C H A P T E R 17

Anti the Piracy on
The International Law of the Sea

Kaweepol Sawangpaew*
Sujitra Jai-ue**

* Lecture, Faculty of logistics Burapha University
** Lecturer, Faculty of Political Science and Law Burapha University

บทคัดย่อ ●

งานวิจัยชิ้นนี้เป็นงานวิจัยทางกฎหมายในลักษณะเชิงคุณภาพโดย
การรวบรวมข้อมูลต่างๆ จากข้อมูลดิบ ข้อมูลเชิงประจักษ์ และข้อมูลที่ผ่าน
การสังเคราะห์แล้วจากบทความที่เกี่ยวข้องกับกฎหมายทะเลทั้งในระดับโลก
และระดับภูมิภาค โดยจะศึกษาประเด็นของโซมาเลีย ช่องแคบมะละกา และ
เอเชียใต้ ในด้านประวัติศาสตร์ การแก้ไขปัญหาอื่นๆ ในภูมิภาค หลังจากลงนาม
ในอนุสัญญาสหประชาชาติว่าด้วยกฎหมายทะเล ปี 1982 ซึ่งมีวัตถุประสงค์เพื่อ
บังคับใช้กฎหมายทางทะเลให้เป็นสากล ในแง่มุมของการปฏิบัติและประยุกต์ใช้
บทบัญญัติสำหรับอนุสัญญานี้ไปยังทุกภูมิภาค และกำหนดมาตรการในการ
จัดการปัญหาที่เหมาะสมเพื่อจะนำไปใช้เป็นแนวทาง สำหรับการแก้ปัญหาโจร
สลัดต่อไป

คำสำคัญ: อนุสัญญาสหประชาชาติว่าด้วยกฎหมายทะเล ปี ค.ศ. 1982/
โจรสลัด

Abstract ●

The voluminous legal literature on regional law of the sea has
concentrated mostly around the world but will specific about
Somalia, Straits of Malacca And South Asia sea with cursory about
history, how to rob, protection measures. If any treatment of
the problems in other regions.However, after the signing of the
International on The Law of The Seas 1982 Convention.If any
treatment of the problems in other regions. However, after the
signing of the 1982 Law of the sea Convention, which is intended
to be a universal treaty, time is ripe for the consideration of
variousaspects of the application of the provisions for the Convention
to all privateer regions.The issue of piracy will be dealt with in this

artical. The countries covered are Somalia, Straits of Malacca And South Asia sea. Notwithstanding, relevant extra-regional implications or aspects will be taken into account where appropriate to apply for the pirate solution.

Keywords: The International on the law of the seas 1982/ The Piracy

The Existing Contributions

It may not be an exaggeration to put forward the view that existing treatments of the law of the sea in piracy are at a rudimentary stage. State policy and positions have been well compiled, while leaving much to be desired with regard to sophisticated legal analysis of the pertinent legal issues and protection measures. It is one thing to say that to say that State practice may be gleaned from the fact that a State think that international law on a particular issue should have a specific content and is, therefore, able to reach agreement with another State to govern their future international legal relation on the basis of that content; it is, however, quite another thing to assert that if such agreement is not forth coming, then there necessarily exists an international legal lacuna on that particular issue. How the different positions of States can be justified under the existing legal framework, and what constitutes the relevant guideline to resolve the piracy phenomenon and principles under the extant customary and/or conventional law, they are the important questions which deserve careful attention about theses.

Introduction

It seems to be the case that states do maintain a double standard in their legal relationships with one another. States that are politically hostile towards each other assert rights or legal entitlements ab initio* and contrario sensu** ; that is, they assert that they are legally and inherently entitled to a particular right without any 'alienation' or modification of the right in their relation to the other. A different picture is reflected when States are less hostile toward each another. Their international legal relation may be sought and reached to accommodate or reconcile divergent national interests. Failing that, recourse to the reassertion of the rights or entitlement ab initio and contrariosensu seems to be a routine occurrence.

This kind of interaction of States is not without significance. International law still, by and large, depends upon co-operation and volition of States, its main subjects. It emanates mainly from conventions and international custom which may be evidenced, inter alia, by state practice. The particular international law in question may be of universal or, at least, general application. It may, however, have some regional characteristics if the States in the region have chosen to interpret or apply the international norm in a particular way. This begs a vital question if one or a few States of the region interpret or apply the international norm differently from what it is elsewhere understood to be: can this kind of action be

---

*   Definition of this term "Ab initio" means From the begining
**   Definition of this term "a contrariosensu" means On the other hand

legally justifiable or valid? This is another way of asking whether the aforementioned assertion of the rights or entitlementab initioand contrariosensu by those deviant States is legally justifiable or valid within the existing international legal framework.

This situation is present in whole world, presumably, it is in any other region. The existing legal literature is useful to illustrate that such a situation does, in fact, exist. Yet most academic writers fail to appreciate the distinction between, on the one hand, positions adopted by States which may develop into a rule of 'State practice' in the future, and , on the other hand, the present status of those positions in relation to the already well-established international legal system. Consequently, the usual conclusion is that if there is no agreement among the States concerned then problem exists, and that these States should cooperate to solve the problem together. Nonetheless, the existing literature may reveal that appear to be problems in the legal position they adopt without analyzing which legal position is correct or legally justifiable within the existing legal framework, and what the consequential implication of such a position are, an individual State is left with unnecessarily wide discretionary power to distort international norm, making the settlement of disputes on the basis of a correct interpretation of law a meresham or a matter of confusion. Therefore, the existing legal literature, by focusing on policy standpoint without paying adequate attention to the objective legal position from which these policy standpoints.
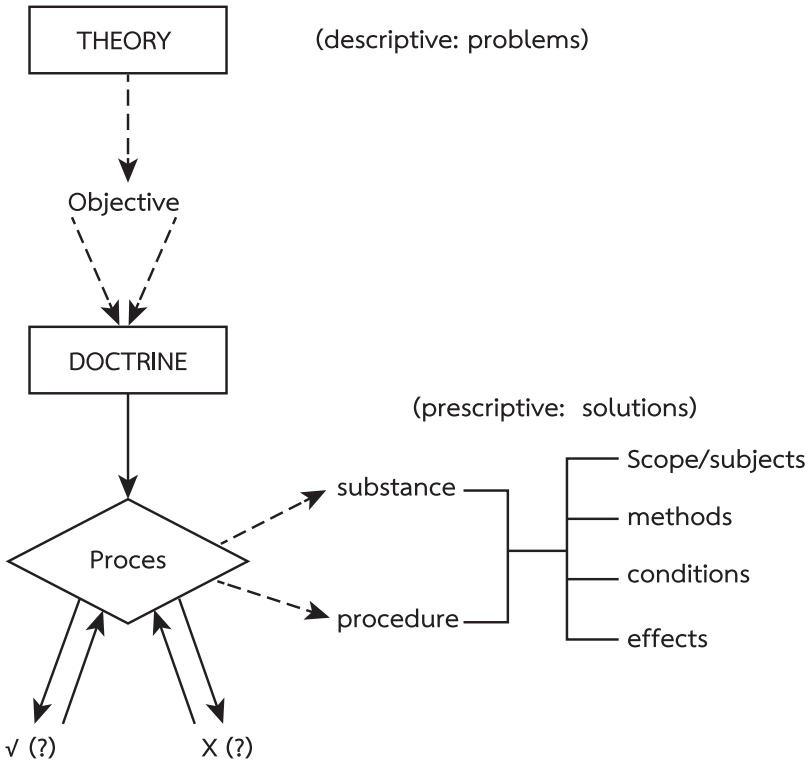
Objectives of research

We have been informed about the definitions of the word pirate it translated in any form ,made to tell the history of pirates long that is. It runs from the era and be able to know exactly what the Pirates. And there's abundant marine. To learn the problems and obstacles in choice of methods to protection measures about robbery. Study the Law of the Sea Convention and UNCLOS 1982 as to terms or conditions that be correct. It proposes the suggestions for development about maritime early detection systems Which may reduce robbery at the sea.

The Approach of this work

This research starts from study of history since antiquity. To study in conjunction with the Law of the Sea, convention in the present and Protective measures. It covers the main point robbery of the sea includeSomalia, South Asia sea and Strait of Malacca. We start from collect the information related to pirates from the primary resources and the secondary resources.

Scope of this work is divided into main four parts.Including Education about the history of the piracy.Education this section about the causes of piracy.Education law of the sea including the relevant convention (UNCLOS 1982). Education events today including organizations involved in combating piracy.

THEORY   (descriptive: problems)

Objective

DOCTRINE

(prescriptive: solutions)

Proces

substance ——— Scope/subjects

——— methods

——— conditions

procedure ——— effects

√ (?)   X (?)

Individual 'policy orientation'

We consider about the theory describes the background of pi-racy, The methods used in the robbery, and protection measures. Then, doctrine prescribes how to attain that objective. In other words, it prescribes the substance and procedure to that end in a particular case. This doctrinal process indicates the choice of scope and subjects, methods, conditions, and effects.

Results

Piracy was a problem thousands of years before the Spanish began to bring gold, silver, and other treasures from the New World back to Spain. Men sailed the seas as pirates when countries began to cross the Oceans and Seas to trade goods with each other. There were powerful pirates that sailed the Aegean and Mediterranean Seas. These pirates set up a large pirate nation in Cilicia. Cilicia is now part of the country of Turkey. Barbary corsairs controlled the western part of the Mediterranean. Vikings were brave and strong pirates. They sailed all over the Atlantic Ocean, but especially terrorized the European coastlines. Piracy was also active in the waters surrounding Asia. As ships were built bigger and better and men became braver, piracy began to spread into the New World (2011).

Piracy began over 2000 years ago in Ancient Greece, when sea robbers threatened the trading routes of Ancient Greece. Since then, this threat has continued amongst seafaring nations ever since, until the birth of regular navies. Roman ships were attacked by pirates who seized their cargoes of grain, and olive oil. The Vikings were renowned for attacking shipping and coastal settlements. However, piracy really flourished between 1620 and 1720, and this period is known as the golden age of piracy. Between the sixteenth and nineteenth centuries, there have been different types of pirates, these being, privateers, buccaneers, and corsairs.

Many pirates had served in merchant or naval ships prior to turning to piracy. Life on a pirate ship appeared more attractive as

they were independent of national laws, the crews were treated much better than normal sailors and prize money was shared out equally. Most seamen became pirates as they hoped to become rich on plunders of treasure and cargo ships. When pirate ships captured merchant ships, the pirate captain would ask for volunteers to serve under him. Many of the crew would volunteer as life on a merchant ship was harsh and conditions awful.

Pirates used flags to frighten passing ships into surrendering without a fight. The original pirate flags were blood red, and this signaled that no mercy would be shown once the pirates boarded and battle ensued. As piracy developed, more flags were used, and pirates often had their own flags. The Jolly Roger is the most famous pirate flag. The symbol had been appropriated from the symbol used in ships' logs, where it represented death on board. It was first used as pirate flag around 1700 and quickly became popular with pirates, who designed their own version of the flag, e.g. a skull and crossed swords (2002).

The Golden Age of Piracy is a common designation given to usually one or more outbursts of piracy in maritime history of the early modern period. In its broadest accepted definition, the Golden Age of Piracy spans the 1650s to the 1730s and covers three separate outbursts of piracy 2015.

1. The buccaneering period of approximately 1650 to 1680, characterized by Anglo-French seamen based on Jamaica and Tortuga attacking Spanish colonies and shipping in the Caribbean and eastern Pacific,

2.The Pirate Round of the 1690s, associated with long-distance voyages from Bermuda and the Americas to rob Muslim and East India Company targets in the Indian Ocean and Red Sea, and

3.The post-Spanish Succession period, defined by Marcus Rediker as extending from 1716 to 1726, when Anglo-American sailors and privateers left unemployed by the end of the War of the Spanish Succession turned en masse to piracy in the Caribbean, the American eastern seaboard, the West African coast, and the Indian Ocean.

DECLINE

By the early 18th century tolerance for privateers was wearing thin by all nations. After the Treaty of Utrecht was signed, the excess of trained sailors without employment was both a blessing and a curse for all pirates. Initially the surplus of men had caused the number of pirates to multiply significantly. This inevitably led to the pillaging of more ships, which put a greater strain on trade for all European nations. In response European nations bolstered their own navies to offer greater protection for merchants and to hunt down pirates. The excess of skilled sailors meant there was a large pool that could be recruited into national navies as well. Piracy was clearly on a strong decline by 1720. The Golden Age of Piracy didn't last the decade.

Pirates are still a big problem particular problem in many waters, Particular problems in the area of the Straits of Malacca,

South Asia sea and Somalia as a maritime vessels in the trade of the region and even create glistening worry even more is the intensity and patterns of practice in the last decade. Supports the idea that many of the events Terrorist groups in South East Asia are the techniques of pirates, Maritime terrorism*. This will lead to insecurity in the maritime transportation system. And enormous economic damage that would ensue.

Causes of Pirates

The actions of the Pirates Statistics are still increasing. Although the crackdown has been the case to consider the key cause of action as a pirate.Can consider the following important factors (2014).

1. Economic problems 's Essentials coercive to cause a pirateas many countries in the region experiencing a recession. Resulting in higher unemployment and high cost of living, so to survive in such conditions. It was the act of a pirate.

2. The loss of officers on vessel The decrease of officers on vessel because lower of cost, process of cost and technological development Making equipment and marine of stylish.

---

*   Definition of this term Same as the definition of the word. "Terrorism" is no accepted definition of what all parties. However, the definition of "Terrorism," the one which has been widely accepted, it is " the intention . Dedicated to creating fear to happen. This is a drastic action .Or threatened act of violence. In order to gain the political changes, "meaning the most. When applied to marine disaster. It is terrorism in the marine realm . This includes space, what is involved or connected to the sea and the ocean as the boat docks, navigation systems, etc.
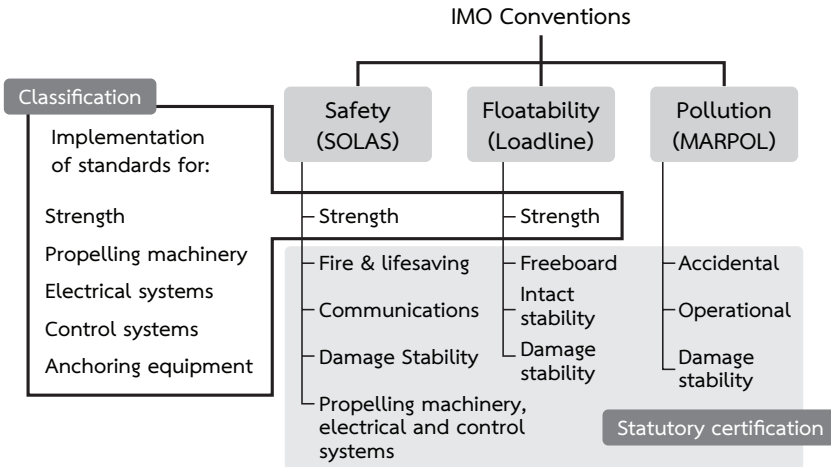
Send don't need to take lot of the crew as in the past. Factors of pirate that can rob more easily, Make the work of the Pirates more.

3. Limitations of the budget Cause a reduction in navel of several countries. Patrols and alert on the high seas caused the incomplete. Resulted in the detection of pirate action less likely.

4. Some cases,The work of the pirates might be crusading politicians and influential groups.Courage to make operating without fear of legal authority. There is some pirate groups also cooperate with local officials.The government doesn't care enough to suppress. Important factors as above contribute to and encourage the work of the pirates. Appears to have continued in the region and is likely to be increased.

5. The act of piracy in Southeast Asia is a threat to countries in the region. May be dangerous to the safety of navigation, marine environment . Including the economy of the country depends on the shipping routes in the region where this problem is likely to increase.

6. In the prevention and suppression. Have been implemented in various areas. Operation of the organization including International Maritime Organization IMO and IMB office , which acts in the report. And data collection Acts of piracy, including suggestions of possible measures to suppress. Implementation of international law, particularly the UNCLOS Convention Constitution acts of piracy are the offense under international law. Every state has the power to arrest and punishment. The only restriction is that the event must occur on

IMO Conventions

	Safety (SOLAS)	Floatability (Loadline)	Pollution (MARPOL)

Classification

Implementation of standards for:

Strength
Propelling machinery
Electrical systems
Control systems
Anchoring equipment

- Strength
- Fire & lifesaving
- Communications
- Damage Stability
- Propelling machinery, electrical and control systems

- Strength
- Freeboard
- Intact stability
- Damage stability

- Accidental
- Operational
- Damage stability

Statutory certification

the high seas or an exclusive economic zone and did not allow foreign ships to suppress pirates operating in the waters of the sovereignty of another country. The action of the states in the region. And privilege Attempts have been made to operate together. In both bilateral and multilateral, as a workshop for your solution. The anti-piracy measures Establishment forces to patrol. But this operation was not successful enough. Due to the primary key is sincerity in the suppression of the coastal state and lack of trust between

7. Can be said that Action against pirates. No measures or any operation to deal with the problem of piracy is strictly prohibited. However, is that countries Must be sincere in solving problems and collaborate seriously. To make such threats out of the South East Asian region .

International Maritime Bureau Piracy Reporting Center (IMB-PRC)

Naval Response — No activity implemented or planned

No activity planned or implemented.

Industry Response — No activity implemented or planned

No activity planned or implemented.

Plight of Seafarers — Ongoing activity

The IMB Piracy Reporting Centre receives reports following incidents of piracy as a result of the *Declaration Condemning Acts of Violence Against Seafarers.*

Messaging and Advocacy — Ongoing activity

IMB mission statement includes "*reporting piracy and armed robbery at sea incidents to law enforcement, helping local law enforcement catch pirates and assisting in bringing them to justice, assisting and advising ship-owners whose vessels have been attacked or hijacked, assisting and advising masters and crew members whose vessels have been attacked, collating and disseminating information on piracy in all parts of the world, providing updates on pirate / armed robbery activity via the internet, providing access to the live piracy online map, and publishing quarterly and annual reports detailing piracy statistics.*"

Regional Capacity — No activity implemented or planned

No activity planned or implemented.

Somali Capacity — No activity implemented or planned

No activity planned or implemented.

Rule of Law — No activity implemented or planned

No activity planned or implemented.

Coordination — Ongoing activity

The IMB-PRC works and shares information with the IMO, various governmental, inter governmental and law enforcement agencies including all industry bodies in an attempt to understand the nature of this crime and reduce its effects to crew, vessel and cargo. The IMB-PRC also coordinates with all vessels in the ocean region by alerting the vessels of any pirate activity within the region.

Prevent and suppress piracy under international law. ──●

Many countries have attempted To solve the work of the pirates. By using the International Convention This Convention and the Convention on the main UNCLOS 1982 The Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988 (SUN).

The UN Convention on the Law of the Sea 1982 (UNCLOS 1982).

UNCLOS 1982 Convention on the suppression of acts of piracy, The provisions of Article 100 to 111, which was mentioned obligations of all States to work together to defeat the definition dissuade pirates. Details of the action as a pirate. Authority to carry out arrests And punished by law, Including the pursue the courted of navel and military harbor (2000).

Protective measures foreign vesselsis protection on a ship to any state, That State shall protect, Protection of foreign vessels, Under the Treaty, The protection of foreign vessels*. If when foreign vessels entering the state.** And is not perfected protected by the treaty is considered as a pirate ship***, If officials if to make the damage of check caused foreign vessels to receive compensation.

---

* Article 95 Immunities of warships on the high seas. Warships on the high seas have complete immunity from the jurisdiction of another state.
** Article 96 Immunities of ships which used only on government is non-commercial Ship, which is owned or operated by a State and used only on government non-commercial one. When in high seas have complete immunity from the jurisdiction of another state.
*** Article 110Right of visit
    1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters on the high seas a foreign ship, other than a ship entitled to complete immunity in accordance with articles 95 and 96, is not j ustified in boarding it unless there is reasonable ground for suspecting

In the prevention and suppression have been implemented in various areas. Operation of the organization including International Maritime Organization IMO and IMB office , which acts in the report. And data collection Acts of piracy, including suggestions of possible measures to suppress. Implementation of international law, particularly the UNCLOS Convention Constitution acts of piracy are the offense under international law. Every state has the power to arrest and punishment. The only restriction is that the event must occur on the high seas or an exclusive economic zone and did not allow foreign ships to suppress pirates operating in the waters of the sovereignty of another country. The action of the states in the region. And privilege Attempts have been made to operate together. In both bilateral and multilateral, as a workshop for your solution. The anti-piracy measures Establishment forces to patrol. But this operation was not successful enough. Due to the primary key is sincerity in the suppression of the coastal state.

It is the right of coastal States under international law to force compliance with the law in the case of foreign vessels violating the laws and regulations of the coastal State and the ship was out of escape to the power of coastal state. By warships or military aircraft

---

2. In the cases provided for in paragraph 1, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.

3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.

4. These provisions apply mutatis mutandis to military aircraft.

5. These provisions also apply to any other duly authorized ships or aircraft clearly marked and identifiable as being on government service.

or vessels used in the service of the coastal state has the authority to pursue the ship even though the ship to commit such offense was out of the sea areas of the coastal state already*.

Modern piracy against transport vessels remains a significant issue (with estimated worldwide losses of US$13 to $16 billion per year), especially Piracy in the Somali coast, Piracy in south Asia and also Piracy in the Strait of Malacca, which are used by over 50,000

---

*   Article 111 Right of hot pursuit

1. The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters, the archipelagic waters, the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the foreign ship is within a contiguous zone, as defined in article 33, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established.

2. The right of hot pursuit shall apply mutatis mutandis to violations in the exclusive economic zone or on the continental shelf, including safety zones around continental shelf installations, of the laws and regulations of the coastal State applicable in accordance with this Convention to the exclusive economic zone or the continental shelf, including such safety zones.

3. The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own State or of a third State.

4. Hot pursuit is not deemed to have begun unless the pursuing ship has satisfied itself by such practicable means as may be available that the ship pursued or one of its boats or other craft working as a team and using the ship pursued as a mother ship is within the limits of the territorial sea, or, as the case may be, within the contiguous zone or the exclusive economic zone or above the continental shelf. The pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.

5. The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

6. Where hot pursuit is effected by an aircraft

7. The release of a ship arrested within the jurisdiction of a State and escorted to a port of that State for the purposes of an inquiry before the competent authorities may not be claimed solely on the ground that the ship, in the course of its voyage, was escorted across a portion of the exclusive economic zone or the high seas, if the circumstances rendered this necessary.

8. Where a ship has been stopped or arrested outside the territorial sea in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

commercial ships a year. In the late 2000s, the emergence of piracy off the coast of Somalia spurred a multi-national effort led by the United States to patrol the waters near the Horn of Africa.

Modern pirates favor small boats and taking advantage of the small number of crew members on modern cargo vessels. They also use large vessels to supply the smaller attack and boarding vessels. Modern pirates can be successful because a large amount of international commerce occurs via shipping. Major shipping routes take cargo ships through narrow bodies of water such as the Strait of Malacca making them vulnerable to be overtaken and boarded by small motorboats(2009).

The Straits of Malacca

The Straits of Malacca in geographically, it is a strait that located between the Peninsular Malaysia and Sumatera Island (Indonesia), which is as a route that indirectly connecting two oceans; Indian Ocean and Pacific Ocean, and also connecting the three biggest population countries. In the economically, the Straits of Malacca have been a way of trading that connected West Asian and East Asian (2015). This strait is one of the busiest ocean highways in the world. Since the Straits of Malacca became vital to the global economic activity, there are many problems that happened in Straits of Malacca, especially the problem of piracy at sea or kind of robbery. Moreover, in this global era the problem in one place would be the global issue for another countries, the Straits of Malacca is one of important place for Super Power countries such as U.S and China and littoral countries, so that the

Map of straits of Malacca

piracy in the Straits of Malacca should be solved as soon as possible with all of things. "The intelligence gathered by IMB is precise and contemporaneous," said IMB Director Pottengal Mukundan. To prevent further loss of life or injury to seamen we highly recommend that law enforcement agencies increase their presence in the most perilous regions. The IMB report brings good news for Bangladesh and India where there has been a marked reduction in the number of attacks. It was also the region where the greatest number of violent attacks took place with many pirates armed (2015).

The number of pirate attacks of the Malacca Strait has experienced an impressive reduction in 2006. Until September 2006, only six attacks and two attempted reported in the Malacca Strait.

According to the IMB, which produces quarterly and annual reports on piracy and armed robbery against ships, there were only three successful and four attempted attacks by pirates on shipping in the Malacca Strait in 2007. This number continued into 2008, with the Half Yearly Report issued by the Regional Cooperation Agreement on combating Piracy and Armed Robbery against Ships in Asia ReCAAP (2015) Information Sharing Center in Singapore listing only one successful attack on a vessel in the Malacca Strait and three attempted ones. Though the number of vessels transiting in the straits a year is a big number but the proportion of ships being attacked is extremely small.

In 2009, only 2 incidents have been reported in the Malacca Straits and IMB complimented the littoral states for their continued efforts in maintaining and securing the safety of the strategic trade route. The drop in attacks is due to increased vigilance and patrolling

by the littoral states and the continued precautionary measures on board ships. In fact, in March 2009, the European Commission held an international workshop that discussed and commended the success of the three littoral states in implementing cooperative security measures to combat piracy. Among the mechanisms that drew praise were the Eyes in the Sky, the Malacca Straits Surface Patrol (MSSP) and the Maritime Cooperative Mechanism which are jointly implemented by the three states, the establishment of the Information Sharing Centre, ReCAAP based in Singapore and the formation of the MMEA.

The high numbers of piracy incidents in the Straits of Malacca especially in 2000-2005 raised the question, "why there is a piracy activity in the Straits of Malacca?" because piracy in the Strait of Malacca mostly happened because of the environment factor that especially consists into two aspects;

Economical Reason

This is the main reason why Malacca have higher numbers of piracy. Someone said "the poverty is the father of revolution and crimes" the piracy activity and armed robbery in the Strait of Malacca was began since the monetary crisis of South East Asian in 1997.

Political reason

Beside economical reason, other cause of piracy in the Straits of Malacca is political reason, because. Economy and politic are could be separated and both are the most important things that give big influence to many aspects in our daily life, moreover for a society and a country itself.

Sea Piracy in South Asia

This chapter attempts to examine the phenomenon of sea piracy in South Asian waters. In particular, it examines sea piracy-related incidents in Bangladesh, India, and Sri Lanka. Given that the pirates are the enemies of all (hostishumani generis) and need to be brought to book, the chapter highlights the lacuna in the legal system to prosecute the perpetrators of piracy.

Maritime Forces

India

The Indian Navy and the Coast Guard are responsible for maintaining maritime order in the Indian EEZ (Exclusive Economic Zone). They are equipped with surface ships and maritime aircraft to undertake patrolling and surveillance of the sea areas. The naval forces also include special helicopters for deployment of quick reaction forces, marine commandos, diving teams, and damage-control units.

Pakistan

The Maritime Safety Agency (MSA), along with the Pakistan Navy, is responsible for maintaining order in the Pakistani waters. The MSA was established in 1987 as a paramilitary force and is responsible for protecting unauthorized exploitation of Pakistan's EEZ and enforcing national and international maritime laws in Pakistan's waters.

Sri Lanka

Unlike India and Pakistan, which have paramilitary maritime forces, in Sri Lanka it is the Sri Lanka Navy (SLN) which has the

responsibility of carrying out policing roles in the country's maritime areas. Besides fighting the LTTE in Sri Lanka's northeastern waters, the navy undertakes deep-sea surveillance and monitors illegal activities at sea.

Bangladesh

The Bangladesh Coast Guard has been in existence for more than a decade now. It began its operational activities with two patrol craft s borrowed from the Bangladesh Navy. It has been tasked to safeguard Chittagong and Mongla ports that serve about 90 percent of Bangladesh's trade. The Coast Guard plays a key role in the surveillance of the seacoast of Bangladesh.

Piracy off the coast of Somalia

Since the end of the Second World War, vessels transiting the Indian Ocean have been relatively safe from attack. It is wholly unacceptable that a comparatively small number of criminal groups engaged in piracy have rendered the Indian Ocean a 'no go' area for smaller vessels such as yachts, and one in which larger shipping needs to hire private armed guards to guarantee safe passage (2012).

This year has seen a reduction in the number of successful attacks, and the surge in piracy attacks that was expected in autumn 2011 does not appear to have materialised. It remains to be seen whether this is indicative of an improving trend as a result of better defence and naval action, or whether it is merely a lull while pirates adapt to a changing situation. The fact that the number

of attacks, hostages, and ships held, as well as the overall ransom figures, have all reached record highs at times this year should serve as a caution against any complacency in the UK's counter-piracy response.

Somalian Piracy Threat Map (2005-2010)
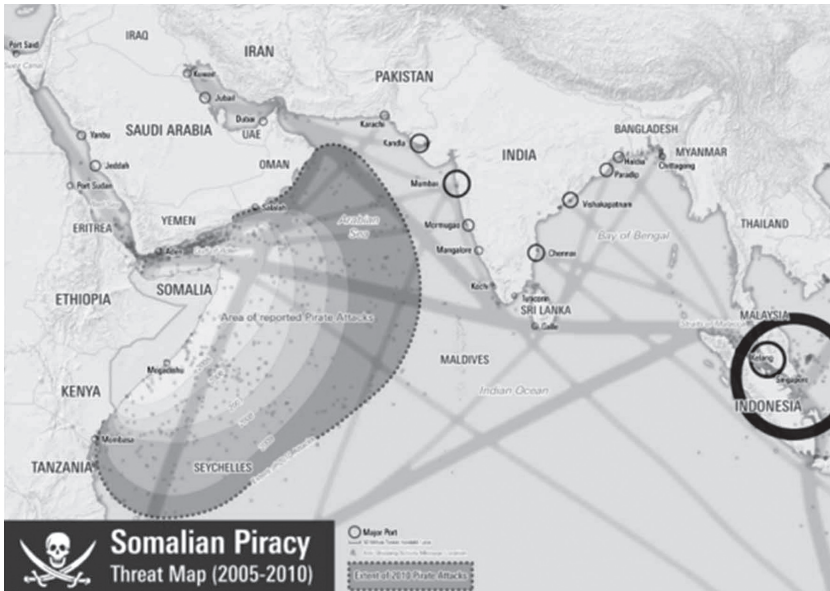
Anti-Piracy Measures

Between 2009 and 2010, the government of the autonomous Puntland region in northeastern Somalia enacted a number of reforms and pre-emptive measures as a part of its officially declared anti-piracy campaign. The latter included the arrest, trial and conviction of pirate gangs, as well as raids on suspected pirate hideouts and confiscation of weapons and equipment; ensuring the adequate coverage of the regional authority's anti-piracy efforts by both local

and international media; sponsoring a social campaign led by Islamic scholars and community activists aimed at discrediting piracy and highlighting its negative effects; and partnering with the NATO alliance to combat pirates at sea

United Nations

The UN Security Council adopted a resolution on 20 November 2008, that was proposed by Britain to introduce tougher sanctions against Somalia over the country's failure to prevent a surge in sea piracy (2008). The US circulated the draft resolution that called upon countries having naval capacities to deploy vessels and aircraft to actively fight against piracy in the region. The resolution also welcomed the initiatives of the European Union, NATO and other countries to counter piracy off the coast of Somalia.

Suggestions

Problem of maritime piracy is an issue that has for a long time. Can be not solved it 100 percent, but can be inhibited to prevent it from happening even more difficult.

mBefore we can solve the problem, We need to know the purpose of robbery first. By then, the main cause of poverty of the people in the country.

1. Somalia can be not produced their own food adequately.

Although Somalia is located in a small area in the middle and is landlocked longer than 3,000 miles, but it is a pity that approximately half of the country is a barren desert no forest river, so can be not do. Agricultural fully Because of this, some of the

Somali people, thus making it impossible to produce food to feed themselves adequately.

2. Economic weakness and inefficiency of government.

Because most people poor, no income, no job and can be not produce their own food have made the Somali economy, followed by a lack of liquidity, that is no longer manufactured goods and services. No trade and the distribution of income across the country.

3. Civil war and secession

Somalia is also a chronic conflict and the civil war over the past several decades due to the many ethnic groups that want to have their own autonomy as such. Effects of chronic civil war has made the government was shaky. Instability And caused severe food shortages, increased again in spite of normal food is not enough demand exists.

4. Political instability, the government

The current government is inefficient in maintaining peace within the country. A rioter stealing kills innovation as well as the group as a pirate ship. The government can not enforce the law because the government repression and control are weak and lack the ability to perform.

So we propose 4 possible solutions to decrease a piracy problem

1. Government

International aid Need to come help more. Whether it is economic to produce food or even military forces. Because there are radical Islamic groups in Somalia to overthrow the government.

2. Organizations

Organizations involved with the Pirate defense is like RECAAP and IMB. These agencies must cooperate to suppress. To achieve maximum stability and confidence of the individual lines.
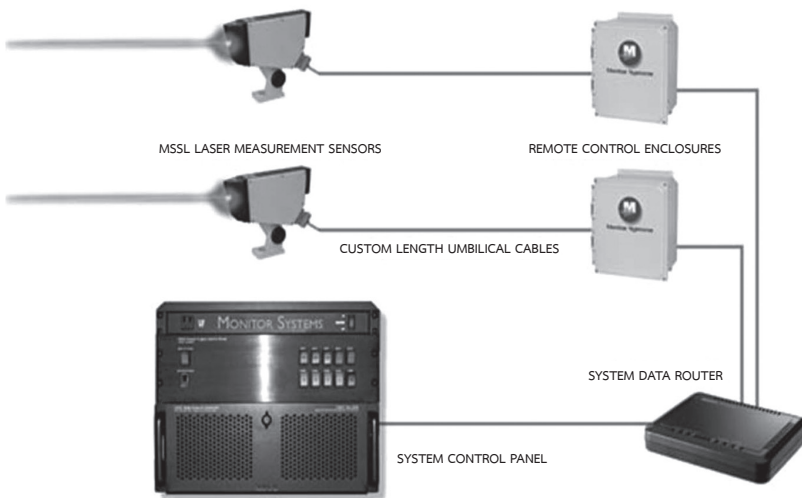
3. Contract negotiations with pirates

There are private companies hired to negotiate with the pirates for the mutual benefit of the city. Which is mediated negotiations for the hostages and vessels taken withdraw. Cash only If negotiations are successfully using a helicopter carrying cash to be thrown in the sea in the appointment. After the pirates had been paid, it will release the ship and crew immediately. A simple method Contract negotiations with the pirates together seamlessly.

4. Boat Registration

Registration system for commercial vessels. Or rent a boat for commercial purposes is not effective enough. Now, if you want to register the vessel in international waters. Relatively simple Just Fax data on vessels, such as size, weight, name of ship, name of ship owners.

We propose a necessary system for maritime transport. It's a Maritime Early Detection Systems (M.E.D's). This is integrated into a security network on board with custom control panels and alert devices placed throughout the vessel. Custom control and monitoring can be satellite linked to corporate security offices, central monitoring and law enforcement personnel.

MSSL LASER MEASUREMENT SENSORS

REMOTE CONTROL ENCLOSURES

CUSTOM LENGTH UMBILICAL CABLES

SYSTEM DATA ROUTER

SYSTEM CONTROL PANEL

AN UNLIMITED NUMBER OF SENSORS OR CONTROL PANNELS CAN BE ADDED TO THE SYSTEM

Maritime Early Detection Systems (MEDS™) is a combination of unique integrated state of the art technologies. By equipping maritime assets with these advanced detection systems we can dramatically decrease the potential of a hostile takeover of ships / rigs in port or at sea. The worldwide threat of terrorism and piracy in international waters is increasing exponentially and the need for a solution is becoming paramount (2012).

Conclusion

Thus, long-term solutions to piracy problem is overwhelming, with a paucity of proactive efforts, especially in terms of tackling the root cause of the issue. We occasionally come into contact with their pirate operatives, but most of these freely roam the seas. At least we have improved the ability of individual vessel to withstand attacks, but it is still safe to argue that the world has not fully woken up to the complexity and enormity of the global piracy threat, let alone how it might be permanently eliminated.

Whatever This research will allow us to know the structure of interpretation and judgment of the disputes which looks different out .In both the legal and enforcement.And made aware of gaps of the law. To be interpreted and judged. How awarding the verdict will affect the boundaries in dispute. And make us aware of the using law of a judgment or award that will be a principle which must be taken as elements in deciding disputes. In addition, laws and conventions that exist today for achieve the satisfaction and recognition of the courts to terminate any such disputes.

References

BBC Piracy documentary. (2013). Retrieved 27 December, 2014, from http://www.bbc.co.uk/worldservice/documentaries/2008/03/ 080303_pirates_prog2.shtml

Besheer, M. (2008). *UN Security Council Approves Anti-Piracy Measure*. Voice of America..

Captain, R.S. & Commander, N.A. (2000). Mohan, "Role of Indian Navy in Combating Piracy," Paper presented at the *IMO Seminar and Workshop on Piracy and Armed Robbery Against Ships* (Mumbai, India: 22–24 March 2000).

Catherine, R. (2005). *Piracy in Southeast Asia: New Trends, Issues, and Responses*. Singapore: Institute of Defence and Strategic Studies.

David, P.F. (2009). *Encyclopedia of Human Rights, Volume 1*. Oxford: Oxford University Press.

Geoffrey, P. (Ed). (1986). *The World: An Illustrated History*, Cornwall, UK: Times Books Ltd.

Golden of Piracy. (2013). Retrieved 27 December, 2014, from http:// en.wikipedia.org/wiki/Golden_Age_of_Piracy#Decline

ICC International Maritime Bureau. (1998). Piracy and Armed Robbery Against Ships, Report for the Period January 1-December 31.

ICC International Maritime Bureau. (2004). Piracy and Armed Robbery Against Ships, Report for the Period January 1-December 31.

International Maritime Organization. (1993). "Piracy and Armed Robbery Against Ships, Recommendations to Governments for Combating Piracy and Armed Robbery against Ships," *Maritime Safety Committee Circular MSC/Circ622*, London.

Ioannis, G. (2013). *"Malacca Strait: Target for Terror," Asia Times*. Retrieved 11 August, 2014, from http://www.atimes.com/atimes/Southeast_Asia/FH11Ae02.html

Prabhakaran, P. (2004). *Role of the Coast Guard in the Maritime Security of India*. New Delhi: Knowledge World.

Rommel, C.B. (2005). Maritime Piracy in Southeast Asia: Current Situation, Counter-Measures, Achievements and Recurring Challenges. Singapore: Institute of Defence and Strategic Studies and World Scientific.

Stephanie, J. (2013). *Associate Professor, Maritime piracy - the challenge of providing long-term solutions* netherland: Maastricht School of Management.

Vijay, S. (2007). Violence at Sea: Piracy in the Age of Global Terrorism. New York: Routledge Taylor & Francis Group.

Vivian, L.F. & Vijay, S. (2004). *"Challenging Acts of Marine Trans-Boundary Transgressions in the Indian Ocean"*. *MIMA Issue Paper*, vol. 1/2004, Maritime Institute of Malaysia.