

A-29:United Nations Convention on the Law of the Sea (Piracy related Provisions)

Name of the convention: United Nations Convention on the Law of the Sea

Acronym or short name: UNCLOS

International organisation in charge of it: United Nations (UN)

Summary description (in plain language):

While the Convention covers comprehensive regimes of law and order of sea and ocean in the world, the duty of contracting States to cooperate in the repression of piracy is specifically stipulated in Section 1 of Part VII High Seas.

The Convention defines the piracy as;

1) any illegal acts of violence, 2) committed for private ends, 3) by the crew/passengers of a private ship, 4) on the high seas, 5) against another ship or persons/properties on board the ship or against a ship outside the jurisdiction of any State.(Art.101)

Every State may seize a pirate ship or a ship taken by piracy and arrest the piracy and seize the property on board.(Art.106) Such seizure may be carried out only by warships or military aircraft or other ships clearly marked and identified as being on government service.(Art. 107)

As stipulated above, the Convention does not cover following acts of violence such as;

a) Internal hijacking of vessel, b) committed from political ends, c) in the territorial seas.

The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) covers the limitation of UNCLOS on piracy acts with extending its application on the acts in State's territorial sea.

Date of signature: 10 December 1982

Date of coming into force: 16 November 1994

Dates of revision: -

Reasons of revisions: -

Applicability (condition for entry into force): This Convention shall enter into force 12 months after the date of deposit of the sixtieth (60th) instrument of ratification or accession (art.308).

Situation of Ratification: (as at 30 November 2010) 161 States ratified

Stakes for ports:

While the applicability of the Convention is limited to the piracy acts committed in the high seas for private ends, many cases of current Somali piracies fall into this category. Safe guard operations made by States' naval forces in West Indian Ocean are based on the provisions of this Convention.

Links with other conventions:

(Text of SUA) <http://www.admiraltylawguide.com/conven/suppression1988.html>

Key-words:

Internet hyperlink with other website:

(full text) http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf