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Postgraduate Certificate in Maritime Arbitration

# Piracy and Armed Robbery Arbitration

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## Piracy and Armed Robbery Arbitration

Maritime arbitration is a method of resolving disputes related to maritime activities outside the traditional court system. One specific area of maritime arbitration that is of critical importance is Piracy and Armed Robbery Arbitration. This specialized form of arbitration deals with disputes arising from acts of piracy and armed robbery at sea. In this course, we will delve into the key terms and vocabulary essential for understanding Piracy and Armed Robbery Arbitration.

### 1. Piracy

Piracy is one of the oldest maritime crimes and remains a significant threat to the shipping industry. It involves acts of violence, robbery, or depredation committed for private ends by the crew or passengers of a private ship or aircraft on the high seas against another ship or aircraft. Piracy is a universal crime under international law, and it is subject to the jurisdiction of all states.

Piracy can take various forms, such as armed robbery, hijacking, kidnapping, or hostage-taking. The perpetrators of piracy are commonly referred to as pirates, and they often operate in organized groups with sophisticated means to carry out their criminal activities. Piracy poses a serious risk to the safety and security of seafarers, vessels, and cargo.

### 2. Armed Robbery

Armed robbery at sea is a specific type of maritime crime that involves the use of weapons or threats of violence to steal from vessels in coastal waters or ports. Unlike piracy, which occurs on the high seas, armed robbery typically takes place in territorial waters or within the exclusive economic zone of a coastal state. Armed robbery is a serious concern for shipping companies and poses a threat to the safety of seafarers and the security of maritime trade.

Armed robbery incidents can range from theft of cargo or personal belongings to more violent acts such as assault or kidnapping. The perpetrators of armed robbery are often armed with firearms, knives, or other weapons, making these incidents particularly dangerous for the crew and passengers of the targeted vessels.

### 3. Arbitration

Arbitration is a form of alternative dispute resolution where parties agree to submit their disputes to a neutral third party, known as an arbitrator, for a binding decision. In the context of Piracy and Armed Robbery Arbitration, parties involved in disputes related to piracy or armed robbery incidents may choose to resolve their disagreements through arbitration rather than traditional litigation.

Arbitration offers several advantages over litigation, including confidentiality, flexibility, and expertise in maritime matters. The arbitrator or panel of arbitrators selected to hear piracy and armed robbery cases will have specialized knowledge of maritime law and will be able to render decisions based on industry best practices and international conventions.

#### 4. UNCLOS

The United Nations Convention on the Law of the Sea (UNCLOS) is a comprehensive international treaty that establishes the legal framework for all activities in the world's oceans and seas. UNCLOS defines the rights and responsibilities of states in maritime zones, including territorial waters, exclusive economic zones, and the high seas. The convention also addresses issues such as piracy, armed robbery, and maritime security.

UNCLOS provides a legal basis for combating piracy and armed robbery at sea and sets out the rights of states to take action against these criminal activities. States parties to UNCLOS are obliged to cooperate in preventing and repressing piracy and armed robbery and to prosecute or extradite individuals involved in these crimes.

#### 5. ISPS Code

The International Ship and Port Facility Security Code (ISPS Code) is an international framework adopted by the International Maritime Organization (IMO) to enhance maritime security and prevent acts of terrorism, piracy, and armed robbery against ships and port facilities. The ISPS Code sets out mandatory security measures for ships and ports to follow to reduce the risk of security incidents.

Compliance with the ISPS Code is essential for vessels and port facilities to mitigate the threat of piracy and armed robbery. Shipping companies and port operators must implement security plans and procedures in line with the requirements of the ISPS Code to protect their assets, personnel, and cargo from security threats.

#### 6. Best Management Practices (BMP)

Best Management Practices (BMP) are a set of guidelines developed by the shipping industry to help vessels and crews prevent and deter piracy and armed robbery attacks. The BMP guidelines provide practical advice on risk assessment, ship hardening, crew training, and response procedures to enhance the security of vessels operating in high-risk areas.

Shipping companies are encouraged to implement BMP measures to reduce the vulnerability of their vessels to piracy and armed robbery incidents. By following the BMP guidelines, vessels can improve their security posture and better protect themselves against potential threats from pirates and armed robbers.

#### 7. Regional Cooperation

Regional cooperation plays a crucial role in addressing piracy and armed robbery in specific maritime regions. States in high-risk areas often collaborate through regional organizations, such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), to share

information, coordinate patrols, and conduct joint maritime security operations to combat maritime crime.

By working together, states can pool their resources and expertise to effectively deter and respond to piracy and armed robbery threats. Regional cooperation mechanisms help strengthen maritime security in vulnerable areas and promote a collective approach to combating transnational maritime crimes.

## 8. Private Armed Security Teams

Private armed security teams are specialized security personnel deployed on board vessels to protect against piracy and armed robbery attacks. Shipping companies may hire private security providers to provide armed guards who can deter potential threats and respond to security incidents effectively. Private armed security teams are trained to handle firearms, navigate high-risk situations, and coordinate with the vessel's crew to safeguard the ship and its occupants.

The use of private armed security teams has become a common practice in high-risk maritime areas to enhance the security of vessels and mitigate the risk of piracy and armed robbery. However, the deployment of armed guards on board ships raises legal, regulatory, and liability issues that must be carefully managed to ensure compliance with international laws and standards.

## 9. Legal Framework

The legal framework governing piracy and armed robbery at sea is complex and multifaceted, involving international conventions, national laws, and industry guidelines. States have the primary responsibility to prosecute individuals involved in piracy and armed robbery incidents under their domestic laws or international agreements. Additionally, international legal instruments such as UNCLOS, the SUA Convention, and regional agreements provide a framework for states to cooperate in combating maritime crimes.

Arbitration in piracy and armed robbery cases may be governed by specific arbitration rules, such as the London Maritime Arbitrators Association (LMAA) Terms or the International Chamber of Commerce (ICC) Rules. These rules outline the procedures for conducting arbitration proceedings, selecting arbitrators, presenting evidence, and issuing awards in piracy and armed robbery disputes.

## 10. Challenges and Opportunities

Piracy and armed robbery continue to pose significant challenges to the maritime industry, requiring proactive measures to enhance security and protect vessels, crews, and cargo. Arbitration provides a valuable mechanism for resolving disputes arising from piracy and armed robbery incidents in a timely and efficient manner, allowing parties to avoid costly and lengthy litigation processes.

However, the complexity of piracy and armed robbery cases, coupled with the unique legal and operational challenges they present, can make arbitration in this context particularly demanding. Arbitrators hearing piracy and armed robbery disputes must have a deep understanding of maritime law, security issues, and international conventions to render fair and informed decisions.

In conclusion, Piracy and Armed Robbery Arbitration is a specialized field within maritime arbitration that

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requires a nuanced understanding of piracy and armed robbery incidents, legal frameworks, security measures, and regional cooperation mechanisms. By mastering the key terms and vocabulary associated with Piracy and Armed Robbery Arbitration, arbitrators and industry professionals can effectively navigate the complexities of resolving disputes related to maritime crimes and contribute to enhancing maritime security and safety.