

**For Immediate Release
February 10, 2010 | 17-10**

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Laurier-based council releases report on maritime piracy and international law

WATERLOO – The Laurier-based Academic Council on the United Nations System (ACUNS) has released a report with recommendations from distinguished international law and governance experts on prosecuting pirates. The report follows a Washington D.C.-based workshop on maritime piracy and international law.

“Just a few weeks ago, pirates off Somalia released a Greek oil tanker and its crew in return for a record ransom,” said Patricia Goff, executive director of ACUNS and a Laurier political science professor who authored the report. “This activity shows no evidence of abating. We need sustained reflection across disciplinary boundaries on the many dimensions of this pressing problem. Our report is a step in that direction.”

The report identifies several conclusions and recommendations:

1. Although many people associate maritime piracy with the failed state of Somalia, only about 40 per cent of piracy events occur in this area; therefore, solving the Somali problem will not solve the global piracy problem. It is also believed that as many as 50 per cent of pirate attacks are not reported.
2. The legal response to maritime piracy needs to address the complexity of the crime. While piracy in itself is a crime, pirate groups often commit assault, theft, kidnapping, torture, extortion and arms dealing, which are subject to different legal rules.
3. Although the legal framework for dealing with maritime piracy is well established, there are practical difficulties in implementation and outstanding questions requiring further research.
4. Workshop participants identified the need for a new prosecutorial strategy that:
 - a. Reflects the reality that maritime piracy is a global, not a local, problem.
 - b. Recognizes that there are both perpetrators on the ground and ringleaders executing piratical acts, and that both need to be held accountable.
 - c. Remains consistent with human rights law.
 - d. Commits to capacity building at the domestic level, as piracy is an extension of land-based violence often rooted in weak-state institutions.
 - e. Works with states to accept captured pirates for prosecution.
5. Participants recommended working with regions that have been successful in reducing piracy (eg. cooperation between Malaysia, Singapore and Indonesia to reduce piracy in the Straights of Malacca) to see if it is possible to replicate their approach in other regions.

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6. Other ideas included creating 'exclusion zones' prone to pirate attacks, measures implicating the behaviour of shippers to enable increased defense within legal parameters, and developing model laws and best practices for domestic governments willing to prosecute pirates on their soil.

Prosecuting pirates is one aspect of the problem of modern piracy, among other issues such as port security, on-board security for shippers, and the problems associated with Somalia's status as a failed state.

For the complete report, prepared by Goff and representatives from the American Society for International Law, visit: www.acuns.org