped												
A VESSEL AND ITS CREW AND ANOTHER 3 CREWS MISSING												
153 WOUNDED/injured/assaulted												
WEPONS USED BY THE ATTACKERS												
GUNS	1	8	1	12	17			3			1	
KNIVES	1	15	11	3	21	1	3					
OTHERS		4	3	1	1						1	
NOT STATED	10	40	25	44	21	3	6			1	2	
TOTAL NUMBERS OF INCIDENTS REPORT	12	67	40	60	60	4	9	12		3	9	
TOTAL NUMBER OF REPORTED INCIDENTS IN 2007 =		282										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2007 (10 April 2008) Ref. T2-MSS/2.11.4.1 MSC.4/Circ.115												
TABLE 8: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED OR ATTEMPTED IN 2008												
ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											

	FAR EAST			AFRICA		SOUTH AMERICA				MEDITERRANEAN SEA	OTHERS	
	MALACCA	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	2	25	1	117	6	1	4	1				
Territorial Waters		32	14	11	18	3		1				
Port areas		11	11	6	26	2	4	2		2		
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS		24	3	51	21	2	5	3				
MISSING/HIJACKED SHIPS		8		44	1							
NONE/NOT STATED	2	23	23	41	26		4				1	
OTHER CONSEQUENCES IN THIS REPORT												
6 people killed												
774 taken hostage and kidnapped												
A VESSEL AND 38 CREWS MISSING												
42 WOUNDED/injured/assaulted												
WEPONS USED BY THE ATTACKERS												
GUNS		8	1	67	8	2					1	
KNIVES		26	5	7	12		2					
OTHERS			2	1	1						1	
NOT STATED	2	33	18	59	29	3				2	2	
							7					
TOTAL NUMBERS OF INCIDENTS REPORT	2	72	26	134	50	6	9	4		2	1	
TOTAL NUMBER OF REPORTED INCIDENTS IN 2008 =		306										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2008 (19 March 2009) Ref. T2-MSS/2.11.4.1 MSC.4/Circ.133												

TABLE 9: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED OR ATTEMPTED IN 2009												
ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA				MEDITERRAN SEA	OTHERS	
	MALACCA	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters		25		204	13		8					
Territorial Waters		32	18	15	23		6	2			1	
Port areas		11	9	3	10	6	1	13			3	
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS		28	12	113	26		8	2			3	
MISSING/HIJACKED SHIPS		5	1	48	4			3				
NONE/NOT STATED		38	14	61	16	6	7	11			3	
OTHER CONSEQUENCES IN THIS REPORT												
8 people killed												
746 taken hostage and kidnapped												
TWO VESSELS AND 9 PEOPLE MISSING												
49 WOUNDED/injured/assaulted												
WEPONS USED BY THE ATTACKERS												
GUNS		16		117	36						1	
KNIVES		27	12	6	4	1	2	1				
OTHERS		1	2	9	4		2	5				
NOT STATED		41	16	90	14	5					1	
							11	9				
TOTAL NUMBERS OF INCIDENTS REPORTED PER REC		71	27	222	46	15	15	6			4	
TOTAL NUMBER OF REPORTED INCIDENTS IN 2009 =		406										

DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2009 (29 March 2010) Ref. T2-MSS/2.11.4.1 MSC.4/Circ.152												
TABLE 10: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED OR ATTEMPTED IN 2010												
ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA				MEDITERAN SEA	OTHERS	
	MALACCA	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters		50	50	168	10						16	
Territorial Waters		43	4	2	19	1						
Port areas		41	23	2	18	4	15	20		1	2	
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS		60	46	100	29		8	7				
MISSING/HIJACKED SHIPS		5	11	37	2			10			4	
NONE/NOT STATED		69	20	35	16	5	7	3			9	
OTHER CONSEQUENCES IN THIS REPORT												
2 people killed												
1027 taken hostage and kidnapped												
1 VESSEL MISSING												
30 WOUNDED/injured/assaulted												
WEPONS USED BY THE ATTACKERS												
GUNS		6	8	47	16		2	1			6	
KNIVES		55	17	1	14	2	9	3				
OTHERS		3	13	18	2						2	
NOT STATED		70	39	106	15	3	4	16		1	10	

TOTAL NUMBERS OF INCIDENTS REPORTED PER REC		134	77	172	47	5	15	20		1	18	
TOTAL NUMBER OF REPORTED INCIDENTS IN 2010 =		489										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2010 (1 April 2011) Ref. T2-MSS/2.11.4.1 MSC.4/Circ.169												
TABLE 10: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED OR ATTEMPTED IN 2011												
ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA			MEDITERAN SEA	ARABIAN SEA	NORTH ATLANTIC OCEAN	OTHER
	MALACCA	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	5	25	42	209	19		1			28	2	1
Territorial Waters	15	42	11	10	20		6	1	1			
Port areas	2	46	10	4	22	4	6	11	1			
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	11	5	35	171	31	2	6	6	1	11		
MISSING/HIJACKED SHIPS	2		3	26	11				1	4		
NONE/NOT STATED	9	6	25	26	19	2	7	6			2	
OTHER CONSEQUENCES IN THIS REPORT												
7 PERSONS KILLED												
599 taken hostage and kidnapped												

WEPONS USED BY THE ATTACKERS												
GUNS		5	5	30	10		2			7		
KNIVES		39	4	1	6		3	4	1	7		
OTHERS		4	12	36	1		1					
NOT STATED	1	65	42	156	44	4	7	8	1	14	2	
TOTAL NUMBERS OF INCIDENTS REPORT	22	113	63	223	61	4	13	12	2	28	2	1
TOTAL NUMBER OF REPORTED INCIDENTS IN 2011 =		544										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2011 (1 March 2012) MSC.4/Circ.180												
TABLE 12: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2012												
ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA			MEDITERREAN EAN SEA	ARABIAN SEA	NORTH ATLANTIC OCEAN	PERSIAN GULF
	MALACCA	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	2	12	7	42	25	1	2			25		
Territorial Waters	10	18	6	11	15		3			11		
Port areas	14	60	20	8	24	7	5	2	6	2	1	1
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	12	58	13	22	35	4	4		1	6	1	1
MISSING/HIJACKED SHIPS	1	3	1	5	9					7		

NONE/NOT STATED	9	29	19	36	21	4	7	2	5	22		
OTHER CONSEQUENCES IN THIS REPORT												
5 PERSONS KILLED (ALL IN WEST AFRICA												
313 taken hostage and kidnapped												
GRENADES USED IN EAST AFRICA AND PERSIAN GULF												
WEPONS USED BY THE ATTACKERS												
GUNS	8	7	3	16	27		3	1	2	10	1	
KNIVES		28	9	3	12	2	4	4		4		
ROCKETS PROPELLED GRENANDES				5								1
OTHERS	6	33	22	2	7	3			2			
NOT STATED	10	22	42	35	18	3	2	1	2	24		
TOTAL NUMBERS OF INCIDENTS REPORT	26	90	33	61	64	8	11	2	6	38	1	1
TOTAL NUMBER OF REPORTED INCIDENTS IN 2012 =		341										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2012 (2 April 2013) MSC.4/Circ.193												
TABLE 13: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2013												
ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											
0	FAR EAST			AFRICA		SOUTH AMERICA			MEDITERREAN EAN SEA	ARABIAN SEA	NORTH ATLANTIC OCEAN	PERSIAN GULF
	MALACCA	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												

International Waters	6	15	1	2	27	1	1					
Territorial Waters	4	24	5	14	6		3			4	1	2
Port areas	7	103	25	4	21	6	6	1	8	2		
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	12	116	27	15	40	6	9	1	7	5		1
MISSING/HIJACKED SHIPS	1	2		2	9							
NONE/NOT STATED	4	24	4	3	5		1		1	1	1	1
OTHER CONSEQUENCES IN THIS REPORT												
1PERSON KILLED												
137 taken hostage and kidnapped												
11 Crew Assaulted/wounded												
GRENADES USED IN MALACCA STAIT,EAST AFRICA, WEST AFRICA AND ARABIAN SEA												
WEPONS USED BY THE ATTACKERS												
GUNS	1	10	1	7	24	1	1	1	2	1		1
KNIVES		39	11	3	1	1	1	2				
ROCKETS PROPELLED GRENANDES	1			3	4					1		1
OTHER/NOT STATED		93	19	7	25	4	16	6	2	4	1	
TOTAL NUMBERS OF INCIDENTS REPORT	17	142	31	20	54	6	10	1	8	6	1	2
TOTAL NUMBER OF REPORTED INCIDENTS IN 2013 **		298										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2013 (1 March 2014) MSC.4/Circ.208												
TABLE 14: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2014												
ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											

0	FAR EAST			AFRICA		SOUTH AMERICA			MEDITERREAN EAN SEA	ARABIAN SEA	NORTH ATLANTIC OCEAN	PERSIAN GULF
	MALACCA STRAIT/SINGAPORE	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	17	33	5	1	16	0	0	0	0	9	0	1
Territorial Waters	45	32	17	1	15	4	1	0	0	2	0	2
Port areas	19	28	22	1	14	2	0	2	0	1	1	0
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	52	57	26	3	30	2	0	1	0	2	1	3
MISSING/HIJACKED SHIPS	2	12	1	0	7	0	0	0	0	7	0	0
NONE/NOT STATED	25	24	17	0	6	4	1	1	0	2	0	0
OTHER CONSEQUENCES IN THIS REPORT												
1PERSON KILLED												
137 taken hostage and kidnapped												
11 Crew Assaulted/wounded												
GRENADES USED IN MALACCA STAIT,EAST AFRICA, WEST AFRICA AND ARABIAN SEA												
WEPONS USED BY THE ATTACKERS												
GUNS	3	11	1	2	16	2	1	0	0	2	0	1
KNIVES	24	21	17	0	6	0	1	0	0	0	0	0
ROCKETS PROPELLED GRENANDES	0	0	2	0	1	0		0	0	2	0	0
OTHER/NOT STATED	44	52	20	1	20	3	16	1	0	8	1	2
TOTAL NUMBERS OF INCIDENTS REPORT	81	91	44	3	45	6	1	2	0	12	1	3
TOTAL NUMBER OF REPORTED INCIDENTS IN 2014 =		291										

DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2014 (28 April 2015) MSC.4/Circ.219/Rev.1												
TABLE 15: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2015												
ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											
0	FAR EAST			AFRICA		SOUTH AMERICA			MEDITERRANEAN SEA	ARABIAN SEA	NORTH ATLANTIC OCEAN	PERSIAN GULF/ YELLOW SEA
	MALACCA STRAIT/SINGAPORE	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												c!Vzg d 5ye6y lkoo
International Waters	8	13	0	1	10	0	0	0	1	3	0	0
Territorial Waters	104	24	4	0	3	4	0	0	1	2	1	4
Port areas	25	44	14	3	22	4	1	0	0	10	1	1
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	23	14	5	2	9	0	0	0	1	0	1	0
MISSING/HIJACKED SHIPS	6	1	0	0	3	0	0	0	0	0	0	0
NONE/NOT STATED	104	65	13	2	24	4	1	0	1	15	1	1
75 taken hostage or kidnapped												

WEAPONS USED BY THE ATTACKERS												
GUNS	7	11	1	2	8	1	0	0	0	0	0	0
KNIVES	48	17	7	0	3	0	0	0	1	0	2	2
ROCKETS PROPELLED GRENANDES	0	0	0	0	0	0	0	0	0	0	0	0
OTHER/NOT STATED	79	49	10	2	24	3	1	0	1	15	0	2
TOTAL NUMBERS OF INCIDENTS REPORT	134	81	18	4	35	4	1	0	2	15	2	7
TOTAL NUMBER OF REPORTED INCIDENTS IN 2015 =		303										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2015 MSC.4/Circ. 232												
TABLE 16: REPORTS OF PIRACY A+A543:L553ND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2016												
ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											
0	FAR EAST			AFRICA		SOUTH AMERICA			MEDITERRANEAN SEA	ARABIAN SEA	NORTH ATLANTIC OCEAN	PERSIAN GULF
	MALACCA STRAIT & SINGAPORE	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	YELLOW SEA				
LOCATION OF INCIDENTS												
International Waters	0	15	1	0	33	0	0	0	0	9	0	0
Territorial Waters	4	27	1	0	4	2	2	2	0	4	0	0
Port areas	17	26	8	4	25	11	10	5	0	8	3	0
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	7	15	1	1	11	2	2	0	0	0	0	0
MISSING/HIJACKED SHIPS	0	2	0	0	1	0	0	0	0	0	0	0
NONE/NOT STATED	13	50	9	3	48	11	9	7	0	20	3	0

OTHER CONSEQUENCES IN THIS REPORT												
98 taken hostage and kidnapped												
WEPONS USED BY THE ATTACKERS												
GUNS	1	15	0	0	17	0	2	0	0	0	0	0
KNIVES	10	10	2	1	6	4	1	0	0	0	0	0
ROCKETS PROPELLED GRENANDES	0	0	0	0	0	0	0	0	0	0	0	0
OTHER/NOT STATED	10	43	8	3	39	9	9	7	0	20	1	0
TOTAL NUMBERS OF INCIDENTS REPORT	21	68	10	4	62	13	12	7	0	21	3	0
TOTAL NUMBER OF REPORTED INCIDENTS IN 2016 =		221										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2016 (30 March 2017) MSC.4/Circ.245												

TABLE 17: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2017

ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA			YELLOW SEA	ARABIAN SEA	NORTH ATLANTIC OCEAN	PERSIAN GULF
	MALACCA STRAIT & SINGAPORE	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	0	12	2	0	25	0	0	0	0	13	0	0
Territorial Waters	12	16	2	0	6	1	0	0	1	6	0	0
Port areas	14	33	14	4	17	18	3	1	1	2	0	0
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	8	8	0	0	11	2	2	0	0	2	0	0
MISSING/HIJACKED SHIPS	0	3	0	0	0	0	0	0	0	4	0	0
NONE/NOT STATED	17	49	16	4	37	16	1	1	2	15	0	0
OTHER CONSEQUENCES IN THIS REPORT												
137 were taken hostage and kidnapped in West African Sea, Arabian Sea and South China Sea												
WEPONS USED BY THE ATTACKERS												
GUNS	1	11	1	0	12	3	0	0	0	8	0	0
KNIVES	11	13	4	1	1	4	1	0	0	1	0	0
ROCKETS PROPELLED GRENANDES	0	0	0	0	1	0	0	0	0	1	0	0
OTHER/NOT STATED	14	36	13	3	34	11	2	1	2	11	0	0
TOTAL NUMBERS OF INCIDENTS REPORT	26	61	18	4	48	19	3	1	2	21	0	0
TOTAL NUMBER OF REPORTED INCIDENTS IN 2017 =		203										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2017 (16 April 2018) MSC.4/Circ.258												

TABLE 18: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2018

ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											

	FAR EAST			AFRICA		SOUTH AMERICA			YELLOW SEA	ARABIAN SEA	NORTH ATLANTIC OCEAN	NORTH PACIFIC OCEAN
	MALACCA STRAIT & SINGAPORE	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	0	5	3	0	35	0	0	0	0	5	2	0
Territorial Waters	8	26	10	0	21	8	5	3	1	4	0	1
Port areas	0	26	12	1	35	9	3	1	1	1	3	3
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	0	11	5	0	15	5	3	0	0	2	1	0
MISSING/HIJACKED SHIPS	0	0	0	0	3	0	0	0	0	0	0	0
NONE/NOT STATED	5	29	13	1	36	8	0	5	2	4	0	2
OTHER CONSEQUENCES IN THIS REPORT												
WEPONS USED BY THE ATTACKERS												
GUNS	0	6	2	0	21	3	2	0	0	3	1	0
KNIVES	0	13	5	0	4	3	2	1	0	0	0	0
ROCKETS PROPELLED GRENANDES	0	0	0	0	0	0	0	0	0	0	0	0
OTHER/NOT STATED	7	31	17	1	46	9	2	3	2	4	4	3
TOTAL NUMBERS OF INCIDENTS REPORT	8	57	25	1	81	17	8	5	2	10	5	4
TOTAL NUMBER OF REPORTED INCIDENTS IN 2087 =		223										

DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2018 (1 April 2019) MSC.4/Circ.258												
TABLE 19: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2019												
ACTS ALLEGEDLY COMMITTED OR ATTE	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA			YELLOW SEA	ARABIAN SEA	MEDITERANEAN SEA	NORTH PACIFIC OCEAN
	MALACCA STRAIT & SINGAPORE	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	2	6	1	0	23	0	1	0	1	0	0	0
Territorial Waters	34	12	2	1	26	9	7	2	2	0	0	0
Port areas	9	16	7	3	18	3	6	1	0	0	1	0
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	12	6	1	0	36	5	6	0	1	0	0	0
MISSING/HIJACKED SHIPS	0	0	0	0	3	0	0	0	0	0	0	0
NONE/NOT STATED	25	24	6	4	14	3	4	2	0	0	1	0
OTHER CONSEQUENCES IN THIS REPORT												
173 CREW MEMBER TAKEN HOSTAGE/KIDNAPPED WITH OVER 87% KIDNAPPED IN WEST AFRICA, FOLLOWED BY SOUTH CHINA SEA 7LATIN AMERICA REGION												

WEAPONS USED BY THE ATTACKERS												
GUNS	1	3	0	0	20	2	2	0	0	0	0	0
KNIVES	9	5	2	0	4	2	2	3	0	0	0	0
ROCKETS PROPELLED GRENANDES	0	0	0	0	1	0	0	0	0	0	0	0
OTHER/NOT STATED	32	23	7	4	38	8	9	0	3	0	1	0
TOTAL NUMBERS OF INCIDENTS REPORT	45	34	10	4	67	12	14	3	3	0	1	0
TOTAL NUMBER OF REPORTED INCIDENTS IN 2019 =		193										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2019 (27 April 2020) MSC.4/Cire.264												

TABLE 20: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2020

ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA			NORTH PACIFIC OCEAN	ARABIAN SEA	PERSIAN GULF	NORTH ATLANTIC OCEAN
	MALACCA STRAIT	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	2	3	2	0	46	1	1	0	1	2	0	1
Territorial Waters	25	2	1	0	11	5	5	0	0	1	0	0
Port areas	9	32	9	4	33	4	7	6	0	3	1	0
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	4	4	0	1	21	6	7	2	0	0	0	0
MISSING/HIJACKED SHIPS	0	0	0	0	0	0	0	0	0	0	0	0
NONE/NOT STATED	34	31	11	2	45	4	6	3	1	6	1	1
OTHER CONSEQUENCES IN THIS REPORT												
135 CREW MEMBERS TAKEN HOSTAGE/KIDNAPPED, WITH 90% OF KIDNAPPS OCCURRING IN WEST AFRICA												
WEAPONS USED BY THE ATTACKERS												
GUNS	1	0	0	0	26	4	6	0	0	0	0	0
KNIVES	15	7	4	1	0	2	1	2	0	0	0	0
ROCKETS PROPELLED GRENANDES	0	0	0	0	0	0	0	0	0	0	0	0
OTHER/NOT STATED	32	29	8	3	62	4	5	4	3	6	1	1
TOTAL NUMBERS OF INCIDENTS REPORT	48	37	12	4	90	10	13	6	1	6	1	1
TOTAL NUMBER OF REPORTED INCIDENTS IN 2020 =		229										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2020 (29 April 2021) MSC.4/Cire.265												

TABLE 21: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2021

ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											

	FAR EAST			AFRICA		SOUTH AMERICA			NORTH PACIFIC OCEAN	ARABIAN SEA	PERSIAN GULF	NORTH ATLANTIC OCEAN
	MALACCA STRAIT	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	48	9	3	1	24	9	9	1	0	2	0	0
Territorial Waters	13	0	0	0	5	1	1	0	0	0	0	0
Port areas	8	7	2	1	9	6	10	2	0	1	0	0
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	0	0	0	0	0	0	0	0	0	0	0	0
MISSING/HIJACKED SHIPS	0	0	0	0	0	0	0	0	0	0	0	0
NONE/NOT STATED	6	1	0	0	6	2	6	1	0	0	0	0
OTHER CONSEQUENCES IN THIS REPORT												
3 LIVES LOST (2 IN CARIBEAN (SOUTH AMERICA) 1 IN WEST AFRICA												
5 WOUNDED/INJURED (3 IN WEST AFRICA, 1 IN MALACCA STRAIT AND 1 IN SOUTH AMERICA CARIBEAN												
46 HELD HOSTAGE/KIDNAPP (42 IN WEST AFRICA, 2 IN SOUTH CHINA SEA, AND 2 IN CARIBEAN												
1 CREW MISSING IN WEST AFRICA												
WEAPONS USED BY THE ATTACKERS												
GUNS	1	3	0	0	8	7	1	0	0	0	0	0
KNIVES	19	2	0	1	3	2	12	0	0	0	0	0
ROCKETS PROPELLED GRENANDES	0	0	0	0	0	0	0	0	0	0	0	0
OTHER/NOT STATED	47	11	5	1	26	7	7	3	0	3	0	0

TOTAL NUMBERS OF INCIDENTS REPORT	69	16	5	2	38	16	20	3	0	3	0	0
TOTAL NUMBER OF REPORTED INCIDENTS IN 2021=		172										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIP'S ANNUAL REPORT 2021 (15 April 2022) MSC 4/Circ.266												
TABLE 22: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2022+A764:J803												
ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA			NORTH PACIFIC OCEAN	ARABIAN SEA	PERSIAN GULF	NORTH ATLANTIC OCEAN
	MALACCA STRAIT	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	58	2	4	0	15	3	9	1	0	0	0	0
Territorial Waters	11	1	1	0	5	1	1	1	0	0	0	0
Port areas	3	1	4	0	1	0	4	4	0	1	0	0
CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	0	1	0	0	0	0	0	0	0	0	0	0
MISSING/HIJACKED SHIPS	0	0	0	0	1	0	0	0	0	0	0	0
NONE/NOT STATED	0	10	4	0	3	0	0	1	0	0	0	0
OTHER CONSEQUENCES IN THIS REPORT												
1 INJURED/WOUNDED AT SOUTH CHINA SEA CARIBEAN												

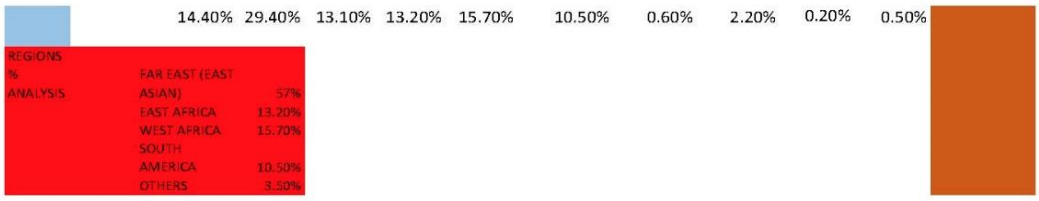
24 HELD HOSTAGE/KIDNAPPED (14 IN WEST AFRICA, 6 IN SOUTH AMERICA, AND 4 MALACCA STRAIT												
1 CREW MISSING IN WEST AFRICA												
WEAPONS USED BY THE ATTACKERS												
GUNS	1	3	0	0	4	2	1	3	0	0	0	0
KNIVES	0	2	5	0	3	0	6	1	0	0	0	0
ROCKETS PROPELLED GRENANDES	0	0	0	0	0	0	0	0	0	0	0	0
OTHER/NOT STATED	3	11	4	0	13	2	7	2	0	1	0	0
TOTAL NUMBERS OF INCIDENTS REPORT	72	4	9	0	21	4	14	6	0	1	0	0
TOTAL NUMBER OF REPORTED INCIDENTS IN 2022=		131										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2022 (19 April 2023) MSC.4/Circ.267												
TABLE 23: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2023												
ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											
	FAR EAST			AFRICA		SOUTH AMERICA			MEDITERRANEAN	ARABIAN SEA	PERSIAN GULF	NORTH ATLANTIC OCEAN
	MALACCA STRAIT	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	0	0	0	0	4	1	0	0	0	0	0	0
Territorial Waters	64	0	0	0	0	1	0	0	0	0	0	0
Port areas	21	14	5	2	18	2	14	1	1	1	0	0

CONSEQUENCES												
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	0	0	0	0	0	0	1	0	0	0	0	0
MISSING/HIJACKED SHIPS	0	0	0	0	1	0	0	0	0	0	0	0
NONE/NOT STATED	1	1	0	0	0	0	0	0	0	0	0	0
OTHER CONSEQUENCES IN THIS REPORT												
5 INJURED/WOUNDED AT MALACCA, 2 AT WEST AFRICA												
92 HELD HOSTAGE/KIDNAPPED (68 IN WEST AFRICA, 9 IN SOUTH AMERICA, 2 IN SOUTH CHINA SEA AND 13 MALACCA STRAIT												
1 CREW MISSING IN WEST AFRICA												
WEAPONS USED BY THE ATTACKERS												
GUNS	1	1	0	0	8	0	1	0	0	1	0	0
KNIVES	30	0	2	0	1	0	7	1	0	0	0	0
ROCKETS PROPELLED GRENANDES	0	0	0	0	0	0	0	0	0	0	0	0
OTHER/NOT STATED	54	13	3	2	13	4	6	0	1	1	0	0
TOTAL NUMBERS OF INCIDENTS REPORT	85	14	5	2	22	4	14	1	1	2	0	0
TOTAL NUMBER OF REPORTED INCIDENTS IN 2023=		150										
DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2023 (7 June 2024) MSC.4/Circ.268												
TABLE 24: REPORTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ALLEGEDLY COMMITTED AND ATTEMPTED IN 2024												
ACTS ALLEGEDLY COMMITTED OR ATTI	COUNTRIES											

	FAR EAST			AFRICA		SOUTH AMERICA			MEDITERANEAN	ARABIAN SEA	PERSIAN GULF	NORTH ATLANTIC OCEAN
	MALACCA STRAIT	SOUTH CHINA SEA	INDIAN OC	EAST AFRICA	WEST AFR	CARIBBEAN	PACIFIC	ATLANTIC				
LOCATION OF INCIDENTS												
International Waters	8	0	1	0	5	0	0	0	0	7	0	0
Territorial Waters	62	2	0	0	0	0	0	0	0	0	0	0
Port areas	21	8	18	0	12	1	0	1	0	0	0	0
CONSEQUENCES												
ACTUAL VIOLINCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	7	0	3	0	2	0	0	0	0	0	0	0
MISSING/HIJACKED SHIPS	0	0	1	0	1	0	0	0	0	1	0	0
NONE/NOT STATED	8	2	2	0	1	0	0	0	0	0	0	0
OTHER CONSEQUENCES IN THIS REPORT												
3 INJURED/WOUNDED AT INDIA OCEAN AND MALACCA STRAIT												
132 HELD HOSTAGE/KIDNAPPED (37 IN SOUTH CHINA SEA, 9 IN INDIA OCEAN, 44 ARABIAN SEA, AND 42 IN WEST AFRICA												
1 CREW MISSING IN WEST AFRICA												
WEAPONS USED BY THE ATTACKERS												
GUNS	14	2	0	0	3	0	0	0	0	5	0	0
KNIVES	35	0	4	0	2	0	0	1	0	0	0	0
ROCKETS PROPELLED GRENANDES	0	0	0	0	0	0	0	0	0	0	0	0
OTHER/NOT STATED	38	8	15	0	12	1	0	0	0	2	0	0
TOTAL NUMBERS OF INCIDENTS REPORT	91	10	19	0	17	1	1	0	0	7	0	0
TOTAL NUMBER OF REPORTED INCIDENTS IN 2024=		146										

DATA EXTRACTED FROM IMO REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS ANNUAL REPORT 2024 (17 APRIL 2025) MSC.4/Circ.269												

PIRACY REGIONAL LOCATION												
			FAR EAST		AFRICA		SOUTH AMERICA					
COUNTRIES		MALACCA STRAIT/SINGAPORE	SOUTH CHINA SEA	INDIAN OCEAN	EAST AFRICA	WEST AFRICA	CARIBEAN /PACIFIC/ ATLANTIC	MEDITERANEAN SEA	ARABIAN SEA	NORTH ATLANTIC OCEAN	OTHERS	TOTAL INCIDENTS
YEAR												
1984		7	0	2	0	18	5	0	0	0		32
1985		7	3	0	2	14	5	0	0	0		31
1986		3	3	3	0	8	1	0	0	0		18
1987		8	8	5	0	7	1	0	0	0		29
1988		6	6	2	0	3	2	0	0	0		19
1989		4	4	4	0	2	0	0	0	0		14
1990		14	24	3	1	4	4	0	0	0		50
1991		46	20	1	1	3	8					79
1992		21	19	5	6	12	5	0	0	0		68
1993		6	36	4	1	9	13	1	0	0		70
1994		3	11	6	9	2	17	0	0	0		48
1995		12	68	15	11	4	20	2	0	0		132
1996		12	121	30	7	21	32	4	0	0		227
1997		8	101	41	11	31	45	11	0	0		248
1998		6	94	25	19	22	38	2	0	0		206
1999		37	136	51	16	36	29	4	0	0		309
2000		112	143	109	29	33	43	2	0	0		471
2001		58	120	86	22	58	23	2	0	0	1	370
2002		34	140	66	23	47	67	3	0	0	3	383
2003		36	154	96	22	67	72	1	0	1	3	452
2004		60	113	41	13	57	46	0	0	0	0	330
2005		20	97	51	49	23	26	0	0	0		266
2006		22	66	53	31	31	31	1	4	1	0	240
2007		12	67	40	60	60	25	3	7	2	6	282
2008		2	72	26	134	50	19	2	1	0	0	306
2009		0	71	27	222	46	36	0	2	1	1	406
2010		0	134	77	172	47	40	1	16	0	2	489
2011		22	113	63	223	61	29	2	28	2	1	544
2012		26	90	33	61	64	21	6	38	1	1	341
2013		17	142	31	20	54	17	8	6	1	2	298
2014		81	93	44	3	45	9	0	12	1	3	291
2015		134	81	18	4	35	5	2	15	2	7	303
2016		21	68	10	4	62	25	0	21	3	7	221
2017		26	61	18	4	48	23	0	21	0	2	203
2018		8	57	25	1	81	30	0	10	5	6	223
2019		45	34	10	4	67	29	1	0	0	3	193
2020		48	37	12	4	90	29	0	6	1	2	229
2021		69	16	5	2	38	39	0	3	0	0	172
2022		72	4	9	0	21	24	0	1	0	0	131
2023		85	14	5	2	22	19	1	2	0	0	150
2024		91	10	19	0	17	2	0	7	0	0	146
TOTAL PIRACY INCIDENTS IN EACH REGION		1301	2651	1171	1193	1420	954	59	200	21	50	9020


14.40% 29.40% 13.10% 13.20% 15.70% 10.50% 0.60% 2.20% 0.20% 0.50%
REGIONS
%
ANALYSIS
FAR EAST (EAST ASIAN) 57%
EAST AFRICA 13.20%
WEST AFRICA 15.70%
SOUTH AMERICA 10.50%
OTHERS 3.50%

LOCATION OF PIRACY INCIDENTS FROM 2001 TO 2024

	COUNTRIES			FAR EAST		AFRICA		SOUTH AMERICA					
LOCATIONS	YEAR		MALACCA STRAIT/SINGAPORE	SOUTH CHINA SEA	INDIAN OCEAN	EAST AFRICA	WEST AFRICA	CARIBEAN/ PACIFIC/ATLANTIC	MEDITERANEAN SEA	ARABIAN SEA	NORTH ATLANTIC OCEAN	OTHERS	TOTAL INCIDENTS
2001	2001												
INTERNATIONAL WATERS			27	22	15	9	5	1	0	0	0	0	79
TERRITORIAL WATERS			17	36	35	4	19	11	1	0	0	0	123
PORT AREAS			14	60	36	9	34	11	1			1	166
2002	2002												
INTERNATIONAL WATERS			13	7	15	8	3	3					49
TERRITORIAL WATERS			11	22	9	6	10	12	1			1	71
PORT AREAS			10	111	42	9	34	52	2			2	260
2003													
INTERNATIONAL WATERS			26	51	11	14	6	11				3	122
TERRITORIAL WATERS			6	42	22	3	12	3					88
PORT AREAS			4	61	63	5	42	4					179
2004													
INTERNATIONAL WATERS			44	24	14	9	4	4					99
TERRITORIAL WATERS			4	27	10	4	12	3					60
PORT AREAS			14	62	17		41	39					173
2005													
INTERNATIONAL WATERS			18	12	8	26	1						65
TERRITORIAL WATERS			2	25	13	17	5	4					66
PORT AREAS				60	30	6	17	22					135
2006													
INTERNATIONAL WATERS			9	17	2	18	10						56
TERRITORIAL WATERS			4	23	16	10	8	16				5	77
PORT AREAS			9	26	35	3	13	14				1	100
2007													
INTERNATIONAL WATERS			10	13	11	33	12	3				6	82
TERRITORIAL WATERS			1	38	13	18	31	12	1			2	114
PORT AREAS			1	16	16	9	17	11	2			1	72
2008													
INTERNATIONAL WATERS			2	25	1	117	6	6					157
TERRITORIAL WATERS				32	14	11	18	4					79
PORT AREAS				11	11	6	26	8	2				62
2009													
INTERNATIONAL WATERS			0	25		204	13	8					250
TERRITORIAL WATERS			0	32	18	15	23	8				1	97
PORT AREAS			0	11	9	3	10	20				3	53
2010													
INTERNATIONAL WATERS			0	50	50	168	10					6	278
TERRITORIAL WATERS			0	43	4	2	19	1					69
PORT AREAS			0	41	23	2	18	39	1			2	124
2011													
INTERNATIONAL WATERS			5	25	42	209	19	1		28		3	332
TERRITORIAL WATERS			15	42	11	10	20	7	1				106
PORT AREAS			2	46	10	4	22	21	1				106
2012													
INTERNATIONAL WATERS			2	12	7	42	25	3		25			116
TERRITORIAL WATERS			10	18	6	11	15	3		11			74
PORT AREAS			14	60	20	8	24	14	6	2		2	148
2013													
INTERNATIONAL WATERS			6	15	1	2	27	2					53
TERRITORIAL WATERS			4	24	5	14	6	3		4		3	63
PORT AREAS			7	103	25	4	21	13	8	2			183
2014													
INTERNATIONAL WATERS			17	33	5	1	16	0		9		1	82
TERRITORIAL WATERS			45	32	17	1	15	5		2		2	119

PORT AREAS			19	28	22	1	14	4		1		1	
													90
2015													
INTERNATIONAL WATERS			8	13	0	1	10	0	1	3		0	36
TERRITORIAL WATERS			104	24	4	0	3	4	1	2		5	147
PORT AREAS			25	44	14	3	22	5	0	10		2	125
2016													
INTERNATIONAL WATERS			0	15	1	0	33	0		9		0	58
TERRITORIAL WATERS			4	27	1	0	4	4		4		2	46
PORT AREAS			17	26	8	4	25	21		8		8	117
2017													
INTERNATIONAL WATERS			0	12	2	0	25	0		13		0	52
TERRITORIAL WATERS			12	16	2	0	6	1		6		0	43
PORT AREAS			14	33	14	4	17	22		2		0	106
2018													
INTERNATIONAL WATERS			0	5	3	0	35	0		5		2	50
TERRITORIAL WATERS			8	26	10	0	21	16		4		2	87
PORT AREAS			0	26	12	1	35	13		1		7	95
2019													
INTERNATIONAL WATERS			2	6	1	0	23	1				1	34
TERRITORIAL WATERS			34	12	2	1	26	18				2	71
PORT AREAS			9	16	7	3	18	10	1				64
2020													
INTERNATIONAL WATERS			2	3	2	0	46	2		2		3	60
TERRITORIAL WATERS			25	2	1	0	11	10		1		1	51
PORT AREAS			9	32	9	4	33	17		3		4	111
2021													
INTERNATIONAL WATERS			48	9	3	1	24	19		2		0	106
TERRITORIAL WATERS			13	0	0	0	5	2		0		0	20
PORT AREAS			8	7	2	1	9	18		1		0	46
2022													
INTERNATIONAL WATERS			58	2	1	0	15	13					89
TERRITORIAL WATERS			11	1	4	0	5	3					24
PORT AREAS			3	1	1	0	1	8		1			15
2023													
INTERNATIONAL WATERS			0	0	0	0	4	1					5
TERRITORIAL WATERS			64	0	0	0	0	1					65
PORT AREAS			21	14	5	2	18	17	1	1			79
2024													
INTERNATIONAL WATERS			8	0	1	0	5	0	0	7			21
TERRITORIAL WATERS			62	2	0	0	0	0	0	0			64
PORT AREAS			21	8	18	0	12	0	2	0			61
TOTAL INCIDENTS BETWEEN 2001 TO 2024 = 6,825	6,825												
TOTAL NUMBERS IN INTERNATIONAL WATERS	2331		34.20%										
TOTAL NUMBERS IN TERRITORIAL WATERS +2670 (39.10%) = 4,494 (65.8%)	1824		26.70%										
TOTAL NUMBERS IN PORT AREAS	2670		39.10%										
TOTAL NUMBERS IN TERRITORIAL WATERS AND PORT AREAS	1824+2670 = 4494		26.70% + 39.10% = 65.8%										

MOST OF THE INCIDENTS IN THE MALACCA STRAIT, SOUTH CHINA SEA, WEST AFRICA AND SOUTH AMERICA OCCURRED IN THE TERRITORIAL WATERS AND PORT AREAS, WITH FEWER CASES IN INTERNATIONAL WATERS
THE INDIA OCEAN, EXCEPT FOR 2010-2011, HAD MOST OF ITS INCIDENTS OCCURRING WITHIN THE TERRITORIAL WATERS AND PORT AREAS.
UNLIKE THE OTHER REGIONS, THE EAST AFRICA HAD MOST OF ITS INCIDENTS AT INTERNATIONAL WATERS, AND A FEW INCIDENTS IN THE TERRITORAL WATERS AND PORT AREAS.

IMPACTS/CONSEQUENCES OF PIRACY FROM 2001 TO 2024									
CONSEQUENCES/IMPACTS	REGIONS								
	FAR EAST			AFRICA		SOUTH AMERICA AND THE CARIBEAN	MEDITERAN SEA	ARABIAN SEA	OTHERS	TOTAL
	MALACCA STRAIT	SOUTH CHINA SEA	INDIA OCEAN	EAST AFRICA	WEST AFRICA					
2001										
CONSEQUENCES										
ACTUAL VIOLENCE & VIOLENCE AGAINST CREW AND PASSENGERS	40	55	43	13	45	21	1		1	
MISSING/HIJACKED SHIPS	2	12	3	1						
NOT STATED	16	52	40	8	13	2	1			
OTHER CONSEQUENCES IN THIS REPORT										
17 CREW MEMBERS KILLED										
5 MISSING										
42 WOUNDED										
THE ATTACKERS USE EXPLOSIVE DEVICES TO ATTACK SHIPS										
2002										
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	18	67	29	11	38	36	2			
MISSING/HIJACKED SHIPS	10	8		1			1			
NONE/NOT STATED	6	66	37	11	9	31			2	
OTHER CONSEQUENCES IN THIS REPORT										
6 CREW MEMBERS KILLED										
38 MISSING										
38 THROWN OVERBOARD										
50 WOUNDED										
2003										
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	71	40	8	40	22					
MISSING/HIJACKED SHIPS	45	18	7	4	2					
NONE/NOT STATED	77	52	13	25	12					
OTHER CONSEQUENCES IN THIS REPORT										
13 CREW MEMBERS KILLED										
45 MISSING										
3 THROWN OVERBOARD										
45 WOUNDED										
1 ship was set ablaze										
1 ship ran aground										
2004										
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	36	55	16	9	36	18				
MISSING/HIJACKED SHIPS	1	4	4			13				
NONE/NOT STATED	23	52	20	4	21	15				
OTHER CONSEQUENCES IN THIS REPORT										
30 CREW MEMBERS KILLED										
140 TAKING HOSTAGE										
43 MISSING										
87 WOUNDED										
2005										
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	10	42	24	21	18	16				
MISSING/HIJACKED SHIPS		16		20						
NONE/NOT STATED	10	39	27	4	5	10				
OTHER CONSEQUENCES IN THIS REPORT										
652 TAKING HOSTAGE/KIDNAPPED										
16 SHIPS,A BARGE AND A TUG STILL MISSING										
11 PEOPLE MISSING										
152 WOUNDED/injured/assaulted										
2006										
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	8	33	26	3	15	18				
MISSING/HIJACKED SHIPS	6	15	1	4	3					
NONE/NOT STATED	8	18	26	20	5	17				

OTHER CONSEQUENCES IN THIS REPORT									
13 people killed									
180 taken hostage and kidnapped									
37 PEOPLE MISSING									
112 WOUNDED/injured/assaulted									
2007									
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	2	25	5	11	37	8			
MISSING/HIJACKED SHIPS		14	1	10	1	1	1		2
NONE/NOT STATED	10	23	34	39	22	13			4
OTHER CONSEQUENCES IN THIS REPORT									
20 people killed									
194 taken hostage and kidnapped									
A VESSEL AND ITS CREW AND ANOTHER 3 CREWS MISSING									
153 WOUNDED/injured/assaulted									
2008									
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	0	24	3	51	21	10			
MISSING/HIJACKED SHIPS	0	8		44	1				
NONE/NOT STATED	2	23	23	41	26	4			1
OTHER CONSEQUENCES IN THIS REPORT									
6 people killed									
774 taken hostage and kidnapped									
A VESSEL AND 38 CREWS MISSING									
42 WOUNDED/injured/assaulted									
2009									
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS		28	12	113	26	10			3
MISSING/HIJACKED SHIPS		5	1	48	4	3			
NONE/NOT STATED		38	14	61	16	24			3
OTHER CONSEQUENCES IN THIS REPORT									
8 people killed									
746 taken hostage and kidnapped									
TWO VESSELS AND 9 PEOPLE MISSING									
49 WOUNDED/injured/assaulted									
2010									
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS		60	46	100	29	15			4
MISSING/HIJACKED SHIPS		5	11	37	2	10			9
NONE/NOT STATED		69	20	35	16	15			
OTHER CONSEQUENCES IN THIS REPORT									
2 people killed									
1027 taken hostage and kidnapped									
1 VESSEL MISSING									
30 WOUNDED/injured/assaulted									
2011									
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	11	5	35	171	31	14		11	
MISSING/HIJACKED SHIPS	2		3	26	11			4	
NONE/NOT STATED	9	6	25	26	19	15			2
OTHER CONSEQUENCES IN THIS REPORT									
7 PERSONS KILLED									
599 taken hostage and kidnapped									
2012									
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	12	58	13	22	35	8	1	6	2
MISSING/HIJACKED SHIPS	1	3	1	5	9			7	
NONE/NOT STATED	9	29	19	36	21	13	5	22	
OTHER CONSEQUENCES IN THIS REPORT									
5 PERSONS KILLED (ALL IN WEST AFRICA									
313 taken hostage and kidnapped									
GRENADES USED IN EAST AFRICA AND PERSIAN GULF									
2013									
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	12	116	27	15	40	16	7	5	1
MISSING/HIJACKED SHIPS	1	2		2	9				
NONE/NOT STATED	4	24	4	3	5	1	1	1	2
OTHER CONSEQUENCES IN THIS REPORT									
1PERSON KILLED									
137 taken hostage and kidnapped									
11 Crew Assaulted/wounded									

GRENADES USED IN MALACCA STAIT,EAST AFRICA, WEST AFRICA AND ARABIAN SEA								
2014								
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	52	57	26	3	30	3	0	
MISSING/HIJACKED SHIPS	2	12	1	0	7	0	0	
NONE/NOT STATED	25	24	17	0	6	6	0	
OTHER CONSEQUENCES IN THIS REPORT								
1PERSON KILLED								
137 taken hostage and kidnapped								
11 Crew Assaulted/wounded								
GRENADES USED IN MALACCA STAIT,EAST AFRICA, WEST AFRICA AND ARABIAN SEA								
2015								
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	23	14	5	2	9	0	1	
MISSING/HIJACKED SHIPS	6	1	0	0	3	0	0	
NONE/NOT STATED	104	65	13	2	24	5	1	
75 taken hostage or kidnapped								
2016								
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	7	15	1	1	11	4	0	
MISSING/HIJACKED SHIPS	0	2	0	0	1	0	0	
NONE/NOT STATED	13	50	9	3	48	20	0	
OTHER CONSEQUENCES IN THIS REPORT								
98 taken hostage and kidnapped								
2017								
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	8	8	0	0	11	4	0	
MISSING/HIJACKED SHIPS	0	3	0	0	0	0	0	
NONE/NOT STATED	17	49	16	4	37	18	0	
OTHER CONSEQUENCES IN THIS REPORT								
137 were taken hostage and kidnapped in West African Sea, Arabian Sea and South Chuna Sea								
2018								
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	0	11	5	0	15	8	0	
MISSING/HIJACKED SHIPS	0	0	0	0	3	0	0	
NONE/NOT STATED	5	29	13	1	36	13	0	
2019								
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	12	6	1	0	36	11	0	
MISSING/HIJACKED SHIPS	0	0	0	0	3	0	0	
NONE/NOT STATED	25	24	6	4	14	9	0	
OTHER CONSEQUENCES IN THIS REPORT								
173 CREW MEMBER TAKEN HOSTAGE/KIDNAPPED WITH OVER 87% KIDNAPPED IN WEST AFRICA, FOLLOWED BY SOUTH CHINA SEA 7LATIN AMERICA REGION								
2020								
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	4	4	0	1	21	15	0	
MISSING/HIJACKED SHIPS	0	0	0	0	0	0	0	
NONE/NOT STATED	34	31	11	2	45	13	0	
OTHER CONSEQUENCES IN THIS REPORT								
135 CREW MEMBERS TAKEN HOSTAGE/KIDNAPPED, WITH 90% OF KIDNAPPS OCCURRING IN WEST AFRICA								
2021								
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	0	0	0	0	0	0	0	
MISSING/HIJACKED SHIPS	0	0	0	0	0	0	0	

NONE/NOT STATED	6	1	0	0	6	9	0	0	0
OTHER CONSEQUENCES IN THIS REPORT									
3 LIVES LOST (2 IN CARIBEAN (SOUTH AMERICA) 1 IN WEST AFRICA									
5 WOUNDED/INJURED (3 IN WEST AFRICA, 1 IN MALACCA STRAIT AND 1 IN SOUTH AMERICA CARIBEAN									
46 HELD HOSTAGE/KIDNAPP (42 IN WEST AFRICA, 2 IN SOUTH CHINA SEA, AND 2 IN CARIBEAN									
1 CREW MISSING IN WEST AFRICA									
2022									
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	0	1	0	0	0	0	0	0	0
MISSING/HIJACKED SHIPS	0	0	0	0	1	0	0	0	0
NONE/NOT STATED	0	10	4	0	3	1	0	0	0
OTHER CONSEQUENCES IN THIS REPORT									
1 INJURED/WOUNDED AT SOUTH CHINA SEA CARIBEAN									
24 HELD HOSTAGE/KIDNAPPED (14 IN WEST AFRICA, 6 IN SOUTH AMERICA, AND 4 MALACCA STRAIT									
1 CREW MISSING IN WEST AFRICA									
2023									
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	0	0	0	0	0	1	0	0	0
MISSING/HIJACKED SHIPS	0	0	0	0	1	0	0	0	0
NONE/NOT STATED	1	1	0	0	0	0	0	0	0
OTHER CONSEQUENCES IN THIS REPORT									
5 INJURED/WOUNDED AT MALACCA, 2 AT WEST AFRICA									
92 HELD HOSTAGE/KIDNAPPED (68 IN WEST AFRICA, 9 IN SOUTH AMERICA, 2 IN SOUTH CHINA SEA AND 13 MALACCA STRAIT									
1 CREW MISSING IN WEST AFRICA									
2024									
ACTUAL VIOLENCE & THREATS OF VIOLENCE AGAINST CREW AND PASSENGERS	7	0	3	0	2	0	0	0	0
MISSING/HIJACKED SHIPS	0	0	1	0	1	0	0	1	0
NONE/NOT STATED	8	2	2	0	1	0	0	0	0
OTHER CONSEQUENCES IN THIS REPORT									
3 INJURED/WOUNDED AT INDIA OCEAN AND MALACCA STRAIT									
132 HELD HOSTAGE/KIDNAPPED (37 IN SOUTH CHINA SEA, 9 IN INDIA OCEAN, 44 ARABIAN SEA, AND 42 IN WEST AFRICA									
1 CREW MISSING IN WEST AFRICA									