



*Universitat
Abat Oliba CEU*

Asia and the EU in the battle against piracy

MASTER'S FINAL PROJECT (TFM)

Autor: Mar van der Kooij Martínez
Tutor: Dr. Francisco Villacampa
Máster en: Derecho Marítimo
Año: 2022

DECLARACIÓN

El que suscribe declara que el material de este documento, que ahora presento, es fruto de mi propio trabajo. Cualquier ayuda recibida de otros ha sido citada y reconocida dentro de este documento. Hago esta declaración en el conocimiento de que un incumplimiento de las normas relativas a la presentación de trabajos puede llevar a graves consecuencias. Soy consciente de que el documento no será aceptado a menos que esta declaración haya sido entregada junto al mismo.

DECLARATION

The undersigned declares that the material in this document, which I now present, is the result of my own work. Any help received from others has been cited and acknowledged within this document. I make this declaration in the knowledge that a breach of the rules regarding the presentation of works can lead to serious consequences. I am aware that the document will not be accepted unless this declaration has been delivered together with it.

Firma/Signature: 

Mar van der Kooij Martínez

Life is like riding a bicycle. To keep your balance, you must keep moving.

ALBERT EINSTEIN

Resumen

Este documento presenta el Trabajo Fin de Máster (TFM) sobre la eficacia de la legislación europea contra la piratería. Se trata de una investigación sobre la eficacia de la lucha contra la piratería y cómo ha influido la pandemia del COVID-19. Se analiza la evolución tanto de la legislación antipiratería como de los incidentes de piratería para ver una posible correlación. Además se analiza esta evolución, cómo ha influido y cuáles son y han sido esas influencias en el pasado. La investigación compara la legislación y los métodos de otros países contra los incidentes de piratería, especialmente los países asiáticos. Los países asiáticos conocen menos el impacto y los problemas que se encuentran con la piratería. Esto ayudará a formular una propuesta sobre cómo mejorar y minimizar los problemas que conlleva la piratería. Por último, el objetivo de la investigación es identificar los problemas clave dentro de la legislación antipiratería y el (registro de) incidentes de piratería. Este Trabajo Fin de Máster aborda un problema actual que no sólo afecta a los ámbitos de la política de seguridad, sino también a las esferas económica y social.

Resum

Aquest document presenta el Treball Fi de Màster (TFM) sobre l'eficàcia de la legislació europea contra la pirateria. Es tracta d'una recerca sobre l'eficàcia de la lluita contra la pirateria i com ha influït la pandèmia del COVID-19. S'analitza l'evolució tant de la legislació antipirateria com dels incidents de pirateria per a veure una possible correlació. A més s'analitza aquesta evolució, com ha influït i quins són i han estat aquestes influències en el passat. La recerca compara la legislació i els mètodes d'altres països contra els incidents de pirateria, especialment els països asiàtics. Els països asiàtics coneixen menys l'impacte i els problemes que es troben amb la pirateria. Això ajudarà a formular una proposta sobre com millorar i minimitzar els problemes que comporta la pirateria. Finalment, l'objectiu de la recerca és identificar els problemes clau dins de la legislació antipirateria i el (registre de) incidents de pirateria. Aquest Treball de Fi de Màster aborda un temàtica molt actual, que afecta, no solament les àrees de política i de seguretat, sinó també a les esferes econòmica i social.

Abstract

This document presents the Master's Final Project (TFM) about how effective the European anti-piracy legislation is. A research on the effectiveness of the ongoing battle

against piracy and how the COVID-19 pandemic has influenced it. The evolution of both anti-piracy legislation and the piracy incidents is analyzed in order to see a possible correlation. Furthermore this evolution is analyzed, how has it been influenced and what those influences are and have been in the past. The research compares the legislation and methods of other countries against piracy incidents, especially Asian countries. Asian countries know less impact and the problems encountering piracy. This will help to formulate a proposal on how to improve and minimize the problems entailing piracy. Lastly the aim of the research is to identify the key problems within anti-piracy legislation and the (registration of) piracy incidents. This Master's Final Project addresses a current problem that not only affects the security policy areas but also the economic and social spheres.

Palabras claves / Keywords

Piracy – Law enforcement — Definition — COVID-19 — Economics — Evolution Anti-piracy legislation — Key regions — Asia— Europe — Geopolitics

Table of contents

Introduction	11
1. Focus of the research	13
2. Theoretical frame	15
2.1. Legal description	15
2.1.1 United Nations Convention on the Law of the Sea.....	15
2.1.2 Convention SUA	16
2.1.3. Final definition	17
2.2. Reasons for piracy	17
2.3 History of the piracy	18
2.4 Types of piracy.....	21
2.5 Costs of piracy.....	24
2.6 Problems with statistics about piracy.....	24
3. Evolution of maritime piracy and its counter policies	26
3.1. Key regions	29
3.1.1 European Union	29
3.1.2 Asia	32
3.2. Key regions piracy.....	35
4. Anti-piracy legislation and framework	40
4.1. Anti-piracy legislation Asia (Korea)	40
4.1.1.1 Nature of Piracy in Korea.....	40
4.1.2. Koreans legal regime regarding piracy	41
4.1.3. Korea´s institutional regime for supressing piracy.....	44
4.2 Adopted by the EU	45
4.3 Adopted by the UN.....	47
4.4 Antipiracy organizations	52
4.4.1 Interpol	52
4.4.1.1 How does interpol response to piracy attacks.....	53
4.4.1.2 The maritime security programme from Interpol	54
4.4.2 IMO.....	56
5 The impact of piracy	57
6 Influence COVID-19 and reasons for piracy	59
6.1 Theoretical approach	59
6.2 Practical reasons.....	61
6.2.1 Free pass to Europe	61
6.2.2 Weakening governments/police.....	62
6.2.3 Subsidise terrorist groups	63
6.2.6 Money laundering	64
6.3 How COVID-19 influenced the reasons for piracy	65
6.3.1 Impact on the crew members	65
6.3.2 Worse economic situation.....	66

6.3.3 Increase in shipping (during COVID-19).....	67
6.3.3.1 Economical rise.....	67
6.3.3.2 The mega vessel trend.....	68
7. Conclusions	69
Bibliography	71
Books, manuals, journals and articles:.....	71
Legislation, resolutions and agreements:.....	81
Annex 1: List of abbreviations	84

List of figures, graphs and tables

Figure 1: Overview research, self-compiled.....13

Figure 2: Links between the key factors of piracy incidents, Birchard 2020.....58

Figure 3: Overview fragile states 2020 (Wikipedia)62

Figure 4: Piracy and armed robbery against ships, ICC 202163

Graph 1: Arms used during piracy attacks from 2008 to 2021 by type (Statistica 2022) 22

Graph 2: Procentual increase of type of arms used in piracy attacks between 2008 and 2021, self compiled..... 22

Graph 3: Number of piracy incidents from 2000 till 2022, self-compiled 27

Graph 4: Number of piracy attacks by year, self compiled 28

Graph 5: Number of recorder piracy incidents by region in 2019 (Birchard 2020)..... 36

Graph 6: Evolution piracy attacks five key regions, self compiled..... 37

Table 1: Actual attacks and reported attacks between 1994 and 2006 (IMB ICC)33

Introduction

Piracy has this ideological image. Which little kid didn't dress up as a pirate when they were little and everyone loved "The Pirates of the Caribbean" movies with Johny Depp. However is that what piracy really is?

Nonetheless the ideological image piracy there are some difficulties regarding this ideological image of being a pirate and how they are portrayed. A better representation is given by the movie 'Captain Phillips' with Tom Hanks. This will be the piracy discussed in the next chapters.

This thesis will give a better insight on what piracy is outside of the movies. Firstly a delineation of the term "piracy" will be made. This is with the intention to get one clear definition and in this way get one clear aligned set of results and conclusion from this research.

In this particular case, the focus will be on the difference of legislation against piracy. This will be done by comparing two different main regions in the world. Namely Europe and Asia, with the focus on South Korea. During the research it was discovered that South Korea was a good example to see how to best regulate anti-piracy legislation. This will be done by analyzing the evolution of the anti-piracy legislation, in both regions, through a period of twenty to twenty-five years.

Furthermore the effect of COVID-19 upon the evolution of piracy is being researched. Since the effect of COVID-19 has been immense on the maritime world. Which in its turn has a one on one correlation with piracy.

Following, the reasons for the evolution will be stated in the sixth chapter. The causes that were an effect on the evolution of piracy to the previous set time period of twenty to twenty-five years.

Lastly chapter seven will present the different conclusions of the research that has been carried out. Furthermore the hypothesis is compared with the result of the previously stated chapters and a conclusion will be drawn from all the hypothesis that got declined or were stated correctly.

The hypothesis that will be studied from where this research is the fact that the Asian anti-piracy legislation is more effective than the European anti-piracy legislation and because of that they noticed less the influence of the COVID-19 pandemic upon the piracy incidents.

The intention of this project is to research a solution to the difference of the effects of piracy between Asia and Europe. In that manner find a way on how to improve the effect of piracy upon Europe and how to cope with the effects of piracy.

Therefore, the general objective of this Master's Final Research is to carry out the theoretical approach of the effectiveness of the ongoing battle against piracy and how the COVID-19 pandemic has influenced it. It will compare the legislation and methods of other countries, especially Asian countries, where there is less impact and problems with piracy. This will help us to formulate a proposal on how to improve and minimise piracy problems, that have far reaching effects.

1. Focus of the research

The research is conducted using both quantitative and qualitative methods, coming from both primary and secondary data.

The research is split down in three main parts, firstly the difference in anti-piracy legislation between Europe and Asia, especially focusing on Korea. Secondly the evolution of the piracy attacks in both areas will be studied, the influence of COVID-19 will also be taken into account. Whereafter a conclusion will be formulated.

Overall the main methodological approach that is used in this research in order to address the three sub themes; literature analysis, analysis of the trends and analyses of the legislations. The main methodological approach is academical research, based on an extensive and thorough literature review. The literature was collected from a wide range of different sources. Looking at piracy in general, the background of piracy as well as the three sub topics.

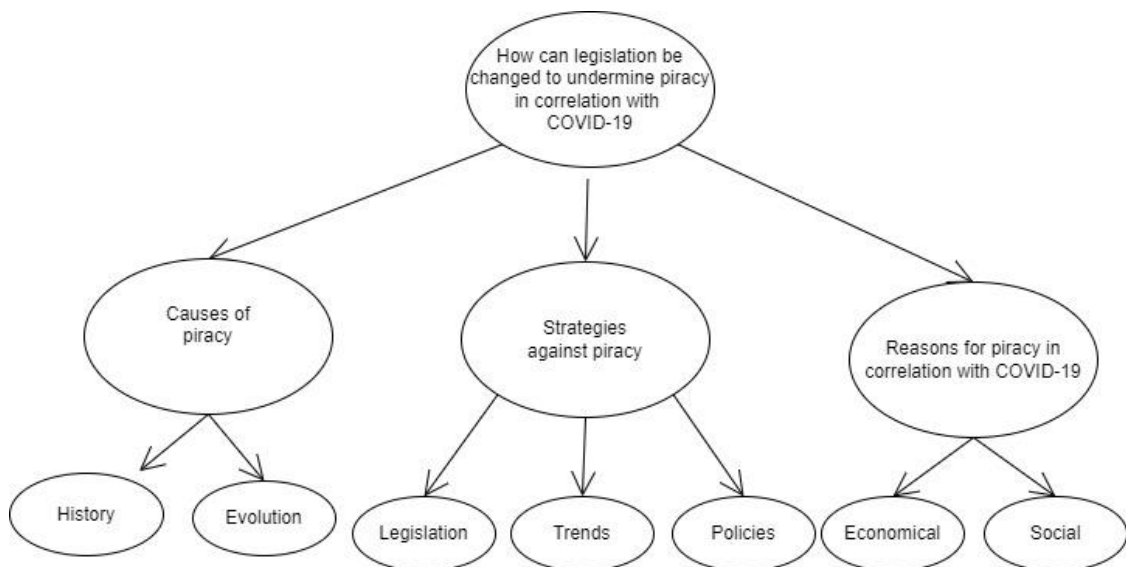


Figure 1: Overview research, self-compiled

Literature was gathered from a variety of different sources in order to investigate the history of piracy as well as piracy in general. These are examined, as well as a literature review of the policies that have been implemented. Following that, secondary data from the International Maritime Organization (IMO) will be examined. From 2000 through to 2021, this data shows the number of incidents in specific regions and the types of pirate episodes that happened. The trustworthiness of this data, additionally what it was initially used for, is a drawback, as there are issues with the credibility of piracy statistics

(Tyrrell, 2016), as discussed in Chapter 2.6. However, when comparing the various datasets, this data is the most comprehensive and thus the most trustworthy. The data from the International Maritime Organization (n.d. -a) will be analysed by looking at patterns in pirate events and types, and then the effectiveness of measures will be evaluated based on these trends.

2. Theoretical frame

Before the actual research starts it is important to make a delineation of the term piracy and what definition is used in this research and on which definition the conclusions of the research are based.

Firstly it is key to make it clear this research is about the version of piracy that talks about the attacking and robbing of a ship at sea (Oxford Languages, n.d.). This research is not about the piracy appropriating or reproducing work of someone else without permission with the aim of making profit (Oxford Languages, n.d.).

In the next paragraphs the legal definitions of the term piracy from several conventions is compared and an overall definition is set up to start the research from that definition.

2.1. Legal description

There are two main international instruments in force that constitute the legal framework generally and stably applicable to the fight against piracy.

Firstly the United Nations Convention on the Law of the Sea (UNCLOS). The UNCLOS gives a definition of piracy in its traditional conception and finds its regulation. The Law of the Sea Convention¹ is an international agreement that gives a legal framework for all activities on the sea. (Villacampa, 2021)

The next international instrument is the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol (Convention and SUA Protocol). As many of the characteristic conducts of the crime, piracy, are typified in it. It could be said that the Convention and the SUA Protocol came to fill certain gaps, limitations and imperfections of the Law of the Sea Convention in its regulation of serious acts of violence at sea. (Villacampa, 2021)

2.1.1 United Nations Convention on the Law of the Sea

Article 101 of the United Nations Convention on the Law gives a definition of maritime piracy. The article breaks down the definition into four different segments:

¹ Short for: United Nations Convention on the Law of the Sea

- A. *Any unlawful act of violence or detention or any act of depredation committed with a personal intent by the crew or passengers of a private ship or private aircraft and directed*
- i. *against a ship or aircraft on the high seas or against persons or property on board them*
 - ii. *against a ship or aircraft, persons or property in a place not under the jurisdiction of any State*
- B. *any act of wilful participation in the use of a ship or aircraft, where the person doing so has knowledge of facts which make such ship or aircraft a pirate ship or aircraft;*
- C. *any act intended to incite or intentionally facilitate the acts defined in subparagraph (a) or (b).*

(UNCLOS, 1994)

Furthermore the convention states that the offence must meet a number of key elements in order to be considered maritime piracy:

Firstly: there must be an "unlawful" act or acts "of violence or detention, or any act of depredation".

Secondly: they must be "committed with a personal purpose by the crew or passengers of a private vessel or private aircraft".

Thirdly: the alleged acts of piracy must take place "on the high seas" or in "a place not under the jurisdiction of any State".

(UNCLOS, 1994)

2.1.2 Convention SUA

In the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation it is article 3.1 that gives a definition on what a pirate is and in that way also defines maritime piracy as an illegal act.

The article states the following:

Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

- A. *seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or*
- B. *performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or*
- C. *destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or*
- D. *places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or*
- E. *destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or*
- F. *communicates information which that person knows to be false, thereby endangering the safe navigation of a ship*

2.1.3. Final definition

After analysing the definition of piracy in both conventions it has become clear that the main terms are “unlawful act on the sea done intentionally”. Another important keyword for piracy is violence.

The easiest and most complete definition for piracy is:

“Piracy is an unlawful act of criminal violence or robbery by ship or ship-borne attackers upon another ship or a coastal area. With the goal of stealing cargo and other valuable goods or getting money by taking hostage the boat. Those who conduct the acts of piracy are called pirates, while the ships that pirates use are called pirate ships.”

This is also the definition that is used in this research and will define the results of this research.

2.2. Reasons for piracy

Now that the definition of piracy is clear and delineated it is important to understand why piracy happens and why it happens the way it does. When researching an action or something happening, it is always important to understand the reason of it happening in order to have a better understanding of the matter.

In the case of piracy there are some key factors that bring people to commit the illegal act of piracy, with money/economics being the most important one. This makes the role of poverty of such big importance. United Nations research shows that the lack of available jobs and poverty are the predominant motivation for piracy (United Nations, 2015). Indigent fishermen in western Africa turned to piracy to have more wealth through raiding and hijacking ships, kidnapping the crew members and often holding them for ransom money. (Alexander, 2021)

Another important factor for piracy is the big gap in the distribution of wealth in the African countries. Often some of the least developed and unemployment-ridden states in West Africa happen to be the wealthiest, meaning they have a lot of raw materials. But now, the regular abuses of the oil industry have prompted the formation of organized criminal groups for the purpose of seeking economic justice through so called petro-piracy². The gangs take hostages for ransom money in the most oil-rich countries, like Nigeria and Ghana, to protest. These petro-pirates have set up illegal refineries to process the stolen crude oil and make gains from it. (Alexander, 2021)

This gap in the distribution of wealth is mainly happening because of the increasing corruption in the West African countries. Here there is a recent upsurge in piracy seen even though the rest of the world is seeing a decrease in piracy attacks. The West African states lack powerful national patrol navies at seas. Furthermore they are missing the legislation to properly persecute criminals, this will be profounded in the next chapters. Lastly they have insufficient finances to go against the corrupt officials. Those corrupt officials are the ones that help petro-piracy survive. Until new legislation, against this corruption, is put into place the petro-piracy will continue growing. Nonetheless the most important benefit for this region would be for them to get aid to reduce the poor economic situation, since that is the main reason that piracy is taking a run. (Alexander, 2021)

The reasons for piracy will be elaborated in chapter 6 of this research.

2.3 History of the piracy

Beekarry (2012) describes the act of piracy as “a crime as old as humanity”. The concept of piracy has been around for over three thousand years within the maritime

² illegal taking of oil after vessel hijacks

landscape: there are reports of piracy reports dating back to the Ancient Greeks in the Mediterranean area, with historical reports showing attacks happening as well in the Pacific and Indian Ocean around the same time (Stavridis, 2017). Vikings for example built a lot of their culture around piracy.

The first area that became susceptible for piracy was the Mediterranean Sea. This was mainly due because it was an interesting area for the pirates, since they could hide in all the bays and coves. The other problem with the Mediterranean area is that it is an enclosed sea with numerous islands, ships frequently sailed near to the shore, making them more vulnerable to attack. The Lukkans, based in Asia Minor, assaulted Cyprus in the 14th century b.c., which was the first known piratical attack. Apart from being one of the first maritime raiding gangs, the Lukkans were also the first to receive protection from a foreign power—in this case, the Hittites—in exchange for a promise not to attack Hittite ships³ (Beare, 2012).

English pirates began attacking Spanish ships returning from the West Indies laden with gold, silver, and New World commodities and products some three centuries later, in the early 16th century. Spain claimed exclusive rights to create colonies and trade with indigenous Americans after its early exploration of the Americas. British, French, and Dutch pirates established bases in Europe from the start of their operations, from which they proceeded to attack Spanish fleets in the eastern Atlantic Ocean. However, by the early 17th century, pirates from France and England had moved closer to their objectives and built bases in the Caribbean, where a huge number of small islands with coves and bays along their shorelines provided cover from Spanish fleets unable to successfully patrol such a large area. (Beare, 2012)

In past centuries, governments have sometimes tolerated and even supported piracy. Although this direct support of piracy has ended, state failure or political instability is still a favourable condition for these piratical activities (Beare, 2012)

Throughout the years, there have been several piracy hotspots, for example the Caribbean in the seventeenth and eighteenth century, Northern Africa a century later,

³ The Hittite Navy was the Hittite's principal maritime force during the 16th and 12th centuries BC. Between 1275 and 1205 BC, the navy participated in three land and maritime military operations by the Hittite Kingdom against the Kingdom of Alashiya. (Wikipedia contributors, 2021) The Hittites were an Anatolian people that helped to build a monarchy in Kussara before 1750 BC, then the Kanesh or Nesha kingdom (c. 1750–1650 BC), and finally an empire headquartered on Hattusa in north-central Anatolia approximately 1650 BC. (Wikipedia contributors, 2022b)

with South China and the Strait of Malacca as a constant hotspot throughout time (Stavridis, 2017).

In the following era there was drop in the piracy activity due to World War Two. Nonetheless, from the late part of the twentieth century onwards, piracy did have its return globally with a new force (Stavridis, 2017). Contemporary piracy has known a growth, as well as the opportunistic piracy⁴, piracy gangs, who are committing planned attacks, were formed. Those gangs are more sophisticated, structured and organized (Von Hoesslin, 2012).

From the 1980s onwards, piracy has risen to be an international problem, this increased the concern of transportation companies, shipowners and the national governments (Beare, 2012). Piracy has resurfaced, with attacks progressively increasing. The enabling variables are similar to those that have fostered piracy's rise throughout history. The types of attacks, on the other hand, have evolved, and they differ from one location to the next. Acts of devastation and robbing of coastal villages and cities, which were common in the ancient world and during the Middle Ages, have come to an end; boarding of vessels in port regions and attacks on ships in transit have grown, with pirates moving further away from shore. In addition, South Asia has a different sort of piracy it takes place in their territorial waters, which actually makes it armed robbery instead of piracy, where all their cargo is robbed and the ship hijacked. In Somalia, meanwhile, the pirates take action in the international waters where they kidnap the passengers or crew of the vessel and demanding a ransom as a result. Ultimately, attacks in South America and along the West African coastline are characterized by all the violence they use against persons. (Beare, 2012)

Nowadays piracy has several forms. From small scale piracy, for example plundering a private yacht, through to large scale piracy, such as taking control of a container vessel and hold the crew and the boat hostage (Stavridis, 2017). Additionally, there is a utmost concern with contemporary piracy. The fact that the sea is mostly unregulated, which makes it a very vulnerably for potential terrorist (piracy) attacks. For example Phillipinian Islamic extremist bombing a ferry full of passengers in 2004, this lead to over 100 deaths (Murphy, 2007). There are indications, in certain parts of the world that pirates may deliberately work together with terrorists or to prepare terrorists to make attacks look like an ordinary piracy attack (Murphy, 2007). Despite the fact that terrorism and piracy might look alike, legally there are differences between the two. This

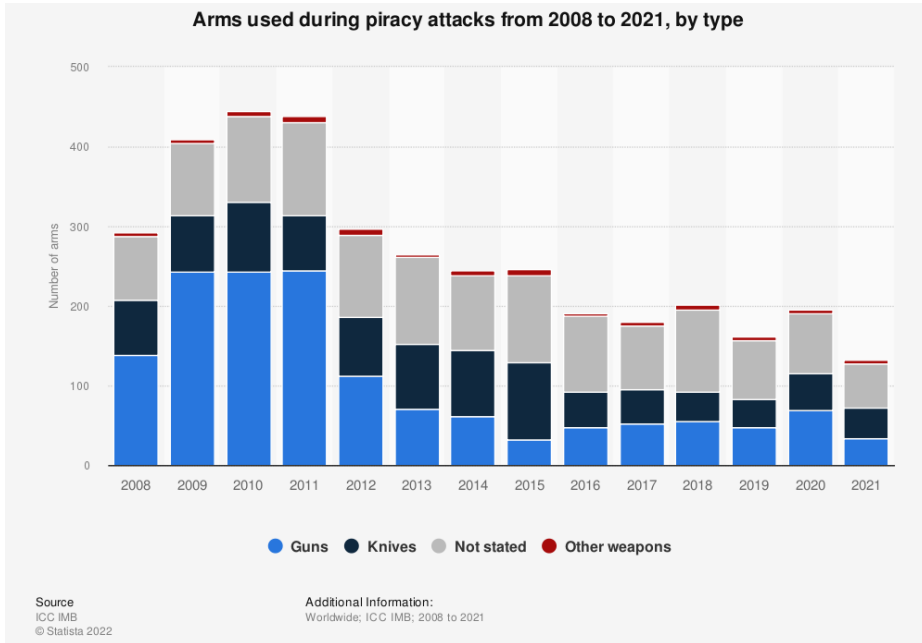
⁴ seizing opportunities where seen to commit piracy to recompense for economic hardship

entails that they should be treated as separate, even when piracy is a big cause for maritime terrorism (Acharya, 2014).

2.4 Types of piracy

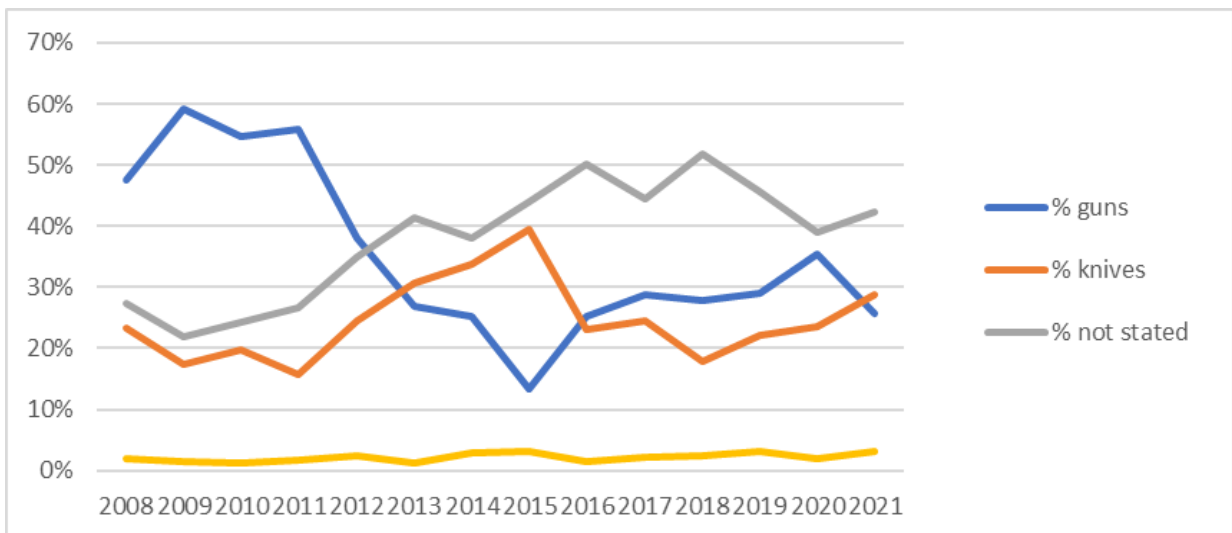
Piracy is known in all different size and forms but it can be broken down in five different categories (ReCAAP, 2020).

- Category 1: this category entail mainly armed perpetrators. The crew of the vessel that is suffering the piracy attack should expect to incur injury or physical violence. For the economical aspect of this type of piracy the vessel is hijacked or the cargo is stolen.
- Category 2: this category is similar to category 1, but the armed perpetrators have guns and machetes/knives in 25% of the cases. The crew is likely to be threatened whilst their properties or the properties of the ship are stolen and to be held hostage. In some cases the crew will endure injury or physical violence, nonetheless this will be in smaller amount than in category 1.
- Category 3: here there are smaller groups of perpetrators, usually between one and six pirates. They might be sometimes armed with knives, machetes or bats. Nonetheless there is no physical harm here. Sometimes they do put the crew under pressure in order to try to get what they want. Even so at most incidents they do not manage to steal something. In the case they do, it is not something substantial, for example engine spares.
- Category 4: this category refers to only a couple of unarmed perpetrators. They often flee by the sight of the crew, that's why almost nothing is stolen or they even leave emptyhanded. Because of all this the crew isn't harmed, like in the previous three categories.
- Category 5: this actually not a proper category because it refers to the attempt of perpetrators to attack a vessel, but they fail to board the ship.



Graph 1: Arms used during piracy attacks from 2008 to 2021 by type (Statistica 2022)

In the graph above the evolution of these five categories can be seen, on the basis of the arms that are being used during the attacks during fourteen years. What can be concluded from the graph that the amount of guns that are being used have seen a decrease during the years. Nevertheless in order to be able to draw this conclusion from the data it will be more important to take a look at the percentages instead of the absolute figures. The percentages are the amount of that type of arms compared to the total amount of arms used that year.



Graph 2: Procentual increase of type of arms used in piracy attacks between 2008 and 2021, self compiled⁵

⁵ Yellow line: other weapons

In the graph above there are two significant changes during the last fourteen years. Firstly, as predicted, the amount of guns used has seen a decrease during the years. Where secondly the amount of not stated arms has increased significantly in the last years. The total amount of arms used during attacks has decreased but the amount of not defined weapons has risen. This has several reasons, firstly the importance of registration of piracy attacks in general has decreased in the last years. This might result in the fact that in the case that people do register a piracy attack they do it half-heartedly and do not bother to state the exact weapons that were used. Another reason is the fact that the piracy attacks within category 1 have known a significant rise in the about last ten years, the economic interest has become the main focus. This also can have as a result that the arms that are being used in the piracy attack are not the main focus anymore, when registering a piracy attack.

In order to do have better understanding of these categories it is important to have a better understanding of how they are broken down. There are two main factors, the violence used and the economical interest, with each several indicators (ReCAAP, 2020).

1. The violence factor: this is about the intensity of the violence that is used during an incident. There are three indicators that help to determine this:
 - a. How the crew is treated: attacks where the crew is kidnapped or even killed by the pirates. This makes those kind of attacks more violent compared to the attacks where the pirates flee upon the sight of the crew.
 - b. The number of perpetrators attacking the vessel: it can be stated that the bigger the number of perpetrators the more violent the attack is. This is also connected to the fact that if they are with more it will be easier to use more force or violence. Lastly if it is a bigger group attacking the vessel it might indicate it a well-organized attack or even a gang, since smaller groups are often less organized.
 - c. What kind of weapons are used: When pirates attack a vessel carrying no or next to no weapons it will be considered as less violent than in the case they are carrying all kinds of arms, like machetes, knives and pistols. In case they use even more sophisticated weapons it will categorised as even more violent.
2. Economic Factor: this factor is correlated to what kind of property the perpetrators take from the vessel. In case the perpetrators only take personal

belongings of the crew and cash money is less violent with in contrast the attacks in which the entire vessel or cargo is hijacked.

2.5 Costs of piracy

Piracy falls under the sea-based crimes and there is a significant difference in the economic damage between sea-based and land-based crimes. It can be said that sea-based crimes are less frequent and have smaller economical damage than land-based crimes in South Asia (Raymond, 2007). Nevertheless piracy can have significant implications on the decrease of global trade as well as the economic costs associated with it in addition to the implication it has on the maritime security (Bensassi & Martínez-Zarzoso, 2012). Now that trade is a big key to the rise of country's economies, piracy might impact and undermine the economic welfare of the coastal states (Chaikin, 2005). Piracy also costs these states a lot of money not only because of what is taken at the attacks but also all the costs that are made in order to have all the anti-piracy measures properly working, for example all the extra surveillance that is needed, vessel service, rescue operations ect. (Ahmed, 1997)

2.6 Problems with statistics about piracy

The statistics about piracy have several problems, firstly a lot of the piracy attacks are not reported (Murphy 2007). The main reason that happens is usually due to that the either the shipping company or the state have interests in it not being reported (Lombardo 2014). The fact why they don't report it is often because they think they might have concerns regarding liability or their reputation in the future. Reporting the attacks may cause repercussions for the private shipping companies, since they might get a record of poor safety because of the attack, consequently they opt for not reporting the attack (Lombardo, 2014). It also avoids that crew members are able to demand extra pay since they sailed through a piracy zone (Murphy, 2007). Finally when an attack is reported the state might want to investigate the report, which can possibly take a few weeks that leads to enormous delays for the shipping company (Lombardo, 2014). Money is an enormous ground not to report the attack, since the operational cost when a ship is idle for a day is 25000 dollars (Young & Valencia, 2003). Normally the incidents that are being reported are the attacks with violence, which entails that the data and statistics could be skewed. That makes that the ratio between non-violent attacks and violent attacks might be biased (Young & Valencia, 2003). This lack of reporting all the attacks also undermines the proper extent of piracy, as well as it leaves the shipping companies in doubt whether or not to report. Furthermore there is the problem that the state does not report the incident, because they don't want to be seen as an area with

piracy incidents(Murphy, 2007). In addition, fake reports for piracy attacks are being submitted in order to get pay-outs from the insurance company and bonuses for the risk (Ramani, 2009). Which leads to the reports being influenced both politically as economically, and also to impact the proper measurements to undermine piracy in the area (Young & Valencia, 2003). A different problem with the statistics is the fact that there is no clear description of what a piracy attack actually entails, as stated in the previous paragraphs. This is due to the fact that there is a disagreement if attacks on vessels at berth or anchor are 'port-crimes' or they can be considered as piracy, thereby, the data might be only reported locally (Murphy, 2007).

This can be seen when analysing piracy reports of IMB (International Maritime Bureau), ReCaap and IMO, all three have different statistics on piracy reports.

3. Evolution of maritime piracy and its counter policies

In the following chapter the evolution of piracy will be depicted. The main focus is on the key regions that are researched in this study as well as the regions that have the biggest amount of piracy.

Pirates have evolved from folks looking for a way to make a living to criminals looking to make a lot of quick cash and profit. The rise of sea pirates was a dramatic result of incremental economic and technological advancements. Pirates nowadays employ sophisticated weaponry and ammunition.

Pirates now plunder commercially valuable products such as oil, drugs, alcohol, high-end apparel, and even antiques. Even traditional superstitions about female pirates have been overcome by these developed pirates. Smart pirate groups are now infiltrating ship crews and learning secret information on cargo ship arrivals and departures using so-called "delicate and delicate" ladies⁶. Piracy is now considered a kind of terrorism. (Marine Digital, n.d.)

Pirates don't only stop at commercial items; in some areas, they hold the ship's crew hostage for days or even years until the shipping company, shipowners, or even foreign embassies finally comply with their demands.

The modern evolution of sea pirates has made it difficult for anti-piracy organizations like ReCaap (Regional Cooperation Agreement against Piracy and Armed Robbery against Ships in Asia) and others to combat maritime piracy.

Pirates in the year 2020 are a reflection of rising capitalism, a lack of work options, and illiteracy. With access to cutting-edge technology and firearms, these new-age criminals are just a step away from wreaking havoc on the ground and unleashing worldwide terror. (Marine Digital, n.d.)

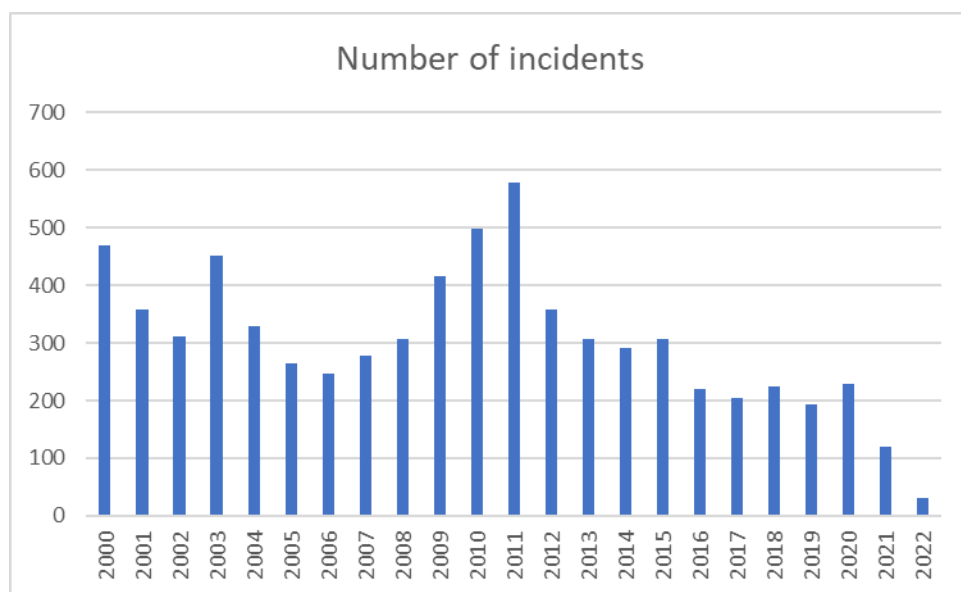
On board, modern pirates rely mainly on technology. Radars, desktops, and other technology connected to the outside world are all examples. Pirates employ technology to gain access to the ship's systems and thereby obtain valuable information. As a result, marine cybersecurity has become a worldwide concern.

⁶ This refers to the old superstition about women on board and female pirates. It was believed that having a woman on board would bring bad luck on the trip

Due to the current COVID-19 pandemic, which has shut down many businesses and job possibilities around the world, leaving people from lower socioeconomic backgrounds fighting to make ends meet, piracy has increased. Many others were enticed to take the illicit route by the promise of rapid money.

To take a closer look at the evolution of piracy through time⁷, there are some key events in the past twenty-two years that have affected piracy significantly.

The first key event is the financial crisis in 2007–2008, also known as the great recession. The entire world was in the deepest financial state since a very long time, the financial crisis spiked the piracy incidents. Many people lost their jobs which made that they were going to search their luck elsewhere. They needed a way to make a living and that resulted in many people going into delinquency.



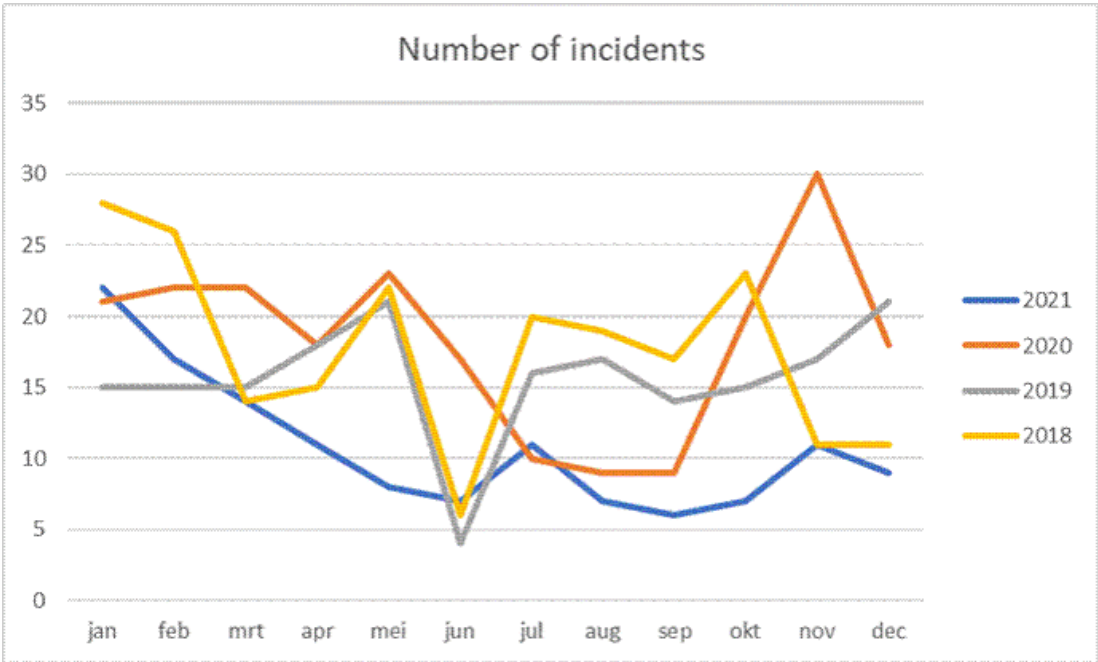
Graph 3: Number of piracy incidents from 2000 till 2022, self-compiled

The second key event shown in the graph above is the COVID-19 pandemic. After the spike in piracy incidents in 2011 there was a clear decrease in piracy incidents in the next eight years. However there was a clear spike in the piracy incidents in the year that the COVID-19 pandemic started, with almost a 50% decline in the following year. Nevertheless the last two years in the graph have a lower accuracy than the previous years since it can be that not everything from 2021 has already been reported to IMO and on the other side 2022 has not finished yet. In order to see the true effects of the

⁷ Based on the piracy reports of IMO (IMO, n.d. -a)

COVID-19 pandemic, it will be necessary to collect the data from the next 5 upcoming years. As means to let the actual impact of the pandemic level itself out, and become fully clear.

Nonetheless since the influence of COVID-19 pandemic is still not a 100% clear, the years 2018 and 2019 will be added and all four years are put into a graph in order to see a possible pattern that is repeated each year. As well as making a more representative analysis.



Graph 4: Number of piracy attacks by year, self compiled

It is clear that the number of incidents tend to rise in May whereafter an enormous decrease in the number of piracy incidents in June. This is possibly due to the fact that the factories in Asia close during the summer months. Which has a one on one relationship with a drop in the amount of vessels during the summer month. Which in its case can be one of the reasons why the amount of piracy attacks, pre the COVID-19 pandemic, have a consequent drop in June each year.

Generally there was a light pattern in the numbers of the piracy attacks before the COVID/19 pandemic. March being a lower month, May having more of a peak in the numbers, July being significantly higher than June with a drop in September again.

3.1. Key regions

3.1.1 European Union

The main decision making entity in the European Union considering legislation, anti-piracy legislation, is the European Council (EU Council), this is due to its more intergovernmental approach in the decision making. In 2008 there has been a great development considering the approach on how to tackle piracy, mainly the way piracy was approached changed since then to a more comprehensive approach instead of strictly making anti-piracy legislation without comprehending why it happened and what effect the new legislation would have on the piracy incidents.

What made that these changes in approach happened? The main problem is the fact that there is a lack of political power of the European institutions and a lack of capacity. This was most visible when in May 2001 Marie Jacobsson, the Alternate Head of Delegation of Sweden, gave a speech at an UN conference, on behalf of the European Union. (Filipec, 2017) Here the EU presented a contemporary approach that stated the following:

1. Cooperation and capacity⁸ building are the only viable way to address piracy.
2. IMO initiatives should get more support from the states.
3. The problem with the lack of reports of piracy incidents being made to the IMO.
4. World Maritime University (WMU) must be asked to oversee the development of international training and education, and bear the responsibility for it.
5. Lastly the EU-member states presented their willingness to start discussion.

(Jacobsson, 2001)

Nevertheless there was one clear element missing in this speech, those were the actual anti-piracy policies. Another thing the speech clearly showed is the reliance of the EU-member states upon foreign states or powers.

Additionally there have been changes on national level, France is a good example. In 2008 former French President Sarkozy called the international community together⁹ in order to find solutions for the piracy incidents off the coast of Somalia. He did so after a military operation was launched in order to save two sailors that were taken hostage by pirates (France Today, 2008). France belongs to one of the first states to voluntarily offering military vessels to help undermine piracy in international waters, especially Somalia. This was under the Danish operation called Operation Alcyon. Also later projects of the EU to combat piracy were dominated by the French. (Leboeuf, 2015)

⁸ including the involvement of private sector

⁹ likely backed by French diplomatic efforts

In 2006 the British Parliament already expressed its concern: 'the growth in piracy over the past decade represents an appalling amount of violence against the maritime community. It is entirely intolerable' (House of Commons, 2006). This is also why Sarkozy's call hit ground in the United Kingdom. Nevertheless it also hit ground in other countries, like Germany. Even though their attitude towards this engagement was a little restrained, they were supportive. The reason Germany still is restrained is due to the sensitivity that still exists about the enforcement of German military outside Germany. Nonetheless the political support was almost a 100%, except from the Greens and the German left wing party, according to them anti-piracy mission could be seen as 'a colonial gunboat policy and a pretence for the militarization of German foreign policy' (King, 2009). All these responses from different EU-member states resulted in 2008 in the operation EU Atlanta. When this operation started to give results, the topic of anti-piracy made its way back into the politics. After two English citizens were taken hostages the Prime Minister of the United Kingdom, Gordon Brown, said, that: "Piracy and the taking hostages is unacceptable in any circumstances" (The Telegraph, 2009). Notwithstanding the efforts of the ongoing Atlanta operation, the amount of piracy attacks was still significantly high. Which led to non-governmental actors to get involved more, they promoted a new momentum towards a more comprehensive EU anti-piracy policies.

In 2012 the European Transport Workers' Federation (ETF) and the European Community Shipowners' Associations (ECSA)¹⁰ published a Joint Declaration in which they expressed their concern about the continuing attacks (Joint Declaration, 2012).

During Denmark's presidency in 2012, it was agreed that European Maritime Safety Agency (EMSA) would be given new powers to strengthen cooperation against piracy under the informal agreement (EMSA, 2012), and in 2013, the European Economic and Social Committee issued an opinion on its own initiative titled 'Maritime Piracy: Strengthening the EU Response' (Opinion, 2013/C76/03). The European Union's Maritime Security Strategy has a well-defined road ahead of it. With the severity of piracy attacks increasing, there was a growing agreement and political resolve to combat the problem. In 2008, the Council Joint Action 2008/851/CFSP¹¹ was endorsed by the three most major EU actors, France, the United Kingdom, and Germany, and operation Atalanta was initiated, which is currently ongoing. Despite the fact that all

¹⁰ Both organizations helped to place eradication of piracy high on the agenda of the Sectoral Social Dialogue Committee for Maritime Transport (SSDC) and further politicization of the issue

¹¹ Common Foreign & Security Policy (European Union, 2020)

actors contributed to the mission, France played a particularly important role. Prior to the passage of Council Joint Action, there was debate at the United Nations Security Council over Resolution 1816, which authorized nations to enter Somalia's territorial waters with the Transitional Federal Government's permission to combat pirates. France, which had originally wanted a resolution covering further pirate regions near Africa (BBC, 2008), was a big proponent of the resolution. Second, France and Germany dominate the European approach to solving security issues, whereas the United Kingdom has traditionally concentrated on cooperation with the United States and North Atlantic Treaty Organization (NATO). This trend was evident in 2009, when the United Kingdom agreed to deploy ships to NATO's Operation Ocean Shield, which combats piracy off the coast of Africa (HC, 2012). The British contribution to Atalanta, which includes at least two frigates and a headquarters in Northwood, where NATO Allied Maritime Command is also based, Council Joint Action 2008/851/CFSP article 4 (European Union, 2020), is undeniable. It's worth noting that, in comparison to media and public attention to terrorism, piracy has a relatively low mobilization impact as an internal political issue. Following each major terrorist attack, there is widespread media coverage and a surge of solidarity, which is followed by speeches from significant politicians. This type of follow-up following a successful pirate raid is unusual, and it distinguishes piracy from terrorism. In his book, Raphael Bossong (2013) demonstrates how terrorism follow-up created a transitory "window of opportunity" that EU institutions and member states took use of to formulate and adopt new policy agendas. The window of opportunity for EU counter-piracy strategy was partially visible in 2008, when the EU adopted a more comprehensive and proactive approach. However, it appears that this window will remain open, and anti-piracy policy is one of the most mutually beneficial security issues for all EU member states.

Conclusion

There has been a clear switch from sectoral and partial preventive measures to a more direct and very complex anti-piracy policy by using the comprehensive approach in order to use the capacities of the EU member states in 2008. By many successful operations piracy finally became a topic in politics on national level. This was mainly thanks to the positions of Germany, the United Kingdom, and France.

Patterns of practices targeted towards an object of action make up fields of practice. When (Somali) piracy was recognized as a problem requiring international intervention in 2008, the area of counter-piracy practice began to take shape. (Bueger, 2016)

In addition to direct action and capacity building, the EU tackled the core causes of piracy by assisting the Somali government and working closely with other regional and international organizations to provide humanitarian and development assistance. The situation in Somalia is improving thanks to international efforts, and poverty reduction may play a big role in lessening piracy's push factors. Pirates may find safe havens in failed governments or under the cover of organized crime, therefore some of the origins of piracy are beyond EU control. The nexus between piracy and terrorism, in particular, is disturbing. Piracy and terrorism may thrive in countries where there is no government partner.

As a result, central governments and their capacities in the fight against piracy must be supported. The EU became a capable counter-piracy actor as a result of Somali piracy, which aided in the development of its capabilities. There is, however, another aspect to its success. As Anja Shortland (2015) points out, piracy produced a massive counter-piracy industry and bureaucracy, both of which are worthy of investigation (Shortland, 2015). This is also true of EU policy toward the Horn of Africa, which is just one of the regions affected by piracy and has its own anti-piracy regime. It will be fascinating to look into different anti-piracy regimes and see what similarities and variations there are. Despite the significant reduction in piracy cases, it is still too early to rejoice.

Ongoing missions and EU presence in the Horn of Africa's waterways and on the ground also have a deterrent effect. A loss of interest in the region could result in a decline in the holistic approach and a worsening of the security situation. To eliminate poverty, eliminating the core causes of any kind of terrorism, also piracy, necessitates a long-term strategy that includes investment. Because the Horn of Africa is one of the poorest locations in the world, eradicating the core causes of piracy is a long-term task.

3.1.2 Asia

Throughout the colonialism period in South Asia, the amount of piracy incidents were significantly lower than it is shown in the last couple of decades. As a consequence of the presences of colonial powers and the naval patrols that were joined by the growing USA presence, during the Cold War (Raymond, 2007). Before that, it was often left up to the countries itself to battle against piracy. However a lot of them struggled to do so due to a lack of support and resources from the neighbouring littoral states, this is especially the case for Malasia and the Strait of Malacca (Dunn, 2012).

Contemporary piracy in Southeast Asia began to get international notice in the late 1990s. International concern over the safety of international shipping in the region's seas has grown as the frequency of attacks has increased and the severity of some events has increased. As a result, regional and international organizations were formed, and cooperative measures were implemented, which, at least initially, resulted in a decrease in the number of pirate attacks reported in Southeast Asian hotspots. Piracy did not affect all waters in Southeast Asia equally, and piracy hot spots varied over time to different ocean locations. Table 1. shows the number of reported attacks overall, in Southeast Asia, and in individual Southeast Asian nations, based on IMB piracy data. Nonetheless these data are not very representative, IMB itself acknowledges that this is probably only half of the actual attacks (Liss & Biggs, 2016).

	'94	'95	'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06
South China Sea	6	3	2	6	5	3	9	4	0	2	8	6	1
HLH Area	12	7	4	1	0	0	0	0	0	0	0	0	0
China/HK	6	31	9	5	2	0	2	0	0	1	3	4	1
Macau													
Indonesia	22	33	57	47	60	115	119	91	103	121	93	79	50
Malaysia	4	5	5	4	10	18	21	19	14	5	9	3	10
Thailand	0	4	16	17	2	5	8	8	5	2	4	1	1
Philippines	5	24	39	16	15	6	9	8	10	12	4	0	6
Vietnam	2	4	0	4	0	2	6	8	12	15	4	10	3
Malacca Straits	3	2	3	0	1	2	75	17	16	28	37	12	11
Singapore Straits	3	2	2	5	1	14	5	7	5	2	8	7	5
Total	63	115	137	105	96	165	254	162	165	188	170	122	88
Worldwide	90	188	228	247	202	300	469	335	370	445	329	276	239

Table 1: Actual attacks and reported attacks between 1994 and 2006 (IMB ICC)

The waters between Singapore and the Malacca Straits were identified as the most pirate prone areas in the world, in the period between 1990 – 1992. After this there was the start of harmonized anti-piracy controls, which led to a shift to the South China Sea (Liss & Biggs, 2016)

The territorial seas of Hong Kong and Macau, as well as the so-called HLH¹² terror-triangle, which encompasses the waters between Hong Kong, the Philippine island of Luzon, and the Chinese island of Hainan, were particularly affected.

¹² Hong Kong Luzon, Hainan

The instances were suspected to include (rogue) elements of Chinese customs and other maritime law enforcement agencies, and the Chinese government eventually tightened supervision over personnel from the agencies under suspicion (Chalk, 2000). As a result, by the mid-1990s, pirate attacks in Chinese waters had stopped.

However, in the late 1990s, China resurfaced as a source of international concern when a growing number of vessels kidnapped in Southeast Asia were discovered in Chinese ports. Initially, the alleged foreign pirates were simply repatriated, but as international outrage grew, the situation became more complicated. The Chinese government tightened its hold once more and began prosecuting criminals (Stewart, 2002). Chinese ports have become less appealing to pirates as a result of such government actions. A higher number of attacks was recorded in the Philippines (24 in 1995 and 39 in 1996) and Thailand (sixteen in 1996 and seventeen in 1997) around the mid-1990s, but these instances were eclipsed by an increase in reported attacks in Indonesia. As Suharto's New Order administration crumbled in the mid-1990s, Indonesian seas were classified as Southeast Asia's most pirate-infested.

Combating piracy in Indonesia is a difficult endeavour because the country contains over 17,000 islands spread across 1.9 million square kilometres. The majority of reported occurrences in Indonesia were petty thefts, which were frequently committed in ports. However, with a spike from two recorded actual and attempted attacks in 1999 to seventy-five the following year, the Malacca Strait attracted increased international attention (Table 1).

Every year, more than 60,000 boats weighing more than 300 gross tons sailed through the area, including many tankers transporting oil from the Middle East to China, Japan, and other destinations (Stehr, 2004). Unfounded claims that terrorists were collaborating with pirates in the Malacca Strait, as well as charges that the Free Aceh Movement¹³ (GAM – Gerakan Aceh Merdeka) or rogue members were behind several attacks, adding conspiratorial overtones.

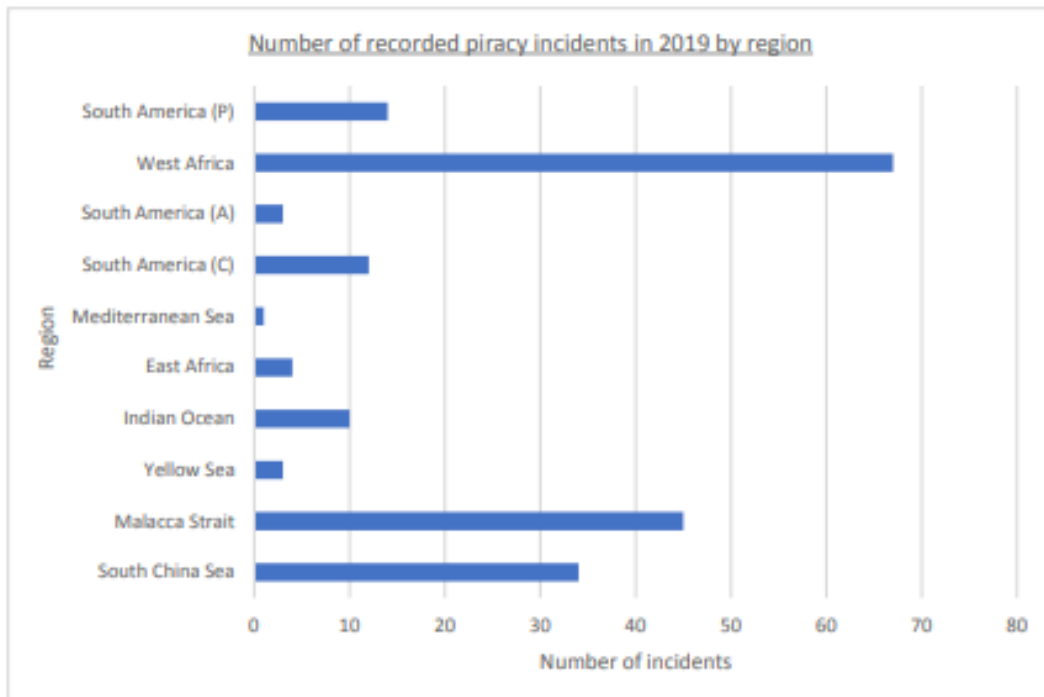
During a period of six months the coastal states started to patrol very vigorously the Strait of Malacca, which caused piracy almost to disappear in the area. The costs were so high that they had to stop after those six months (Murphy, 2007). Additionally the financial crisis of 1997 in Asia led to even fewer resources for the littoral states to surveil

¹³ Was an Indonesian separatist movement that sought independence for the Aceh province of Sumatra. From 1976 through 2005, Gerakan Aceh Merdeka fought against the Indonesian government forces in the Aceh conflict. (Wikipedia contributors, 2022a)

their costs (Murphy, 2007). During the 2000s it was only an interest of Japan and the USA to eliminate piracy in Asia, especially the Strait of Malacca, this was caused after the events of 9/11 in New York (Nurbiansvah et al., 2019). Nevertheless this never caused for littoral cooperative schemes to be properly put into place (Lee & McGahan, 2015). When Malaysia, Indonesia and Singapore, in 2004, all grasped the extent to which piracy impacted their economies, international commerce and had threatened lives of seafarers (Dunn, 2012). Because of this moment of realisation they decided to work together in the war to undermine piracy in the area. This was a good initiative since Lloyd's of London declared the Strait of Malacca the worst place for piracy and a war risk zone shortly after, which lead to a significant increase in insurance for vessels sailing through that area (Dunn, 2012) (Lee & McGahan, 2015). Another problem occurred, because due to their colonial history Singapore, Malaysia and Indonesia have the tendency to protect their sovereignty and territory from interference from others (Ashley Roach, 2005). This has mostly been the case for permitting outside law enforcement in their territorial water, since they don't really trust each other (Ashley Roach, 2005). Nevertheless each of the coastal states, has tried to battle piracy on-shore by doing land patrols and remove the pirate hubs on land and making it impossible for pirates to return somewhere safe (Naval War College, 2014), this has been a way for the countries to manage piracy on their own without other states interfering since it is their own territorial land.

3.2. Key regions piracy

There are some regions in the world that have a higher rate of piracy attacks than others. With the two main regions being, West Africa and Asia, especially the Strait of Malacca. The West African region being the biggest.

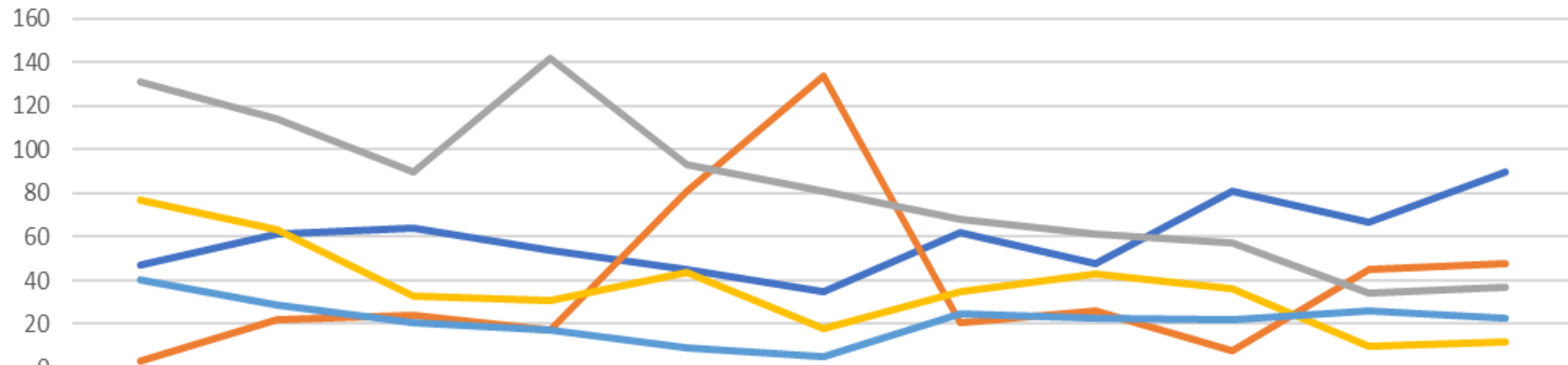


Graph 5: Number of recorder piracy incidents by region in 2019 (Birchard 2020)¹⁴

In 2020 the division did not change a lot, the West African region still being the biggest followed by the Strait of Malacca and South America still being the region with smallest amount of piracy attacks.

¹⁴ A: Atlantic
P: Pacific
C: Carribean

Evolution piracy 5 key regions



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
West Africa	47	61	64	54	45	35	62	48	81	67	90
Straits of Malacca and Singapore	3	22	24	17	81	134	21	26	8	45	48
South China Sea	131	114	90	142	93	81	68	61	57	34	37
Indian Ocean	77	63	33	31	44	18	35	43	36	10	12
Caribbean + pacific	40	29	21	17	9	5	25	23	22	26	23

— West Africa
 — Straits of Malacca and Singapore
 — South China Sea
 — Indian Ocean
 — Caribbean + pacific

Graph 6: Evolution piracy attacks five key regions, self compiled

The graph above shows the evolution of the piracy incidents in the five key regions during a period of ten years. The first thing that can be concluded after analysing the data is the fact that in the second half of the period the incidents levelled up and did not have any peaks in the number of incidents. This can be due to the efforts of the governments to combat the piracy incidents in their region.

Secondly there can be analysed that the West African region has become the key region in the last couple of years. This is due to two things, the incidents in other regions have known a decrease in the amount of piracy incidents. Additionally West Africa has seen a slight increasement in the amount of piracy incidents. Both things resulted in the shift of the West African region from the third place to the first place in the top five of the piracy incidents key regions within a period of ten years.

Thirdly the South China Sea has known a decrease in the amount of piracy attacks, from being the region with the most piracy ten years ago to the last one in the top three of the regions. Together with the Indian Ocean, it is the only region that has known a decrease in the number of piracy attacks in the last ten years. All the other regions have known an increase. Nonetheless as mentioned before it has to be taken into account that the figures are not a 100% realistic since not every incident is reported. Furthermore there is also a difference between the figures that are published by IMO or by ReCAAP. This paper is solely based on the figures provided by IMO, in order to have an homogenous data set and outcome.

Lastly there are some regions that haven't known a lot of increase or decrease in the last ten years

A world top ten of the regions with the most piracy incidents through time, according to marine insight, would be:

1. Malacca straits
2. South China Sea
3. Gulf of Aden
4. Gulf of Guinea
5. Benin

6. Nigeria
7. Somalia
8. Indonesia
9. Arabian sea
10. Indian Ocean

4. Anti-piracy legislation and framework

This research observes the difference between the Asian framework, especially the Korean legislation, and the European framework.

4.1. Anti-piracy legislation Asia (Korea)

For the first part of the comparison the Korean legal framework is analysed that is because of Korea's very effective antipiracy framework. Piratical acts in any form do not occur off its coast. Piracy only affects Korea in three different ways: attacks on the country's ships¹⁵ or ships with Korean crewmembers or ships conveying Korean cargo in other countries' waters or on the high seas as witnessed in the attacks of *Samho Dream* and *Samho Jewelry* off the coast of Somalia. (Katsivela et al., 2021)

4.1.1.1 Nature of Piracy in Korea

Korea is a significant player in the global maritime industry (Pike, n.d.). The first reason is the fact that Korea own some of the biggest shipbuilding companies in the entire world, for example Daewoo Shipbuilding and Marine Engineering, Samsung Heavy Industries and Hyundai Heavy Industries¹⁶ Also, one of the top 30 international shipping companies in the world, Korea's Hyundai Merchant Marine and Korea Marine Transport Company (KMTC), is a Korean enterprise (Woodley, 2022). Because of Korea's well-established strides in shipping lines, shipbuilding and international trade, they see great importance in protecting its safeguard and maritime domain, their flagged vessels and vessels trading with ports in Korea.

Piracy does not occur in their own waters, off the Korean coasts. But Korean flagged ships or Korean owned, Korea-bound ships and Korean seafarers aboard vessels encounter hijacking during their navigation in international waters and shipping lanes. Mainly on the well-known high risk shipping routes.

Consequently, tankers transporting African and Middle eastern gas and oil to Korea, possibly pass through insecure maritime hotspots, such as the Strait of Hormuz, the Gulf of Guinea and the Strait of Malacca before arriving at Korean ports. Piracy may not be

¹⁵ Vessels that navigate under the Korean flag.

¹⁶ As at 2018, Korea was the second largest shipbuilding country in the world due to its 63.8m dwt orderbook (a 27.5% market share) and for its 30.4m dwt of newbuilding orders (26% market share). (BRS Brokers, 2019)

an existential threat to the national security of Korea, piracy impacts their economic activities and their citizens as well (Bridget et al., 2014). It has been suggested that the hijack of the fishing boats owned by Korean companies was one of the reasons Korea became part of the global antipiracy naval task force (Roehrig, 2019). Coggins and Kim ably observe that:

“The hijacking of any tanker, or even a handful of tankers, does not pose an acute security threat to Korea. Rather, the threat is primarily economic. The costs of transporting energy rise with the threat of piracy, and not only due to increased time and distances from rerouting; due to larger crews to stand watch; due to delays from incident reporting and investigation; and occasionally due to increased salaries for at risk crewmembers. These costs are passed on to the government, business and industry, and ultimately, to the consumer”.
(Katsivela et al., 2021)

4.1.2. Koreans legal regime regarding piracy

Like many other nations¹⁷, Korea has domestic laws that recognise and criminalise piracy. As stated by article 340 of the Criminal Act (CA)¹⁸: piracy means ‘the threat of collective force in the sea, forcibly seizes a ship or forcibly takes another’s property after intruding upon a ship’(ADPS). In terms of punishment for the illegal act of piracy, the CA also specifies a punishment ‘by imprisonment for life or for not less than seven years’ (The CA, art 340 (1)). After analysis of the CA it can be stated that Koreans definition of piracy can possible cover the nature of contemporary piracy, like piracy off the coast of Nigeria, because there are no clear limitations in the Act regarding the geographical location of the crime of piracy. Nonetheless, it is noted that the absence of private ends principle, the lack of two ship requirement in the illegal act of piracy, and the need for several attackers in the Act’s definition of piracy vary from the definition from the United Nations Convention on the Law of the Sea (UNCLOS). (Katsivela et al., 2021)

Article 101 of UNCLOS defines piracy as a violent attack against a vessel on the high seas by another vessel for private ends, like stated in the first chapter. It is important to point out that this definition has generated a lot of debates among legal scholars because of its inherent limitations. Wallner and Kokoszkiewicz argue that since article 101 was promulgated by compromise, the provision is tautologous and lacks coherence. (Wallner & Kokoszkiewicz, 2019)

¹⁷ See Merchant Shipping Act (MSA) 2009 Kenya, s 371; the Penal Code

¹⁸ No. 15982, 18 December 2018.

Gottlieb (2017) suggests that the high seas limitation in the definition of piracy is a geographical difficulty that seems to ignore the impact of present-time technology, the pirates their mobility, 'failed states' and 'dry land' facilitators on combating piracy. Additionally, the high seas limitation of the definition implicates on the nature of present-day piracy. This kind of piracy mostly occurs in the territorial waters of riverine states. It possibly limits the enforcement of antipiracy measurements in the piracy hotspots. Like Fuchs (2020) has observed, the definition of piracy contains several links and is because of that quite unsatisfactory. The essence of these limitations is far-reaching because most piracy hotspots, represented by the Nigerian coast, are within the territorial waters of the coastal states and these states miss the necessary institutional framework and legal regime to monitor their maritime territory and combat piracy *suo motu*¹⁹ (Katsivela et al., 2021). All things considered, terrorist attacks are often for a political reason, nonetheless, it does not imply that they are not for private ends, which in its turn reveals another missing element in the global piracy legal regime. (van Hespden, 2016)

Additionally, it can be said that the legal framework in Korea against piracy, especially Somalian piracy, is in line with the necessity to restrict piracy through persecution. This is stated because the fact that the definition of piracy includes attacks in territorial waters of those coastal states (ICC International Maritime Bureau, 2020). Furthermore, the UNCLOS and CA have a common numerator: the facilities of the legal regime to charge pirates with their illegal act. More importantly, the CA's enforcement is consistent with the provisions of UNCLOS Article 105. (Katsivela et al., 2021). This article authorises the states that handle the arrest to also prosecute pirates in their local courts. Nonetheless, the fact that Korea's legal framework against piracy does not capture completely the provisions in article 101 of UNCLOS has no influence on the prosecution of the (Somali) pirates in Korean courts.

Putting aside the critiqued definition of piracy in article 101 of UNCLOS, after reviewing, the Korean laws does reveal that piracy actually is adequately criminalised. The Korean Constitution provides that 'treaties duly concluded and promulgated under the Constitution and the generally recognized rules of international law shall have the effect as the domestic laws of the Republic of Korea'²⁰. This is said regarding the international

¹⁹ Referring to an action conducted by a court on its own initiative, without the parties' consent

²⁰ The Constitution of the Republic of Korea, No. 10, 29 October 1987, art 6 (1).

instruments that penalise armed robbery at sea and piracy. In the absence of the CA, the Act on Punishment for Damaging Ship and Sea Structures Act (APDS Act) and the Criminal Procedure Act (CPA), and; Korean courts possibly have jurisdiction to prosecute pirates on account of the provision of article 6(1) of the Korean Constitution.

Nonetheless everything that is said above, a review of the amenities that the CPA enable, reveals that the CA applies extraterritorially only if the crime was committed on a Korean vessel or if the offenders were of Korean nationality²¹. A practical example of the application of Korea's piracy statutory provisions was aptly demonstrated in the *Araye's case* (Katsivela et al., 2021); in which a number of Somali pirates were arrested by the Korean Maritime Forces on 21st of January in 2011 for attacking a Korean vessel, called *Samho Jewelry*. The pirates were active in the Gulf of Aden. They were taken to Korea where they were charged, prosecuted for piracy. After trial they were found guilty of engaging in piratical acts by the Korean courts under the Koreans legislation and constitution²². The pirates were charged with infliction of injury, attempted murder, maritime robbery, obstruction of justice and violation of articles 5 and 6 of the APDS Act. The pirates were condemned to 13 years, 15 years, and life incarceration.

By making this decision, the court ruled that, due to the current location of the defendants, it had territorial jurisdiction over the case. (Katsivela et al., 2021) Article 4 of the CPA states that (Korean Law Research Institute, 2006);

“the territorial jurisdiction of the court shall be determined by the place of offense, the place of domicile, the residence of the defendant, or the place where the defendant is presently located”.

Furthermore, the Korean court assumed Korean jurisdiction to prosecute those Somali pirates due to the fact that the ship that was attacked by the pirates was sailing under a Korean flag. Lastly, Beckham and Roach conclude that if the vessel that was attacked 'had been sailing under a foreign flag, Korea would not have had authority under Korean law unless article 6(1) of the Constitution were interpreted to make the UNCLOS amenities part of Korean law.' (Katsivela et al., 2021)

Nevertheless, Lee and Lee suggest that the prosecution of those Somali pirates in Korea exhibited some procedural limitations and was problematic, especially in view of the liberties and rights of the accused pirates (Katsivela et al., 2021). However, the fact these domestic laws exist implicated the criminalising of piracy and providing jurisdiction for the Korean courts significantly contributed to the prosecution of these Somalian

²¹ CPA ART 1-4 (Korean Law Research Institute, 2006)

²² 2011 Do 12927 Verdict (Brill, 2013)

pirates. Additionally, the constitution by the Korean courts and the liberal interpretation of these relevant laws and the efficiency of the Korean criminal justice system led to an expeditious hearing of the case (IBID 265) - which should be applauded - are some of the crucial factors that could contribute to the repression of piracy off the West African coastline.

4.1.3. Korea's institutional regime for suppressing piracy

The existence of a legal regime against piracy without an efficient institutional framework would not necessarily and effectively restrain piracy. Consequently, the antipiracy law and other relevant maritime security instruments in Korea are enforced by security and maritime regulatory agencies: the Korean Navy (KN) and the Korean Coast Guard (KCG) respectively. The KCG maintains adequate maritime domain awareness, which leads to the prevention of maritime crimes - especially piracy - off the Korean coast. In addition, the KN, especially the Cheonghae Unit²³, engages in antipiracy operations in sea routes around the world that are taken over by piracy. The eighth issue of Mar Safe Journal gives a good example for this:

"The Korean antipiracy naval unit participated in the United States (US)-led Combined Task Force (CTF) 151 and the Shared Information and Deconfliction (SHADE) Group in curbing piracy in the Gulf of Aden; (Daewon & Richey, 2014) strengthening the significant role regional cooperation plays in repressing piracy."

Korea's government has continued to provide modern facilities and regularly train officials of these agencies. For instance, the Cheonghae Unit has continued to engage in counterpiracy drills with other related maritime agencies in Korea to enhance the Unit's preparedness for piracy situations. (Roehrig, 2019) This brings along that the Korean maritime regulatory and security agencies are not only well-equipped but are also well-trained in using surveillance and communication facilities and in conducting overseas antipiracy operations.

Considering using regional cooperation to restrict piracy, Korea has carried on to play a key role in antipiracy activities in both Asia and around the world. Apart from its counterpiracy efforts in the Strait of Hormuz, the Indian Ocean and the Gulf of Aden Korea plays an important role in the antipiracy activities in Asia through funding and manpower development. (ReCAAP, 2016) These efforts help to restrict piracy in Asian

²³ A special unit established by the Republic of Korea Navy in order to protect civilian ships near the coast of Somalia under the combined task force 151. It is named after an historical military base. (DBpedia, n.d.)

waters. Finally, the effectiveness and efficiency of the Korean criminal justice system has significantly contributed to the quick conclusion of Araye's case. (Ramon, 2019)

4.2 Adopted by the EU

How has piracy been dealt with? According to Murphy (2007), a number of characteristics are required for effective pirate law enforcement. Within the sea, well-equipped boats with communication, radars, and well-trained crews who are familiar with the area's weather and waterways are required. Additionally, shore-based command centres are required to provide information regarding pirate activity and vessel tracking. Air assistance is also required for observation, with quick access and deployment to marines or police when needed, in order to be genuinely successful (Murphy, 2007).

Enforcing maritime law, on the other hand, comes at a high expense, and it can be difficult to administer, especially for countries with a big territorial sea to defend (Murphy, 2007). Developed countries can afford to buy equipment to combat piracy, but developing countries are falling behind on capacity building, resulting in a loss of cash, trade, and maybe lives owing to a lack of resources to effectively combat piracy (Patel, 2012). This has required countries to seek assistance from other countries, as well as allowing other states to enter their territorial waters to participate in the fight (Ashley Roach, 2010).

The UN passed a resolution in June 2008 making it permissible for international counterpiracy vessels with prior permission to enter Somali territorial seas to apprehend pirates, effectively eliminating what had previously been a safe haven for pirates (Ashley Roach, 2010). This rule was particular to Somalia, and it was not established in international law because to objections from other states, namely Singapore and Indonesia, who had different pirate experiences and sought to protect their countries' sovereignty (Ashley Roach, 2010). Dealing with the piracy problem in Somalia and the rest of East Africa has underlined the need for improved international rules and participation in the anti-piracy campaign (Ashley Roach, 2010). This is in agreement with Rajesh and Vasana (2012), who claim that globalisation has changed the way piracy should be dealt with; it is no longer just a national or localized security issue, as anti-piracy efforts have primarily been in the past. Piracy can only be dealt with on an international basis, with piracy being viewed as a tactic in a "economic war" that all governments should be fighting. The only way to combat piracy is for governments to

take steps toward stricter enforcement and laws, as well as a stronger political will to put an end to it (Rajesh & Vasana, 2012).

In 2009, the International Maritime Organization (IMO) implemented the Djibouti Code of Conduct²⁴ to combat piracy in the Indian Ocean. It was set up to help countries in the region enhance their antipiracy measures, and is built on four pillars: capacity building, training, information sharing, and legal exchange (International Maritime Organization, 2020).

The International Maritime Organization (IMO) set up various programs to assist suffering countries, which received a large amount of cash from multiple states as well as the European Union, allowing a large number of warships to be deployed out to help combat piracy (Ashley Roach, 2010). In 2013, the Yaoundé Code of Conduct²⁵ was signed in West Africa, with the goal of reducing piracy, as well as illegal fishing and other maritime criminal activities, while also promoting sustainable development and enforcing anti-piracy laws (International Maritime Organization, 2020). The IMO also addresses piracy by offering recommendations on how to secure vessels in piracy zones, as well as best management practices (BMP) for seafarers, ship owners, governments, and ship operators on what to do in the case of a piracy attack (International Maritime Organization, 2020). BMP5, the most recent edition of these rules of practice, advises East Africa and the surrounding region by providing deterrents for pirates on board the vessel, such as razor wire, armed guards, citadels, water cannons, lookouts, and alarms (BIMCO et al., 2018). However, Rajesh and Vasana (2012) point out that while measures are being taken, there are costs associated with them, such as re-routing ships, increased workloads, vessels receiving new equipment, increased operating costs, and the impact on seafarers as a result of increased media coverage of violence against pirates' hostages, resulting in significant stress in high-risk areas; all of these factors must be considered. As a result, there have been calls for governments to do more to address these concerns and take responsibility for this global problem, particularly given the risk of piracy to seafarers (Rajesh & Vasana, 2012). However, despite all of the anti-piracy tactics, piracy will never be eradicated unless the

²⁴ Signatories express their determination to cooperate to the utmost extent feasible in the suppression of armed robbery and piracy against ships under the Code, which became effective on the date it was signed. In addition, the Code took into account and promoted the enforcement of relevant UN Security Council decisions. (IMO, n.d.-b)

²⁵ The Maritime Security Architecture framework in the Gulf of Guinea and West Africa is established by the Yaoundé Code of Conduct. Its architecture, which has four levels of authority, represents the regions of responsibility as well as the locations of relevant entities and structures that contribute to maritime security, all of which are located at the regional level in Central and Western Africa. (L., 2021)

country where the pirates are from takes responsibility by enacting suitable laws and penalties for pirates (Ashley Roach, 2010).

4.3 Adopted by the UN

There is a special department of the UN that focuses on piracy and other crimes in general. This department is called the United Nations Office on Drugs and Crime (UNODC). (UNODC, n.d.-a)

Over the last few years, UNODC has been working on developing an adequate response to the threat of piracy off the coast of Somalia. The main focus has been on improving the judicial reaction in the region's countries so that suspected pirates can be prosecuted. Piracy has made the news a lot of times in the last few years. Somali pirates capture a ship almost every day off the Horn of Africa. (UNODC, n.d.-b)

UNODC is stepping up its support for States in the region, including by assisting prosecutorial services, conducting specialist training for police and marine authorities, and assisting witnesses as well as in trial procedures and prison administration.

"Piracy must be defeated in courts, ports and banks, not just at sea" says Antonio Maria Costa, tenure at the UNODC. (UNODC, n.d.-b)

Somali pirates are motivated by profit rather than ideology. They're armed robbers and kidnappers looking for a ransom. They make almost a million dollars per heist on average: Pirates are folk heroes in towns all along the Somali coast, where ransom money is used to buy houses, vehicles, power, and recognition. Piracy has grown in popularity. Pirates assaulted fishing trawlers off the coast a few years ago. They are now pursuing oil tankers and military cargo far out at sea. Profits are re-invested in satellite phones, GPS²⁶ technology, weaponry, and fast outboard motors, or used to pay port officials and informers. Some of the money could be used to fund local terrorist groups. (UNODC, n.d.-b)

The UN sees the prevention of piracy as the key factor to be able to combat piracy. Some may argue that the problem is as huge as Somalia itself: there will be chaos off the coast until there is law and order on land. True, but dismantling the pirates' coastal camps and support networks in exchange for development funding to enhance local

²⁶ Global positioning system

government and generate job alternatives to piracy and smuggling should be a top priority in restoring order in Somalia. Governments and international organizations are not the only ones who must assist. Rather than paying ransoms, shipping and insurance businesses have a vested stake in bringing peace to Somalia. (UNODC, n.d.-a)

To protect ships in the Gulf of Aden and the delivery of humanitarian aid to the Horn of Africa, maritime security must be strengthened. The European Union, the Russian Federation, the United States, China, India, and others are all offering assistance. A few more sunken or captured skiffs should be enough to put a stop to it. (UNODC, n.d.-b)

Gunboats, on the other hand, are insufficient. There's a legal void that needs to be filled. Pirates who have been apprehended cannot be compelled to cross the plank. They should not be thrown off the coast of Somalia and forced to swim to shore, which has occurred. The main concern of the UN is how to enforce any law or regulations in a lawless area like Somalia.

Suspects should ideally be tried in their own country or in the country that owns the confiscated ship. However, Somalia's criminal justice system is ineffective, and nations such as Liberia, Panama, and the Marshall Islands, where many of the ships are registered, may be unwilling to prosecute crimes committed thousands of miles away. So far, this does not look encouraging. (UNODC, n.d.-b)

A recent European Court of Justice decision stipulates a maximum wait of a few hours before an arrested criminal is handed over to the national judiciary. For European Union ships operating in the Indian Ocean, this is not an option. For this reason, a Danish ship recently released some seized pirates off the coast of Somalia²⁷. (UNODC, n.d.-a)

The pirates might also be tried in the region after being apprehended by local police officers, which is a more plausible prospect. It is possible to accomplish this. A Kenyan law enforcement officer or detachment, for example, may join a Dutch ship off the coast of Somalia as a shiprider, arrest pirates in Kenya's name, and then have the ship transport them to a Kenyan court for prosecution, subject to a particular arrangement. Depending on the strength and capacity of the law enforcement detachment, they could board ships and initiate criminal investigations at sea, seizing evidence and interviewing suspects under the same legal framework that will apply to any eventual trial. This

²⁷ See chapter 5 for a further information about that case.

method, which is bolstered by intelligence, air surveillance, and police cooperation, has proven to be effective against drug smugglers in the Caribbean. (UNODC, n.d.-b)

Shipriders from countries such as Djibouti, Kenya, Oman, the United Republic of Tanzania, and Yemen could be deployed on international warships in the region, and these countries should be assisted in strengthening their capacity to prosecute pirates using all of the UN Convention against Transnational Organized Crime's measures. As a result, regional cooperation is critical. Piracy was a big menace to the Strait of Malacca a few years ago. Since 2004, Indonesia, Malaysia, Singapore, and Thailand have reduced the number of attacks by more than half by cooperating. (UNODC, n.d.-a)

Another strategy to apprehend pirates is to go after their loot. Somali mafias, unlike the buccaneers of old, are not hiding their loot in the sand. Some of the money is handed by hand, while others are disbursed through the "hawala"²⁸ system. Pirates, on the other hand, frequently act through middlemen outside of Somalia, negotiating ransom money through banking centers, which must be targeted. (UNODC, n.d.-b)

In December 2021, the United Nations Security Council passed a resolution to tackle the ongoing menace of piracy off the coast of Somalia, as shipping and security measures to keep ships safe have reverted to levels not seen since before the COVID-19 outbreak. (United Nations, 2021b)

Since 2011, collaborative counter-piracy operations have resulted in a steady drop in attacks and hijackings, according to the Secretary-latest General's assessment on the situation in the country. Despite the fact that piracy off the coast of Somalia has been "repressed," the threat of revival still exists. (United Nations, 2021b)

As a result, the Security Council issued Resolution 2608, which condemns piracy and armed robbery at sea off the Somali coast, highlighting how it exacerbates instability by bringing 'illicit income that fuels crime, corruption, and terrorism'. (United Nations, 2021a)

²⁸ Hawala is an informal type of money transfer in which no tangible money is exchanged. A "money transfer without money movement" is how it's described. Simply said, "trust" is another term. Hawala is an alternate remittance channel that operates outside of established banking institutions that is still used today. Because the system is mainly founded on confidence and the balance of hawala brokers' records, transactions between hawala brokers are made without promissory documents. (Kagan, 2021)

Finally, the resolution praised the International Maritime Organization (IMO) for its sustained anti-piracy efforts, notably in collaboration with UNODC, the World Food Programme (WFP), the maritime sector, and all other parties involved. (United Nations, 2021a)

Ambassadors stated in their resolution that all who 'plan, organize, illicitly finance, or profit from pirate assaults off the coast of Somalia' must face investigations and penalties. To avoid and discourage similar incidents of armed robbery at sea, Somali authorities have been encouraged to put in place procedures to safely return pirated cargo and to patrol coastal waterways. They were also asked to prosecute anybody who used Somali territory to 'plot, facilitate, or carry out unlawful acts of piracy and armed robbery at sea'. (United Nations, 2021a)

Member States were asked to strengthen maritime capability in Somalia at the request of the Somali authorities, with notification to the Secretary-General, and to cooperate appropriately in prosecuting suspected pirates for taking hostages. The resolution also asks the Somali government to join the UN Convention against Transnational Organized Crime and build a legal framework to combat money laundering and the financial support networks that enable piracy networks to thrive. The United Nations Security Council unanimously approves a resolution condemning and deploring any incidents of piracy and armed robbery at sea off Somalia's coast.

The Security Council reiterated its request for countries and regional organizations to deploy naval vessels, armaments, and military aircraft to combat piracy, emphasizing the importance of international cooperation. Around the same time, the resolution extended for another three months the ability of States and regional organizations working with Somali authorities to combat piracy and armed robbery at sea near Somalia, 'for which advance notification has been submitted to the Secretary-General by Somali authorities'.(United Nations, 2021a)

The Council urged all countries to 'take adequate actions...to prevent the illegal funding of piracy and the laundering of its proceeds...(and) to punish piracy under their domestic law' in its resolution (United Nations, 2021a). Countries were also urged to participate in the investigation and punishment of anyone involved in or accountable for piracy and armed robbery off Somalia's coast, including transnational criminal networks.

The United Nations Security Council overwhelmingly agreed in December to empower international naval troops to use all necessary means to combat piracy off the coast of Somalia for the next three months. (United Nations, 2021a)

The Federal Government of Somalia wrote to the United Nations in late February, voicing its disagreement to the resolution that permits foreign navies to enter Somali territorial waters to combat piracy. The resolution, according to Somalia, has met its objectives, and the country is developing its own maritime security capabilities.

International navies can still fight pirates in the vicinity now that the resolution has expired, but not in Somalian territorial seas.

Operation Atalanta, launched by the European Union in 2008, will continue to operate in the region. The European Union Naval Force (EU Navfor) announced in a statement on March 9 that Atalanta will continue to carry out its operations in its broader area of responsibility, maritime security in the Western Indian Ocean is one of them. (United Nations, 2021b)

Operation Atalanta will continue to combat piracy on the high seas, defending the WFP and other vulnerable boats, in accordance with the United Nations Convention on the Law of the Sea (UNCLOS).

Atalanta will continue to combat drug trafficking, contribute to the execution of the weapons embargo on Somalia, and monitor other illegal activities at sea, such as the unlawful export of charcoal and illegal, unreported, and unregulated (IUU) fishing, according to the EU Navfor. (United Nations, 2021a)

Over the last thirteen years, Atalanta has escorted or monitored more than 2.3 million tons of humanitarian aid supplied by WFP vessels, as well as transferring 171 alleged pirates to regional authorities for prosecution.

All of these accomplishments were made possible by the troop-contributing nations' unwavering commitment. EU Navfor continued, 'Today, 19 nations contribute a decisive contribution to the operation (sixteen EU member states plus Colombia, Montenegro, and the Republic of Serbia)' (United Nations, 2021a).

Atalanta has moved 171 suspected criminals in the last thirteen years. Experts have warned, however, that if international fleets quit patrolling the region, Somali piracy

could swiftly resurface. Piracy off the coast of Somalia is still being suppressed, according to the Western Indian Ocean Report of Stable Seas, owing to security measures at sea and capacity building initiatives on land, but the underlying factors, such as socioeconomic insecurity and insufficient law enforcement capacity, continue. If ship safety measures are removed, pirate activities off the Somali coast may resurface. (United Nations, 2021a)

4.4 Antipiracy organizations

4.4.1 Interpol

Interpol detects that there are several topics that influence piracy. Piracy, and maritime crimes in general have a big economic and human cost. Piracy is the most well-known form of maritime crime. However, Illegal, Unreported, and Unregulated (IUU) fishing, as well as the trafficking of commodities and people by sea, both causes concerns. Maritime crime impacts a wide range of countries across the globe, demanding a coordinated response from numerous organizations and sectors.

Maritime piracy disrupts important shipping lanes and puts the lives of seamen around the world in jeopardy. Armed robberies against ships occur closer to shore and at anchorages all around the world. While not as serious as offshore piracy, such instances can become violent, resulting in harm and trauma to crew members. Every year, pirate gangs earn millions of dollars in ransom payments. The pirates, their leaders, and those who sponsor them share these payments. (Interpol, n.d.-b)

One of the primary issues facing law enforcement authorities is tracing the financial movements of ransom money after it reaches the offenders. (Interpol, n.d.-b)

Bribing or coercing port staff allows traffickers to get access to sealed shipping containers where they can conceal illicit products among legitimate cargo. Offshore, traffickers take advantage of poorly guarded maritime channels and employ local knowledge and maritime skill to elude law enforcement.

IUU fishing is a large-scale concern that is often disregarded. It harms the ecosystem, as well as the livelihoods of coastal populations. Responsible fishermen who follow local fishing restrictions are put at a disadvantage by IUU fishing. Due to a lack of work options, fishermen may be forced to engage in illicit nautical operations such as piracy. (Interpol, n.d. -b)

Suspects, intercepting fleets, and the country ready to investigate and prosecute are all likely to be diverse. Each of these entities will gather evidence that will be critical in identifying and convicting individuals. As a result, information sharing between military, law enforcement, and judicial organizations in many countries is critical.

4.4.1.1 How does Interpol response to piracy attacks

The Global Maritime Security Database of Interpol is critical to information exchange between law enforcement, military, and judicial authorities from around the world. The National Central Bureaus and other relevant law enforcement and partner agencies contribute information on marine crime. After that, the analysts may assess regional maritime crime and piracy concerns and generate intelligence reports. Regional agencies will find this information extremely useful in their continuous efforts to combat marine crime and establish the required contacts. The notices (color-coded worldwide alerts) and diffusions (a less formal alert mechanism) systems are also important for sharing information and apprehending suspected criminals. (Interpol, n.d. -d)

In the maritime environment, the process of investigating incidents and gathering evidence is challenging because a single incident generally involves multiple governments. Giving training, equipment, and mentoring to member countries throughout the world to assist them enhance their investigative capacities, the quality and quantity of data they gather, and the preservation and analysis of relevant evidence.

To maximize the possibility of successful prosecutions, police enforcement and court agencies must work together very closely. Interpol assists police and prosecutors in forming relationships both within and beyond jurisdictions, assisting them at all stages of an investigation, from evidence collecting to trial.

Interpol runs a number of projects in major geographic areas to support these goals (Interpol, n.d. -d):

- The European Union's Maritime Security Programme (MASE) for East and Southern Africa and the Indian Ocean;
- Southeast Asia's Project MAST, funded by Global Affairs Canada's Counter Terrorism Capacity Building Program (CTCBP) (GAC).
- The United States Department of State's Bureau of International Narcotics and Law Enforcement Affairs' Project AGWE for West Africa;

- The European Union's Port Security Project (PSP) for East and Southern Africa and the Indian Ocean;

Interpol can dispatch an Incident Response Team to help with the investigation and gathering of evidence at a crime site.

4.4.1.2 The maritime security programme from Interpol

For women, men and children exposed to forced labor and sex trafficking, several countries along the East and Southern African coasts serve as a source, transit point, and destination of all sorts of trafficking. Weapons, drugs, and other illicit products originating in Asia and the Middle East and headed into Africa and further north to Europe are transshipped through countries with access to the Indian Ocean. (Interpol, n.d.-c)

IUU fishing is also common in this region, as is trafficking of protected animal and plant species. Law enforcement agencies around the region frequently lack the resources necessary to address these concerns and require support and investment in the form of training, equipment, and capacity building.

The MASE, which is funded by the European Union, is made up of a number of programs that aim to provide the resources needed to improve maritime security in Southern and East Africa. Interpol has a long history in Africa, owing to their network of National Central Bureaus and Regional Bureaus, and they play an important role in the implementation of these programs.

Project COMESA, which is run under the MASE program, provides investigative support and training to six recipient countries: Ethiopia, Djibouti, Kenya, Seychelles, Mauritius, and Tanzania, in order to combat maritime piracy and related crimes, including as money laundering and terrorism funding. The project assists our member countries in tracking financial flows associated with maritime crime. This is accomplished by bolstering existing financial intelligence teams and giving necessary local law enforcement with training. (Interpol, n.d. -c)

For example: officers were able to put their new knowledge into reality, execute a Mutual Legal Assistance request, and effectively prosecute a case involving USD 24 million and three nations (India, Kenya, and the United Kingdom). Two French citizens were arrested in Mauritius by freshly trained officers who were wanted worldwide by the

French authorities, who had requested Interpol Red Notices for them on grounds of money laundering. Burundi, Mauritius, Kenya, Seychelles, Rwanda, Somalia, Tanzania, and Uganda are among the eight nations covered by Project EAC, which is part of the MASE initiative. The project's goal is to strengthen the region's forensic and investigative capabilities. Interpol provides maritime crime investigations and prosecutions using both training and equipment. (Interpol, n.d. -c)

These initiatives build on past work in these areas. CRIMLEA, which focused on capacity building for nations bordering the western Indian Ocean, and EVEXI, which focused on gathering information and forensic evidence in East Africa, were two previous initiatives.

The European Union (EU) Council has approved a decision allowing the EU's ongoing military action against maritime piracy off the coast of Somalia to use Interpol's worldwide network and tools to combat piracy in the Gulf of Aden. Information on suspected maritime pirates collected by members of the EU's Operation ATALANTA, such as fingerprints, nominal information and identification documents, as well as details of the suspects' equipment, will be provided to Interpol for checking against its global databases in order to facilitate the identification and traceability of suspects, as well as their prosecution, under EU Council Decision 2010/766/CFSP passed on 7th of December. (Interpol, n.d.-a)

Interpol Secretary General Mr. Noble characterized the EU Council Decision as "a significant breakthrough in terms of information sharing against maritime piracy and combatting the criminal networks that support it." (Interpol, n.d.-a)

'The EU resolution recognizes the vital role of international law enforcement and Interpol in providing the critical link between arrests made through military interventions and the investigation and prosecution of maritime pirates and related criminal networks. Maritime piracy is a classic transnational crime problem, according to Interpol, that occurs on the high seas but is part of a larger global network where organized criminals target victims, kidnap them, and extort ransoms, leaving evidence for law enforcement to track and investigate. To combat maritime piracy, a comprehensive approach that pools intelligence, resources, and forges strategic partnerships is critical, and Interpol's strong collaboration with international partners such as the EU, Europol, and the United Nations will be crucial in this regard,' Secretary General Noble concluded. (Interpol, n.d.-a)

The EU decision comes after the United Nations Security Council Resolution 1950 (2010), which called on all the 192 UN member countries to collaborate with Interpol and Europol to combat criminal networks involved in maritime piracy off Somalia's coast. Collaboration between Europol and Interpol in the exchange of information and analysis of piracy-related material has already led to the identification of ties between a number of cases and persons using the DNA, fingerprint, and phone analysis. (Interpol, n.d.-a)

4.4.2 IMO

The International Maritime Organization (IMO) developed the ISPS Code (International Ship and Port Facility Security Code) in 2004, introducing additional safety regulations for ports and vessels and raising awareness of the importance of maritime security (Raymond, 2007). They've taken a proactive approach to protecting the Strait, sponsoring and participating in international and regional conferences where navigational safety, maintenance, and navigational aids were reviewed, as well as through their policies (Ashley Roach, 2005). The 2019 22nd committee meeting for the Aids to Navigation Fund, for example (International Maritime Organization, 2019), reviewed developments in the Strait of Malacca. The committee praised state and organization donors, such as the United Arab Emirates, and addressed what had been accomplished the previous year and how the funding for this year would be spent. Malaysia, for example, was given a portion of the cash as well as self-funding for the construction and maintenance of previous lighthouses and light beacons in the Strait, such as the Pulau Undan Lighthouse, which was given a maintenance grant of 162,500 dollars. (International Maritime Organization, 2019). Threats to terrorism and international cooperation with piracy laws were among the revisions made by the IMO to SUA in 2005, which this thesis stated before in Chapters 2 and 3. However, Indonesia and Malaysia are not signatories to this treaty (Ashley Roach, 2005).

5 The impact of piracy

Overall, piracy has a minor but significant influence on trade. This provides an extra cause for governments to intervene, in addition to the obvious humanitarian considerations. A multilateral and coordinated attempt to strengthen naval presence along routes prone to pirate assaults is one possible reaction. The source of the problem could be addressed in the long run by improving living circumstances and socio-political stability in the nations where pirates operate. (Sandkamp et al., 2021)

Piracy attacks not only endanger the crew, but they also cause ship delays and damage to the cargo and vessel. Shipping companies adjust by taking costly diversions or investing in water cannons, armed guards, razor wire, electric fencing and other equipment (Bendall, 2010). Shippers also incur the expense of piracy's hidden costs, such as labour premiums and higher insurance premiums. All of these charges have an economic impact since they increase the cost of shipping commodities, which has an impact on the welfare of trading countries.(Sandkamp et al., 2022)

Piracy reduces the amount of transactions carried out by vessels while increasing the average shipment size at the firm-transaction level. Both findings are consistent with Kropf and Sauré's theoretical assumptions (2014). According to the authors, raising fixed expenditures per shipment – such as investments in anti-piracy protection – reduces the frequency of shipments despite increasing the average shipment size. According to the theoretical framework, the size of Chinese enterprises' shipments grows in relation to the number of pirate attacks. An extra piracy incidence raises the amount of ocean-going shipments by 0,13 percent, according to our findings. This is a 3,4 percent increase in shipments to Europe (Sandkamp et al., 2022). Furthermore, a second attack reduces the likelihood of a company transporting goods by sea along the impacted routes by 0,02 percent. As a result of piracy, businesses are compelled to convert from sea to air transportation.

The influence of pirate assaults on exporting behaviour has been demonstrated to continue for a long time, especially for small businesses that may be hurt harder by rising insurance costs. Furthermore, items with low unit values are affected more than those with high unit values on average. (Sandkamp et al., 2022)

Piracy has a negative impact on trade in numerous ways. Although the average size of remaining cargo grows, exporting enterprises lower the regularity of shipments by sea

and switch transportation modes from ship to plane. Container ships reroute to avoid pirate-infested areas and increase cruising speed, both of which raise transportation costs. (Sandkamp et al., 2022)

The trade-dampening impact of piracy, when combined with the hazards pirate poses to the crews of targeted ships, imply that governments must address the issue. An obvious short-term solution would be to increase naval presence. Improvements in the living conditions in nations where pirates operate could assist in the long run by removing the need for individuals to resort to illegal activities to support themselves and their families. (Sandkamp et al., 2022)

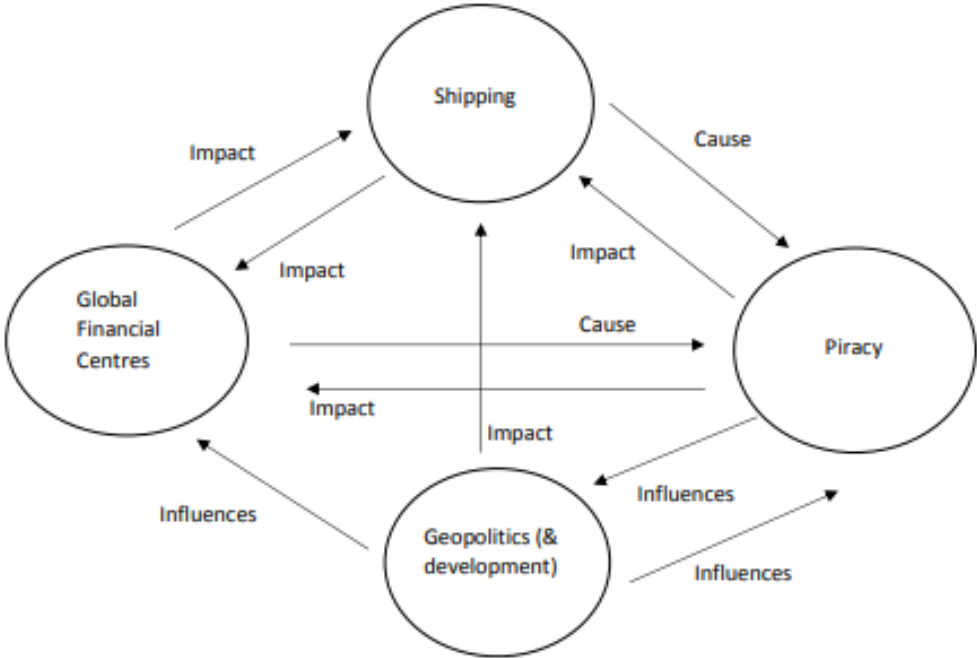


Figure 2: Links between the key factors of piracy incidents, Birchard 2020

The figure above shows a schematic representation about how the impact of piracy is correlated with the other factors and how they might influence or cause piracy to happen.

6 Influence COVID-19 and reasons for piracy

It is important to take into account how everything is correlated in order to understand the reasons for why piracy happens as it does

6.1 Theoretical approach

From modern-day piracy to the Vikings and Phoenicians, pirates must meet certain prerequisites in order to operate efficiently (Gottschalk & Flanagan, 2000). The biggest one is that there is no use in stalking rivers and risking capture if there are few pickings or rewards (Gottschalk & Flanagan, 2000). The main motivation for piracy is profit; it is a low-risk crime with big rewards; yet, due to the emergence of organized piracy groups, it is simplistic to assert that poverty is the primary motivator (Murphy, 2007). Murphy (2007) identified seven elements that allow for the flourishing of piracy:

1. 'Favourable geography' - Piracy thrives in locations where there is little risk of detection and where pirates can gather supplies, repair their ships, and hide if required (Gottschalk & Flanagan, 2000). Piracy has usually occurred near shore lines or within limited stretches of sea in places like Southeast Asia, Somalia, Western Africa, and the Caribbean. Small strips of sea, such as straits and estuaries, are widely employed for transporting vessels since ships are obliged to be near coast lines. Furthermore, in smaller stretches of water, there are more opportunities because there are more ships in a compact area, offering pirates more targets, hiding areas, and making it simpler to board ships because ships slowdown in busier waters (Murphy, 2007).
2. 'Lack of legal and jurisdictional strength' – The major issue here is state sovereignty: many governments refuse to allow other countries to deploy anti-piracy equipment in their waters, while some countries, such as India and Japan, do not consider piracy to be a crime. The Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, which has 126 countries as parties, was enacted in 1992. The fundamental goal was for everyone to work together to impose domestic penalties for pirates, whether by penalizing or extraditing them rather than simply deporting them. However, SUA has only been used once because it focuses on punishment rather than prevention, and many nations with high levels of piracy, such as those in Southeast Asia, refused to sign (Murphy, 2007).

3. 'Law enforcement underfunded' - Implementing enforcement at sea is costly, and a lack of governmental money can result in a lack of training, equipment, or manpower to combat piracy — this is especially true in developing countries, where resources are often diverted to other priorities. It can be challenging to manage large expanses of sea beneath the territory of some countries. Because the world is unpredictable, security levels are unsustainable. For example, after 9/11, many maritime resources were diverted to beefing up security on land, leaving the sea vulnerable to piracy attacks (Murphy, 2007).
4. 'Conflict and disorder' - When coastal areas are unstable or in the aftermath of conflict, desperate circumstances, along with stretched or weak authority, result in piracy and criminality. This happened in Somalia, when the overthrow of the regime of Siad Barre in 1991 sparked piracy (Murphy, 2007). Somalia is another proof that a functioning government may reduce piracy, as piracy nearly disappeared in the second half of 2006 under the control of the Islamic Courts Union; piracy was rampant before this, and it resurfaced after they returned to a barely functioning government (Sapre, 2012).
5. 'Broad-minded political environment' – Piracy blossoms in the areas of negligence, unprofitable or corrupt (both local and national) law enforcement, that is “almost always the consequence of state weakness” (Murphy, 2007). Without very strict laws, it also results in a disinclination to combat piracy. Frequently law enforcers, in these areas, will collaborate with pirates in order to make extra money to be able to make a living since the wages are so low. In this way pirates are able to gain intel, equipment, infrastructure and intelligence from the law enforcers (Murphy, 2007).
6. 'The promise of a reward' - Piracy provides monetary benefits. Although huge ships have reduced theft by carrying less cash, small-scale commodities, such as the theft of rope, scrap metal, or paint, can still be profitable for some people in underdeveloped countries (Murphy, 2007).
7. 'Acceptability of culture' - Cultural acceptance is an often-overlooked factor in the success of piracy. Because pirate and trading practices are centuries old, piracy has been a tradition for many families and communities (Murphy, 2007).

6.2 Practical reasons

Now that the theoretical approach of why piracy happens as it does it important to also take the practical approach into account.

6.2.1 Free pass to Europe

Firstly it is seen more often that the pirates know very well when to attack a vessel and what goods are on board. This means they have prior information, which will need to be provided by the crew of the vessel. An example of this is when about two years ago the vessel called Fouma was attacked in Ecuadorian waters by pirates. The pirates knew exactly what containers to open to be able to take the goods they wanted. (Voytenko, 2020) This kind of piracy is happening more often in the last few years. This goes possible hand in hand with the economic profit. By working more effectively, from their point of view, they get more money and they have the money to bribe the crew of the vessels. The problem here is that being a crew member on a vessel is not a very well paid job. Because of this it will be more tempting to accept this kind of offers from pirates.

Secondly there is the problem of the idea that by attacking a vessel they might get the possibility to build a life in Europe. The problem here is that the pirates are often convicted in Europe since the crime happens on a vessel of X nationality that will the jurisdiction that should be used to convict the criminals. The problem here is that a lot of European countries don't want that anymore since that increased the attacks on their vessels because people saw this as possibility to get to Europe and start a life there. For the reason that almost never after being convicted and having done their jailtime they would be repatriated to their home country and they would stay in Europe (Reuters, 2022). Because of that, Europe decided to patrol themselves in the international waters where a lot of piracy attacks were occurring. Some European countries, like Denmark, made pacts with West-African countries that they would incarcerate the pirates that were arrested on the patrols of the Danish navy. The navy would bring the pirates back to the West African coast were they will be incarcerated. Since Denmark did not want to convict pirates in Denmark anymore, they set up an alliance with the West-African countries. This alliance consisted of the pact that the West African countries would convict in exchange for the Danish government building new prisons (Reuters, 2021). But as mentioned before the governments are so corrupt and the judiciary does not work correctly. Which causes for the piracy to remain as it is since the pirates were free again within a few weeks (Al Jazeera, 2021). Nonetheless the number of incidents did drop since the patrol of European Navy started (Reuters, 2021).

6.2.2 Weakening governments/police

Environments favorable for piracy are created by failed and unstable regimes. Lawlessness and poor governance provide the foundation for pirate groups to operate with little risk. These conditions also strengthen the appeal of pirate gangs, which can provide alternative sources of income and serve to dissuade industrial fishing fleets from encroaching. (Shambaugh, 2022)

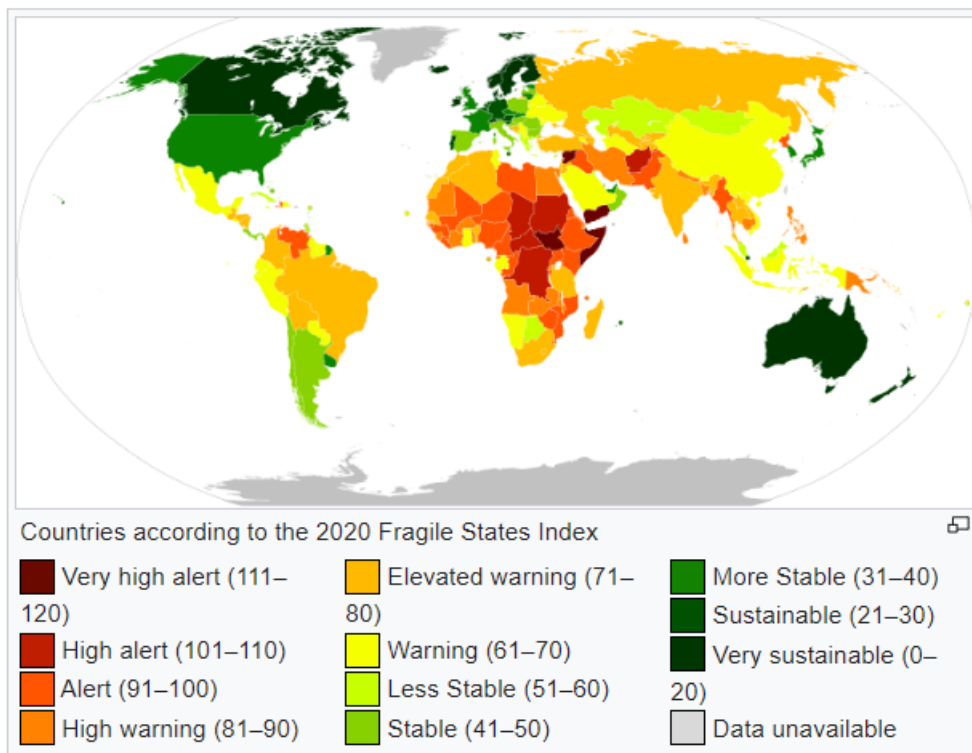


Figure 3: Overview fragile states 2020 (Wikipedia)

In the figure above an overview is given of the countries that are categorised as a fragile state. The main regions would be Africa, South Asia and South America. In the figure below gives an overview about the regions that have the most piracy attacks in 2020, the same year that the figure above gives data about. When comparing the two it can be said that there is a correlation between fragile states and the amount of piracy attacks. The only region that has no clear correlation is West Africa. It has the highest alert of being a fragile state, nonetheless the figure above does not show West Africa being a region with a lot of piracy attacks in the year 2020.



Figure 4: Piracy and armed robbery against ships, ICC 2021

National governments in weak or failing states are either unable or unwilling to successfully combat piracy, whereas more capable states have sufficient capacity to combat pirates on land and in coastal waterways (Daxecker & Prins, 2021). Despite the relevance of general capability in setting permissive conditions for piracy, it is maintained that the occurrence and organization of piracy is determined by local administration. Organized piracy, in particular, requires access to infrastructure and markets, implying that regions with some economic control will be the most appealing to pirates. Pirates often look for places that are poorly managed and have a lot of potential for collaboration.

Pirate Lands solve the conundrum by explaining why some coastal communities are subjected to more pirate raids than others. Pirates also thrive in areas where aristocrats and police officials can be bribed, but they also require access to working highways, ports, and marketplaces. Pirates operate in places where local administration is both weak and strong enough to encourage collusion between pirates and local authorities while also ensuring that infrastructure and industries are properly developed to allow for long-term piracy. (Daxecker & Prins, 2021)

6.2.3 Subsidise terrorist groups

Many West African countries have experienced civil conflicts that have left the country divided and unstructured, with no central government or institutions to manage it. There is no longer a functional legal system or judicial system capable of enforcing it, with warlords and clans imposing anarchy and the law of the strongest, and where extreme

Islamist groups such as Al-Shabaab are taking advantage of the situation and encouraging rebellion. There have been failing states for a long time, with a coastline devoid of institutional supervision, where pirates have found a home, sanctuary, and supply.

The lengthy road to reconciliation, stability, and peace in Somalia has been, and continues to be, fraught with challenges, since the country is in a state of perpetual war, primarily as a result of attacks by the Islamist guerrilla group Al-Shabaab, which has close ties to Al-Qaeda. It remains the world's most failed and corrupt state, with a humanitarian crisis impacting the majority of the population in the aftermath of a fresh famine, and human rights violations persist. (US Committee on Foreign Affairs, 2011)

The Indian Ocean is being conquered by pirates. And the number of hostages, as well as their maltreatment, has skyrocketed. Of course, more attacks and captives mean more ransom payments. A few years ago, the average ransom price was \$300,000. The current average is between four and five million dollars. Crime pays for Somali pirates. There ought to be concerned that such contributions may be used to fund al-East Qaeda's African branch, al- Shabaab. It can't afforded to be passive. Al-Shabaab poses a major and growing threat to the United States, according to Leon Panetta's testimony last week. (US Committee on Foreign Affairs, 2011)

According to the Kenyan government, al-Shabaab receives 30% of ransom payments. Shabaab commanders have also spoken of a naval Jihad and established a marine office to cooperate with pirates. (Felter, 2021)

What is not believed, and what is not seen yet, is operational or organizational coordination between piracy, pirates, and al-Shabaab. These are not the same businesses.

6.2.6 Money laundering

Because the underlying drivers of economic hardship, finance remains intact, latent piracy networks, and political instability recurrence is possible. Notably, ongoing anti-piracy measures have either failed to target the primary beneficiaries or have been successful, since they continue to enjoy the benefits obtained illegally. They also keep their potential to fund new piracy operations. Using the anti-money laundering (AML) framework would give a targeted strategy by removing the criminal advantages acquired

from previous piracy enterprises, albeit it would be difficult to implement. This would prevent earlier piracy profits from being re-invested in future piracy activities. Finally, this, along with the other steps, could help to find a long-term solution to Somalia's piracy problem. (Gikonyo, 2018)

Officials have only lately begun to investigate the use of financial investigative tools in anti-piracy initiatives, particularly AML tactics. Europol and Interpol are working to develop integrated law enforcement methods to the issue of piracy, while the Financial Action Task Force on Money Laundering has conducted preliminary research on the application of AML in particular. It is proposed that, on principle, a financial law enforcement approach could be a valuable supplementary instrument in combating piracy, based on a study of the growth of the AML regime more widely. (Nance & Jakobi, 2012)

Ransom money is progressively seeping into the legitimate banking system, while pirate revenues are being laundered, leading consumer prices in the Horn of Africa and nearby areas to skyrocket. Yury Fedotov, UNODC Executive Director, briefed the Security Council on the situation in Somalia, saying: "Piracy money is also being reinvested into criminal activities that are not limited to piracy. Drugs, weapons and alcohol smuggling, as well as human trafficking, also benefit from the proceeds of piracy." (United Nations, 2012) In order to combat what is becoming a major problem, UNODC is collaborating with other UN agencies and Member States to raise more awareness of criminal money flows linked to piracy.

6.3 How COVID-19 influenced the reasons for piracy

6.3.1 Impact on the crew members

The shortage in crew members is critical to the safety and well-being of sailors. Crew members who are fatigued make mistakes, which raises severe issues for the next generation of sailors. COVID-19 is impacting training, and owing to working circumstances, the sector might struggle to recruit potential talent. (Dunsavage, 2021)

As the worldwide economy and international trade recover, vessels with fewer well-trained sailors may become more vulnerable.

The International Chamber of Shipping warned in March that a lack of access to vaccinations for sailors puts shipping in a 'legal quagmire', putting supply chains at risk of disruption due to cancelled sailings and port delays.

Furthermore there has also been a lack in the amount of crew members since the start of the COVID-19 pandemic. This was since the crew members could get COVID-19 and had to be on quarantine. They had to stay onshore and they could not join the trip or either way they were already on the vessel and had to stay in their cabin until the quarantine time passed and would test negative. Both options led to a lack of crew members on the vessels and led to greater constraints on the remaining crewmembers. (Dunsavage, 2021)

Additionally there was the problem of the international travel restrictions. Were the crew members could not always get to the port that the vessel was leaving from. If they were living in another country than the one where the vessel was leaving from. So the captains had to make a lot of changes in order to still be able to somehow get the crew they needed for the trip.

'Vaccinations may soon become a legal requirement for working at sea,' Allianz warns, citing allegations that several states are requiring all crew members to be vaccinated as a condition of accessing their ports. 'However, more than half of the world's maritime workforce is now recruited from underdeveloped countries, which could take years to fully vaccinate.' Furthermore, shipping corporations' vaccination of seafarers could pose liability and insurance difficulties, including obligatory vaccination and privacy concerns." (Dunsavage, 2021)

6.3.2 Worse economic situation

The COVID-19 epidemic, which is linked to underlying economic, political and social issues, may have played a role in the rise in pirate activities. The pandemic's economic repercussions have been particularly catastrophic in areas where piracy is a problem: job losses, greater poverty and negative growth rates. (Dunsavage, 2021)

Most other countries' economy has shrunk, with some losing more than 9% of their gross domestic product (GDP). Overall, the global economy is expected to contract by at least 4% in 2020, putting an additional 150 million people in poverty, according to the World Bank..

The pandemic's economic effects have been especially high for piracy-prone countries, and pre-COVID economic realities in many of these countries almost probably indicate shorter recovery times.

'To gather recruits, acquire support, and find shelter, criminals, pirates, and terrorists take advantage of poverty and desperation. To combat these risks, we must raise public awareness and educate people, particularly young people, while also offering different support and livelihoods for local businesses,' said Ghada Waly, Executive Director of the United Nations Office on Drugs and Crime. (Dunsavage, 2021)

6.3.3 Increase in shipping (during COVID-19)

According to UNCTAD's Review of Maritime Transport 2021 issued on the 18th of November, the COVID-19 pandemic's impact on maritime trade volumes in 2020 has been less severe than previously projected, but its knock-on consequences will be far-reaching and might revolutionize maritime transport.

The maritime commerce fell by 3,8 percent in 2020 as a result of an initial shock, but it recovered later in the year and is expected to grow by 4,3 percent in 2021. The medium-term prognosis for marine trade is upbeat, but there are 'increasing risks and uncertainties'. (UNCTAD, 2021)

While acknowledging the newly formed recovery, the unprecedented pressures on global supply chains, significant spikes in freight rates, significant price increases on the horizon for consumers and importers, and potential shifts in market structure due to trade tensions and the quest for greater resilience are all on the horizon.

6.3.3.1 Economical rise

Container shipping supply restrictions are also causing havoc with maritime transit and trade. While new ship orders fell by 16 percent in 2020, continuing a decreasing trend from prior years, shipping companies replied to capacity constraints in 2021 by placing a surge of new orders.

According to the research, shipping companies benefited from rising freight costs, as surcharges, penalties, and rates were temporarily raised even higher after the container ship Ever Given closed the Suez Canal in March 2021. (UNCTAD, 2021)

According to the report, rising container shipping costs have been a difficulty for all traders and supply chain managers, but particularly for smaller shippers, who would be less able to

absorb the additional cost and hence have a disadvantage while negotiating rates and booking space on vessels.

The analysis shows that if the current jump in container freight rates continues, both import and consumer prices will skyrocket. According to UNCTAD²⁹'s study, worldwide import prices will rise by an average of 11% as a result of the freight rate increases, whereas SIDS that rely on maritime transit for their imports might see rises of up to 24%. (UNCTAD, 2021)

6.3.3.2 The mega vessel trend

According to the paper, the pandemic has hastened megatrends that could change maritime transportation in the long run.

It has accelerated digitalization and automation, resulting in increased productivity and lower costs. However, according to UNCTAD, the shipping industry is grappling with adapting to climate change and resilience, as well as the urgent need to decarbonize and seek different fuels to cut emissions, which will undoubtedly come at a cost.

'By highlighting the weaknesses of current supply chains, the COVID-19 disturbance has heightened the need for resilience and reignited the discussion about globalization and future supply chains,' UNCTAD's director of technology and logistics Shamika N. Sirimanne stated. (UNCTAD, 2021)

Meanwhile, the pandemic has boosted e-commerce, which has changed consumer buying behaviour and spending patterns and fuelled demand for digitally connected distribution and warehousing facilities that provide value-added services. This could open up new commercial prospects for shipping and ports.

²⁹ United Nations Conference on Trade and Development

7. Conclusions

This Master's Final Project aimed to find an answer to the question whether or not the Asian anti-piracy legislation is more effective than the European anti-piracy legislation and if it could be applied within Europe. Furthermore it investigated the effect of the COVID-19 pandemic upon the piracy incidents.

This research shows that the actions taken against piracy have been very important but none the less they are still insufficient to be able to suppress piracy. However it also became clear that piracy will never a hundred percent be banned, especially when poverty remains existing in the world.

The cost of piracy related to the insurance and claims is estimated to be about 11.2 billion euros each year, and the effects of the piracy incidents increase each year. The number of piracy attacks might not always be more numerous but nonetheless the effect of the attacks has become bigger, either the economical effect or the social effect. Also it has to be stated that the fact that there are still no clear and exact numbers of the piracy attacks that are happening. Each institute publishes different numbers, which leads to discrepancies. Until this is resolved completely there will be no clear image of the exact impact of the piracy attacks upon the world.

Europe is not clear about whether or not to patrol the African coasts since the way they have done it in the last decade, has not been effective and unambiguous. There has been no obligation for every European country and no collaboration between the countries. The first thing that should be done is establish a uniform set of rules within Europe on how to combat piracy and how much every country should collaborate. An option would be to base the level of collaboration upon the size of their navy and flags registered to their flag. Furthermore an operational protocol with solid standards and procedures should be devised and made available. Even while the psychological impact of piracy on seafarers and their families is becoming more understood, little research has been done on the impact of kidnapping for ransom on the primary and secondary victims. This topic should be investigated, with a focus on the impact of piracy on hostages taken from smaller vessels

One method toward combating piracy is enacting domestic law that incorporates UNCLOS antipiracy measures. While the UNCLOS antipiracy laws have yet to be incorporated into Korean domestic law, Korea has effectively used its domestic

legislation to prosecute pirates, which is laudable. Despite the fact that piracy does not occur along the Korean coast, the Korean government has continued to play a vital role in building regional antipiracy operations, soft laws, and finances to combat piracy throughout Asia.

As mentioned before there are several reasons, in Africa, why the piracy keeps on occurring. It will be important to instruct African judges on how to handle piracy cases that come before them. Furthermore, in order to handle pirate cases, Africa's criminal justice system must be efficient and effective, notably in terms of reducing delays before and during hearings, providing enough court and detention facilities, and training officials.

Aside from the existing anti-piracy law framework, it is critical to have effective marine regulatory and security agencies that are well-equipped, well-trained, and well-motivated to combat piracy.

Furthermore, because African piracy is predominantly tied to land-based operations, it is critical that the country's onshore core causes of piracy be appropriately addressed. Elites who are corrupt should be apprehended and prosecuted. Aside from maintaining proper marine domain awareness throughout its coastline, Korea has decreased unemployment, reduced poverty, preserved hitch-free political activities, and fought corruption. This means that, while piracy may not happen off its coastline due to good surveillance, no onshore circumstances may motivate Koreans to become pirates. As a result, it is critical for Africa to address the country's onshore causes of piracy. Poverty, unemployment, violent political activities, resource control agitation, environmental damage due to oil exploration, and corruption, for example, should all be eradicated from the country. Since the COVID-19 pandemic this problem only has grown, since the economy collapsed so promptly and more people lost their job and have to earn their money in another way. Europe could play an important role in order to also tackle this aspect of the problem of the piracy incidents in Africa.

The development of transnational cooperation between role players participating in the court process and negotiations for the release of piracy hostages should also be considered. It is necessary to create a global data base and system for proper reporting of all piracy events, that is easy in use and accessible. With also a uniform definition on what should be considered piracy.

Bibliography

Books, manuals, journals and articles:

- Acharya, U. D. (2014) Distinguishing between Piracy and Terrorism: Somalia and International Law. In: Multinational Maritime Security Centre of Excellence (Prepared by). *Global Maritime Security: New Horizons* (pp. 99-117), Istanbul: Turkish Naval Forces Printing Office
- Ahmad, M. R. (1997) The Financial Cost of Risk Management in the Straits of Malacca. In: H. Ahmad (ed.) *The Straits of Malacca: International Co-operation in Trade, Funding and Navigational Safety* (pp. 187-219). Malaysia: Pelanduk Publications.
- Al Jazeera. (2021, November 25). *Danish patrol kills four pirates in Gulf of Guinea: Navy*. News | Al Jazeera. Retrieved 2 April 2022, from <https://www.aljazeera.com/news/2021/11/25/danish-patrol-kills-four-pirates-in-gulf-of-guinea-says-navy>
- Alexander, L. (2021, December 2). *Petro-Piracy in West Africa & Poverty's Role*. BORGEM. Retrieved 6 February 2022, from <https://www.borgenmagazine.com/petro-piracy-in-west-africa/>
- Ashley Roach, J. (2005) Enhancing Maritime Security in the Straits of Malacca and Singapore. *Journal of International Affairs*, 59(1), pp. 97–116. Retrieved 9 March 2022, from <https://www.proquest.com/docview/220719493>
- Ashley Roach, J. (2010) Countering Piracy off Somalia: International Law and International Institutions. *The American Journal of International Law*, 104(3), pp. 397-416. Retrieved 10 March 2022, from https://www.researchgate.net/publication/297990447_Agora_Piracy_prosecutions_countering_piracy_off_somalia_International_law_and_international_institutions
- BBC (2008) Navies to tackle Somali pirates. BBC, 2. 6. 2008. [online] Available at: <http://news.bbc.co.uk/2/hi/africa/7432612.stm> [Accessed January 04, 2017].
- Beare, M. E. (2012). Piracy: History. In G. Berlusconi (Ed.), *Encyclopedia of Transnational Crime and Justice* (pp. 301–303). SAGE Publications. https://www.researchgate.net/publication/295086441_History_of_piracy

- Beekarry, S. (2012) Legal, Political and Strategic Initiatives of Mauritius, with Special Focus on Collaboration Between Developed and Developing Countries. In: B. N. Patel & H. Thakkar (eds.) *Maritime Security and Piracy: Global Issues, Challenges and Solutions* (pp. 2-6). India: Eastern Book Company.
- Bendall, H B (2010), "Cost of piracy: A comparative voyage approach", *Maritime Economics and Logistics*, 12(2): 178–195. Retrieved 11 February 2022, from <https://link.springer.com/article/10.1057/mel.2010.1>
- Bensassi, S. & Martínez-Zarzoso, I. (2012) How Costly is Modern Maritime Piracy to the International Community? *Review of International Economics*, 20(5), pp. 869- 883. Retrieved 19 February 2022, from <https://onlinelibrary.wiley.com/doi/abs/10.1111/roie.12000>
- Birchard, E. (2020). *Piracy in the Strait of Malacca*. https://theses.uibn.ru.nl/bitstream/handle/123456789/10228/Birchard%2C_Emma_Louise_1.pdf?sequence=1
- Brill. (2013, January). *DO 12927 Verdict*. Retrieved 9 May 2022, from <https://brill.com/view/journals/kjic/1/1/kjic.1.issue-1.xml?language=en>
- Bossong, R. (2013) *The Evolution of EU Counter-Terrorism. European security policy after 9/11*. London: Routledge. Retrieved from https://www.researchgate.net/publication/282717871_The_Evolution_of_EU_Counter-Terrorism_European_Security_Policy_after_911
- Bridget L. Coggins & James J. Kim, 'How Korea can Better Manage Maritime Piracy and Terror' *The Asian Institute for Policy Studies, Issue Brief*, 10 March 2014, 1-2. Retrieved from <http://en.asaninst.org/contents/how-korea-can-better-manage-maritime-piracy-and-terror/>
- BRS Brokers. (2019, January). *Schipbuilding*. https://www.brsbrokers.com/assets/review_splits/BRS-Review2019-01-Schipbuilding.pdf
- Bueger, C. (2016). Doing Europe: agency and the European Union in the field of counter-piracy practice. *European Security*, 25(4), 407–422. <https://doi.org/10.1080/09662839.2016.1236020>

- Chaikin, G. (2005) Piracy in Asia: International Co-operation and Japan's Role. In: D. Johnson & M. Valencia (eds.) Piracy in Southeast Asia: Status, Issues, and Responses (pp. 122-142). Singapore: ISEAS Publications.
- Chalk, P. (2000) *Non-military Security and Global Order: The Impact of Extremism, Violence and Chaos on National and International Security*. New York: St Martin's Press. Retrieved from http://iwansulistyo.info/wp-content/uploads/2020/03/Peter-Chalk-Non-military-Security-and-Global-Order_-The-Impact-of-Extremism-Violence-and-Chaos-on-National-and-International-Security-2000-1.pdf
- Daewon, O., & Richey, M. (2014). *Cooperation on Counter-Piracy in the Gulf of Aden among China, Korea, and Japan: Implications for Trilateral Security Cooperation in Northeast Asia*. The Korean Journal of Defense Analysis. <https://doi.org/10.22883/kjda.2014.26.1.006>
- Daxecker, U., & Prins, B. (2021). *Theoretical Framework*. Oxford Scholarship Online. Retrieved 12 May 2022, from <https://oxford.universitypressscholarship.com/view/10.1093/oso/9780190097394.001.0001/oso-9780190097394-chapter-3>
- DBpedia. (n.d.). *Cheonghae Unit*. Retrieved 29 April 2022, from https://dbpedia.org/page/Cheonghae_Unit
- Dunn, J. M. (2012) *Modern-Day Pirates*, MI, US: Lucent Books.
- Dunsavage, J. (2021, August 10). *Triple-I Blog | Piracy Is Still a Risk; Pandemic Hasn't Helped*. Insurance Information Institute. Retrieved 9 May 2022, from <https://www.iii.org/insuranceindustryblog/piracy-is-still-a-risk-pandemic-hasnt-helped/>
- Felter, C. (2021, May 20). *Al-Shabab*. Council on Foreign Relations. Retrieved 12 March 2022, from <https://www.cfr.org/backgroundunder/al-shabab>
- Filipec, O. (2017). THE EVOLUTION OF EU COUNTER-PIRACY POLICY. *European Journal of Transition Studies*, 5(1), 32–38. <https://www.journal-transformation.org/docs/EJTS%202017%20vol%20%205%20no%201.pdf#page=20>

- France Today (2008) *Sarkozy urges multi-lateral action to stop piracy at sea*. Tuesday, 16 September 2008.
- Fuchs, I. (2020). Piracy in the 21st Century: A Proposed Model of International Governance. *Journal of Maritime Law & Commerce*, 51(1), 1–4.
<https://heinonline.org/HOL/LandingPage?handle=hein.journals/jmlc51&div=4&id=&page=>
- Gikonyo, C. (2018). Rationalising the use of the anti-money laundering regime in tackling Somalia's piracy for ransoms. *Elsevier: Science Direct*, 52.
<https://doi.org/10.1016/j.ijlcrj.2017.11.004>
- Gottlieb, Y. (2017, May). *International cooperation in combating modern forms of maritime piracy: Legal and policy dimensions*.
<https://dare.uva.nl/search?identifier=6b47d888-cb94-4766-973a-213ad50dbfb2>
- Gottschalk, J. A. and Flanagan, B. P. (2000) *Jolly Roger with an Uzi: the rise and threat of modern piracy*. Annapolis, MD: Naval Institute Press. Retrieved 5 April 2022 from <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=2548&context=nwc-review>
- ICC International Maritime Bureau. (2020, January). *Piracy and armed robbery against ships*. https://www.icc-ccs.org/reports/2019_Annual_Piracy_Report.pdf
- IMO. (n.d.). *Piracy Reports*. IMO.ORG. Retrieved 18 April 2022, from <https://www.imo.org/en/OurWork/Security/Pages/Piracy-Reports-Default.aspx>
- IMO. (n.d.-b). *The Djibouti Code of Conduct*. IMO. Retrieved 6 June 2022, from <https://www.imo.org/en/OurWork/Security/Pages/Content-and-Evolution-of-the-Djibouti-Code-of-Conduct.aspx#:~:text=The%20Code%20of%20Conduct%20concerning,Maldives%2C%20Seychelles%2C%20Somalia%2C%20the>
- International Maritime Organization (2019) *Protection of Vital Shipping Lanes: Recent developments of the Cooperative Mechanism for the Straits of Malacca and Singapore (122nd Session, Agenda Item 14)*, London: International Maritime Organization. Retrieved from <https://www.imo.org/en/MediaCentre/MeetingSummaries/Pages/C-122-.aspx>

- International Maritime Organization (2020) Maritime Security and Piracy. Retrieved from: <http://www.imo.org/en/OurWork/Security/Pages/MaritimeSecurity.aspx>
- Interpol. (n.d.-a). *European Union Decision endorses central role of INTERPOL against maritime piracy off Somalia*. Retrieved 6 April 2022, from <https://www.interpol.int/es/Noticias-y-acontecimientos/Noticias/2010/European-Union-Decision-endorses-central-role-of-INTERPOL-against-maritime-piracy-off-Somalia>
- Interpol. (n.d.-b). *Maritime crime: The issues*. Retrieved 6 April 2022, from <https://www.interpol.int/Crimes/Maritime-crime/The-issues>
- Interpol. (n.d.-c). *Maritime crime: The Maritime Security Programme*. Retrieved 29 May 2022, from <https://www.interpol.int/Crimes/Maritime-crime/The-Maritime-Security-Programme>
- Interpol. (n.d.-d). *Maritime crime: Our response*. Retrieved 29 May 2022, from <https://www.interpol.int/Crimes/Maritime-crime/Our-response>
- Jacobsson, M. (2001) EU Presidency Statement – Piracy at Sea. In: Alexander, Y. and Richardson, T. B. (Eds.): *Terror on the High Seas. From Piracy to Strategic Challenge*. Oxford: ABC Clío, p. 468-473.
- Jamiola, D. R. Jr. (2009) *The Strait of Malacca Formula: Success in Counter Piracy and Its Applicability to the Gulf of Aden*. Newport, US: Naval War College. Retrieved from <https://www.hsdl.org>
- Kagan, J. (2021, July 25). *How Hawala Works*. Investopedia. Retrieved 1 May 2022, from <https://www.investopedia.com/terms/h/hawala.asp>
- Katsivela, B. M., Anele, B. K. K., & Mazzeo, B. J. (2021, July 13). Issue 8 Archives. *Maritime Safety and Security Law Journal*, 2021(8). Retrieved 10 February 2022, from <https://www.marsafelawjournal.org/issue/issue-8/>
- King, N. (2009) Germany extends anti-piracy mission off Somalia. Deutsche Welle, Retrieved 6 March 2022 from <https://www.dw.com/en/germany-extends-anti-piracy-mission-off-somalia/a-5031704>

- Kropf, A and P Sauré (2014), “Fixed costs per shipment”, *Journal of International Economics* 92(1): 166–184. Retrieved from <https://www.sciencedirect.com/science/article/abs/pii/S0022199613001001>
- L., A. (2021, February 27). *Yaoundé Code of Conduct, the backbone for maritime security*. LinkedIn. Retrieved 4 June 2022, from <https://www.linkedin.com/pulse/yaound%C3%A9-code-conduct-backbone-maritime-security-lucas-da-silva/>
- Leboeuf, C. (2015) *France's action against maritime piracy and the Contact Group on Piracy off the Coast of Somalia (CGPCS): interests, interactions and priorities*. Centre de Dorit Maritime et Océanique, Université de Nantes. Retrieved from <https://halshs.archives-ouvertes.fr/halshs-01130799/document>
- Lee, T. & McGahan, K. (2015) Norm subsidiarity and institutional cooperation: explaining the straits of Malacca anti-piracy regime. *The Pacific Review*, 28(4), pp. 529-552. Retrieved from https://www.researchgate.net/publication/276834925_Norm_subsiarity_and_institutional_cooperation_explaining_the_straits_of_Malacca_anti-piracy_regime
- *List of countries by Fragile States Index*. (2020). [Figure]. https://en.wikipedia.org/wiki/List_of_countries_by_Fragile_States_Index
- Liss, C., & Biggs, T. (2016). *Piracy in Southeast Asia: Trends, Hot Spots and Responses*. Taylor & Francis. Retrieved from <https://www.taylorfrancis.com/books/edit/10.4324/9781315545264/piracy-southeast-asia-carolin-liss-ted-biggs>
- Marine Digital. (n.d.). *Evolution of piracy at sea: pirates in maritime 2020*. Retrieved 15 March 2022, from https://marine-digital.com/article_pirates
- Murphy, M. N. (2007) *Contemporary Piracy and Maritime Terrorism: The threat to international security*. Oxon: Routledge.
- Nance, M. T., & Jakobi, A. P. (2012). Laundering Pirates?: The Potential Role of Anti-money Laundering in Countering Maritime Piracy. *Journal of International Criminal Justice*, 10(4), 857–880. <https://doi.org/10.1093/jicj/mqs035>

- Nurbiansyah, G. F., Abdulmani, L., Sujairi, S. M., and Wahab, N. H. A. (2019) The Pattern of Piracy in the Straits of Malacca 2000-2011: The Declining and Cooperation among Countries. Retrieved from https://www.academia.edu/39175285/The_Pattern_of_Piracy_in_the_Strait_of_Malacca_2000_2011_The_Declining_and_Cooperation_among_Countries
- Oxford Languages. (n.d.). *piracy noun - Definition, pictures, pronunciation and usage notes Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com*. Oxford Dictionaries. Retrieved 10 March 2022, from <https://www.oxfordlearnersdictionaries.com/definition/english/piracy#:~:text=piracy-,noun,c1%2C%20Transport%20by%20waterc1>
- Patel, B. N. (2012) Preface. In: B. N. Patel & H. Thakkar (eds.) *Maritime Security and Piracy: Global Issues, Challenges and Solutions* (pp. Preface). India: Eastern Book Company.
- Pike, J. (n.d.). *Korean Shipbuilding Industry*. Global Security. Retrieved 29 February 2022, from <https://www.globalsecurity.org/military/world/rok/industry-shipbuilding.htm>
- Rajesh, K. & Vasan, R. S. (2012) Dimensions of Global Maritime Piracy, Impact on Mercantile Marine Trade: A Study of Voyages of Indian Chemical Tanker M.T. Malhari Through Piracy Infested Waters. In: B. N. Patel & H. Thakkar (eds.) *Maritime Security and Piracy: Global Issues, Challenges and Solutions* (pp. 162-180). India: Eastern Book Company.
- Ramani, V. (2019) Troubled waters: piracy and maritime security in Southeast Asia. Retrieved from: <https://kontinentalist.com/stories/troubled-waters-piracy-and-maritime-security-insoutheast-asia>
- Ramon, O. (2019, December 27). *Justice suffers delay in Nigerian courts amidst plenty IT solutions (2)*. Punch Newspapers. Retrieved 9 March 2022, from <https://punchng.com/justice-suffers-delay-in-nigerian-courts-amidst-plenty-it-solutions-2/>
- Raymond, C. Z. (2007) Piracy in the waters of Southeast Asia. In: C. G. Kwa & J. K. Skogan (eds.) *Maritime Security in Southeast Asia* (pp. 62-77). Oxon: Routledge. Retrieved from

<https://books.google.fm/books?id=Y7F8AgAAQBAJ&printsec=frontcover#v=onepage&q&f=false>

- ReCAAP. (2016). *EXECUTIVE DIRECTOR'S REPORT*.
https://www.recaap.org/resources/ck/files/corporate-collaterals/Recaap_Executive%20Director---s%20Report_pdf.pdf
- ReCAAP (2020) Classification of Piracy and Armed Robbery against Ships Incidents. Retrieved from: https://www.recaap.org/classification_of_incidents
- Reuters. (2021, November 25). *Danish frigate kills four pirates in Gulf of Guinea*. Retrieved 6 April 2022, from <https://www.reuters.com/world/danish-frigate-kills-four-suspected-pirates-gulf-guinea-2021-11-25/>
- Reuters. (2022, January 7). *Denmark frees three suspected Nigerian pirates at sea, detains fourth*. Retrieved 29 March 2022, from <https://www.reuters.com/world/danish-frigate-releases-suspect-gulf-guinea-pirates-dinghy-2022-01-07/>
- Roehrig, T. (2019, December). *South Korea: The Challenges of a Maritime Nation*. The national bureau of Asian research.
<https://www.nbr.org/publication/south-korea-the-challenges-of-a-maritime-nation/>
- Sandkamp, A., Stamer, V., & Yang, S. (2021). Where has the rum gone? The impact of maritime piracy on trade and transport. *Review of World Economics*.
<https://link.springer.com/article/10.1007/s10290-021-00442-1#Sec2>
- Sandkamp, A., Stamer, V., & Yang, S. (2022, January 24). *The impact of maritime piracy on trade and transport*. VOX, CEPR Policy Portal. Retrieved 29 April 2022, from <https://voxeu.org/article/impact-maritime-piracy-trade-and-transport#:~:text=Besides%20the%20danger%20to%20the,water%20cannon%2C%20and%20other%20weapony>
- Sapre, S. S. (2012) Effect of Somalian Maritime Piracy on International; Business & Trade. In: B. N. Patel & H. Thakkar (eds.) *Maritime Security and Piracy: Global Issues, Challenges and Solutions* (pp. 190-204). India: Eastern Book Company.
- Shambaugh, G. A. D. R. M. E. (2022, March 9). *Why pirates attack: Geospatial evidence*. Brookings. Retrieved 9 March 2022, from

<https://www.brookings.edu/blog/future-development/2021/03/15/why-pirates-attack-geospatial-evidence/>

- Shortland, A. (2015) Can We Stop Talking about Somali Piracy Now? A Personal Review of Somali Piracy Studies. *Peace Economics, Peace Science, & Public Policy*, Vol. 21, No. 4, p. 419-431. Retrieved from <https://www.degruyter.com/document/doi/10.1515/peps-2015-0018/html>
- Stavridis, J. (2017) *Sea Power: The History and Geopolitics of the World's Oceans*. New York: Penguin Books.
- Stehr, M. (2004) *Piraterie und Terror auf See: Nicht-Staatliche Gewalt auf den Weltmeeren 1990 bis 2004*. Berlin: Verlag Dr. Koester.
- Stewart, D. (2002) *Piraten: Das organisierte Verbrechen auf See*. Hamburg: Marebuchverlag.
- The Telegraph (2009) *British yacht couple moved from land back out to sea by Somali pirates*. 30 Oct 2009. [online] Available at: <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/6465318/British-yacht-couple-moved-from-land-back-out-to-sea-by-Somali-pirates.html> [Accessed January 07, 2017].
- Tyrell, N. (2016) Making use of Secondary Data. In: N. J. Clifford, M. Cope, T. Gillespie & S. French (eds.) *Key Methods in Geography* (3rd Edition, pp. 519-536). London: Sage. Retrieved from <https://vdoc.pub/documents/key-methods-in-geography-23a9erudmee0>
- UNCTAD. (2021, November 18). *Maritime trade weathers COVID-19 storm but faces far-reaching knock-on effects*. Retrieved 16 May 2022, from <https://unctad.org/news/maritime-trade-weathers-covid-19-storm-faces-far-reaching-knock-effects#:~:text=The%20report%20shows%20that%20maritime,%E2%80%9Cmounting%20risks%20and%20uncertainties%E2%80%9D>
- United Nations. (2012, February 22). *Ransom money laundered by pirates affects stability in the Horn of Africa, says UNODC chief*. United Nations : Office on Drugs and Crime. Retrieved 3 April 2022, from

<https://www.unodc.org/unodc/en/frontpage/2012/February/ransom-money-being-laundered-by-pirates-affects-stability-in-the-horn-of-africa-says-unodc-chief.html>

- United Nations. (2015, 3 September). *Survey of maritime pirates spotlights poverty motive, threat of world's navies*. United Nations : Office on Drugs and Crime. Retrieved 28 March 2022, from <https://www.unodc.org/unodc/en/frontpage/2015/September/survey-of-maritime-pirates-spotlights-poverty-motive--threat-of-worlds-navies.html>
- United Nations. (2021a, December 3). *Unanimously Adopting Resolution 2608 (2021), Security Council Renews Authorization for International Naval Forces Fighting Piracy off Coast of Somalia | Meetings Coverage and Press Releases*. UN: Press. Retrieved 2 June 2022, from <https://www.un.org/press/en/2021/sc14717.doc.htm>
- United Nations. (2021b, December 7). *Somalia: Security Council adopts resolution to keep pirates at bay*. UN News. Retrieved 2 April 2022, from <https://news.un.org/en/story/2021/12/1107192>
- UNODC. (n.d.-a). *Global Maritime Crime Programme*. United Nations : Office on Drugs and Crime. Retrieved 2 April 2022, from <https://www.unodc.org/unodc/en/piracy/index.html?ref=menuaside>
- UNODC. (n.d.-b). *What to do about piracy?* United Nations : Office on Drugs and Crime. Retrieved 2 May 2022, from <https://www.unodc.org/unodc/en/frontpage/what-to-do-about-piracy-.html>
- US Committee on Foreign Affairs. (2011, June 15). - *GLOBAL MARITIME PIRACY: FUELING TERRORISM, HARMING TRADE*. Govinfo. Retrieved 6 May 2022, from <https://www.govinfo.gov/content/pkg/CHRG-112hrg66901/html/CHRG-112hrg66901.htm>
- van Hespen, I. (2016, June). *Developing the Concept of Maritime Piracy: A Comparative Legal Analysis of International Law and Domestic Criminal Legislation*. https://www.law.ugent.be/grili/sites/default/files/publication/pdf/estu_031_02_279-314_van_hespen_ijmcl.pdf

- Villacampa, F. (2021, October 29). *APROXIMACIÓN DELINCUENCIA MARÍTIMA* [Slides]. Blackboard.
https://ceu.blackboard.com/ultra/courses/_160497_1/cl/outline
- Von Hoesslin, K. (2012) Piracy and Armed Robbery at Sea in Southeast Asia: Organized and Fluid. *Studies in Conflict & Terrorism*, 35(7-8), pp. 542-552.
- Voytenko, M. (2020, April 16). *Unusual piracy attack on container ship*. FleetMon.Com. Retrieved 2 May 2022, from <https://www.fleetmon.com/maritime-news/2020/29425/unusual-piracy-attack-container-ship/>
- Wallner, M., & Kokoszkiewicz, A. (2019, September). *Maritime Piracy and Limitations of the International Law of the Sea* (No. 28). *Historia i Polityka*.
<https://doi.org/10.12775/HiP.2019.012>
- Wikipedia contributors. (2021, April 16). *Hittite navy*. Wikipedia. Retrieved 29 May 2022, from https://en.wikipedia.org/wiki/Hittite_navy
- Wikipedia contributors. (2022a, May 26). *Free Aceh Movement*. Wikipedia. Retrieved 1 June 2022, from https://en.wikipedia.org/wiki/Free_Aceh_Movement
- Wikipedia contributors. (2022b, May 28). *Hittites*. Wikipedia. Retrieved 29 May 2022, from <https://en.wikipedia.org/wiki/Hittites>
- Woodley, M. (2022, May 17). *Top 30 International Shipping Companies*. Mover Focus. Retrieved 9 April 2022, from <https://moverfocus.com/shipping-companies/>
- Young, A. J. & Valencia, M. J. (2003) Conflation of piracy and terrorism in Southeast Asia: rectitude and utility. *Contemporary Southeast Asia*, 25(2), pp. 269–283. Retrieved from
https://www.researchgate.net/publication/236761808_Conflation_of_Piracy_and_Terrorism_in_Southeast_Asia_Rectitude_and_Utility

Legislation, resolutions and agreements:

- BIMCO, ICS, IGP&I Clubs, INTERTANKO & OCIMF (2018) BMP5: Best Management Practices to Deter Piracy and Enhance Maritime Security in the

Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea. Retrieved from:
<https://eunavfor.eu/wp-content/uploads/2018/06/BMP5-PP.pdf>

- EMSA (2012) More power for EU Maritime Safety Agency to combat offshore pollution and piracy. Retrieved from: <http://www.emsa.europa.eu/news-a-press-centre/externalnews/item/1437-more-power-for-eu-maritime-safety-agency-to-combat-offshore-pollutionand-piracy.html>
- European Union. (2020, December 22). *EUR-Lex - 32008E0851 - EN - EUR-Lex*. Eur-Lex. Retrieved 4 June 2022, from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008E0851>
- House of Commons (2006) *Eight Report of Session 2005-06*. House of Commons Transport Committee. Retrieved from <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmtran/1026/1026.pdf>
- HC (2012) Piracy off the coast of Somalia. Foreign Affairs Committee – Tenth Report. House of Commons. Retrieved from: <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmcaff/1318/131807.htm>
- Joint Declaration (2012) ECSA and ETF Joint Declaration: Maritime Piracy off the Somali Coast. Retrieved from: www.ecsa.eu/files/Press/ECSA-ETF_Joint_Declaration.doc.
- Korean Law Research Institute. (2006, June 9). *Statutes of the Republic of Korea*. Korean Law Translation Center. Retrieved 9 February 2022, from https://elaw.klri.re.kr/eng_service/lawView.do?lang=ENG&hseq=22535
- Opinion of the European Economic and Social Committee on 'Maritime piracy: strengthening the EU response'. Retrieved 9 March 2022 from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52012IE1794>
- The Constitution of the Republic of Korea, No. 10, 29 October 1987, art 6 (1). Retrieved 10 March 2022 from <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/67127/98324/F2042155478/KOR67127%20English.pdf>

- UNCLOS. (1994, November). *Article 101 Definition of piracy*.
https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

Annex 1: List of abbreviations

ADPS: Act on Punishment for Damaging Ship and Sea Structures

BBC: British Broadcasting Corporation

b.c.e: before the common (or current) era

BIMCO: Baltic and International Maritime Council

BMP: best management practices

CA: Criminal Act

CFSP: Common Foreign & Security Policy

CPA: Criminal Procedure Act

CTCBP: Counter Terrorism Capacity Building Program

CTF: Combined Task Force

ECSA: European Community Shipowners' Associations

ect: Etcetera

EMSA: European Maritime Safety Agency

ETF: European Transport Workers' Federation

EU Council: European Council

GAC: Global Affairs Canada's

GAM: Gerakan Aceh Merdeka

GDP: Gross Domestic Product

GPS: Global positioning system

HLH : Hong Kong Luzon, Hainan

ICC: International Chamber of Commerce

IMB: International Maritime Bureau

IMO: International Maritime Organization

ISPS: International Ship and Port Facility Security Code

IUU: illegal, unreported, and unregulated

KCG: Korean Coast Guard

KMTC: Korea Marine Transport Company

KN: Korean Navy

MASE: Maritime Security Programme

NATO: North Atlantic Treaty Organization

NavFor: Naval Force

PSP: Port Security Project

ReCAAP: Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia

SUA: Suppression of Unlawful Acts

UN: United Nations

UNCLOS: United Nations Convention on the Law of the Sea

UNCTAD: United Nations Conference on Trade and Development

UNODC: United Nations Office on Drugs and Crime

USA: United States of America

USD: United States Dollar

WFP: World Food Programme

WMU: World Maritime University