Modern Piracy and International Law: Definitional Issues with the Law of the Sea

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Abstract

In recent years, piracy, particularly off the coasts of Southeast Asia and the Horn of Africa, has become a major problem for global shipping and maritime safety. Piracy is an international problem, as it takes place outside state jurisdiction and affects the nationals of many states. Yet international law has proven unable to provide a framework for an effective solution to this problem. This is due in part to two main flaws in the treatment of piracy under the major document in international law, the United Nations Convention on the Law of the Sea. These two problems relate to the definition of the act, limiting piracy to events on the high seas caused for private ends between two ships, and the universal jurisdiction granted over it. The policy and scholarly communities have proposed many emendations of international law to better suit the reality of modern day piracy, but as yet none of these have gained any traction. Piracy continues to grow and alter in response to state actions, and it is too soon to tell whether any of the recent anti-piracy initiatives will have the appropriate effect.

In recent years, piracy has leapt once again from the pages of the history books into the front pages of the newspaper. A phenomenon that fifty years ago had been assumed by many international legal scholars to have run its course by the early 1800s has returned to the world with increasing frequency. High profile incidents like the hijacking of the MV Maersk Alabama in April 2009, which ended with the rescue of Captain Richard Phillips by US Navy SEAL snipers, have called attention to the reality of modern day piracy. These events bring fresh attention to the Horn of Africa region in particular, an area rife with pirate events and a maritime area with high strategic importance.

The 2009 Annual Report by the International Maritime Bureau’s (IMB) Piracy Reporting Centre indicates that piracy and armed robbery at sea remains prevalent. The Centre reports 407 attacks globally in 2009, an almost 40% increase over 2008, with 137 of these attacks being attributed to Somali pirates alone (IMB 2010a). The trend continues unabated; the IMB reports 196 instances of piracy or armed robbery at sea in the first half of 2010 (IMB 2010b). Scholars of the law of the sea have pointed to two major problems in international law that prevent states from effectively combating piracy. The first of these is a definitional issue, as the definition of piracy contains both overly restrictive clauses about the space in which piracy can occur and overly vague ones as to what defines the crime itself. The second of these is a jurisdictional issue. International law classifies piracy as a crime of universal jurisdiction, meaning all states have the right to capture and try pirates as defined in law. However, it does not mandate that this be done, or provide guidelines for this process, despite the fact that almost without exception, pirate acts engender overlapping jurisdiction issues.

In contrast with international relations and security scholars (Hastings 2009 and Kraska 2009a,b; Wilson 2009) and law of the sea scholars (Dubner 1997; Murphy 2007; Treves
2009), few geographers have turned their attention directly to contemporary piracy. However, the study of piracy intersects with a growing body of literature on the geography of the sea (Geographical Review 1999, Professional Geographer 1999, Steinberg 2001; Journal of Historical Geography 2006, Peters 2010a) as well as more specific geographic work on the ship (Laloe 2010; Peters 2010b) including historic pirate ships (Hasty 2011), ocean mapping and hydrography (Lewis 1999; Wright 1999; Yanemoto 1999), maritime boundaries (Prescott 1986, 1996; Prescott and Schofield 2005; Rosenne 1996), and contemporary container shipping (Notteboom and Rodrigue 2009; Slack 1999; Slack et al. 2002). Additionally, because piracy occurs outside (or across) state borders, the study of piracy speaks to the broader literature on borders and borderlands, and how states act in securing these borders (see Brunet-Jailley 2007, 2011; Hale 2011; Newman 2006a,b and others in the special section in Geopolitics 2011).

Below, I consider first the definition of piracy and the four major clauses that inhibit states' ability to combat it. I then consider the problems of jurisdiction, which include conflicts with other international conventions and, in some cases, domestic law. I conclude by considering how the problems and concerns we see in the study of piracy have greater implications in other areas of geography.

A Brief History of Piracy

Historically, attacks on maritime commerce have taken three forms: Piracy (loosely defined as unauthorized attacks on a ship for profit), privateering (the practice wherein states authorize private ships to attack enemy ships during wartime), and reprisal (when states allow an individual to attack a foreign ship in response to an attack committed by other members of that nationality) (Ormerod 1967). Although this division appears straightforward, in fact it is difficult to apply, both because the three kinds of attacks so closely resemble each other and because this commonsense division matches unevenly with the formal definitions of international law.

Though piracy has been a problem for many societies, including that of the ancient Greeks and Romans, the heyday of piracy/privateering is usually considered to have occurred during the 17th and 18th centuries. This was the time of noted pirates such as Sir Francis Drake, who made a fortune for himself and Queen Elizabeth of Britain, and Sir Henry Morgan, who sacked the Spanish settlement of Panama City and later became lieutenant governor of the English colony of Jamaica (Lane 1998). Since there were constant eruptions of war between the European powers during this time, ships would be called into service as privateers to take ships in the name of their state. However, when the war would end, those same ships would continue to sack commercial transport, only now as pirates (Benton 2005). Thus, privateering, a resource for a state at war, was the breeding ground for piracy, a scourge to that same state in times of peace.

A reliance on pirates and privateering thus was causing problems for states. When pirates began to have a deleterious effect on trade, states took action against them, beginning with Britain in the early 18th century. This eventually led to the abolition of privateering under international law with the Declaration of Paris in 1856, since piracy as a problem could not be eradicated until privateering was no longer acceptable (Thomson 1994).

The legality (or illegality) of piracy thus was an evolving process. Benton (2005) indicates that pirates were both subject to municipal law and that their crimes were ill defined under international law. Pirates were themselves students of the law; they knew that they could be arrested for their deeds and worked hard to create a legal cover story
to protect themselves from punishment in court (Benton 2005, 2010). These endeavors were, however, meant to provide legal security within the context of domestic state law. It was not until the 20th century that the international legal community turned its sights on defining the crime of piracy.

**Defining Piracy in International Law**

The major piece of international law that defines behavior on the oceans is the 1982 United Nations Convention on the Law of the Sea (UNCLOS). However, this sweeping multilateral document is meant to deal with all issues of the sea, and thus devotes only a handful of its 320 articles to the problem of piracy. Moreover, at the time of its writing, piracy had not yet reemerged as a global problem, and so there was little incentive for states to devote much time or energy to negotiating anti-piracy laws (Murphy 2007). Thus, much of the text in UNCLOS on piracy is taken from the 1958 Convention on the High Seas; in fact, the definition of piracy provided in Article 101 of UNCLOS reproduced below is almost the exact same as the one given in Article 15 of the Convention on the High Seas.

\[
\text{Piracy consists of any of the following acts:} \\
\text{(a) any illegal acts of violence or detention, or any act of depredation, committed for private} \\
\text{ends by the crew or the passengers of a private ship or a private aircraft, and directed:} \\
\text{(i) on the high seas, against another ship or aircraft, or against persons or property on board} \\
\text{such ship or aircraft;} \\
\text{(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;} \\
\text{(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge} \\
\text{of facts making it a pirate ship or aircraft;} \\
\text{(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).} \\
\text{(UNCLOS 1982)}
\]

Legal scholars have pointed to four major areas of difficulty contained in UNCLOS: the ‘private ends’ restriction, the two-ship clause, the issue of reverse hot pursuit, and the locational specificity of ‘on the high seas’ (Azubuike 2009; Dutton 2010; Fokas 1996; Guilfoyle 2010; Halberstam 1988; Murphy 2007; Madden 2008–2009; Treves 2009).

**‘PRIVATE ENDS’**

Subparagraph (a) of Article 101 specifies that acts of piracy are ‘committed for private ends.’ As Halberstam (1988) points out, the term ‘private ends’ is not defined, making it difficult to interpret what exactly is meant. The clause itself was supposed to distinguish between acts of true piracy and acts of privateering, the historical practice of state-sponsored piracy outlawed in the mid 19th century (Azubuike 2009). Today the private ends clause is particularly important for cases of hijacking and terrorism at sea (Fokas 1996; Halberstam 1988; Murphy 2007). This was illustrated in the 1985 hijacking of the *Achille Lauro* by members of the Palestinian Liberation Front, which was a political action that did not seem to meet the requirement of being committed for ‘private ends.’ In response, states negotiated the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation to specifically outlaw hijacking (Dahlvang 2006).

The question of whether terrorist acts are committed for ‘private ends’ still remains, however. The Harvard Draft Convention of 1932, which was influential in the formulation of the various conventions that followed it, specifically states, “A pirate either
belongs to no state or organised political society or by the nature of his act he has shown his intention… to reject the authority of that to which is his properly subject” (Harvard 1932: 817–818). Most scholars believe that this means that terrorists who seek to influence state policy or claim state power cannot be pirates (Murphy 2007). This is despite the fact that terrorists commit acts of piracy in order to fund their campaigns, and use ships and piracy tactics to carry out terrorist attacks (Banlaoi 2007; Dahlvang 2006).

THE TWO-SHIP CLAUSE

According to UNCLOS, for piracy to occur, two ships must be involved in the process, with one ship hosting the pirates and the other containing potential piracy victims. This is often known as the ‘two-ship’ rule. The two-ship rule indicates further that instances like the Achille Lauro mentioned above are not instances of piracy, as in that case, the hijackers were already on board the ship and did not utilize a second ship in their actions (Constantinople 1985). Furthermore, every year there are many crimes against ships while in port that would not fall under the UNCLOS definition of piracy, due to the lack of involvement by a second ship. The two-ship clause was supposed to be a further guarantor that state-sponsored actions would not be considered pirate acts, by removing territoriality, as well as insuring that actions such as mutiny would not become international incidents. However, as the Achille Lauro case indicates, it also serves to limit what is considered piracy under international law.

REVERSE HOT PURSUIT

Hot pursuit is the ability of a state to pursue a pirate from its territorial waters into international waters. Reverse hot pursuit then is its opposite, the ability of a ship to pursue a pirate from international waters into a state’s territorial waters. According to Azubuike (2009), UNCLOS outlaws reverse hot pursuit, but Murphy (2007) claims that it may be permissible under customary international law. The questionable legality of reverse hot pursuit means that pirates may effectively escape any pursuers by simply retreating into a state’s territorial waters. This restriction exists because pirates are supposed to become state responsibility once within state waters, but this is particularly problematic in cases where the state is unable to fulfill their responsibility to capture and punish pirates. This makes pirates into active consumers of border protections, when the opposite was intended by the states that drafted UNCLOS, and provides geographers with a set of interesting examples concerning the intended and actualized role of state borders.

In the case of Somalia, special actions have been undertaken to prevent pirates from utilizing this loophole. The United Nations Security Council issued Resolution 1816 in June 2008, authorizing reverse hot pursuit into Somali waters for a period of one year (renewing this permission with Resolution 1897 the following year). However, the UN Security Council was careful to note that this permission was given by the Somali Transitional Federal Government, and that this was not to be seen as legal precedent on this topic (Treves 2009). So while the Security Council Resolutions are helpful in the specific instance of Somali piracy, they do not settle the larger legal issue.

‘ON THE HIGH SEAS’

The most important limitation within the UNCLOS definition of piracy is the restriction to actions taken on the high seas or outside state jurisdiction. UNCLOS divides the
ocean into differing zones of sovereignty, with waters from the coast to twelve nautical miles being territorial waters where states have sovereignty and the high seas consisting of areas where states did not have sovereignty. By limiting pirate action to that taking place on the high seas, any crimes of a similar nature that take place closer than twelve nautical miles to a state would not be considered piracy. As Dutton notes, though, “some commentators estimate that up to 70 percent of recent attacks have occurred in such territorial waters” (2010: 211). These attacks are often called ‘armed robbery at sea’, to distinguish them from piracy under international law (Treves 2009). The Piracy Reporting Centre, which maintains the best currently available data for piracy attacks, considers piracy and armed robbery at sea together, in order to maintain the largest possible database, but any actions inside of twelve nautical miles should not be considered piracy under international law.

The locational aspect of the definition is further complicated by the presence of Exclusive Economic Zone (EEZ) waters. EEZ waters cover an area of 12–200 nautical miles from shore, and provide states with sovereignty over the resources contained in these waters. EEZ waters thus are an area where states have less sovereignty than over territorial waters, but more than over the high seas. Thus, it is debatable to what extent EEZ waters represent an area ‘outside the jurisdiction of any State’. Article 58(2) of UNCLOS implies that piracy provisions should apply within the EEZ, but the exact status of the EEZ remains ambiguous (Murphy 2007). Many states have claimed sovereign rights of some kind over EEZ waters, including major powers such as China (Bateman 2007; Dahlveng 2006; Kraska 2009a). If sovereignty rights over EEZ waters expand in this way, it may be harder to consider them outside state jurisdiction. This problem speaks to the broader set of contradictions that emerge when the ocean is treated as a series of fixed jurisdictional zones when in fact its divisions, and their meanings, are continually being redefined (Steinberg 2011).

Many of the inconsistencies and ambiguities in UNCLOS’s definition of piracy can be traced directly back to the circumstances under which UNCLOS was written. There were many contentious issues that arose between states when discussing what should be incorporated into the law of the sea, and piracy was not seen as an issue that deserved particular attention in this environment. Piracy was seen as an historical crime, not a modern issue (Dubner 1997; Madden 2008–2009; Murphy 2007). The rise of modern piracy illustrates many of the inadequacies of the existing definition, and has led some scholars to call for a better one (Madden 2008–2009).

**Piracy and Jurisdiction**

The other major difficulty with piracy under international law is that of jurisdiction. International law provides five different principles under which states can claim jurisdiction over an event: territorial, nationality, protective, passive personality, and universal. The territorial principle gives a state jurisdiction over events in its territory, nationality principle over events committed by nationals, protective over events that may harm the state, passive personality over events where nationals are victims, and universal over events that are considered to be crimes against all nations.

Piracy is the original case of universal jurisdiction. All states are authorized under international law to try pirates for their crimes. This is because

**the major benefit of allowing any state to apprehend and prosecute pirates is readily apparent:** some form of naval presence is required in order to catch pirates at sea, but many states that
would otherwise have jurisdiction over an act of piracy … might not have naval forces capable of apprehending the offending pirates. (Madden 2008–2009: 141)

The definition of piracy in UNCLOS stated above is narrow precisely because piracy is a universal jurisdiction crime. Because the international community wanted to allow any state to prosecute alleged pirates, they had to create a definition of piracy that would be acceptable to all states and would not impinge on any state’s sovereignty. Thus, piracy can only happen ‘outside the jurisdiction of any state’ because under law it is a universal crime.

However, this does not mean that all states have to try pirates, and many choose not to do so. A reduction in the number of pirate attacks helps all states, but the states that choose to fight piracy bear high costs for doing so. That is to say, an ocean free of pirates is a common good that benefits all states, but obtaining that common good is an expensive process for those states which choose to guarantee it. Under international law, states are free to act as they feel best with regards to piracy. UNCLOS does not contain a provision on capturing and punishing pirates. It gives states permission to do so under universal jurisdiction, but it does not provide guidelines for these states nor even a mandate that they must take action (Azubuike 2009). It does call for states to cooperate, but does not set down enforcement mechanisms (Dutton 2010). Nor does it authorize an international court to hear piracy cases (Noyes 1990–1991). Instead, states have to incorporate anti-piracy laws into their domestic law to try pirates for crimes. This incorporation is itself not required in UNCLOS, and states have only passed domestic laws against piracy to varying degrees (Satkauskas 2010).

Furthermore, states have good reason not to capture and try pirates at home. When trying a foreign pirate domestically, states must pay all the costs of trial: transporting evidence and witnesses, providing translation and legal services for the pirates, and housing the pirate in a domestic prison. States also fear that pirates, upon reaching their soil, will petition for asylum. Because of this, it is not uncommon for states to simply release pirates, rather than face the costs and complications of transporting them for trial.

States may also be bound by other legislation, domestic or international, that conflicts with their ability to try pirates. One important legal concern comes from adoption of human rights laws, such as the European Convention on Human Rights (ECHR), which require states to protect the legal rights of prisoners. States cannot repatriate pirates to their home state if they believe that they “face a real risk of prohibited treatment (non-refoulement)” (Guilfoyle 2010: 153). The principle of non-refoulement is contained not only in the ECHR, but also in the Convention Against Torture, the Refugee Convention, and the International Covenant on Civil and Political Rights (Guilfoyle 2010). Under this principle, states that are party to the above conventions may not be able to return pirates to their home states once they have been captured. This makes states wary of capturing pirates in the first place, since it may lead either to inadvertent violations of their human rights, or force states to keep them in perpetuity. Taken to the extreme, human rights laws may create an incentive for states to use lethal force against pirates even when not strictly necessary, as pirates killed in the act will not need transport and trial. This, obviously, is hardly a consequence that international human rights laws intended.

Seeking to maneuver around these difficulties, many states have apparently decided that their best option was to hand pirates over to a third party state for trial. This is the solution most Western states have chosen to exercise with Somali pirates. The pirates cannot be returned to a defunct Somalia without violating their human rights, and most developed states do not wish to try them at home for the reasons above, so many chose to develop arrangements to try them in the neighboring state of Kenya. The United States
(US), Canada, China and the European Union have all arranged to hand over pirate suspects to Kenya for trial, and Kenya currently hosts over 100 suspected Somali pirates (Dutton 2010).

This solution neatly avoids many of the problems listed above for trying pirates, but there are indications that it is not necessarily an effective long term solution. Kenya has expressed reluctance to continue being the major center for Somali pirate trials. In April 2010, Kenyan Foreign Minister Moses Wetangula announced that Kenya would no longer accept Somali pirates for trial, citing high costs and a desire to share the responsibility with other states (BBC 2009). Kenya agreed to try pirates again in June 2010 and opened a new piracy court in Mombasa, funded by donations from the United Nations, European Union, Australia and Canada (BBC 2010a). However, in August 2010 Kenya’s government again stated that it would no longer accept pirates for trial, claiming the international community had not done enough to help with costs (BBC 2010b). The United Nations and European Union are seeking agreements with other states, such as the Seychelles, to try pirates there and relieve Kenya of the sole responsibility (BBC 2010a). However, trial in Kenya currently remains the favored option of the international community for dealing with Somali pirates under rules of universal jurisdiction.

Proposed Solutions to the Piracy Problem

Several scholars have called on individual states to take action against piracy (Bradford 2008; Chalk 1998; Dahlvang 2006; Fokas 1996; Mo 2002). Proposed unilateral actions range from adopting international law domestically (Fokas 1996), to increasing coastal patrols (Chalk 1998). Bradford (2008) claims that Indonesia’s efforts to fight domestic corruption has helped reduce piracy in Southeast Asia. Young (2007) proposes increasing the domestic capabilities of coastal states so that they have the resources to fight piracy; the findings of Hastings (2009), however, may indicate that strengthening failed states to the level of weak states may simply produce more sophisticated pirates. Moreover, since piracy tends to be concentrated around weak or failed states, there are clear limits to the extent that these governments can be expected to increase their capacity to fight piracy in any meaningful way. This is not to say that unilateral actions are useless or that states are incapable of fighting piracy without help, but rather to emphasize that piracy is an international crime, and that unilateral actions are only one part of any proposed solution.

Bilateral cooperation is another way to approach the piracy problem. Djalal (2005) suggests that settling maritime boundary delimitation issues will help combat piracy by ensuring law enforcement understanding of their appropriate responsibilities. Keyuan (2000) echoes this importance, claiming that overlapping claims and boundary delimitation issues impede cooperation in the South China Sea. Bilateral patrols and information sharing agreements between pairs of states are another effective way to combat piracy (Beckman 2002). Bateman (2003) and He (2009) suggest that states in Southeast Asia cooperate through their coast guards, claiming this will avoid inflaming the sensitivity towards sovereignty faced in the region.

Regional solutions also have long been advocated as a solution to the pirate problem (Chalk 1998; Keyuan 2000; Liss 2003; Menafee 1988, 1990–1991; Mo 2002). However, it is only recently that any major regional cooperative endeavors have emerged. James Kraska and Brian Wilson (Kraska 2009b; Kraska and Wilson 2008/2009, 2009; Wilson 2009) have pointed to three major recent regional efforts to fight piracy: The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), the Maritime Organization of West and Central Africa (MOWCA), and the
Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (the Djibouti Code of Conduct). Of these, ReCAAP is the oldest, having been finalized in 2004 and entered into force in 2006, and has also seen the greatest result with the establishment of an information-sharing center in Singapore (Wilson 2009). MOWCA has been in existence since 1975, but only adopted anti-piracy measures in 2008. The Djibouti Code of Conduct is the newest and weakest of all, having been signed in January 2009, and is nonbinding under international law.

Kraska and Wilson point to the successes of ReCAAP, and believe that strengthening regional cooperation will help states coordinate to fight piracy (Kraska and Wilson 2008/2009, 2009; Wilson 2009). Satkauskas (2010) likewise argues that regional organizations may help fight piracy, but that they do not go any farther than UNCLOS in their attempts to fight piracy, so further international conventions are needed. He calls for the establishment of ‘common standards of prosecution’ that will enable states to effectively cooperate under the guidance of international law (forthcoming: 17). Thus, to Satkauskas, regional cooperation is only one part of a larger solution to piracy.

Other scholars have proposed solutions that involve states in some way abrogating or, in extreme cases, forfeiting some of their sovereign rights. In its mildest form, this can take the form of a bilateral agreement in which a state agree to let other states board vessels with its flag, a solution proposed by Dahlvang (2006), or agreeing to allow arrests by patrols of bordering states (Beckman 2002). Dubner (1997) and Madden (2008–2009) go much further, claiming that states’ militaries must be allowed to enter each other’s territorial waters in order to capture and arrest pirates. Madden argues that this solution is no different than the universal enforcement jurisdiction states already have to prevent crimes like genocide. Both claim that this right of reverse hot pursuit is necessary in order to effectively combat pirates in the waters of states that lack either the willingness or the ability to fight pirates.

Azubuike (2009) provides a different take on that argument. He asserts that it is unnecessary to allow states to enter the territorial waters of other states, because in territorial waters the sovereign state should be able to fulfill its duty to the international community by apprehending any pirates. However, “if a State is not able to perform its duty to the international community, its statehood should legitimately be called into question” (Azubuike 2009: 52). That is, Azubuike claims that if a state is unable to hold enough effective control over its territorial waters to capture pirates, then it cannot really be considered to have sovereignty over those waters, and others should be allowed entrance to do what that failed state cannot.

Dutton (2010) takes yet another approach to the jurisdictional issue, arguing that piracy should be included in the jurisdiction of the International Criminal Court (ICC). Acknowledging that usually national courts are better suited for criminal trials, she asserts that this is because they are usually closer to the action, reducing costs. This does not hold true for piracy cases. Moreover, by trying these cases in the ICC, no one state would bear all the costs of these trials. The ICC is affordable too; Dutton estimates that a special piracy wing of the ICC would cost only about $10 million. Plus, the ICC has the intellectual capacity to host such trials, features legal teams with experience in international law, and should be less biased and more able to guarantee the legal human rights of defendants.

The United Nations Security Council has recently addressed the issue of an international piracy tribunal. In Resolution 1918, passed on 27 April 2010, the Security Council
requests the Secretary-General to present to the Security Council within 3 months a report on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, including, in particular, options for creating special domestic chambers possibly with international components, a regional tribunal or an international tribunal and corresponding imprisonment arrangements. (UNSC 2010a: 3)

This report was issued on 26 July 2010, and identified seven options for prosecuting pirates, ranging from providing assistance to regional states all the way to the establishment of an international tribunal to try piracy (UNSC 2010b).

There are no shortage of suggestions, then, for ’fixing’ the piracy problem. Most of the scholars above mention that their solution addresses only one aspect of the problem; regional advocates also note the need for bilateralism, those requesting updated definitions of piracy also address the jurisdiction issue, and so forth.

Moving Forward

As Peters (2010a) notes, geographers have historically been unusually silent on ocean issues. Thus it is somewhat unsurprising that they are likewise underrepresented in the scholarship on piracy as well. Yet the problems and concerns of international piracy have larger implications for the broader study of geography as well. By considering questions of maritime piracy, geographers can both contribute to the growing literature on modern piracy, but also gain insights into uniquely geographical inquiries and concerns.

Piracy is an issue in large part because of the regime created in UNCLOS wherein states created artificial maritime borders to guide their activities in these regions. This makes it an excellent case study for those interested in how the delineation of borders affects activities in regions and in state approaches to these areas. Along these same lines, scholars interested in the geography of the ship could look to the piracy problem to gain insight on the role of the ship. The ship plays an active and important role in piracy, since according to UNCLOS, a pirate attack must be by a ship against a ship. Likewise, geographers researching shipping and transport could look to the artificiality of the UNCLOS definition of piracy, as the shipper is unlikely to be overly concerned with legal distinctions of an attack in territorial waters versus the high seas; an attack, if it is successful, is just as devastating regardless of these distinctions. Piracy then has its place in geographical study, whether it is directly considered as a geographically defined action or indirectly considered as part of these and other larger issues.

Short Biography

Elizabeth Nyman’s research focuses on international maritime issues, particularly maritime disputes between states, law of the sea issues, and modern piracy. Current research focuses on island studies and the relationship between islands and ocean waters. She has previously taught classes on maritime issues and currently is a Visiting Instruction in the Center for International Studies at Georgia Southern University. Nyman has a BA in International Relations from the College of William and Mary and a Ph.D. in Political Science from Florida State University.

Note

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