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MODERN PIRACY

Legal Challenges and Responses



Modern Piracy Legal Challenges And Responses

Kevin YL Tan



Modern Piracy Legal Challenges And Responses:

Modern Piracy Douglas Guilfoyle, 2013-01-01 A number of books dealing with piracy have been published in recent years. This book stands out by the breadth of its coverage which unusually and much to be welcomed includes detailed consideration of both public and private law. The book is also notable for the quality and range of expertise of its contributors who are not only leading experts in the field but a mixture of academic and practising lawyers. Robin Churchill, The University of Dundee, UK. Piracy once again is posing serious threats to international trade navigation and of course to the safety of seafarers. This collection of outstanding essays by outstanding scholars and practitioners examines the background to the re-emergence of piracy in South Asia East and West Africa and explores the complex legal and practical challenges which crafting effective responses has presented. It is quite simply essential reading for anyone who is seriously interested in understanding and responding to one of the most pressing problems of our time. Malcolm Evans, University of Bristol, UK. Modern Piracy is the first book to survey the law of maritime piracy from both public law and commercial law perspectives as well as providing a contextual overview of piracy in major hotspots. Topics covered include issues of international law, law enforcement, cooperation, private armed security, ransoms, insurance and carriage of goods by sea. It provides a comprehensive introduction to the range of legal issues presented by the modern piracy menace and will be of interest to scholars and practitioners alike. Benefiting from a wide range of international expertise, this book will be of interest to public international law academics, government legal counsel, maritime commercial law practitioners, international relations academics as well as anyone interested in transnational organised crime. **The Handbook of Security** Martin Gill, 2016-02-26 The substantially revised second edition of the Handbook of Security provides the most comprehensive analysis of scholarly security debates and issues to date. Including contributions from some of the world's leading scholars, it critiques the way security is provided and managed. **Maritime Security Cooperation in the Gulf of Guinea** Kamal-Deen Ali, 2015-07-28 In Maritime Security Cooperation in the Gulf of Guinea: Prospects and Challenges Kamal Deen Ali provides ground-breaking analyses of the maritime security situation in the Gulf of Guinea and its implications for shipping, energy security, sustainable fisheries as well as national and regional security. The book juxtaposes the growing strategic importance of the Gulf of Guinea against the rising insecurity in the maritime domain, especially from piracy. Ali points out key gaps in prevailing regional and international approaches to maritime security cooperation in the Gulf of Guinea and sets out several suggestions for combating piracy as well as other maritime security threats while effectively enhancing maritime security cooperation in the region. Routledge Handbook of Maritime Security Ruxandra-Laura Boşilcă, Susana Ferreira, Barry J. Ryan, 2022-07-25 This handbook offers a critical and substantial analysis of maritime security and documents the most pressing strategic, economic, socio-cultural and legal questions surrounding it. Written by leading international experts, this comprehensive volume presents a wide variety of theoretical positions on maritime security.

detailing its achievements and outlining outstanding issues faced by those in the field The book includes studies which cover the entire spectrum of activity along which maritime security is developing including piracy cyber security energy security terrorism narco subs and illegal fishing Demonstrating the transformative character and potential of the topic the book is divided into two parts The first part exhibits a range of perspectives and new approaches to maritime security and the second explores emerging developments in the practice of security at sea as well as regional studies written by local maritime security experts Taken together these contributions provide a compelling account of the evolving maritime security environment casting fresh light on theoretical and empirical aspects The book will be of much interest to practitioners and students of maritime security naval studies security studies maritime history and International Relations in general Chapter 13 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial CC BY NC 4.0 license

Routledge Handbook of Peace, Security and Development Fen Osler Hampson, Alpaslan Özerdem, Jonathan Kent, 2020-06-04 This Handbook offers a comprehensive examination of the peace security and development nexus from a global perspective and investigates the interfaces of these issues in a context characterised by many new challenges By bringing together more than 40 leading experts and commentators from across the world the Handbook maps the various research agendas related to these three themes taking stock of existing work and debates while outlining areas for further engagement In doing so the chapters may serve as a primer for new researchers while also informing the wider scholarly community about the latest research trends and innovations The volume is split into three thematic parts Concepts and approaches New drivers of conflict insecurity and developmental challenges Actors institutions and processes For ease of use and organisational consistency each chapter provides readers with an overview of each research area a review of the state of the literature a summary of the major debates and promising directions for future research This Handbook will be of much interest to students of peace and conflict studies development studies security studies and International Relations

Routledge Handbook of Naval Strategy and Security Joachim Krause, Sebastian Bruns, 2016-03-17 This new handbook provides a comprehensive overview of the issues facing naval strategy and security in the twenty first century Featuring contributions from some of the world's premier researchers and practitioners in the field of naval strategy and security this handbook covers naval security issues in diverse regions of the world from the Indian Ocean and the Mediterranean to the Arctic and the piracy prone waters off East Africa's coast It outlines major policy challenges arising from competing claims transnational organized crime and maritime terrorism and details national and alliance reactions to these problems While this volume provides detailed analyses on operational judicial and legislative consequences that contemporary maritime security threats pose it also places a specific emphasis on naval strategy With a public very much focused on the softer constabulary roles naval forces play such as humanitarian assistance disaster relief naval diplomacy maintenance of good order at sea the overarching hard power role of navies has been pushed into the

background In fact navies and seapower have been notably absent from many recent academic discussions and deliberations of maritime security This handbook provides a much desired addition to the literature for researchers and analysts in the social sciences on the relationship between security policy and military means on land and from the sea It comprehensively explains the state of naval security in this maritime century and the role of naval forces in it This book will be of much interest to students of naval security and naval strategy security studies and IR as well as practitioners in the field

Human Rights and the Dark Side of Globalisation Thomas Gammeltoft-Hansen, Jens Vedsted-Hansen, 2016-12-08

This edited volume examines the continued viability of international human rights law in the context of growing transnational law enforcement With states increasingly making use of global governance modes core exercises of public authority such as migration control surveillance detention and policing are increasingly conducted extraterritorially outsourced to foreign governments or delegated to non state actors New forms of cooperation raise difficult questions about divided shared and joint responsibility under international human rights law At the same time some governments engage in transnational law enforcement exactly to avoid such responsibilities creatively seeking to navigate the complex overlapping and sometimes unclear bodies of international law As such this volume argues that this area represents a particular dark side of globalisation requiring both scholars and practitioners to revisit basic assumptions and legal strategies The volume will be of great interest to students scholars and practitioners of international relations human rights and public international law

Risk and the Regulation of Uncertainty in International Law Monika Ambrus, Rosemary Rayfuse, Wouter

Werner, 2017-08-25 Increasingly international legal arrangements imagine future worlds or create space for experts to articulate how the future can be conceptualized and managed With the increased specialization of international law a series of functional regimes and sub regimes has emerged each with their own imageries vocabularies expert knowledge and rules to translate our hopes and fears for the future into action in the present At issue in the development of these regimes are not just competing predictions of the future based on what we know about what has happened in the past and what we know is happening in the present Rather these regimes seek to deal with futures about which we know very little or nothing at all futures that are inherently uncertain and even potentially catastrophic futures for which we need to find ways to identify conceptualise manage and regulate risks the existence of which we can possibly only speculate about This book explores how the future is imagined articulated and managed across the various fields of international law including the use of force maritime security international economic and environmental law and human rights It investigates how the future is construed in these various areas how the costs of risk risk regulation risk assessment and risk management are distributed in international law the effect of uncertain futures on the subjects of international law and the way in which international law operates when faced with catastrophic or existential risk

Counter-Piracy Law in Practice Jessica Larsen, 2023-03-03 This book is a socio legal study of counter piracy It takes as its case the law enforcement efforts after 2008 to suppress piracy off

the coast of Somalia Through ethnographic fieldwork the book invites the reader onto a Danish warship patrolling the western Indian Ocean for piracy incidents and into the courtroom in Seychelles where more than 150 suspects were prosecuted The aim is to understand how counter piracy worked in practice The book uses assemblage theory to approach law as a social process and places emphasis on studying empirical enforcement practices over analysing legal provisions This supplements existing scholarship on the legal aspects of counter piracy Scholarship has mainly examined applicable law governing counter piracy This book steps into the field to examine applied law Its methodology renders visible areas of legal ambiguity and identifies practices that suggest impunity and question legal certainty It thus contributes with new policy relevant knowledge for international security governance The relevance is one of urgency Counter piracy off Somalia has served as a governance paradigm which is replicated in other maritime domains Consideration of the implications for policy is therefore needed The book will be of interest to policy makers security practitioners and scholars who share a methodological commitment to practice

Security Privatization Oldrich Bures, Helena Carrapico, 2017-09-29 This book widens the current debate on security privatization by examining how and why an increasing number of private actors beyond private military and security companies PMSCs have come to perform various security related functions While PMSCs provide security for profit most other private sector stakeholders make a profit by selling goods and services that were not originally connected with security in the traditional sense However due to the continuous introduction of new legal and technical regulations by public authorities many non security related private businesses now have to perform at least some security functions This volume offers new insights into security practices of non security related private businesses and their impact on security governance The contributions extend beyond the conceptual and theoretical arguments in the existing body of literature to offer a range of original case studies on the specific roles of non security related private companies of all sizes from all areas of business and from different geographic regions

Geoeconomics and Geosecurities in the Indian Ocean Region Timothy Doyle, 2018-04-19 There are important changes in regional and global demographics ahead of us A profound rise in the number of citizens in the Indian Ocean Region in the next fifty years will have significant impacts on the state on the nature and operation of markets and the neo liberal framework they operate in and raise new challenges for regional security This book considers the insufficient dialogue between ever increasing and closer connections between geo economics and geo securities in the Indian Ocean Region and highlights some of the challenges This book takes a broader understanding of security than what is usually meant in more traditional security frameworks in politics and international relations Economic and politics are integrally and obviously related This book considers regional themes such as discourses around strategic competition models of regional cooperative security Indian Ocean Region domestic economies contexts and the military industrial complex and regional models of identity and cultural belonging Regions and regionalisms are increasingly being used to challenge power and the existence of any uniform model

of macro politics and macro economics whether it be neo liberalism or otherwise Most importantly these discussions of region enable us to celebrate the similarities that we share as neighbours in a real geographical sense and to comprehend and respect these differences in these rich regional communities of markets cultures and securities This book was previously published as a special issue of the Journal of the Indian Ocean Region

The Oxford Handbook of the Law of the Sea
Donald R. Rothwell, Alex G. Oude Elferink, Karen N. Scott, Tim Stephens, 2015-03-26 Human activities have taken place in the world's oceans and seas for most of human history With such a vast number of ways in which the oceans can be used for trade exploited for natural resources and fishing as well as concerns over maritime security the legal systems regulating the rights and responsibilities of nations in their use of the world's oceans have long been a crucial part of international law The United Nations Convention on the Law of the Sea comprehensively defined the parameters of the law of the sea in 1982 and since the Convention was concluded it has seen considerable development This Oxford Handbook provides a comprehensive and original analysis of its current debates and controversies both theoretical and practical Written by over forty expert and interdisciplinary contributors the Handbook sets out how the law of the sea has developed and the challenges it is currently facing The Handbook consists of forty chapters divided into six parts First it explains the origins and evolution of the law of the sea with a particular focus upon the role of key publicists such as Hugo Grotius and John Selden the gradual development of state practice and the creation of the 1982 UN Convention It then reviews the components which comprise the maritime domain assessing their definition assertion and recognition It also analyses the ways in which coastal states or the international community can assert control over areas of the sea and the management and regulation of each of the maritime zones This includes investigating the development of the mechanisms for maritime boundary delimitation and the decisions of the International Tribunal for the Law of the Sea The Handbook also discusses the actors and intuitions that impact on the law of the sea considering their particular rights and interests in particular those of state actors and the principle law of the sea institutions Then it focuses on operational issues investigating longstanding matters of resource management and the integrated oceans framework This includes a discussion and assessment of the broad and increasingly influential integrated oceans management governance framework that interacts with the traditional law of the sea It considers six distinctive regions that have been pivotal to the development of the law of the sea before finally providing a detailed analysis of the critical contemporary issues facing the law of the sea These include threatened species climate change bioprospecting and piracy The Handbook will be an invaluable and thought provoking resource for scholars students and practitioners of the law of the sea

Assembling Exclusive Expertise Anna Leander, Ole Waever, 2018-07-06 This book looks at the worlding of the Global South in the process of assembling conflict resolution expertise Anna Leander Ole Waever and their contributors pursue this ambition by following the experts institutions databases and creative expressions that are assembled into conflict resolution expertise in the Global South Expertise shapes how conflicts in the Global South are understood and consequently

dealt with Yet expertise is always and necessarily exclusive The exclusivity of expertise refers both to the fashionable the sophisticated and what counts and also to the exclusion of some people or views Assembled from a wealth of competing knowledges expertise is always both knowledgeable and ignorant The ambition of the volume is to explore how this exclusive expertise is assembled and in what ways it is therefore knowledgeable and ignorant of knowledges in of the Global South This work will be of significant interest to advanced students and scholars of conflict resolution peace research mediation and international relations and scholars of expertise *Risk and the Regulation of Uncertainty in International Law* Mónica Ambrus, Rosemary Gail Rayfuse, Wouter G. Werner, 2017 International law is a system of rules and principles that regulates behaviour between international actors in the present but is based on what is expected to happen in the future This book explores how risk and uncertainty are imagined articulated and managed across the various fields of international law

Freedom of Navigation and Globalization Myron H. Nordquist, John Norton Moore, Robert Beckman, Ronán Long, 2014-10-09 Freedom of Navigation and Globalization offers a timely analysis of current issues in the Law of the Sea in six Parts Part I examines co operative measures taken within the Southeast Asia region to combat piracy and armed robbery against ships and the historical activities of the Republic of Korea navy in countering piracy Part II focuses on transnational threats including counter proliferation activities freedom of navigation Illegal Unreported and Unregulated IUU fishing and the regulation of private maritime security companies Part III consists of two essays on development in the Arctic Ocean The first updates the activities of the Arctic Council the second looks at cooperative measures taken by China Japan and Korea with respect to science in the Arctic In Part IV the topic of energy security and sealanes is taken up Institutional building within ASEAN is examined for maritime security in Southeast Asia Freedom of navigation is compared with the straight baselines of China in the South China Sea In the next essay cooperative efforts to enhance navigational safety and environmental protection in the Straits of Malacca and Singapore are explored Part V considers balancing marine environmental protection and freedom of navigation The European Union s Marine Strategy Framework Directive is reviewed The dispute settlement regime in UNCLOS and the 2001 International Law Commission Articles on the Responsibility of States for Internationally Wrongful Acts are analyzed for flag State responsibility for pollution violations The current mechanisms in the South China Sea marine environment are also evaluated Part VI discusses marine data collection in the context of its applicability to Part XIII of UNCLOS Attention is given to the various categories and their legal consequences The last paper in the volume outlines global challenges such as global warming rising sea level and changes in the ice over in the Polar Regions Hostages and Human Rights Sofia Galani, 2021-07-08 Hostage taking has increased in recent years and has become a problem of worldwide concern Terrorists and pirates have used hostages in a rising number of incidents and the violence used has escalated alarmingly Sofia Galani examines the taking of hostages from a victim s perspective arguing that the international community has failed to protect them By evaluating various international law concepts and frameworks

including jurisdiction in international law state responsibility and international human rights law Galani explains why we are still far from recognizing hostages as victims of human rights violations She then addresses the question of what can be done to safeguard the human rights of hostages both in theory and practice Being the first comprehensive study of the human rights of hostages this book fills a critical gap in the literature for human rights lawyers and researchers in the field

Transnational Organized Crime Staiano, Fulvia, 2022-07-15 This timely book provides a critical consideration of one of the most pressing matters confronting global and regional strategies for suppressing transnational organized crime today the question of the scope and rationale of States criminal jurisdiction over these cross border offences It shines a light on the complex challenges posed by transnational organized crime to international criminal law **Ocean Law and Policy** Carlos Espósito, James Kraska, Harry N. Scheiber, Moon-Sang Kwon, 2016-10-11 In the years since 1994 when the UN Convention on the Law of the Sea UNCLOS entered into force the ocean law regime has been profoundly affected by an interplay of new forces in global ocean affairs Numbered among them are innovations in technology and science the emergence of intensified piracy and other challenges to maritime security national and regional programs In *Ocean Law and Policy Twenty Years of Development under the UNCLOS Regime* experts from fourteen countries present nineteen papers that provide insightful analyses of these wide ranging issues that form the emerging new context of UNCLOS as a keystone to a working regime system Accessible as well as authoritative this volume offers to general readers as well as academics policy officials and legal experts a set of important analyses and provocative insights forming a major contribution to the literature of ocean studies

Asian Yearbook of International Law, Volume 19 (2013) Kevin YL Tan, 2019-07-01 Launched in 1991 the Asian Yearbook of International Law is a major internationally refereed yearbook dedicated to international legal issues as seen primarily from an Asian perspective It is published under the auspices of the Foundation for the Development of International Law in Asia DILA in collaboration with DILA Korea the Secretariat of DILA in South Korea When it was launched the Yearbook was the first publication of its kind edited by a team of leading international law scholars from across Asia It provides a forum for the publication of articles in the field of international law and other Asian international legal topics The objectives of the Yearbook are two fold First to promote research study and writing in the field of international law in Asia and second to provide an intellectual platform for the discussion and dissemination of Asian views and practices on contemporary international legal issues Each volume of the Yearbook contains articles and shorter notes a section on Asian state practice an overview of the Asian states participation in multilateral treaties and succinct analysis of recent international legal developments in Asia a bibliography that provides information on books articles notes and other materials dealing with international law in Asia as well as book reviews This publication is important for anyone working on international law and in Asian studies **Sovereignty, Statehood and State Responsibility** Christine Chinkin, Freya Baetens, 2015-02-12 This collection of essays focusses on the following concepts sovereignty the unique intangible and yet

essential characteristic of states statehood what it means to be a state and the process of acquiring or losing statehood and state responsibility the legal component of what being a state entails The unifying theme is that they have always been and will in the future continue to form a crucial part of the foundations of public international law While many publications focus on new actors in international law such as international organisations individuals companies NGOs and even humanity as a whole this book offers a timely thought provoking and innovative reappraisal of the core actors on the international stage states It includes reflections on the interactions between states and non state actors and on how increasing participation by and recognition of the latter within international law has impacted upon the role and attributes of statehood

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