



Journal Homepage: -www.journalijar.com

INTERNATIONAL JOURNAL OF ADVANCED RESEARCH (IJAR)

Article DOI:10.21474/IJAR01/19225
DOI URL: <http://dx.doi.org/10.21474/IJAR01/19225>



RESEARCH ARTICLE

TRANSNATIONAL ORGANISED CRIMES WITH SPECIAL REFERENCE TO MARINE PIRACY

Mary Jyothi Joseph

Assistant Professor, Government Law College, Thrissur, Kerala.

Manuscript Info

Manuscript History

Received: 05 June 2024

Final Accepted: 08 July 2024

Published: August 2024

Key words:-

Transnational Crimes, Transnational
Organised Crimes, Marine Piracy,
International Conventions

Abstract

Piracy has been a pervasive issue for centuries. Historically, it gained momentum during the era of slave trade, with pirates plundering cargoes from merchant vessels in the open sea, resulting in the loss of life and property, as well as economic damage. As maritime trade expanded, it became necessary to establish laws to curb and counter piracy, which posed a significant threat. International conventions were subsequently developed to safeguard stakeholders, but their limited effectiveness was due to the non-binding nature of these agreements. Weaknesses in domestic laws, lack of jurisdiction, and inadequate trial procedures further hindered the efforts of individual states to combat piracy, leading to collaborative initiatives and naval operations to confront the perpetrators at sea. The article aims to explore the measures that have been implemented to tackle piracy in the maritime domain. The author has provided a brief overview of the topic, focusing on transnational organised crime against humanity. It is recommended that readers delve deeper into the subject to gain a comprehensive understanding of the issue.

Copy Right, IJAR, 2024,. All rights reserved.

Introduction:-

Over the past decade, the theory of transnational legal orders has established a unique conceptual framework for examining the processes by which transnational legal norms are formulated, disseminated, stabilized, institutionalised, challenged, and transformed. This theory has emerged as a valuable analytical tool for comprehending the dynamic and intricate landscape of global governance, where the conventional boundaries between domestic and international law are becoming increasingly blurred (Aaronson & Shaffer, 2021). According to Mueller, 'transnational crime' is a criminological rather than a legal term, coined by the UN Crime Prevention and Criminal Justice branch to denote criminal phenomena that cross international boundaries, violate the laws of multiple states, or affect other countries. 'Transnational crime' is, nonetheless, commonly utilized as a broad concept encompassing a variety of criminal activities. (Boister, 2003).

Throughout the 20th century, criminologists have progressively shifted their focus from conceptualizing crime solely as a local issue to acknowledging its growing national and even transnational dimensions. The emergence of globalization has introduced new challenges, as criminals have learned to exploit the interconnected world to their advantage, readily crossing borders and rapidly transferring illicit funds across the globe. Accordingly, the field of criminology has been compelled to adopt a global perspective, giving rise to the emergence of a new subdiscipline: global criminology (Friedrichs, 2007). Transnational criminal activities that transcend national boundaries present significant challenges to the international community. These activities can be broadly classified into three primary

Corresponding Author:-Mary Jyothi Joseph

Address:-Assistant Professor, Government Law College, Thrissur, Kerala.

objectives: the supply of illicit goods, the provision of illicit services, and the infiltration of business or government operations(Albanese, 2012).

Transnational criminal activity is generally regarded as a low-level threat to US national security. It undermines financial institutions, legal frameworks, and ethical standards. The vast sums of money associated with such activity can easily sway small governments, and if left unchecked, can also corrupt large corporations and stable governments. Over time, the twin phenomena of globalization and the defeat of state sponsors of terrorism have led to terrorist groups and transnational criminal organizations utilizing the same intermediaries, facilitators, and tactics, techniques, and procedures (TTPs) to carry out their operations. This convergence of criminal elements with terrorist groups is not based on ideology, but rather on practicality. As a result, both groups can become more powerful(Novakoff, 2016). Globalisation has two primary effects on criminal law. Firstly, there will be an increased use of international documents. Many of these documents require that legislation based on them be drafted and introduced into domestic law. As a result, there will be a connection between domestic laws with identifying transnational crimes. The relationship between these international instruments, which create international obligations, and their transfer into domestic law will be an intriguing aspect of international law(Sornarajah, 2004).

The international frameworks for state power and rights have developed unevenly, leading to the erosion, undermining, and overshadowing of human rights frameworks that could restrict state power and associated social harms. Traditional approaches to labelling and dealing with transnational criminal activities also obscure the social, political, and economic factors that give rise to these activities, exempting states from their responsibility for creating and improving these conditions and instead enabling the blaming, stigmatizing, and punishing of victims(Pickering & McCulloch, 2007). Newer transnational criminal groups rely less on the state and global economy than traditional crime groups. Focused on short-term survival, their interests diverge from those prioritising state-building or the existing international financial system. Unlike traditional groups, they lack investments in resorts or stocks and are unaffected by declines in tourism or stock markets due to terrorist acts. Their political priorities differ markedly, as traditional crime groups, with substantial investments, seek international financial stability to safeguard their assets(L. Shelley, 2005)

Transnational Organised Crime

Organized crime was traditionally seen as a domestic problem limited to a few countries like Italy, the United States, and Japan. However, in recent years, there is growing recognition that the issue is no longer confined to a small number of states and can no longer be addressed within a single jurisdiction. The globalization of organized crime has been catalysed by various factors, such as the heightened interconnectivity of the global landscape, the proliferation of novel technologies, and the erosion of conventional state borders(Peters .J, 2002). The conceptualization and characteristics of particular offenses and international crimes have been a focus of scholarly discourse since the late 19th century. International crimes are regarded as encompassing the aspirations of some states to absorb and dominate others, as well as unprovoked attacks without formal declarations of war. These scholars viewed international crimes as undermining the general legal order, necessitating the incorporation of international criminal law principles into national legal frameworks.(Popko, 2019).

The conclusion of the Cold War in the 1990s, precipitated by the disintegration of the Soviet Union, catalysed a dramatic transformation in the global security landscape. This transitional period is characterized by heightened uncertainty, as the established bipolar order gave way to a more intricate and volatile geopolitical milieu. The dismantling of the long-standing Cold War power structures facilitated the emergence of new challenges, including the proliferation of transnational organized crime, which has become increasingly entrenched, pervasive, and complex in the ensuing years(McFarlane, 2013). The notion of transnational crime has garnered substantial attention within the international community, as it encompasses a broad spectrum of unlawful activities that transcend national borders, posing significant challenges to global security and stability. In 1995, the United Nations defined transnational crime as "offenses whose inception, scale, and/or direct or indirect effects involve more than one country", subsequently identifying a comprehensive list of 18 categories of such crimes(Roth, 2017).

Transnational organised crime has become a substantial threat to the political, economic, and social stability of societies globally. According to the United Nations, this challenge first emerged in the mid-1990s, driven by a combination of exacerbating factors. The globalization of commercial networks, reduced trade barriers, technological progress, and the conclusion of the Cold War have all enabled the rise of a new class of actors who operate independently of the traditional nation-state framework(Hesterman, 2005). Transnational organized crime

poses a significant threat to social, economic and political stability worldwide. Globalization has interconnected markets, populations, and communication channels, allowing criminal networks to exploit governance and security weaknesses to expand their cross-border operations.(Orlova & Moore, 2005)..

Transnational organised crime thrives due to disparities that are favourable to criminals, enabling them to exploit legal, administrative, and market opportunities in multiple countries. Organised crime not only provides employment and trickle-down benefits, but it also multiplies them. Although some of the profits from organised crime are invested in local economies, this should not overshadow the negative impact it has on society(Williams, 2000).The gravity of the issue emanates from the intricacy of these entities and their operations, their extensive reach across the globe, and the jeopardy they pose to democracy and legitimate economic growth, thereby eroding the foundations of the nation-state. Transnational criminal organizations will be deemed as organized crime groups that have their base in one country; carry out their criminal activities in one or more host nations, where favourable market conditions prevail; and engage in illicit undertakings that present a low likelihood of detection(L. I. Shelley, 1995).

The Crime-Terror Continuum suggests a range from organized crime to terrorism, with strategic alliances forming in between. Ideological groups often engage in criminal acts like bank robbery and kidnapping to fund their activities. Conversely, organized crime groups may use terrorism to achieve their goals, as seen with the Italian Mafia using terror to avoid government attention. Criminal organizations typically thrive in chaotic settings and political instability, which weaken state security, but may favour stability if it benefits them. Complete integration occurs when a criminal group adopts political motives or an ideological group becomes a criminal enterprise(Sumpter & Franco, 2018).

Marine Piracy

Piracy must be defined initially to establish a baseline for discussion. The United Nations Convention on the Law of the Sea (UNCLOS)¹ provides the most widely accepted definition, describing piracy as "illegal acts of violence or detention, or any act of depredation committed for private ends, on the high seas," occurring "in a place outside the jurisdiction of any State," and includes "inciting or intentionally facilitating such an act." This definition allows for the prosecution of those intentionally supporting piracy(Sloan, 2018).The 1987 Brundtland Report, foundational to modern 'sustainable development' policies, highlighted that international and national security strategies must transcend the traditional focus on military power and competitive armed forces. Elisabeth Mann Borgese asserted that 'comprehensive' encompasses local coastal communities to provincial, national, regional, and global levels(Griffiths, 2018).

Piracy has a long history dating back over two millennia, with ancient Greek maritime trade routes being disrupted by sea robbers. In recent times, it has primarily affected developing nations. From the 16th to 19th centuries, the Mediterranean Sea was notorious for pirates from North Africa, who engaged in the lucrative slave trade. The ban on privateering and the presence of British and Dutch warships, combined with the bombardment of Algiers, which destroyed the pirates' stronghold, significantly reduced piracy. In response to a surge in ship attacks in Southeast Asia and the Caribbean, the International Maritime Bureau (IMB) of the International Chamber of Commerce established the Piracy Reporting Centre in 1992. Furthermore, political groups have also hijacked vessels, taking crews and passengers hostage(Johri & Krishnan, 2019).

Gosse's² significant contribution to piracy scholarship is his concept of the "pirate cycle," which delineates piracy's evolution in three stages(R.R., 1979). Initially, inhabitants of marginal coastal areas commit small-scale piracy against vulnerable merchant ships, termed "subsistence piracy" by scholars of contemporary piracy. As piracy becomes more profitable, pirate groups expand and organize, forming large, professional entities that either absorb or eliminate subsistence groups. These professional pirates, representing the cycle's second stage, can execute coordinated attacks on major merchant ships. The third stage is reached when pirate organizations attain a status

¹ 1982;The LOS Convention expanded the territorial sea to 12 nautical miles and introduced new maritime zones such as archipelagic waters and the exclusive economic zone (EEZ), altering the high seas regime, especially regarding natural resources. It balanced all states' interests in maintaining maritime law and order while developing legal regimes for these zones, which are now under coastal states' sovereignty or jurisdiction.

²*The History of Piracy*, by P. Gosse.

comparable to an independent state, enabling them to form mutually beneficial alliances with other states against common enemies(Lucas, 2013).

Before 1700, piracy cases in the British Empire were typically handled by common-law courts, though their effectiveness was limited. Pirates often resorted to bribing, intimidating, or influencing jurors in coastal towns where local involvement in illegal activities was prevalent. Additionally, a special Admiralty court could try pirates, but this required transporting the accused, evidence, and witnesses to England, a lengthy process due to sea travel. To expedite prosecutions, Parliament established Vice-Admiralty courts in 1700, allowing piracy trials abroad. These courts consisted of seven "commissioners" from naval officers and colonial officials rather than ordinary judges(Boot, 2009).In America, the Pirates captured by the state faced harsh penalties for property crimes, reflecting the official view of piracy as a serious offense. In 1718, Vice-Admiralty Judge Nicholas Trott articulated this stance during the trial of Stede Bonnet and his thirty-three crew members in Charleston, South Carolina. Trott declared that the accused had no right to alter property laws. The defendants were denied the benefit of clergy, labeled as "HostisHumani Generis" (enemy of all mankind), and deemed "Brutes"(Rediker, 1981).

The Age of Piracy, aligned with capitalism's mercantilist phase (circa 1492-1783), saw emerging states granting exclusive trading or extraction rights in new territories to colonial companies. Entities like the Vereenigde Oost-Indische Compagnie (VOC), the English East India Company, and the French Company of the Indies functioned as economic privateers. Scholars widely concur that mercantilism contributed significantly to piracy by displacing maritime workers from familiar ports, excluding smaller traders from the shipping industry, and complicating economic survival in colonies through stringent control over essential imports such as food(Dawdy & Bonni, 2012).

Conventions, Laws and Initiatives to Combat Piracy

The International Maritime Organization (IMO) has consistently updated the International Convention for the Safety of Life at Sea (SOLAS), mandating ships to ensure their own safety and assist those in distress when feasible. The International Convention on Maritime Search and Rescue (SAR Convention), effective since 1985, established a global SAR plan coordinated by SAR organizations, with support from neighbouring organizations as needed. The SAR Convention revision prompted the IMO and the International Civil Aviation Organization (ICAO) to jointly publish the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual, consisting of three volumes on organization and management, mission coordination, and mobile facilities. The International Maritime Rescue Federation (IMRF), representing over 100 SAR organizations globally, collaborates with its members, local governments, the IMO, and other stakeholders to promote and support the development of maritime search and rescue services worldwide, aiming to prevent loss of life at sea(Dalziel & Pelot, 2018).The geographical restriction of maritime piracy to the high seas, including the exclusive economic zone, does not apply to other criminal activities that may be committed concurrently, such as those outlined in the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, known as the SUA Convention, or any other form of "armed robbery against ships." However, unlike piracy, these activities do not trigger universal enforcement jurisdiction at sea.(Roach, 2010).

Maritime piracy has evolved considerably by leveraging advancements in technology and enhancing the sophistication of its weapons, vessels, and tactics. As evidenced by the International Maritime Bureau (IMB), the number of pirate attacks has risen substantially, with over 2,600 incidents reported since 2004. Research indicates that weakened state governance and declining fisheries production contribute to piracy as anticipated. These results imply that international anti-piracy initiatives should focus on enhancing institutional frameworks and providing viable employment opportunities to combat maritime piracy effectively(Daxecker & Prins, 2013).The challenge of creating and internationally recognizing laws to eliminate high-seas piracy while maintaining state sovereignty is complicated by the nature of the crime. Private motivation, distinguishing piracy from political acts, is a pivotal factor. When pirates claim state authorization, the primary issue is the legitimacy of the state's endorsement and accountability. Historically, officials have often found it beneficial to ignore or covertly support piracy. Early modern European states' failure to address maritime theft led to reprisals, where victims reclaimed stolen property from the offender's community, leading to indiscriminate piracy.(Anderson, 1995).

In 2011, piracy peaked with 31 ransoms totalling \$160 million paid to Somali pirates, averaging about \$5 million per ship. This period marked piracy off Somalia's coast as a sophisticated transnational organized crime, characterized by established procedures and a well-funded, well-organized business model.In 2013, counterpiracy operations cost approximately GBP 652 million, an 8.4% decrease from the GBP 719 million estimated in 2012.

This reduction is mainly due to the gradual withdrawal of forces from major multinational missions by the European Union Naval Force (EU NAVFOR) Operation Atalanta, NATO Operation Ocean Shield, and the Combined Maritime Forces (CMF) Combined Task Force 151.(Kareem, 2015).The US collaborates with international organizations and nations on West African security assistance. AFRICOM, established in 2007, oversees US forces in Africa and aims to resolve conflicts by enhancing local capacities. Its APS initiative supports African naval capacity development, with the AMLEP program helping West African nations improve maritime security skills. APS's reach has been constrained by the inadequate maritime security forces and legal frameworks present in the region, despite its involvement of twenty-one countries and the training of more than 7,700 professionals. Conferences on regional maritime security cooperation have offered a platform for dialogue between the African Union Gulf of Guinea Commission, the Economic Community of West African States (ECOWAS), the Maritime Organisation of West and Central Africa (MOWCA), the European Union (EU), the United States (US), and various partner nations.(Force, 2012).

Maritime security conferences, like the Yaounde Tripartite Conference on June 24-25, 2013, followed a United Nations Resolution and continued a historical series of forums. These conferences aimed to address safety and security in the internationally coveted maritime domain. Witnessed by stakeholders at all levels, the Yaounde Tripartite Conference marked a significant milestone in maritime security efforts, emphasizing the ongoing commitment to resolving safety and security issues in this critical area(Norbert, 2017).To protect sea lanes of communication (SLOCs), international law mandates state cooperation to suppress piracy and grants universal jurisdiction for apprehending and trying pirates in any nation's judicial system. This legal framework is detailed in articles 100-105 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS)(Kamal-Deen, 2015).

Prosecution Measures

In 2012, the United Nations conducted a study focusing on Somali piracy, revealing that from 2006 to 2012, 1,063 individuals were tried by 20 different states (though not necessarily convicted). This amounts to around 100-150 piracy prosecution cases over seven years, a relatively small fraction of reported incidents.Denmark has actively combated piracy, with the Royal Danish Navy apprehending 300 suspected pirates from 2008 to 2021. Most captures occurred off Somalia's coast, with one in the Gulf of Guinea. However, only 51 suspects were prosecuted. This reflects a global trend in the Indian Ocean during early Somali piracy, as the UN reported in 2011 that 90% of apprehended suspects were released without trial, termed "catch and release."Politically, a state may be reluctant to prosecute, as observed in many Western states. They may fear piracy suspects claiming asylum upon entry, exemplified by Seychelles where 6 out of 17 Somali piracy cases were appealed. In these cases, convictions were overturned, and the accused were released and returned to Somalia. Appeal judges also criticized the lower court for relying on insufficient or lacking evidence.(Larsen, 2023).

Enacting laws to address downstream crimes is crucial, as shown by Nigeria's 2019 Suppression of Piracy and Other Maritime Offences Act. In the Gulf of Guinea, oil and fuel theft are linked to piracy and armed sea robbery. This act criminalizes harmful maritime oil and fuel spills and permits the interdiction, arrest, and prosecution of individuals who "receive by any means directly or indirectly, or either keep, sell, transfer, or aid in concealing any money, cargo, property, ransom, or proceeds of piracy or an unlawful act, whether or not used to carry out any offence under this Bill." While enforcement is the true test, the Suppression of Piracy Act can model provisions for robustly countering downstream crimes within larger or overlapping legislation(Soud et al., 2020).The establishment of international collaboration initiatives, such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and the more recent Djibouti Code of Conduct, has brought together regional nations and other stakeholders to address the issue of piracy and armed robbery against ships off the coast of Somalia and in the Gulf of Aden(Cordner, 2011).

The 2012 agreement between Tanzania, Mozambique, and South Africa has increased the risks for potential pirates. This memorandum aims to bolster maritime security cooperation. A South African naval vessel patrols the Mozambique Channel continuously, effectively serving as a deterrent(Ralby, 2017).The conviction of the pirates marks a significant step in combating piracy in Nigeria, though the lenient sentencing may fail to deter future incidents. The Nigerian Maritime Administration and Safety Agency (NIMASA) enforces maritime security conventions, regulations, and guidelines. Together with the Nigerian Navy, NIMASA monitors Nigeria's coastline to prevent unseaworthy ships, vessels with untrained crews, or those not complying with the International Maritime Organization's (IMO) safety and security guidelines from operating in Nigerian waters(Anele, 2021).

As per the agreement signed in November 2002 between China and ASEAN, both parties have committed to engage in cooperative activities in the South China Sea, subject to the peaceful resolution of territorial disputes. While "non-traditional security" is not explicitly mentioned, there is a significant overlap between the five priority cooperation areas and the combating of transnational crimes, such as drug trafficking, piracy, and illegal arms trading etc (Lee & Chan, 2021). The European Union member states deployed their forces with the aim of combating piracy in the Horn of Africa region and disrupting human trafficking operations in the Mediterranean Sea (Lau, 2024). Raiders and their sponsors frequently resorted to "legal posturing" in order to portray their actions as legitimate. Generally, state authorities regarded piracy as a common crime subject to domestic law. However, the jurisdiction over piracy was not absolute and was influenced by various factors such as the pirate's status, religious affiliation, diplomatic relations, the location of the capture, and the prevailing conditions of war and peace (Benton, 2021).

India and Piracy Laws

Piracy was traditionally considered a serious criminal offence in English law. As a compound crime, it comprised accusations of robbery, murder, savagery, treason, and atheism. Contemporary observers often characterized sea robbers as barbarous and bestial, denying them a national identity and associating them with cannibals. To this day, piracy is viewed as the earliest form of international crime, or as Carl Schmitt put it, the "archetype of the so-called world crimes." (Kempe, 2021). India operates a monitoring station in Madagascar to oversee shipping in the southwest Indian Ocean and uses the Port of Muscat in Oman for counter-piracy operations, including 2010's Operation Island Watch. In response to Chinese investments in Sri Lankan and Pakistani ports, India has funded a deep-water port in Sittwe, Myanmar (The Times of India, 2011). India is enhancing maritime agreements and institutions bilaterally and multilaterally with Seychelles, Maldives, Sri Lanka, and Mauritius. It hosts the Indian Ocean Naval Symposium on regional security threats and the biennial "Milan" meetings for maritime security cooperation. Joint military exercises with the United States, known as Exercise Malabar, bolster India's capacity-building and counter Chinese expansion in the Indian Ocean (Masala et al., 2015).

In December 2019, the Ministry of External Affairs, represented by Mr. Subrahmanyam Jaishankar, introduced the Anti-Maritime Piracy Bill, 2019 in Lok Sabha due to increasing concerns about maritime piracy (The Anti-Maritime Piracy Bill, 2019). The Gulf of Aden, connecting the Arabian Sea to the Red Sea and the Mediterranean Sea via the Suez Canal, has experienced a notable rise in pirate attacks from Somalia since 2008. Approximately 2000 ships use this trade route monthly between Asia, Europe, and East Africa. Enhanced naval presence in the Gulf of Aden has led pirates to expand operations eastwards and southwards, increasing piracy incidents near India's western coast. India lacks specific domestic legislation on piracy; previously, the Indian Penal Code and Admiralty jurisdiction were used to prosecute pirates, causing challenges in effective prosecution. With rising piracy incidents within India's Exclusive Economic Zone and more pirates captured by Indian Naval forces, comprehensive domestic legislation on piracy is needed. This initiative aligns with India's commitment to the United Nations Convention on the Law of the Sea (UNCLOS), signed in 1982 and ratified in 1995 (Khobragade et al., 2021). The issue of the prosecution of apprehended pirates is a significant problem that not only coastal states struggle with, but also the United Nations has emphasized through various General Assembly and Security Council resolutions. It is important to note that the extradition of pirates is not covered by the United Nations Convention on the Law of the Sea (UNCLOS) (Ahmad, 2020).

India has conducted anti-piracy operations in the Western Indian Ocean Region for two decades. The spread of Somali piracy to India's west coast endangered maritime and energy trade and Indian seafarers, who make up about 6-7% of global marine professionals. In response, India began anti-piracy patrols in the Gulf of Aden in 2008, with the Indian Navy remaining continuously deployed. India co-founded the Contact Group on Piracy off the Coast of Somalia (CGPCS) in 2009 under UN Security Council Resolution 1816 to coordinate anti-piracy efforts. India also joined the Djibouti Code of Conduct (DCoC) in 2020 to combat piracy and armed robbery in the Western Indian Ocean and the Gulf of Aden (Beri, 2023). Unreported, unregulated, and illegal (IUU) fishing has emerged as the most significant maritime challenge in the Indo-Pacific region and beyond (Runde et al., 2020). Italy and India have strengthened their bilateral partnership through the Joint Declaration and Plan of Action, which identifies the priority areas and strategic goals for their collaboration for the period of 2020-2025. Greece, despite its close ties with China, recognised the importance of a free, open, inclusive, and cooperative Indo-Pacific by signing on to India's vision for the region in June 2021. Furthermore, the European Union signed a Strategic Partnership with India in 2004, which has led to an anticipated increase in security engagement with ASEAN and tighter cooperation with India, Indonesia, Japan, South Korea, Singapore, and Vietnam under the Enhancing Security Cooperation in and with Asia (ESIWA) project. (van Hooff et al., 2022).

Conclusion and Suggestions:-

The implementation of anti-piracy measures is a challenging undertaking, as evidenced by the maritime security framework in general. Maritime security regulations typically operate at multiple levels, including nationally, regionally, and internationally. It is asserted that the anti-piracy regime faces deficiencies in surveillance, capacity-building, and enforcement mechanisms. Furthermore, the regime is characterized by the use of "soft law," which refers to the Conventions, such as UNCLOS, UN resolutions, IMO resolutions, and IMO codes, as previously discussed. The matter of prosecuting captured pirates presents a significant challenge not only to coastal states, but also to the United Nations, which has highlighted the issue through a range of General Assembly and Security Council resolutions. It should be noted that the extradition of pirates is not addressed by the United Nations Convention on the Law of the Sea (UNCLOS).

The recommended strategies to combat Piracy include:

- a) Incorporating International Conventions into domestic laws with 'Strict Liability' provisions.
- b) Discontinuing the use of 'soft laws and approaches in dealing with Pirates.
- c) Imposing heavy penalties on offenders and providing compensation to victims.
- d) Developing a swift trial mechanism with the assistance of expert panel of jurists and lawyers.
- e) Establishing special courts and infrastructure to handle piracy cases.

References:-

1. Aaronson, E., & Shaffer, G. (2021). Defining Crimes in a Global Age: Criminalization as a Transnational Legal Process. *Law & Social Inquiry*, 46(2), 455–486. <https://doi.org/10.1017/lsi.2020.42>
2. Ahmad, M. (2020). Maritime piracy operations: Some legal issues. *Journal of International Maritime Safety, Environmental Affairs, and Shipping*, 4(3), 62–69. <https://doi.org/10.1080/25725084.2020.1788200>
3. Albanese, J. S. (2012). Deciphering the Linkages Between Organized Crime and Transnational Crime. *Journal of International Affairs*, 66(1), 1–16. <https://www.jstor.org/stable/24388248>
4. Anderson, J. L. (1995). Piracy and World History: An Economic Perspective on Maritime Predation. *Journal of World History*, 6(2), 175–199. <https://www.jstor.org/stable/20078637>
5. Anele, K. K. (2021). The Potential Impact of Piracy on the ACFTA: A Nigerian Perspective. *The Journal of Territorial and Maritime Studies*, 8(1), 5–26. <https://www.jstor.org/stable/48603076>
6. Benton, L. (2021). Pirate Passages in Global History: Afterword. In S. E. Amirell, B. Buchan, & H. Hägerdal (Eds.), *Piracy in World History* (pp. 267–284). Amsterdam University Press. <https://doi.org/10.2307/j.ctv21r3j8m.15>
7. Beri, R. (2023). Unpacking India's Defence Cooperation with Africa. 17(3), 45–62.
8. Boister, N. (2003). 'Transnational Criminal Law'? *Oxford University Press*, 14(5), 953–976.
9. Boot, M. (2009). Pirates, Then and Now: How Piracy Was Defeated in the Past and Can Be Again. *Foreign Affairs*, 88(4), 94–107. <https://www.jstor.org/stable/20699624>
10. Cordner, L. (2011). Progressing Maritime Security Cooperation in the Indian Ocean. *Naval War College Review*, 64(4), 68–88. <https://www.jstor.org/stable/26397244>
11. Dalziel, J., & Pelot, R. (2018). Maritime Emergency Preparedness and Management. In D. Werle, P. R. Boudreau, M. R. Brooks, M. J. A. Butler, A. Charles, S. Coffen-Smout, D. Griffiths, I. McAllister, M. L. McConnell, I. Porter, S. J. Rolston, & P. G. Wells (Eds.), *The Future of Ocean Governance and Capacity Development* (pp. 473–478). Brill. <https://www.jstor.org/stable/10.1163/j.ctv2gjwvhb.88>
12. Dawdy, S. L., & Bonni, J. (2012). Towards a General Theory of Piracy. *Anthropological Quarterly*, 85(3), 673–699. <https://www.jstor.org/stable/41857267>
13. Daxecker, U., & Prins, B. (2013). Insurgents of the Sea: Institutional and Economic Opportunities for Maritime Piracy. *The Journal of Conflict Resolution*, 57(6), 940–965. <https://www.jstor.org/stable/24545598>
14. Force, A. C. C.-P. T. (2012). Managing the Global Response to Maritime Piracy. Atlantic Council. <https://www.jstor.org/stable/resrep03571>
15. Friedrichs, D. O. (2007). Transnational Crime and Global Criminology: Definitional, Typological, and Contextual Conundrums. *Social Justice*, 34(2 (108)), 4–18. <https://www.jstor.org/stable/29768431>
16. Griffiths, D. (2018). Security Dimensions of Ocean Governance. In D. Griffiths, D. Werle, P. R. Boudreau, M. R. Brooks, M. J. A. Butler, A. Charles, S. Coffen-Smout, I. McAllister, M. L. McConnell, I. Porter, S. J. Rolston, & P. G. Wells (Eds.), *The Future of Ocean Governance and Capacity Development* (pp. 410–415). Brill. <https://www.jstor.org/stable/10.1163/j.ctv2gjwvhb.76>

17. Hesterman, J. L. (2005). *Transnational Crime and the Criminal-Terrorist Nexus: Synergies and Corporate Trends*. Air University Press. <https://www.jstor.org/stable/resrep13970>
18. Johri, S., & Krishnan, S. (2019). Piracy And Maritime Security: REGIONAL CHARACTERISTICS AND POLITICAL, LEGAL AND ECONOMIC IMPLICATIONS. *World Affairs: The Journal of International Issues*, 23(3), 80–101. <https://www.jstor.org/stable/48531052>
19. Kamal-Deen, A. (2015). The Anatomy of Gulf of Guinea Piracy. *Naval War College Review*, 68(1), 93–118. <https://www.jstor.org/stable/26397818>
20. Kareem, Z. (2015). Cost-effective Maritime Security Cooperation. Daniel K. Inouye Asia-Pacific Center for Security Studies. <https://www.jstor.org/stable/resrep14003>
21. Kempe, M. (2021). “Publique Enemies to Mankind”: International Pirates as a Product of International Politics. In S. E. Amirell, B. Buchan, & H. Hägerdal (Eds.), *Piracy in World History* (pp. 35–60). Amsterdam University Press. <https://doi.org/10.2307/j.ctv21r3j8m.5>
22. Khobragade, J. W., Kumar, A., Binti Abd Aziz, S. N., & Maurya, D. (2021). The Anti-Maritime Piracy Law in India and Malaysia: An Analytical Study. *Journal of International Maritime Safety, Environmental Affairs, and Shipping*, 5(4), 208–219. <https://doi.org/10.1080/25725084.2021.2006462>
23. Larsen, J. (2023). What Shall We Do with the Suspected Pirates? Why Piracy Prosecution Doesn’t Always Work. Danish Institute for International Studies. <https://www.jstor.org/stable/resrep48730>
24. Lau, J. (2024). Medium Powers in the Maritime Domain (Spacepower Strategy for Medium Powers, pp. 10–18). Air University Press. <https://www.jstor.org/stable/resrep55390.11>
25. Lee, Y., & Chan, J. (2021). China-ASEAN Nontraditional Maritime Security Cooperation. *China Review*, 21(4), 11–37. <https://www.jstor.org/stable/48635891>
26. Lucas, E. R. (2013). Somalia’s “Pirate Cycle”: The Three Phases of Somali Piracy. *Journal of Strategic Security*, 6(1), 55–63. <https://www.jstor.org/stable/26466489>
27. Masala, C., Tsetsos, K., & Tepel, T. (2015). *Maritime Security in the Indian Ocean: For Greater German Engagement in the Ocean of the 21st Century*. Konrad Adenauer Stiftung. <https://www.jstor.org/stable/resrep10080>
28. McFarlane, J. (2013). Transnational crime: Corruption, crony capitalism and nepotism in the twenty-first century. In P. Larmour & N. Wolanin (Eds.), *Corruption and Anti-Corruption* (2nd ed.). ANU Press. <https://doi.org/10.22459/CAC.03.2013.08>
29. Norbert, F. S. I. (2017). Insecurity in the Gulf of Guinea (GoG): Reinventing the Past to Explain the Origin and Development of Maritime Insecurity. *The Journal of Territorial and Maritime Studies*, 4(2), 32–51. <https://www.jstor.org/stable/26664152>
30. Novakoff, R. (2016). Transnational Organized Crime: An Insidious Threat to U.S. National Security Interests. *PRISM*, 5(4), 134–149. <https://www.jstor.org/stable/26459217>
31. Orlova, A. V., & Moore, J. W. (2005). “UMBRELLAS” OR “BUILDING BLOCKS”? DEFINING INTERNATIONAL TERRORISM AND TRANSNATIONAL ORGANIZED CRIME IN INTERNATIONAL LAW. *HOUSTON JOURNAL OF INTERNATIONAL LAW*, 27(2), 267–311.
32. Peters, J. (2002). TRANSNATIONAL CRIMES AND NATIONAL SECURITY: AN OVERVIEW. 1(1), 28–46. [researchgate.net/profile/Lajohis-Lasu-Journal-Of-History-And-International-Studies/publication/368364683_TRANSNATIONAL_CRIMES_AND_NATIONAL_SECURITY_AN_OVERVIEW/links/63e4bb52c002331f7266a661/TRANSNATIONAL-CRIMES-AND-NATIONAL-SECURITY-AN-OVERVIEW.pdf](https://www.researchgate.net/profile/Lajohis-Lasu-Journal-Of-History-And-International-Studies/publication/368364683_TRANSNATIONAL_CRIMES_AND_NATIONAL_SECURITY_AN_OVERVIEW/links/63e4bb52c002331f7266a661/TRANSNATIONAL-CRIMES-AND-NATIONAL-SECURITY-AN-OVERVIEW.pdf)
33. Pickering, S., & McCulloch, J. (2007). Introduction: Beyond Transnational Crime. *Social Justice*, 34(2 (108)), 1–3. <https://www.jstor.org/stable/29768430>
34. Popko, V. V. (2019). View of THE CONCEPT OF TRANSNATIONAL CRIME AS AN INTERNATIONAL CRIMINAL LAW CATEGORY IN A THEORETIC DIMENSION. <http://apir.iir.edu.ua/index.php/apmv/article/view/3708/3382>
35. Ralby, I. M. (2017). Culprits, Modalities, and Amounts (DOWNSTREAM OIL THEFT, pp. 3–78). Atlantic Council. <https://www.jstor.org/stable/resrep03694.4>
36. Rediker, M. (1981). “Under the Banner of King Death”: The Social World of Anglo-American Pirates, 1716 to 1726. *The William and Mary Quarterly*, 38(2), 203–227. <https://doi.org/10.2307/1918775>
37. Roach, J. A. (2010). Countering Piracy off Somalia: International Law and International Institutions. *The American Journal of International Law*, 104(3), 397–416. <https://doi.org/10.5305/amerjintelaw.104.3.0397>
38. Roth, M. P. (2017). *Global Organized Crime: A 21st Century Approach* (2nd ed.). Routledge. <https://doi.org/10.4324/9781315637150>

39. R.R. (1979). [Review of Review of The History of Piracy, by P. Gosse]. *Social Science*, 54(1), 54–54. <https://www.jstor.org/stable/41886362>
40. Runde, D. F., Savoy, C., & Staguhn, J. (2020). Post-pandemic Natural Resource Management in the Indo-Pacific: Adapting USAID's Strategy in the Face of Covid-19. Center for Strategic and International Studies (CSIS). <https://www.jstor.org/stable/resrep26403>
41. Shelley, L. (2005). The Unholy Trinity: Transnational Crime, Corruption, and Terrorism. *The Brown Journal of World Affairs*, 11(2), 101–111. <https://www.jstor.org/stable/24590550>
42. Shelley, L. I. (1995). Transnational Organized Crime: An Imminent Threat to the Nation-State? *Journal of International Affairs*, 48(2), 463–489. <https://www.jstor.org/stable/24357599>
43. Sloan, M. (2018). Marine Piracy: A Continuing Challenge. In D. Werle, P. R. Boudreau, M. R. Brooks, M. J. A. Butler, A. Charles, S. Coffen-Smout, D. Griffiths, I. McAllister, M. L. McConnell, I. Porter, S. J. Rolston, & P. G. Wells (Eds.), *The Future of Ocean Governance and Capacity Development* (pp. 421–425). Brill. <https://www.jstor.org/stable/10.1163/j.ctv2gjjvvhb.78>
44. Sornarajah, M. (2004). Transnational Crimes: The Third Limb of the Criminal Law. *Singapore Journal of Legal Studies*, 390–413. <https://www.jstor.org/stable/24869487>
45. Soud, D., Ralby, I., & Ralby, R. (2020). Legal and Policy Measures (DOWNSTREAM OIL THEFT:, pp. 20–37). Atlantic Council. <https://www.jstor.org/stable/resrep24588.6>
46. Sumpter, C., & Franco, J. (2018). Migration, Transnational Crime and Terrorism: Exploring the Nexus in Europe and Southeast Asia. *Perspectives on Terrorism*, 12(5), 36–50. <https://www.jstor.org/stable/26515430>
47. van Hooft, P., Girardi, B., Sweijs, T., & Thompson, J. (2022). Why should the Europeans care about the Indo-Pacific? (Guarding the Maritime Commons, pp. 4–17). Hague Centre for Strategic Studies. <https://www.jstor.org/stable/resrep40321.5>
48. Williams, P. (2000). Combating Transnational Organized Crime (TRANSNATIONAL THREATS:, pp. 185–202). Strategic Studies Institute, US Army War College. <https://www.jstor.org/stable/resrep12121.16>