Note on the Current Situation of International Regulations on Piracy and Some Challenges

Masashi TOMIOKA

I. Introduction

Piracy has long been subjected to regulations by the international community as the “enemy of mankind”. In recent years, the international community is confronted once again by the perplexing emergence of piracy. Incidents of piracy in the world have reached escalating levels of 410 cases in 2009, 445 cases in 2010, and 439 cases in 2011. Sixty seven percent of the cases have been concentrated in the Gulf of Aden off the coast of Somalia and in Southeast Asia. During the same three years period, cases of piracy off the coast of Somalia amounted to 218, 219 and 237 respectively, whereas those happening in Southeast Asia were counted at 46, 70 and 80. It has been an increasing trend in both cases.[1)]

Needless to say, the Gulf of Aden off the coast of Somalia is an important maritime route linking Europe to Asia in international trade and the Strait of Malacca is an important route linking Asia to the Middle East. Securing navigational safety in these seas may be considered a pressing issue not only for Japan but also for the world at large.

This paper is aimed at reviewing legal responses by the State and the international community up till now towards the issue of piracy, and identifying some challenges in these efforts.

II. Regulations on Piracy under Traditional International Law

First of all, it is necessary to examine how piracy was treated under traditional international law. It is a well-known fact that traditional maritime law adopted the flag-state principle which only grants jurisdiction over a ship on the high sea to the State whose flag is used by the ship concerned. But exception was made for the case of piracy. Even non-flag-

1）ICC International Maritime Bureau, Piracy and Armed Robbery against Ships, Report for the Period of 1 January−31 December 2011, January 2012, pp. 5−10. Piracy and Armed Robbery against Ships in Asia, Annual Report January−December 2011, ReCAAP Information Sharing Center, pp. 1−7.

states are granted the right to exercise jurisdiction in the case of piracy. Built on provisions of the 1958 Treaty on the High Seas, which codified the traditional law on the seas, the 1982 United Nations Convention on the Law of the Sea (UNCLOS) contains some provisions regarding piracy as will be introduced in the following paragraphs.

1. Features and Structure of Regulations under the UNCLOS

(1) Definition of Acts of Piracy

The UNCLOS defines acts of piracy as illegal acts of violence, detention or any act of depredation that meet the following four qualifications (Article 101). First, these acts must be committed by the crews or the passengers of a private ship or a private aircraft. Warship or government ship is excluded. But if the crews have mutinied and taken control of the warship or the government ship, acts of piracy committed afterwards are assimilated to acts committed by a private ship or aircraft (Article 102). Second, these acts must be committed for private ends. Therefore, acts of the State and politically motivated acts are excluded. Third, these acts must be committed on the high seas or in a place outside the jurisdiction of any state. Exclusive Economic Zone is included (Article 58, para. 2) but acts committed in internal waters or territorial seas of another state are excluded. Fourth, these acts must be committed against another ship or aircraft or persons or property onboard such ship or aircraft. Acts committed inside the same ship are not counted.

(2) Exercise of State Jurisdiction over Piracy

Any state may exercise the following jurisdictions against the individual who has committed acts of piracy mentioned above. First, regarding the power to enforce, if the warship of any state has sufficient evidence to support its suspect that a foreign ship is committing acts of piracy, the warship may exercise the right to visit (Article 110 para. 1 (a)). In addition, it may seize the pirate vessel, arrest individuals who committed the acts of

piracy and confiscate the related property (Article 105). Next, regarding the judicial power, courts of the seizing state may decide on the punishments to be imposed on, and measures to be taken against the ship, aircraft or property (Article 105).

(3) Limitations

Features of the traditional regulatory framework against piracy mentioned above are concomitantly displaying limitations. First is the limitation of jurisdiction exercisable by non-flag-state. This jurisdiction is confined to acts committed "on the high seas" or "in a place outside the jurisdiction of any state". Many contemporary acts of piracy have been committed in waters not part of the high seas, such as internal waters or territorial seas connecting more than one state. In these cases, traditional regulatory framework against piracy is not applicable. Piracy and its countermeasures in maritime territories within state jurisdictions, such as internal waters and territorial seas, etc., are presumed to take place in the relevant coastal states. However, it is impossible to expect effective countermeasures against piracy to take place in states that do not have the will and the capacity to do so.

Second, acts of piracy have to be acts committed by a private ship against another ship for private ends. Therefore, acts of violence on seas which are politically motivated or in the form of illegal hijacking of a ship by the crews or passengers of the same ship are not subject to application of this traditional regulatory framework.[2)]

Third, at a more fundamental level, exercise of universal jurisdiction by a state, other than the flag state, against a pirate vessel is provided as the "right" and not the "obligation" of the state concerned. This is problematic. The UNCLOS provides for the obligation to cooperate in order to repress piracy (Article 100). However, the international legal obligation of a state

2) The Achile Lauro case of 1985 showed the problem of limits in the concept of piracy due to the absence of these two requirements. As a result of that incident, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation was adopted for the purpose of addressing such case.

to exercise jurisdiction over piracy does not emerge from this provision. Effective regulations against piracy have to depend on the legislative and other endeavors of each state. It is possible to classify main national legal systems regarding anti-piracy acts into three categories; The first category consists of states (such as Japan, Holland, Russia) that adopt legal provisions to define and punish piracy. The second category is the state (such as England) that adopts legal provision on punishing the acts of piracy but does not have a definition for the acts of piracy. The third category is made of states (such as Germany and Korea) which do not have legal provisions specifically on the punishment of acts of piracy per se, but apply relevant criminal provisions in dealing with them. Even states that have national law on the punishment of acts of piracy would mostly deal with or punish these acts on the condition that such acts infringe upon their national interests or are connected to the states themselves.[3] Under such circumstances, Japan has changed its policy and adopted a national legal mechanism regarding piracy, based on the universalist principle that does not tie legal actions to the precondition of national legal interests. Since this may be seen as a good precedent in terms of anti-piracy legislation, the following section will introduce more about this new development.

2. Adoption of Japan's Law on Punishment of and Measures against Acts of Piracy

(1) Background

Japan enacted the "Law on Punishment of and Measures against Acts of Piracy"[4] in 2009. Until then, there was no special law in Japan on

3) Masataka Okano, "*kaizoku torishimari ni kansuru kokusaiteki torikumi* (International Arrangements Related to Measures Against Piracy)", *Kokusai Mondai (International Affairs)*, No. 583 (2009, 7・8), pp. 36−37.

4) *Kaizokukoui no syobatsu oyobi kaizokukoui eno taisyo ni kansuru houritsu*, Act No 55, June 24, 2009, entered into force on July 24, 2009. An English translation is available at http://www.sof.or.jp/jp/topics/09_11.php.. For the significance of the adoption of this Law, see Akio Morita, "Piracy Jure Gentium Revised − For Japan's Future Contribution −," Japanese Yearbook of International Law, Vol. 51 (2009), p.

acts of piracy. Acts of piracy were punished whenever these acts violated the criminal law of Japan, but despite the jurisdiction granted under the international law, acts of piracy over which Japan has no personal or territorial jurisdictions, i.e. acts of piracy committed by foreigners on the high seas against foreigners, could not be punished because there were no legal grounds for such punishment under the national law.[5)]

The change in Japan's policy this time may be caused by two reasons. The first reason was because of the increasing harms caused by piracy to the world in recent years. Many ships associated with Japan were victimized. There were social needs, mainly involving the shipping business, calling for national legislative enactment and effective measures against piracy. The other reason was the change in Japan's national maritime policy seeking to construct a comprehensive system. This was manifested in the enactment of Japan's "Basic Act on Ocean Policy"[6)] in 2007.

In stating the legislative purpose of this Law, the first Article states that "securing safe maritime navigation of vessels... is of vital importance to the economy, society and people lives in Japan" and refers to the provision of the UNCLOS that "all states shall co-operate to the fullest possible extent in the repression of piracy on the high seas", (Article 1). It also provides for "the active promotion of efforts to secure safety of the seas" (Article 3), and efforts "to take necessary measures for these purposes" (Article 21).

(2) Contents

This Law adopts a definition of piracy almost in complete conformity

76 et seq..

5）In 1934, there was a case in Japan where prosecution against an act of piracy committed by a German against a Chinese vessel was dropped for the reason that there was no applicable law to punish piracy. (Takeo Sogawa, Sigeru Oda (ed.), "*Nihon no saibansho niyoru kokusaiho hanrei (International Law Cases by the Japanese Courts)*", Sanseido, (1991), p. 130.)

6）*Kaiyou Kihon Ho*, Act No. 33 of April 27, 2007, entered into force on July 20, 2007. An English translation is available at http://www.kantei.go.jp/jp/singi/kaiyou/about 2.html.. For comprehensive discussions about the background, contents and significance of this Law, see Naoya Okuwaki, "The Basic Act on Ocean Policy and Japan's Agendas for Legislative Improvement," *Japanese Yearbook of International Law*, Vol. 51 (2008), p. 164 et seq..

with the UNCLOS, by incorporating the “two separate vessels” and “private ends” requirements (Article 2). It defines acts of piracy as acts committed by crew or passenger of a ship (except for warships and other government ships) for private ends on the high seas (including exclusive economic zone) or territorial seas as well as internal waters of Japan, in order to seize or take control of the operation of another ship, or rob the property on board another ship, in navigation. It differs from the UNCLOS at its inclusion of acts of piracy in territorial seas and internal waters and its exclusion of acts of piracy by means of aircrafts. Then there are provisions on criminal punishment for people who committed acts corresponding to the defined elements of piracy (Articles 3, 4). Based on this definition, the Law excludes acts of unlawful hijacking of a ship by its own crew or passengers already onboard.

According to this Law, the Japan Coast Guard is the main agency to deal with piracy. However, in case of special needs, it provides for the intervention by the Self-Defense Forces (Articles 5−8). As a result of this Law, Japan is granted the legal ground pursuant to its national law to exercise universal jurisdiction over piracy which had until then been only insufficiently addressed by the criminal provisions. Japan has been sending its self-defense navy forces to deal with piracy off the coast of Somalia. She would not have been able to do so without referring to this Law.

III. Development of Regulations on Contemporary Piracy

The traditional anti-piracy regulatory formula of the UNCLOS introduced above clearly has its limits in dealing with current incidents of piracy. The international community is initiating new efforts to address these limits. The following paragraphs will examine these new efforts in the seas of Southeast Asia and Somalia, where incidents of piracy have been increasing.

1. Efforts Targeting the Seas of Southeast Asia

Many cases of piracy in the seas of Southeast Asia take place in Indonesia, Malaysia, and the Malacca and Singapore Straits. However, in order to address acts of piracy in these seas, particularly the Malacca and Singapore Straits which are important routes for transportation in the seas, international law is confronted by some technical limits. That is because these two areas are almost exclusively made up of territorial seas of the coastal states. Moreover, geographical nature of the areas also led to complicated tangles among many states. Therefore, with regard to acts of piracy in these straits, states other than the flag states cannot exercise the universal jurisdiction in the way they would do with acts of piracy on the high seas. All have to rely on the coastal states' exercise of their jurisdiction to regulate. In other words, so long as the traditional principle of regulation remains to be heeded, establishment of a regulatory system based on the cooperation with states concerned, primarily the coastal states, for the sake of effective countermeasures, is indispensable in order to repress piracy in these seas. One remarkable development in this aspect is the conclusion of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). This was a result of the Japanese initiative seeking to enable the navigation of ships in these seas. It presents a highly interesting example of contemporary anti-piracy measures.

(1) Background

Facing the increasing cases of piracy in the Southeast Asia, APEC, ASEAN and ASEAN Regional Forum (ARF), etc., have taken up discussions about countermeasures. There have been suggestions of various methods to strengthen cooperation for the sake of fighting piracy in Asia, through the "Tokyo Appeal",[7] "Asia Anti-piracy Challenges 2000"[8] and

7）Tokyo Appeal, International Conference of All Maritime Related Concerns, Both Governmental and Private, on Combating Piracy and Armed Robbery against Ships, 28−30 March 2000, Tokyo.

8）Asia Anti-Piracy Challenges 2000, Regional Conference on Combating Piracy and

"Tokyo Model Action Plan".[9] The ReCAAP was adopted in Tokyo in 2004 by ASEAN member countries, some South Asian countries including India, plus China and Korea, in order to tackle the issue of piracy in Asia more effectively. The Agreement came into force on September 4, 2006.[10]

(2) Contents

This Agreement targets both "acts of piracy" and "armed robbery against ships". With regard to the former, the Agreement applies UNCLOS' definition of "acts of piracy", but the latter referring to acts of violence committed in "a place within a Contracting Party's jurisdiction over such offences", including territorial seas and internal waters, is not subjected to UNCLOS regulations. Also, acts of violence committed by offenders using an aircraft are targeted by this Agreement, but armed robbery against an aircraft is excluded from the application of this Agreement (Article 1).

As a general obligation, the Contracting Parties make every effort, in accordance with their national laws and regulations and applicable rules of international law, to take effective measures in preventing acts of piracy and armed robbery against ships, arresting those who committed these acts, seizing ships or aircrafts used in these purposes, and rescuing the victims (Article 3).

Under this Agreement, an Information Sharing Center based in Singapore has been established to promote close cooperation among Contracting Parties in preventing and suppressing piracy and armed robbery against ships (Article 4). The Center collects, manages and analyzes information related to piracy and armed robbery against ships among the Contracting Parties, and if necessary, provides appropriate alert to the Contracting Parties (Article 7). A Contracting Party may request another Contracting

---

Armed Robbery against Ships, 27−29 April 2000, Tokyo.

9) Model Action Plan, Regional Conference on Combating Piracy and Armed Robbery against Ships, 27−28 April 2000, Tokyo.

10) On its content and preparatory work, see M. Hayashi, "Introductory Note to the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia," ILM, vol. 44 (2005), p. 826 et seq..

Party, through the Center or directly, for cooperation in detecting victim ships, arrest of persons who committed these acts, seizing pirate ships, and rescuing victims (Article 10). Contracting Parties which received such request must make every effort to implement it (Article 11).

With regard to extradition, a Contracting Party shall, subject to its national laws and regulations, endeavor to extradite pirates or persons who have committed armed robbery against ships in its waters, to the other Contracting Party which has jurisdiction over these pirates or persons, at the request for extradition of that Contracting Party (Article 12). In addition, the Contracting Parties shall endeavor to render mutual legal assistance in criminal matters if necessary (Article 13).

Each Contracting Party shall also endeavor to cooperate to the fullest possible extent with other Contracting Parties, for the purpose of enhancing the capacity of Contracting Parties to prevent and suppress piracy and armed robbery against ships (Article 14).

(3) An Appraisal

This Agreement seeks to retain the fundamental structures of the UNCLOS with regard to piracy regulations (Article 2) but expands its coverage to “armed robbery against ships” in territorial seas and internal waters. This is an attempt to address piracy in the Southeast Asian seas. The gist consists of establishment of an information sharing center to promote exchange of information among countries, and on that basis, the efforts to strengthen cooperation among coast guard agencies of all countries. These efforts include the cooperation to rescue victims (victim ships) and to conduct crime investigation, and also the development or strengthening of the capacity of all countries to deal with piracy. This is an epochal experience in terms of developing a regional cooperation framework for countermeasures against piracy. Up till the current moment in 2012, Contracting Parties to this Agreement consist of 14 Asian countries, including Singapore, Japan, Vietnam and 3 European countries, with Norway being one of them. The total number of Contracting Parties now

is therefore 17. However, Malaysia and Indonesia, the two main countries in the ASEAN region, have not yet acceded to it. These two countries are not very active in regional cooperation with regard to the issue of piracy, mainly for the reason of protecting their territorial sovereignty. Developing an efficient anti-piracy measure that can respond to the concerns of these countries is an issue for further consideration.

2. Efforts Targeting the Seas Off Somalia

The fact that cases of piracy in the seas of Somalia cannot be dealt with simply by using the traditional framework makes these cases rather similar to incidents of piracy in the seas off the Southeast Asian coasts. However, the cases in the seas off Somalia hold some special features which are different from other regions. One of these features is the malicious nature of the crimes involving heavily armed pirates and the acts of holding the crew as hostages in demand for ransom, etc.. But the most distinguishable aspect of this region is that the coastal State Somalia is a failed state. One cannot expect any effective regulation against the acts of piracy there. Since 1991, Somalia has lapsed into a situation where there is no central government control. The Northeastern part of the territory declares itself a “Puntland” autonomous territory. In 2004, the Transitional Federal Government was established, but it has not been able to extend its rule effectively to the whole territory.

Against this political background, measures to address piracy off the seas of Somalia have had to be something innovative and different from other existing approaches. For this very reason, anti-piracy activities have been legally based on resolutions of the UN Security Council. This may be considered an example of a new approach towards the issue of piracy addressed by the international community. The following paragraphs will examine this new phenomenon in some details.

(1) UN Security Council Resolution 1816 (2008)

The UN Security Council unanimously adopted the Resolution 1816 (2008) on Somalia on June 2, 2008. The resolution, in its Preamble, takes into account the crisis in Somalia and the lack of capacity of the Transitional Federal Government (TFG) to cope with it, and takes notes of the TFG's request for international cooperation to address the problem. It determines that the incidents of piracy and armed robbery against ships in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region. Acting under Chapter VII of the UN Charter, it denounces acts of piracy and armed robbery against ships (Para. 1), and urges states engaging in activities off the coast of Somalia to be vigilant to, and share information about, acts of piracy and armed robbery against ships, and to render assistance to the victim ships (Paras. 2, 3). The Council also decides that for a period of six months from the date of adoption of this Resolution, States cooperating with the TFG in the fight, for which advance notification has been given to the UN Secretary General, may (a) enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and, (b) use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery against ships (Para. 7). Meanwhile, the resolution affirms that the authorization provided therein applies only with respect to the situation in Somalia and shall not affect the rights, obligations or responsibilities of Member States under international law, with respect to any other situation; and underscores in particular that it shall not be considered as constituting any customary international law (Para. 9). This was particularly stated by Indonesia, expressing her concerns about any possible impacts on territorial waters of the country. In addition, the Resolution calls upon all relevant States, including flag States, port

States, States of the nationality of victims and perpetrators, to cooperate in determining jurisdiction and in the investigation and prosecution of offenders (Para. 11).

(2) UN Security Council Resolution 1846 (2008)

This resolution was adopted unanimously on December 2, 2008.

At the time of adopting the resolution, the acts of piracy and armed robbery against ships in Somalia remained unsettled. Since the UN Security Council Resolution 1816 set a six-month permission period for actions to be taken under it, this new Resolution 1846, following the position of the earlier Resolution 1816, decided to extend the authorization for enforcing agencies to enter into the territorial waters of Somalia and taking all necessary means to repress acts of piracy and armed robbery against ships as permitted by the Resolution 1816, for another period of twelve months from the date of this new Resolution 1846 (Para. 10). In addition, this resolution includes new provisions to enable States and regional organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and the relevant international law, by deploying naval vessels and military aircraft, and through seizure and disposition of ships and arms etc., used in the commission of piracy and armed robbery, or for which there is reasonable ground for suspecting such use (Para. 9). With regard to the prosecution and punishment of offenders, the resolution also makes reference to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (“SUA Convention”), urging States parties to the SUA Convention to fully implement their obligations regarding prosecution and punishment of offenders under the Convention and cooperate with the Secretary-General and the IMO to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia (Para. 15).

(3) UN Security Council Resolution 1851 (2008)

This resolution was adopted unanimously on December 16, 2008.

Whereas the two previously mentioned resolutions are applicable in the territorial waters of Somalia and on the high seas off the coast of Somalia. Resolution 1851 expands the scope of counter-piracy operations by relevant States and regional organizations to include locations inside Somalia, for the purpose of effective repression of piracy. In other words, for a period of twelve months from the date of adoption of resolution 1846, States and regional organizations for which advance notification has been provided by the TFG to the Secretary-General may undertake "all necessary measures that are appropriate" in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea pursuant to the request of the TFG (para. 6). However, any measures undertaken pursuant to the authority of this paragraph shall be consistent with applicable international humanitarian and human rights law (second half of paragraph 6).

Moreover, this resolution invites all States and regional organizations fighting piracy off the coast of Somalia to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials ("shipriders") from the latter countries to facilitate the detention, investigation and prosecution of persons who have committed acts of piracy and armed robbery at sea off the coast of Somalia (para. 3). By doing this, the resolution is aimed at securing the prosecution and punishment of those who actually committed these crimes. Besides, it is also worth noticing that this resolution encourages all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact (para. 4), and to create a centre in the region to coordinate information relevant to piracy and armed robbery at sea off the coast of Somalia (para. 5). The latter may have been included as a result of reflecting the ReCAAP regional agreement regulating the operations in the seas off Southeast Asia.

(4) Appraisals

How could these UN Security Council Resolutions be evaluated from the perspective of the development of international law with regard to piracy regulation? What should be confirmed here is that although resolution 1816 identifies “a threat to international peace and security” and decides to take measures under Chapter VII of the UN Charter, this does not mean that acts of piracy and armed robbery at sea have been considered “a threat to international peace and security”. What constitutes “a threat to international peace and security” is the “situation in Somalia” and not the piracy itself. This is also clearly reflected in the fact that authorization under this resolution is based on the prior consents of the TFG and applicable only for the situation in Somalia, and that it does not particularly form any customary international law.

However, despite its being contextually limited as such, resolution 1816 permits States to use “all necessary means”, which were not permitted under the traditional international law, in order to suppress acts of piracy and armed robbery inside the territorial waters of another State. This resolution may exemplify a case of filling up the legal and institutional loopholes in dealing with contemporary piracy and armed robbery at sea and enabling a kind of response. Moreover, Resolution 1846 urges capable States and regional organizations to dispatch military vessels, etc., and participate actively in seizing and disposing of ships and arms used in the commission of piracy and armed robbery at sea. This aspect, together with the fact that many states are cooperating with this resolution, may give rise to some positive appraisals from the perspective of a concrete step in implementing the general obligation to cooperate in suppressing piracy as provided for by Article 100 of the UNCLOS.

IV. Conclusions

The increasing number of cases of piracy and the organized and grievous nature of the crime in recent years brings to light the limits of the existing

legal mechanisms used to cope with acts of piracy, and demands new responses from the international community to overcome the problem. The cases of Southeast Asia and the sea off the coast of Somalia reviewed above reflect the efforts of the international community in this direction.

Two aspects may be mentioned here as worth appraisal in these efforts. First is the expansion of areas to be subjected to regulations. In other words, in contrast to the traditional legal mechanism of which the application is confined to sea areas not within the jurisdiction of any state, the new efforts are building up a mechanism that covers also waters (and occasionally land territories) within the jurisdiction of a state. This is an indispensable move to effectively address contemporary acts of piracy. Second is the substantialization of the obligation to cooperate in order to suppress piracy. The establishment of a collaborative relationship based on the existing agreement framework in Southeast Asia and the similar efforts in the sea off the coast of Somalia based on the resolutions of the Security Council under Chapter VII of the UN Charter are mutually consistent in terms of giving substance to the obligation to cooperate in order to suppress acts of piracy, despite the fact that the two cases take on different cooperation frameworks as a result of the different situations in which they have taken place.

However, legal responses to contemporary piracy have just started recently. To end this short article, I would like to point out three issues which need further development in the building of a legal mechanism against piracy. First, since exercise of jurisdiction against piracy is fundamentally the right and not the obligation of the state, all states must prepare their own legal system to deal with piracy, exercise the universal jurisdiction in the high seas and adopt effective measures in their territorial waters. They must therefore promote further cooperation by acceding to international conventions which are aimed at realizing these efforts. Second, it is imperative to further strengthen the obligation to cooperate under the UNCLOS. Since it is excessively burdensome for each state to seize, prosecute and punish piracy which has no direct connection to her national interest, it is indispensable that developed countries that have

particularly the financial and technical capacity to do so be cooperative, so as to consolidate the obligation to cooperate. Furthermore, there should also be deliberations on the establishment of mechanisms to prosecute and punish piracy (for example, by entrusting it to international courts). Third, although this article confines its reviews only to acts of piracy, efforts to associate this problem with other conventions related to acts of violence at sea (such as the SUA Convention, etc.) are indispensable. They are both acts detrimental to maritime safety. Since in some cases these acts of violence cannot in fact be clearly distinguishable from acts of piracy, there may be a need to construct a unified legal system to deal with them altogether.