

Index

- Abhyankar, J. 67
- Akehurst, M. 210
- Alias, S. 196
- Anambas Islands 4, 121–3, 126, 127, 129, 131
- Anderson, J. 72
- Art, S. 96
- ASEAN Bali Concord II 140–41
- ASEAN Convention on Counter-Terrorism (ACCT) 10, 151, 160–62, 163, 222, 223, 225, 237, 242–4
- ASEAN Declaration on Transnational Crime 140, 148
- ASEAN Defence Ministers Meeting (ADMM) 145–6
- ASEAN Law Ministers Meeting (ALAWMM) 146–8
- ASEAN Maritime Forum (AMF) 143–4, 163
- ASEAN measures in combating piracy and other maritime crimes 139–64
 - China, non-traditional security agreement 158
 - cross-border procedures, concern over 144
 - extra-regional cooperation 150–51, 155–8
 - Eyes in the Sky Initiative 156
 - Ha Noi Declaration and Plan of Action 140, 144
 - IMO instruments, use of 142, 152
 - incidence of piracy and armed robbery 139
 - information exchange 149–50, 156–7
 - international cooperation, need for 143
 - legal regimes, model law to address uncertainty in 147–8, 163–4
 - maritime security see maritime security
- Master Plan on ASEAN Connectivity (2010) 144
- national policy approaches 139–40
- SUA Convention recommendations, inclusion of 152, 154, 160
- sub-regional maritime cooperation 155–8
- Trilateral Agreement on Information Exchange 156–7
- UNCLOS recommendations, inclusion of 152, 153
- Vientiane Action Programme 141–2
- ASEAN Ministerial Meeting on Transnational Crime (AMMTC) 148–51
- ASEAN Plan of Action to Combat Transnational Crime 148–51, 238
- ASEAN Political-Security Community Blueprint (APSC Blueprint) 142–3, 238
- ASEAN Regional Forum (ARF) 151–5
 - Inter-Sessional Meeting on Maritime Security 153
 - Legal and Practical Aspects of Maritime Security 155
 - maritime security 238–9
 - Statement on Strengthening Transport Security Against International Terrorism 153
 - Work Plan on Maritime Security 154
- ASEAN Security Community Plan of Action 141
- ASEAN Work Programme on Transnational Crime 163
- Australia
 - Crimes Act and piracy legislation 173–4, 186–7, 195
 - Criminal Code 200–1
 - Extradition Act 201
 - Financing of Terrorism Convention, implementation of 200–1

- Hostages Convention ratification
 - 195, 201
 - piracy legislation 30
 - status of Conventions in 243
 - SUA Convention ratification 186–7, 201
- Aziz, S. 169, 180
- Barrios, E. 68, 69, 70, 73, 76
- Bateman, S. 4, 67, 90
- Beckman, Robert C. 17–37, 75, 78, 98, 165–206, 233–41
- Bento, L. 67–8, 69–70, 71, 78, 80
- Bergsmo, M. 212
- Bingham, J. 17, 69
- Birnie, P. 96
- Blakesley, C. 214
- boarding rights 40–41, 49–56, 74–5
- Both, S. 134
- Breda, G. 115
- Brierly, J. 68
- Brown, E. 67, 69
- Brownlie, I. 19
- Brunei 242
- Burnett, D. 25
- Cambodia 242
- Caplan, J. 62
- Chalk, P. 62
- Cheah, Wui Ling 207–32
- China
 - Criminal Law 180–1
 - non-traditional security agreement 158
 - Penal Code 192–3
 - piracy legislation, lack of 180–1
 - South China Sea 126, 130
 - status of Conventions in 243
 - SUA Convention and Protocol, lack of implementing legislation 192–3
 - and UNCLOS 180–1
- Chung, C. 76
- civil law countries, global conventions 177–85
- cluster piracy 126–9
- common law countries, global conventions 173–7
- Constantinople, G. 24
- cooperative measures
 - cross-border enforcement problems 214–15
 - extra-regional 150–51, 155–8
 - evidence supply 41
 - Horn of Africa 101–5, 233–4
 - legal cooperation enhancement 239–40, 241
 - ReCAAP cooperation agreement 36, 77, 105, 157
 - SUA Protocol 50–51
 - UNCLOS 27–8, 29, 71, 156
- crew members, security of 123–4, 127–8, 130–31
- criminal jurisdiction at sea, global conventions 39–41, 171–2
- Crockett, C. 69
- cross-border enforcement problems 207–32
 - and Asian Maritime Forum (AMF) 144
 - cooperative measures 214–15
 - counter-terrorism treaties 222–5
 - double jeopardy rights 217
 - extradition measures 212–14, 215, 216–17, 229
 - Financing of Terrorism Convention 222, 223–4
 - flag ship at sea concept 218–19
 - Hostages Convention 222–3, 225
 - hot pursuit right of high seas 219–20
 - jurisdictional powers 210–21
 - jurisdictional powers, mandatory and permissive grounds 222–4
 - jurisdictional powers, non-mandatory nature of 212
 - maritime crime classification 209
 - maritime security treaties, enforcement framework 225–8
 - multilateral instruments, enforcement in 210–21
 - multilateral treaties, enforcement frameworks 221–31
 - nationality principle 211
 - non-discrimination clauses 217
 - passive personality principle 211
 - politically-motivated crimes, and refusal of cooperation 216–17
 - protective principle 211
 - state sovereignty 208–9, 213, 216–17
 - SUA Convention 225–8

- territoriality principle 211, 212
- third state interdiction 220–21
- trial *in absentia* 211
- UNCLOS 217–21
- universality principle 211–12
- UNTOC enforcement framework 228–31
- cultural and technical background, effects of 135

- Dalton, J. 96
- Davenport, T. 169–70, 190
- Dela Pena, J. 64, 76, 77, 78
- Deng, Y. 192

- ethnic consortia 128, 133
- EU involvement in Horn of Africa 106–15
 - challenges 110–14
 - and death penalty 113–14
 - and detention periods 114–15
 - EU NAVCO military coordination action 107–8
 - EU Political and Security Committee (PSC) 109
 - EUNAVFOR Somalia (Operation Atalanta) 106, 108, 109–10, 114
 - European Union Training Mission (EUTM) 106
 - human rights obligations 111–12
 - legal challenges 111–12, 114–15
 - torture ban 114
 - transfer of persons arrested and detained 111, 112–14
- European Court of Human Rights (ECtHR), Medvedyev Case 114–15
- evidence, cooperation in supply of 41
- exclusive economic zone (EEZ) 19–20, 21, 25–6, 29, 30, 31, 66, 70, 218–19
- extradition
 - aut dedere aut judicare* obligation 8, 83, 221, 223, 231
 - global conventions 57–8
 - Hostages Convention 57–8
 - and mutual legal assistance 212–14, 216–17, 229
 - and principle of speciality 215
 - refusal by a requested state 216–17
 - SUA Protocol 58
 - UNCLOS 36
 - UNTOC 83, 229
- Eyes in the Sky Initiative 156

- financial crises, effects of 121, 133
- fishing vessels, hijacking of 125
- flag ship at sea concept 218–19
- France, Medvedyev Case 114–15
- Frecon, E. 133

- Gathii, J. 96
- geography and physical terrain, effects of 134, 138
- George, J. 214
- global conventions 38–61
 - accessory offences 46–7
 - arrest and prosecution 57
 - boarding rights 40–41, 49–56
 - counter-terrorism offences 44
 - criminal jurisdiction at sea 39–41
 - evidence, cooperation in supply of 41
 - extradition 57–8
 - hostage-taking offenses 42
 - innocent persons, protection of 48–9
 - mutual legal assistance 58–60
 - offenses 42–7
 - penalty provisions 41
 - persons who can commit offences 48
 - piracy, dealing with 56–7
 - state parties, obligations of 41
 - terrorist fugitives, transportation of 46
 - transnational requirement 47
 - unlawful acts offenses 42–7
 - weaponry, non-proliferation provisions 44–6, 49
 - see also* individual conventions and countries
- global conventions, ratification and implementation of 165–206
 - civil law countries 177–85
 - common law countries 173–7
 - criminal offenses, implementing conventions providing for jurisdiction over 171–2
 - Financing of Terrorism Convention 197–202, 204–5
 - future research 205

- Hostages Convention 194–7, 204
 implementation of 170–72
 national implementation problems
 172, 205–6
 non-ratification, possible reasons for
 168–9
 ratification of 167–9
 SUA Convention 185–94, 203–4
 SUA Convention, state parties with
 implementing legislation 185–90
 SUA Convention, state parties
 without implementing
 legislation 190–94
 terrorism conventions, call for
 ratification of 167–8
 UNCLOS, national legislation in
 173–85, 203
 globalization effects 64–5
 Gosse, P. 63
 Gottschalk, J. 65
 Govern, K. 2
 Green, M. 25
 Guilfoyle, D. 96, 98, 115, 190, 218–19,
 220
- Halberstam, M. 24, 68, 69, 73
 Hamilton, A. 174, 175, 187, 188
 Harding, A. 135
 Harvard Research in International Law
 18, 22–3, 27, 69
 Ho, I. 125
 Hoesslin, Karsten von 3, 4, 119–38
 Horn of Africa, international
 cooperation to combat piracy
 95–116
 African Union Mission in Somalia
 (AMISOM) 106
 Combined Task Force 151 (CTF-
 151) 106
 Contact Group on Piracy off the
 Coast of Somalia (CGPCS)
 103–4
 cooperative measures, involvement
 in 101–5, 233–4
 death penalty 113–14
 detention periods 114–15
 Djibouti Code of Conduct and
 Somalia 105
 EU involvement *see* EU involvement
 in Horn of Africa
- humanitarian problems in Somalia
 99, 106, 111–12
 and IMO 104–5, 107, 108
 international law and rights of all
 states 95–7
 Kenya, transfer of persons
 agreement 112–13
 NATO counter-piracy operations
 106
 operations at sea 105–6
 piracy prosecutions 116
 ReCAAP Information Sharing
 Centre 105
 territorial and international waters,
 distinction between 100
 UN General Assembly involvement
 102–3
 UN Security Council support 96,
 100, 101, 106–7, 108–9
 UNCLOS 111–12
 World Food Programme (WFP) 99,
 106, 107, 108, 109
see also Somalia
- Hostages Convention (International
 Convention Against the Taking of
 Hostages) 7–8, 9, 10
 arrest and prosecution authority 57
 cross-border enforcement 222–3, 225
 cross-country status 242–4
 evidence, cooperation in supply of
 41
 extradition authority 57–8
 hostage killing 136–7
 legal cooperation enhancement 235
 mutual legal assistance 58–9
 offences under 42
 persons who can commit offences 48
 piracy, dealing with 56, 57
 ratification of 194–7, 204
 state parties, obligations of 41
 status and exceptions 39
 transnational requirement 47
 hot pursuit right of high seas 71–2,
 218–20
 Huisken, R. 146
 Hyslop, I. 64, 65
- Ibañez, Mayla Fermina Alonzo 139–64
 IMB (International Maritime Bureau)
 64, 107, 121

- IMO (International Maritime Organization)
and ASEAN Regional Forum (ARF) 152, 153
and ASEAN Security Community Plan of Action 142
boarding rights 50, 51, 52, 55–6
Code of Practice 72, 105
Djibouti Code of Conduct 105
Horn of Africa, international cooperation to combat piracy 104–5, 107, 108
identification numbers 50, 51, 52
International Ship and Port Facility Security (ISPS) Code 153
piracy and armed robbery, distinction between 21, 72, 77
piracy legislation review 32–4, 104–5, 142, 152
piracy reports, request for 64
incidence of piracy see piracy and robbery against ships, incidents and trends
- India 243
- Indonesia
Financing of Terrorism Convention, implementation of 202
MALSINDO coordinated patrols 76–7
Penal Code 179–80
status of Conventions in 242
SUA Convention, not party to 168, 202
treaty ratification procedures 169
information exchange 149–50, 156–7
international cooperation, need for 143
Horn of Africa *see* Horn of Africa, international cooperation to combat piracy
- Jacobsson, Marie 2, 95–116
- Japan
Penal Code 191–2
Piracy Act 182–3
status of Conventions in 243
SUA Convention and Protocol, lack of implementing legislation 191–2
Tajima incident 191
Jayakumar, S. 156
- Jenisch, U. 65, 75
Jennings, R. 210
Joyner, C. 221
- Kenya, transfer of persons agreement 112–13
- Kim, S. 181
- Kingsbury, A. 4
Kittichaisaree, K. 169, 178
Koh, T. 6
Konstam, A. 67
Kontorovich, E. 67, 74, 78, 96
- Korea
Criminal Act 181–2
status of Conventions in 244
SUA Convention ratification 188–9
- Kraska, J. 1, 2, 3
Kwa Chong Guan 209
- Lang, J. 102
Laos 242
Lee, S. 181, 182, 189
legal cooperation in ASEAN region, enhancing 233–41
cooperative measures 239–40, 241
Financing of Terrorism Convention 235–6, 237
Horn of Africa piracy 233–4
Hostages Convention 235
legal framework, need for consistency in 237–8
Mutual Legal Assistance Treaty 236–7
national legal frameworks, need for 233–4
regional legal framework, need for 234–8
SUA Convention and Protocol 235, 236, 239
UNCLOS as basic framework 234–5, 237
legal history literature 96
legal regimes, model law to address uncertainty in 147–8, 163–4
- Lehr, P. 62, 64
Liss, C. 64
Litternberg, M. 216
- Maidment, S. 219
Mak J. 76

- Malacca Strait 123, 124, 126
- Malaysia
Bunga Laurel incident 5
 Courts of Judicature Act 196
 hijackings 125
 Hostages Convention ratification 196
 MALSINDO coordinated patrols 76–7
 Penal Code 196
 piracy legislation, lack of 176–7
 status of Conventions in 242
 SUA Convention, not party to 168
- Malta 31
- Manchuk, G. 218
- Mansell, J. 218
- maritime history and heritage, effects of 135, 138
- maritime security 140–44
 ASEAN measures *see* ASEAN
 measures in combating piracy and other maritime crimes
 ASEAN Regional Forum 238–9
 cooperation enhancement 162–4
 cooperation, sectoral bodies involved in 144–55
 crime classification 209
 legal instruments to complement 158–62
 treaties, enforcement framework 225–8
- Mathiesen, N. 135
- Mejia, M. 75, 78
- Mo, J. 65, 76, 78
- money-laundering offense 80–81
- Morikawa, K. 192
- Mossop, J. 174, 175, 187, 188
- Mukherjee, P. 75, 78
- Murphy, M. 62–3, 71, 75, 77, 78, 90
- mutual legal assistance
 global conventions 58–60
 Hostages Convention 58–9
 Mutual Legal Assistance Treaty (MLAT) 9–10, 159–60, 162, 163, 236–7, 242–4
 SUA Convention 58–9
 SUA Protocol 58, 59–60
 UNTOC 84–5, 230–31, 240
- Myanmar 243
- national legislation 139–40
 civil law countries, global conventions 177–85
 common law countries, global conventions 173–7
 global conventions, ratification and implementation of 172, 205–6
 and legal cooperation 233–43
 UNCLOS 29–32, 34–6, 72, 173–85, 203
see also individual countries; state parties, obligations of
- nationality principle 19, 211
- Natuna Islands 126, 127, 128
- Netherlands
 Code of Criminal Procedure 197
 Criminal Code 178–9, 189–90, 197, 201
 Extradition Act 197, 201
 Financing of Terrorism Convention, implementation of 201
 Hostages Convention ratification 196–7
 Kingdom Act 197
 SUA Convention ratification 189–90, 197, 201
- New Zealand
 Crimes Act 174–5, 176, 195–6
 Financing of Terrorism Convention, implementation of 200
 Hostages Convention ratification 195–6, 200
 Maritime Crimes Act 187–8
 status of Conventions in 244
 SUA Convention ratification 187–8, 200
- Nguyen Thi Lan Anh 169, 170, 183, 184, 194
- O'Brien, P. 97
- O'Keefe, R. 210, 211
- Ong-Webb, G. 64, 66, 68, 76
- Papandrea, M.-R. 214, 215
- Park, Y. 182, 189
- Passas, Nikos 62–94
- passive personality principle 19, 211
- Passman, M. 65
- Pepetti, J. 2

- Philippines
 Anti-Money Laundering Act 202
 crew kidnapping 123–4
 Financing of Terrorism Convention,
 implementation of 201–2
 hijackings 123, 125, 129
 Human Security Act 202
 Penal Code 177–8
 piracy legislation 31–2
 status of Conventions in 243
 SUA Convention and Protocol, lack
 of implementing legislation
 193–4, 202
- Pierini, J. 115
- piracy control in Southeast Asia,
 strategy for 62–94
 alternative methods, consideration
 of 78–9
 bilateral and multilateral treaties
 76–8
 contemporary and historical piracy,
 differences between 64–5
 contemporary piracy, nature of 63–7
 globalization effects 64–5
 jurisdictional boundaries 65, 66
 MALSINDO coordinated patrols
 76–7
 opportunity concept 62–3
 piracy forms and incidence 65–7
 political will, need for 94
 private and public ends,
 differentiation between 69
 ReCAAP cooperation agreement
 77
 recognition problems 65
 socio-economic aspects 63
 sovereignty rights 77–8
 strategic effort, need for 94
 SUA Convention 73–8
 transnational crime comparisons
 78–89
 UN Financing of Terrorism
 Convention 89–91
 UNCAC (Convention against
 Corruption Convention) 79,
 91–3
 UNCLOS piracy definition 67–73
 UNTOC application 78, 79–89
 piracy and robbery against ships,
 incidents and trends 119–38
- Anambas Islands 121–3, 126, 127,
 129, 131
 cluster piracy 126–9
 coastal state control 138
 crew kidnapping 123–4
 crew members, lack of violence to
 127–8, 130–31
 cultural and technical background,
 and tactical behaviour 135
 ethnic consortia 128, 133
 financial business models 137
 financial crises, effects of 121, 133
 geography and physical terrain,
 effects of 134, 138
 government and law enforcement
 structures 135
 hijacking of fishing vessels 125
 hijacking of tugboats 123, 126,
 129–31
 maritime history and heritage, effects
 of 135, 138
 Natuna Islands 126, 127, 128
 on-board theft of anchored ships
 in territorial waters 122, 123,
 132–3
 Singapore Strait 131–3
 smuggling group rivalry, Singapore
 Strait 131–2
 Somalia *see* Somalia
 South China Sea 126, 130
 Sulu and Celebes Sea 124–5
 Tembalan Islands 127, 128
 weather and seasons, impact of
 122–3, 132
- pirate and privateer, difference between
 22–3, 30, 69
 politically-motivated crimes 216–17
 protective principle 19, 211
- ReCAAP cooperation agreement 36,
 77, 105, 157
 regional legal framework, need for
 234–8
- Reuland, R. 219, 220
 Roach, J. Ashley 38–61, 96, 101,
 165–206, 233–41
 Rosenberg, D. 76, 77
 Rotberg, R. 82
 Rubin, A. 22, 25, 96
 Ruland, J. 156

- Sakhuja, V. 62, 65
 Sarkar, L. 210–11
 Schechinger, J. 179, 189, 196, 197, 201
 Seta, M. 183, 191
 Severino, R. 141, 151
 Shaw, M. 208, 210, 211, 218, 219
 Shearer, I. 96
 Singapore
 death penalty 176
 Financing of Terrorism Convention, implementation of 199–200
 Hostage-Taking Act 195, 200
 Hostages Convention ratification 195
 MALSINDO coordinated patrols 76–7
 Maritime Offenses Act 185–6, 187, 200
 Penal Code 175–6
 piracy legislation 30–1
 status of Conventions in 243
 SUA Convention ratification 185–6
 Terrorism Act 199–200
 treaty ratification procedures 169
 Singapore Strait 121–2, 126, 131–3
 Skogan, J. 209
 Somalia 1–2
 Anambas Islands, piracy campaign from 4
 ASEAN region, differences between 137–8
 Bunga Laurel incident 5
 business model spread, danger of 5
 challenges in combating 1–2
 criminal syndicates 5
 financial business models 137
 geography and physical terrain, effects of 134
 government and law enforcement structures 135
 hijacked vessels as mother ships 136
 hijacking and ransoms 134
 hostages *see* Hostages Convention
 legal framework, establishment of 4, 5–12
 lessons learned from 3–5
 maritime history and heritage, effects of 135, 138
 prosecutions, lack of 2
 recent developments 135–7, 138
 tugboat hijackings 4–5
 UN Security Council Resolutions 21–2, 99–101
 UNCLOS, limited application of 70–71
 see also Horn of Africa, international cooperation to combat piracy
 Soons, A. 179, 189, 196, 197, 201
 sovereignty rights
 cross-border enforcement problems 208–9, 213, 216–17
 exclusive economic zone (EEZ) 19–20, 21, 25–6, 29, 30, 31, 66, 70, 218–19
 piracy control in Southeast Asia, strategy for 77–8
 UNCLOS 19–20, 70, 72–3
 state parties, obligations of
 global conventions 41
 SUA Convention 41, 74, 185–90, 190–94
 SUA Protocol 41, 75
 UNTOC 82–3
 see also individual countries; national legislation
 SUA Convention (Suppression of Unlawful Acts against the Safety of Maritime Navigation) 7–8, 9, 10
 Achille Lauro hijacking 225
 arrest and prosecution authority 57
 and ASEAN Regional Forum (ARF) 152, 154, 160
 cross-border enforcement problems 225–8
 cross-country status 242–4
 evidence, cooperation in supply of 41
 global ratification, call for 168
 innocent persons, protection of 49
 interdiction process 227–8
 jurisdiction requirements, cross-border enforcement problems 226–7
 mutual legal assistance 58–9
 offences under 42–3
 piracy, dealing with 56–7, 73–8
 prosecution and extradition requirements 74, 226–7

- ratification and implementation
 - 185–94, 203–4
- shortcomings of 74, 75
- state parties with implementing
 - legislation 185–90
- state parties, obligations of 41, 74
- state parties without implementing
 - legislation 190–94
- status and exceptions 39, 75
- territorial sovereignty of states,
 - crimes within 8
- and terrorism 75
- transnational requirement 47
- United States v Shi* 74
- SUA Protocol
 - accessory offences 46–7
 - cooperation to suppress terrorism
 - 50–51
 - counter-terrorism offences 44
 - cross-country status 242–4
 - dual use items 49
 - extradition authority 58
 - innocent persons, protection of 48–9
 - mutual legal assistance request 58,
 - 59–60
 - non-proliferation provisions 44–6,
 - 49
 - offences under 43–7
 - persons who can commit offences
 - 48
 - state parties, obligations of 41, 75
- SUA Protocol, boarding rights 40,
 - 49–56, 74–5
- authorised persons 54–5
- authority designation 55–6
- boarding procedures 51–2
- force, use of 53
- international law safeguards 56
- joint operations procedures 55
- liability and recourse provisions 54
 - and registry marks 50, 51–2
- safeguard provisions 53–4
- Sullivan, A. 65
- Sulu and Celebes Sea 123, 124–5
- Sundberg, J. 96
- Tembalan Islands 127, 128
- Termsak Chalermphanupap, Dr
 - 139–64
- territorial principle 18–19, 211, 212
- terrorism
 - conventions, call for ratification of
 - 167–8
 - counter-terrorism offences 44
 - counter-terrorism treaties 222–5
 - SUA Convention 75
 - terrorist groups, UNCLOS 23
 - see also* UN Financing of Terrorism
 - Convention
- Thailand
 - coordinated patrols 76
 - piracy penalties 178
 - status of Conventions in 243
 - SUA Convention, not party to 168
- third state interdiction, UNCLOS
 - 220–21
- transnational crime comparisons 78–89
- trends in piracy *see* piracy and robbery
 - against ships, incidents and trends
- Treves, T. 96
- Tsuruta, J. 191
- Tuerk, H. 68, 72, 74, 78
- tugboat hijackings 4–5, 123, 126,
 - 129–31
- Twyman-Ghoshal, Anamika 62–94
- UK, *In re Piracy Jure Gentium* 68
- UN
 - Convention on the High Seas 27, 28,
 - 51, 54, 55, 68–9, 178
 - International Law Commission
 - (ILC) 21, 22, 24, 25, 27
 - Migrant Smuggling Protocol 50, 51,
 - 52, 54, 55, 56, 61
 - Model Treaty on Extradition 217
 - Office of Drugs and Crime
 - (UNDOC) 34, 39, 103, 241
 - Terrorist Bombings Convention 47,
 - 56, 58, 59
 - Treaty on the Non-proliferation of
 - Nuclear Weapons 45
 - Vienna Narcotic Drug Convention
 - 50, 51, 52, 54, 55, 56
- UN Financing of Terrorism
 - Convention 9, 10
 - counter-terrorism provisions 46, 47
 - cross-border enforcement 222, 223–4
 - cross-country status 242–4
 - extradition obligations 58
 - funding offences 162

- implementation of 197–202, 204–5
- international cooperation
 - requirement 56, 59, 79, 90–91
- interpretation difficulties 91
- legal cooperation enhancement
 - 235–6, 237
- mutual legal assistance 90–91
- and piracy control in Southeast Asia
 - 89–91
- state jurisdiction 90
- see also* terrorism
- UN Security Council Resolutions 8–9, 103
 - boarding rights 55
 - Horn of Africa 96, 100, 101, 106–7, 108–9
 - and international humanitarian law (IHL) (Resolution 1851) 71, 96, 110
 - non-proliferation agreements 45
 - piracy definition 28
 - piracy as unlawful act (Resolution 1846) 21, 74, 96, 101
 - Somali piracy 21–2, 71, 99–101
 - territorial water access to suppress acts of piracy (Resolution 1816) 71, 96, 100, 107, 108, 109, 111
 - terrorism conventions, call for ratification of 167–8
- UNCAC (Convention against Corruption Convention) 9, 79, 91–3, 240, 242–4
- UNCLOS (United Nations Convention on the Law of the Sea) 6, 10–11, 17–37
 - Achille Lauro* hijacking 24, 70, 73
 - acts by crew of government ship or aircraft 23–4
 - areas of application 21–2
 - arrest power 20
 - and ASEAN Regional Forum (ARF) 152, 153
 - boarding rights (Article 27) 40–41, 51, 53
 - cooperation in suppression of piracy (Article 100) 27–8, 29, 71, 156
 - cooperative mechanism (Article 43) 156
 - cross-border enforcement problems 217–21
 - cross-country status 242–4
 - discretionary powers 7
 - exclusive economic zone (EEZ) 19–20, 21, 25–6, 29, 30, 31, 66, 70, 218–19
 - extradition and mutual legal assistance cooperation 36
 - flag ship at sea concept 218–19
 - flag state principle 19, 20
 - hijacking of private ship by passengers or crew 24
 - Horn of Africa, international cooperation to combat piracy 111–12
 - hot pursuit of pirate vessel (Article 111) 71–2, 218–19
 - jurisdiction, exercise of 25–7, 29, 111–12
 - limitations of 5–6, 7, 235
 - Lotus Case (France v Turkey)* 18
 - mutiny by crew of government ship or aircraft (Article 102) 23–4, 28, 35, 70
 - national legislation on piracy 29–32, 34–6, 72, 173–85, 203
 - national legislation on piracy, UN review of 32–4
 - person in dominant control, intentions of (Article 103) 26, 28, 35, 67
 - persons or property in a place outside the jurisdiction of any State 24–5
 - piracy by the law of nations 30–31
 - piracy definition (Article 101) 6–7, 20–25, 28–35, 66–73, 77, 97, 172–4, 176–81, 183–5, 203
 - piracy as offense against the law of nations 18–20
 - piracy regime status 28
 - private ends, piracy for (privateering) 22–3, 30, 69
 - ReCAAP Information Sharing Centre, role of 36
 - regional cooperation to suppress piracy, recommendations on 34–6
 - right of seizure (Article 107) 26, 28, 36, 71
 - right of visit (Article 110) 25–6

- seizure of pirate ship or aircraft (Article 105) 26, 28, 29, 68, 97–8, 182, 220–21
- Somalia, limited application of 70–71
- sovereign rights 19–20, 70, 72–3
- state liability for loss or damage (Article 106) 26, 28, 221
- state penalty decisions (Article 105) 26–7, 28, 29, 68, 180
- submarine cables on the seabed 25
- terrorist groups 23
- third state interdiction 220–21
- two-ship rule 24
- weaknesses in piracy regime 28–9, 70–72
- universality principle 211–12
- UNTOC (United Nations Convention on Transnational Organized Crime) 9, 78
 - cross-border enforcement problems 228–31
 - cross-country status 242–4
 - extradition and prosecution provisions 83, 229
 - implementation challenges 85–9
 - legal assistance needs 85–9
 - money-laundering offense 80–81
 - mutual legal assistance 84–5, 230–31, 240
 - organized criminal group definition 80
 - piracy control in Southeast Asia 78, 79–89
 - punishment and penalties 82
 - state jurisdiction 82–3
 - technical assistance needs 85–9
 - transnational crimes, definition of 81
- US
 - United States v the Brig Malek Adhel* 68
 - United States v Hasan* 31
 - United States v Shi* 74
- Van Dijk, J. 87
- Vientiane Action Programme 141–2
- Vietnam
 - Penal Code 183–5, 194
 - penalty for acts of violence 184
 - status of Conventions in 243
 - SUA Convention and Protocol, lack of implementing legislation 194
 - Treaty Law 170–1
 - treaty ratification procedures 169
- Vlassis, D. 228
- Warbrick, C. 208
- weaponry, non-proliferation provisions 44–6, 49
- weather and seasons, impact of 122–3, 132
- Wilson, B. 1, 3
- Winn, J. 2
- Wolfrum, R. 97
- World Food Programme (WFP) 99, 106, 107, 108, 109
- Wright, R. 1
- Young, A. 63, 64, 65
- Yusran, R. 169, 180
- Zanotti, I. 213
- Zhu, L. 193
- Zou, K. 75, 77, 78, 96, 180

