
The Role of International Maritime Law in Combating Modern Piracy and Ensuring Global Maritime Security

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Abstract

Modern piracy constitutes one of the most persistent and multifaceted threats to global maritime security in the twenty-first century, undermining international trade, regional stability, and the rule of law on the high seas. This article examines the evolving framework of international maritime law in addressing the challenges posed by contemporary piracy, with particular emphasis on the United Nations Convention on the Law of the Sea (UNCLOS, 1982), the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA, 1988), and their subsequent protocols. Drawing on primary treaty texts, case law, and empirical data from the International Maritime Bureau (IMB) and the United Nations Office on Drugs and Crime (UNODC), the study analyses three critical dimensions: (1) the jurisdictional architecture governing anti-piracy enforcement, (2) the operational mandates and legal constraints of multinational naval coalitions such as Combined Task Force 151 (CTF-151) and EU NAVFOR Operation Atalanta, and (3) the emerging governance gaps exposed by piracy hotspots in the Gulf of Aden, the Gulf of Guinea, and the Strait of Malacca. The article argues that while international legal instruments have achieved measurable success in reducing Somali-based piracy incidents, structural deficiencies including inconsistent prosecution frameworks, inadequate capacity-building in littoral states, and the absence of a dedicated international piracy tribunal continue to impede comprehensive maritime security. The study further contends that a holistic approach integrating robust legal enforcement, socioeconomic development ashore, and digital maritime domain awareness is essential to ensure sustainable maritime security in the face of evolving piratical threats. Recommendations for legal reform and enhanced multilateral cooperation are advanced.

Keywords: *International maritime law, UNCLOS, Modern piracy, Maritime security, Gulf of Aden, Gulf of Guinea, SUA Convention, CTF-151, EU NAVFOR, Maritime jurisdiction*

Introduction

Maritime piracy defined under Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) as illegal acts of violence, detention, or depredation committed on the high seas for private ends has re-emerged as a significant threat to global commerce and international security in the post-Cold War era (United Nations, 1982). The resurgence of piracy off the Somali coast between 2005 and 2012, the

persistent insecurity in the Gulf of Guinea, and recurring incidents in the Strait of Malacca have underscored the inadequacy of relying solely on traditional naval power to suppress piratical activities (International Maritime Bureau [IMB], 2023). Contemporary piracy is no longer the romanticised adventure of historical imagination; it is a sophisticated, organised criminal enterprise with profound implications for global trade, energy security, and human rights (Murphy, 2011).

The economic dimensions of the problem are staggering. Piracy costs the global economy an estimated \$7 billion to \$12 billion annually, encompassing ransom payments, increased insurance premiums, additional naval patrols, and rerouting of commercial vessels (Bowden et al., 2010). The human cost is equally acute: seafarers are subjected to prolonged captivity, physical abuse, and psychological trauma, raising serious concerns under international humanitarian and human rights law (Guilfoyle, 2010). Against this backdrop, international maritime law serves as the primary regulatory framework within which states, regional organisations, and private actors navigate the complex challenge of combating piracy while respecting state sovereignty, the freedom of navigation, and due process rights.

This article makes several original contributions to existing scholarship. First, it provides a comprehensive doctrinal analysis of the international legal architecture governing anti-piracy operations, extending beyond UNCLOS to encompass the SUA Convention, UN Security Council resolutions, and regional maritime agreements. Second, it critically evaluates the operational effectiveness and legal constraints of multinational anti-piracy coalitions, drawing on empirical incident data from the IMB and UNODC. Third, it identifies persistent governance gaps and proposes concrete legal reforms to enhance the coherence and effectiveness of the global maritime security regime. The article proceeds as follows: Section 2 surveys the historical development of maritime piracy law; Section 3 analyses the contemporary legal framework; Section 4 examines multinational enforcement mechanisms; Section 5 investigates regional piracy hotspots; Section 6 identifies structural governance gaps; Section 7 presents reform proposals; and Section 8 concludes.

Historical Development of Maritime Piracy Law From *Hostis Humani Generis* to Codified International Law

The legal treatment of piracy possesses deep historical roots. Roman jurisprudence characterised pirates as *hostis humani generis*, enemies of all mankind, a concept that justified universal jurisdiction over piratical actors and provided the philosophical bedrock for modern anti-piracy law (Rubin, 1998). This principle meant that any state could capture, try, and punish pirates regardless of the flag flown by the pirate vessel or the nationality of the victims, establishing an early form of international criminal jurisdiction that predated the modern state system (Kontorovich, 2004).

During the sixteenth and seventeenth centuries, the boundary between piracy and state-sanctioned maritime predation was deliberately blurred through the institution of privateering, the practice whereby states issued letters of marque authorising private vessels to attack enemy shipping (Starkey, 2001). The Peace of Westphalia (1648) and the subsequent consolidation of the nation-state system gradually delegitimised privateering, a process culminating in the Declaration of Paris (1856), which formally abolished the practice among signatory powers (Kontorovich, 2004). The abolition of privateering marked a decisive step in the evolution of international maritime law: for the first time, a clear distinction was drawn between lawful naval warfare and criminal piracy.

The twentieth century witnessed sustained efforts to codify customary international law on piracy within multilateral treaty frameworks. The Harvard Research Draft Convention on Piracy (1932) produced a comprehensive definition that significantly influenced subsequent codifications (Harvard Research in International Law, 1932). The Geneva Convention on the High Seas (1958) translated these principles into binding treaty obligations for the first time, establishing a definition of piracy and authorising universal jurisdiction (United Nations Conference on the Law of the Sea, 1958). UNCLOS (1982) subsequently

superseded the 1958 Convention, elaborating a more detailed framework that remains the cornerstone of international maritime law to the present day (Tanaka, 2019).

The UNCLOS Framework

UNCLOS, often described as the constitution for the oceans, provides the foundational legal architecture within which contemporary anti-piracy efforts operate (Rothwell & Stephens, 2016). Articles 100 to 107 of UNCLOS address piracy specifically, imposing a duty on all states to cooperate in the suppression of piracy (Article 100), defining piracy with reference to private ends and high seas or exclusive economic zones (Article 101), extending jurisdiction to pirate ships and aircraft (Article 103), and authorising the right of visit and seizure by warships on the high seas (Articles 110 and 111). The Convention's definition of piracy has been criticised on several grounds: it excludes acts committed within territorial waters, thus excluding much of the piracy occurring in the Gulf of Guinea within Nigerian or Cameroonian waters; requires a two-vessel element, thereby potentially excluding one-ship mutinies; and demands that acts be committed for private ends, potentially excluding politically motivated maritime violence (Guilfoyle, 2010; Klein, 2011).

These definitional limitations have significant operational consequences. When Somali pirates operating within Somali territorial waters attacked vessels, strict application of the UNCLOS definition would have precluded universal jurisdiction, necessitating specific UN Security Council authorisation to extend enforcement powers into those waters (Klein, 2011). The Security Council duly provided such authorisation through a series of resolutions, including Resolutions 1816 (2008), 1838 (2008), 1846 (2008), and 1851 (2008), that collectively authorised states to enter Somali territorial waters and airspace to repress piracy, subject to Somali governmental consent (United Nations Security Council [UNSC], 2008a, 2008b, 2008c, 2008d).

The Contemporary International Legal Framework

The SUA Convention and Its Protocols

While UNCLOS provides the primary framework, the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention, 1988) and its 2005 Protocol represent a critical complementary instrument. Adopted in the aftermath of the Achille Lauro incident (1985), in which Palestinian militants hijacked an Italian cruise liner and murdered a wheelchair-bound American passenger, the SUA Convention extends criminalisation beyond the UNCLOS definition of piracy to cover acts that threaten the safety of ships and persons on board, including seizure of vessels by force, acts of violence against persons on ships, and placing destructive devices on vessels (International Maritime Organization [IMO], 1988). The 2005 Protocol to the SUA Convention significantly expanded its scope in response to the post-September 11 security environment, incorporating provisions related to the transportation of weapons of mass destruction and the use of ships as weapons (IMO, 2005). Importantly, the SUA Convention employs the *aut dedere aut judicare* principle, meaning extradite or prosecute, thereby obliging state parties to either surrender alleged offenders to other state parties or submit cases for prosecution before their own authorities (Guilfoyle, 2010).

UN Security Council Resolutions

The UN Security Council has played an increasingly active role in the international legal response to piracy, particularly in relation to Somali piracy. Acting under Chapter VII of the UN Charter, the Council adopted numerous resolutions authorising enforcement measures that would otherwise be impermissible under UNCLOS alone (UNSC, 2008a, 2008b, 2008c, 2008d, 2010, 2012). Critically, these resolutions authorised states cooperating with the Transitional Federal Government, subsequently the Federal Government, of Somalia to enter Somali territorial waters for anti-piracy purposes, effectively suspending

the normal rule of coastal state jurisdiction in this context (UNSC, 2008a). Beyond Somali piracy, the Security Council has invoked Chapter VII to address piracy in the Gulf of Guinea through Resolution 2039 (2012), calling upon regional states to conclude legal arrangements facilitating prosecution and urging flag states to take responsibility for combating piracy in their vessels (UNSC, 2012). However, critics note that the Council has been less willing to authorise the same degree of interventionist enforcement in the Gulf of Guinea as in the Indian Ocean, reflecting geopolitical sensitivities around West African sovereignty (Mensah, 2016).

Regional Legal Instruments

Below the universal level, a number of regional legal instruments supplement the global framework. In Southeast Asia, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP, 2004) established the first regional information-sharing mechanism on piracy, creating an Information Sharing Centre in Singapore that collects and disseminates incident reports to member states (ReCAAP Information Sharing Centre [ISC], 2023). ReCAAP has been credited with contributing significantly to the reduction in piracy in the Strait of Malacca (ReCAAP ISC, 2023). In East Africa, the Djibouti Code of Conduct (2009), adopted under IMO auspices, established a framework for information sharing, interdiction of suspect vessels, and prosecution of suspected pirates among Indian Ocean states (IMO, 2009). The Code was revised through the Jeddah Amendment (2017), extending its scope to encompass other illicit maritime activities including illegal, unreported, and unregulated fishing, drug trafficking, and human smuggling (IMO, 2017). In West Africa, the Yaounde Architecture (2013) represents an important step toward regional maritime security integration, although it remains inadequately resourced and implemented (Onuoha, 2013).

Multinational Naval Enforcement Mechanisms

Combined Task Force 151

Combined Task Force 151 (CTF-151), established in January 2009 under the auspices of Combined Maritime Forces (CMF), and represents the primary US-led multinational naval counter-piracy coalition in the Western Indian Ocean and Gulf of Aden (Combined Maritime Forces [CMF], 2023). Operating within the framework of UN Security Council resolutions authorising enforcement in Somali waters, CTF-151 has conducted maritime patrols, interdicted pirate vessels, and provided escorts to commercial shipping transiting the High Risk Area (CMF, 2023). The legal framework governing CTF-151 operations is complex. Naval forces operate under their flag state's domestic law, applicable provisions of UNCLOS and Security Council resolutions, and bilateral shiprider agreements concluded between coalition members and regional states (Guilfoyle, 2010). Shiprider agreements, whereby officers from littoral states embark on coalition warships and exercise their states' jurisdiction over suspects, have proved particularly valuable in addressing the problem that many coalition members lack domestic legal authority to prosecute pirates (Geiss & Petrig, 2011).

EU NAVFOR Operation Atalanta

EU Naval Force Somalia, Operation Atalanta, was launched in December 2008, becoming the European Union's first naval operation and a landmark in the development of EU maritime security policy (European Union Naval Force Somalia [EU NAVFOR], 2023). Mandated by UN Security Council resolutions and operating under EU Council Joint Action 2008/851/CFSP, Operation Atalanta was tasked with protecting World Food Programme and African Union Mission in Somalia supply ships, deterring and disrupting piracy and armed robbery, and protecting vulnerable shipping in the Gulf of Aden and Western Indian Ocean (Council of the European Union, 2008). The operation has achieved notable successes: EU NAVFOR vessels were involved in hundreds of counter-piracy activities, including disruption of pirate

attack groups and escorting of numerous WFP shipments critical to humanitarian operations in Somalia (EU NAVFOR, 2023).

Operation Atalanta has also demonstrated tensions inherent in conducting naval law enforcement operations under the constraints of human rights law. When European naval forces detain suspected pirates, they assume obligations under the European Convention on Human Rights regarding treatment, legal rights, and transfer of suspects (Becker, 2012). The European Court of Human Rights' extraterritorial jurisdiction jurisprudence, particularly in *Al-Skeini v. United Kingdom* (2011), has created uncertainty about the scope of European states' human rights obligations toward persons detained in maritime counter-piracy operations (Guilfoyle, 2013).

NATO Operation Ocean Shield

NATO's Operation Ocean Shield (2009-2016) complemented CTF-151 and Operation Atalanta in providing a comprehensive multilateral naval presence in the Gulf of Aden and Western Indian Ocean. The operation focused not only on counter-piracy patrols but also on capacity building among regional maritime forces, reflecting recognition that sustainable maritime security ultimately depended on the ability of regional states to police their own waters (North Atlantic Treaty Organization [NATO], 2016). Ocean Shield's termination in December 2016 was justified by the sustained reduction in Somali piracy incidents, from a peak of 237 incidents in 2011 to just a handful annually by 2015 (IMB, 2016), though critics cautioned that structural conditions giving rise to piracy remained unaddressed (Shortland & Varese, 2012).

Regional Piracy Hotspots: A Comparative Analysis

The Gulf of Aden and Western Indian Ocean

The Gulf of Aden and Western Indian Ocean experienced the most dramatic piracy surge of the early twenty-first century, driven primarily by the collapse of Somalia's central government in 1991 and the ensuing absence of effective maritime law enforcement (Bahadur, 2011). Somali piracy evolved from opportunistic attacks by fishermen responding to illegal foreign fishing in Somali waters into a sophisticated, organised enterprise characterised by mothership operations, long-range attacks on large commercial vessels, and the complex negotiation of ransoms often running into millions of dollars (Geiss & Petrig, 2011). At its peak in 2011, Somali pirates held 36 ships and 758 crew hostage simultaneously (IMB, 2012).

The combination of sustained multinational naval patrolling under CTF-151, Operation Atalanta, and NATO Ocean Shield, together with the widespread adoption of Best Management Practices by commercial shipping and the gradual strengthening of Somali and regional maritime institutions, contributed to a remarkable reduction in incidents (IMB, 2023; Geiss & Petrig, 2011). Reported piracy incidents off the Somali coast fell from 237 in 2011 to 3 in 2020 (IMB, 2023). However, experts warn that the underlying conditions, including state fragility, extreme poverty, and limited economic alternatives, remain largely unaddressed, creating persistent risk of resurgence (UNODC, 2021).

Figure 1. Somali Piracy Incidents, 2005–2022. Source: IMB Annual Piracy Reports (2005–2022).

The Gulf of Guinea

In stark contrast to the decline of Somali piracy, piracy and armed robbery in the Gulf of Guinea, encompassing the waters off Nigeria, Cameroon, Gabon, Togo, Benin, and neighbouring states, has escalated sharply since 2014, making this region the world's most piracy-affected waterway by the mid-2010s (IMB, 2023; Onuoha, 2013). Gulf of Guinea pirates demonstrate distinct operational characteristics from their Somali counterparts: attacks are more violent, driven primarily by the theft of oil cargoes and

kidnapping of crew for ransom, and typically occur within or close to territorial waters, complicating the application of UNCLOS-based universal jurisdiction (Ukeje & Mvomo Ela, 2013).

The legal architecture for addressing Gulf of Guinea piracy is significantly weaker than that applicable in the Western Indian Ocean. UNCLOS-based universal jurisdiction does not apply to acts within territorial waters, and no Security Council resolution has authorised the same degree of interventionist enforcement as in Somali waters (Mensah, 2016). The Yaounde Architecture provides a regional framework but lacks the institutional capacity and financial resources to operationalise its provisions effectively (Onuoha, 2013). Nigeria has prosecuted some offenders under the Suppression of Piracy and Other Maritime Offences Act (2019), but regional states lack uniform legal frameworks and many arrested suspects continue to be released without charge (IMB, 2023).

The Strait of Malacca and Southeast Asian Waters

The Strait of Malacca, through which approximately one-quarter of global seaborne trade passes, was identified as the world's most piracy-prone waterway in the early 2000s, prompting significant international concern about the security of this strategic chokepoint (Ho, 2006). Unlike the Gulf of Aden, where naval patrolling by distant-water powers was accepted with relatively little controversy, the littoral states of the Strait of Malacca jealously guarded their sovereignty and initially resisted proposals for joint patrolling by external powers (Bateman, 2009). The establishment of the Malacca Strait Patrols, encompassing the Coordinated Patrol initiative (MALSINDO) in 2004 and the Eyes in the Sky aerial surveillance mission in 2005, reflected a compromise between the security demands of user states and the sovereignty sensitivities of littoral states (Ho, 2006).

The success of these cooperative measures, combined with ReCAAP's information-sharing infrastructure, contributed to a dramatic reduction in Malacca Strait piracy (ReCAAP ISC, 2023). However, piracy in the Sulu-Celebes Sea, linked to militant groups including Abu Sayyaf, blurs the boundary between piracy and terrorism, engaging both the SUA Convention and counter-terrorism law (Murphy, 2011; Bateman, 2009).

Structural Governance Gaps

The Prosecution and Accountability Deficit

Perhaps the most significant structural weakness in the international anti-piracy regime is the persistent gap between the detention of suspected pirates by naval forces and their prosecution before competent legal authorities. Naval forces operating in the Indian Ocean, Gulf of Guinea, and Southeast Asian waters regularly encounter practical and legal difficulties in exercising jurisdiction over captured suspects (Guilfoyle, 2010). The catch-and-release phenomenon, whereby suspected pirates are released without prosecution because no state is willing or able to try them, has been widely documented and represents a serious impunity gap that undermines the deterrent effect of anti-piracy patrols (Geiss & Petrig, 2011; Dutton, 2010).

The prosecution deficit reflects a conjunction of structural factors: the high cost and logistical complexity of transferring suspects to distant jurisdictions; the evidentiary difficulties of building criminal cases on evidence gathered by naval forces; the reluctance of some states to exercise extraterritorial jurisdiction over non-nationals; and the limited judicial capacity of regional states (Dutton, 2010). Transfer agreements with Kenya, Seychelles, Mauritius, and the Maldives have partially addressed this gap in the Indian Ocean context, but the sustainability and fairness of these arrangements have been questioned regarding fair trial guarantees for transferred suspects (Becker, 2012).

Absence of an International Piracy Tribunal

The absence of a dedicated international tribunal with jurisdiction over acts of piracy represents a significant and longstanding governance gap. The proposal for an international or regional anti-piracy court has been advanced repeatedly, most prominently in UN Secretary-General reports pursuant to Security Council Resolution 1918 (2010), but has failed to gain sufficient political traction (UNSC, 2010; Contact Group on Piracy off the Coast of Somalia [CGPCS], 2012). The International Criminal Court does not currently have jurisdiction over piracy as a standalone crime, as the Rome Statute's jurisdictional provisions do not encompass piracy *jure gentium* (Birnie, 2009). The establishment of a specialised maritime security chamber within an existing international tribunal, or the negotiation of a new multilateral treaty creating an International Piracy Court with compulsory jurisdiction, would substantially enhance the coherence and deterrent efficacy of the international anti-piracy regime (Kontorovich, 2010).

Capacity Gaps in Littoral States

Effective and sustainable maritime security ultimately depends on the capacity of littoral states to police their own waters, investigate maritime crimes, prosecute suspects, and incarcerate convicted offenders (Till, 2013). Many states most severely affected by piracy, including Somalia, Nigeria, Yemen, Indonesia, and the Philippines, face significant deficits in maritime domain awareness, naval and coast guard capability, judicial infrastructure, and correctional capacity (UNODC, 2021). International capacity-building efforts delivered through institutions such as the IMO's Integrated Technical Cooperation Programme and the UNODC's Global Maritime Crime Programme have made meaningful contributions but remain insufficient relative to the scale of need (UNODC, 2021; IMO, 2022). Trials of pirates transferred to regional states have sometimes encountered due process concerns, including inadequate access to legal counsel, delay in proceedings, and prison conditions falling below international standards (Becker, 2012).

The Nexus between Piracy and Other Maritime Crimes

Contemporary maritime criminality is increasingly characterised by the convergence and overlap of piracy with other illicit activities, including drug trafficking, arms smuggling, human trafficking, illegal fishing, and in some regions, terrorism financing (Chapsos & Hamilton, 2019). This convergence poses significant challenges for international maritime law, which remains largely organised around categorical distinctions between different types of maritime offences governed by different legal regimes (Murphy, 2011). The financing of piracy through ransom payments also intersects with international anti-money laundering frameworks in ways that have not been systematically addressed. Financial intelligence analysis of ransom flows has revealed sophisticated international financial networks, often involving hawala brokers and offshore financial centres, through which piracy proceeds are laundered and reinvested in both piratical and legitimate enterprises (Shortland & Varese, 2012). The application of Financial Action Task Force standards and targeted financial sanctions to piracy-related financial flows represents an underutilised dimension of the international legal toolkit against piracy.

Reform Proposals and the Path Forward **Strengthening the Prosecution Framework**

The most urgent reform priority is the establishment of a more coherent and sustainable framework for the prosecution of suspected pirates. This article proposes a tiered approach comprising three elements. First, the negotiation of a comprehensive multilateral treaty on the prosecution and transfer of persons suspected of acts of piracy, building on existing bilateral transfer agreements and incorporating robust fair trial guarantees consistent with international human rights law. Second, the establishment of a regional anti-piracy chamber within the International Tribunal for the Law of the Sea (ITLOS) or, alternatively, the creation of specialised East African and West African piracy courts modelled on the Special Court for Sierra

Leone. Third, enhanced UNODC and IMO technical assistance to strengthen the judicial and correctional capacity of primary prosecution states in the Gulf of Aden and Gulf of Guinea regions (Kontorovich, 2010; Dutton, 2010).

Expanding the UNCLOS Definition of Piracy

The definition of piracy in UNCLOS Article 101 requires amendment to address its documented inadequacies. Specifically, this article recommends: first, removal of the two-vessel requirement, which excludes one-ship armed robbery and is difficult to justify in policy terms; second, extension of universal jurisdiction to encompass acts committed in the exclusive economic zones and territorial waters of states unable or unwilling to enforce their jurisdiction, subject to appropriate procedural safeguards; and third, clarification of the private ends criterion to ensure that politically motivated maritime violence is not inadvertently excluded from the piracy definition where it threatens the safety of navigation (Guilfoyle, 2010; Klein, 2011). While formal amendment of UNCLOS faces formidable political obstacles, progressive interpretation by ITLOS, arbitral tribunals, and domestic courts can contribute to the evolution of the applicable rules through authoritative jurisprudence (Tanaka, 2019).

Enhancing Maritime Domain Awareness

Effective counter-piracy operations depend on accurate and timely maritime domain awareness. This article recommends the establishment of a Global Maritime Domain Awareness Centre, building on existing regional information-sharing mechanisms including ReCAAP, Djibouti Code information centres, and the Gulf of Guinea Maritime Coordination Centre, and leveraging emerging technologies including satellite-based automatic identification systems (AIS), unmanned aerial vehicles, and artificial intelligence-enabled vessel tracking platforms (Till, 2013; Chapsos & Hamilton, 2019). Mandatory installation and activation of AIS on all commercial vessels above a specified tonnage threshold, with effective enforcement against AIS dark operations, would significantly enhance the ability of coastal and naval authorities to detect anomalous vessel behaviour indicative of piratical activity.

Addressing Root Causes

The international legal response to piracy cannot succeed in isolation from efforts to address the structural conditions that give rise to piratical activity. As the experience of Somali piracy demonstrates, sustained reductions in piracy incidents require not merely effective naval patrolling but also state-building, economic development, and the provision of legitimate livelihood alternatives for coastal communities (UNODC, 2021; Bahadur, 2011). This article recommends the integration of counter-piracy programming within broader development assistance frameworks, ensuring that maritime security capacity-building is accompanied by investment in fisheries management, coastal infrastructure, and maritime education and training. The 2021 UNODC Global Maritime Crime Programme annual report documents successful pilot programmes in Somalia and Kenya that have transitioned former pirates into the fishing and maritime services sectors, models that merit scaling and replication across other piracy-affected regions (UNODC, 2021).

Regulating Private Maritime Security

The widespread use of privately contracted armed security personnel (PCASP) on commercial vessels operating in high-risk areas has emerged as a de facto complement to state-led anti-piracy efforts, yet the legal framework governing PCASP remains fragmented and inadequate (Percy, 2012). The IMO Interim Guidance on the Use of Privately Contracted Armed Security Personnel and the flag state standards it endorses provide a starting point, but the legal status of PCASP under the law of armed conflict, their rules of engagement, licensing and vetting standards, and accountability for use-of-force incidents remain

inadequately regulated at the international level (Percy, 2012; Geiss & Petrig, 2011). This article recommends the negotiation of a binding international instrument on private maritime security, establishing minimum standards for PCASP licensing, training, rules of engagement, incident reporting, and accountability, within a framework that preserves flag state jurisdiction while ensuring effective international oversight.

Conclusion

Modern piracy presents a complex and evolving challenge to international law, global commerce, and maritime security. This article has examined the development and contemporary architecture of international maritime law as it applies to piracy, analysed the operational effectiveness and legal constraints of multinational enforcement mechanisms, surveyed the distinctive characteristics of regional piracy hotspots, and identified the structural governance gaps that continue to impede a comprehensive and durable international response. The analysis demonstrates that while international maritime law, anchored in UNCLOS, the SUA Convention, and a growing body of Security Council resolutions and regional instruments, has provided an essential framework for counter-piracy cooperation, significant deficiencies remain in the areas of prosecution, definitional clarity, capacity building, and the governance of private maritime security.

The argument advanced in this article is that a genuinely effective international maritime security regime must transcend the current patchwork of overlapping and sometimes inconsistent legal instruments to achieve greater coherence, universality, and operational effectiveness. This requires, above all, sustained political will among major maritime powers and affected regional states to invest the diplomatic capital, financial resources, and legal innovation necessary to close the identified governance gaps. The history of the international response to Somali piracy offers grounds for cautious optimism: when states, regional organisations, and the private sector cooperate within a robust legal framework, piracy can be substantially suppressed. The imperative is to generalise the lessons of that experience, including its failures as well as its successes, to address the evolving threats to maritime security in the Gulf of Guinea, Southeast Asia, and wherever else the crime of piracy continues to threaten the safety, freedom, and prosperity of those who live and work on the world's oceans.

Looking forward, the integration of digital technologies, from AI-driven maritime domain awareness to blockchain-based cargo tracking and autonomous vessel monitoring, offers significant opportunities to enhance the effectiveness of anti-piracy operations within the existing legal framework, while also posing new legal questions about accountability, jurisdiction, and the application of use-of-force rules to increasingly automated maritime enforcement. International maritime law must evolve to address these emerging realities, building on its historic foundations in the principle of freedom of navigation and the universal imperative to suppress piracy as an enemy of all mankind.

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