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
Piracy and international maritime crimes in ASEAN

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
Briery, 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
Index

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 offences 42
innocent persons, protection of 48–9
mutual legal assistance 58–60
offences 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 offences 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
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
Huiskens, R. 146
Hyslop, I. 64, 65
Ibañez, Mayla Fermina Alonzo 139–64
IMB (International Maritime Bureau) 64, 107, 121
Index

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

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

Robert Beckman and J. Ashley Roach - 9781781006856
Downloaded from Elgar Online at 01/30/2019 03:53:30AM via free access
Piracy and international maritime crimes in ASEAN

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 200

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
Index 253

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

Robert Beckman and J. Ashley Roach - 9781781006856
Downloaded from Elgar Online at 01/30/2019 03:53:30AM
via free access
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
dead 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
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 74, 185–90, 190–94
SUA Protocol 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

Robert Beckman and J. Ashley Roach - 9781781006856
Downloaded from Elgar Online at 01/30/2019 03:53:30AM via free access
Index

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
cooporation 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 Chalermpalanupap, 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
Piracy and international maritime crimes in ASEAN
Piracy and international maritime crimes in ASEAN
Piracy and international maritime crimes in ASEAN
Piracy and international maritime crimes in ASEAN
Piracy and international maritime crimes in ASEAN
Piracy and international maritime crimes in ASEAN
Piracy and international maritime crimes in ASEAN