

Maritime Law

Maritime Crimes and Jurisdictional Issues



Maritime Crimes?

- Crime?
- What are Maritime Crimes?
- Criminal activity perpetrated at sea is often directed at Vessels or Maritime Structures, but also includes the Transportation of illicit substances or Trafficking in persons by organized transnational criminal networks



Maritime Crimes

- In West and Central Africa, and particularly in the Gulf of Guinea
- Maritime crime involves the Hijacking of petrochemical tankers and attacks on other oil and petroleum storage and transportation platforms.
- The number of pirate attacks in the Gulf of Guinea increases each year.

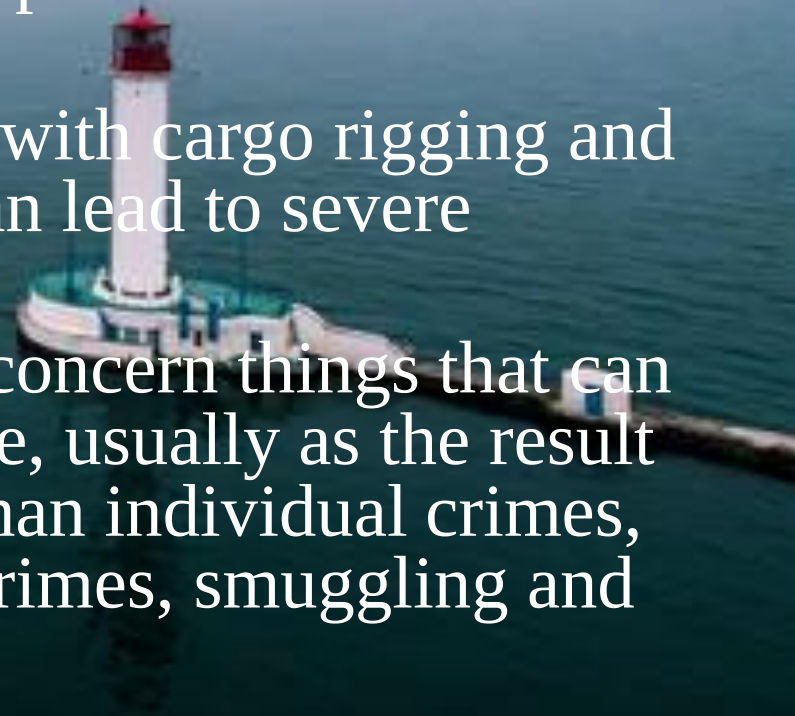
Maritime Crimes: Definition?

- Conduct which is perpetrated wholly or partly at sea and is prohibited under applicable national and international law



Maritime Trespass

- Enter someone's land or property without permission.
- Security officers must make sure: no unauthorized personnel come aboard and tamper with sensitive equipment.
- Effect: a trespasser can tamper with cargo rigging and other sensitive things, which can lead to severe consequences at sea.
- Large-scale security measures concern things that can happen on an international scale, usually as the result of more malicious operations than individual crimes, like terrorism, environmental crimes, smuggling and trafficking.



Theft (Stealing)

- When transporting valuable goods and resources
- Attempts may be at the port and sea
- Both in port and at sea, to make sure valuable and sensitive cargo is secure.



Terrorism

- Advances in ITC and international commercial logistics have increased the range and ways to terrorists.
- May use marine shipping channels to transport dangerous weapons, materials and men.
- The marine shipping industry is a prime target for terrorism.
- Terrorists may use shipping industries to damage global, political and economic security
- Terrorist activities threat to the safety of citizens.



Illegal Maritime Trade

- Increasing maritime trade facilitating the transnational crime such as:
- Trafficking in drugs,
- Arms and people.
- Wiled life crimes and
- Environmental Crimes
- The oceans are the highways by which we transport a large number goods
- Oceans also the highways for the import and export of illegal items (International crime organizations)



Human Trafficking



- The UN defines human trafficking as:
- The recruitment, transportation, transfer, harboring, or receipt of persons by improper means (such as force, abduction, fraud, or coercion) for an improper purpose including forced labor or sexual exploitation



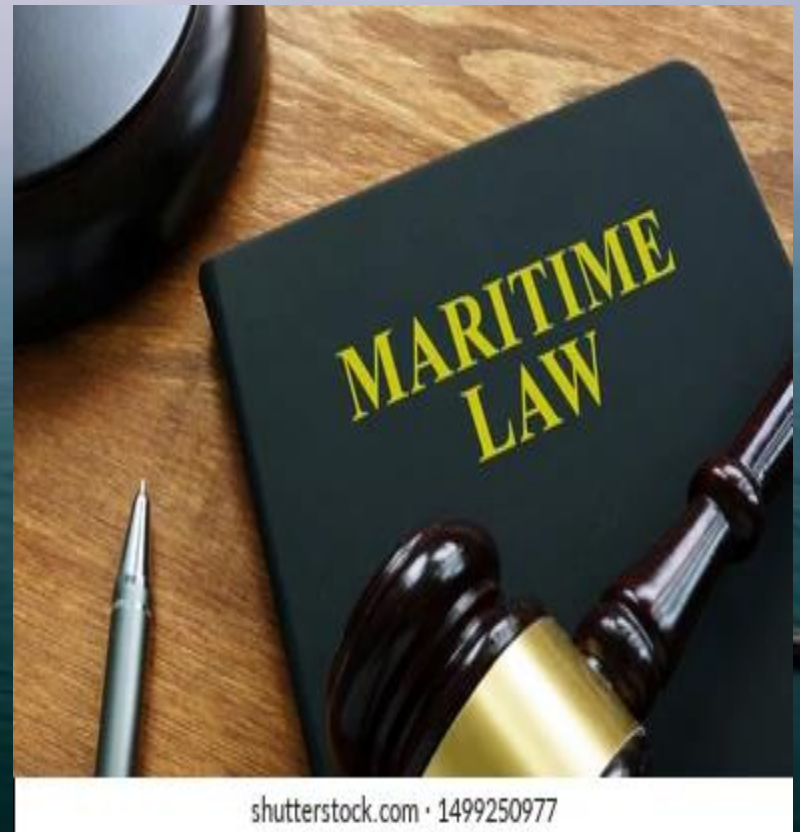
Environmental Damage

- Large-scale commercial operations take place in the ocean ecosystem (that harm the environment)
- Proper safety and security protocols are the best strategies to avoid disasters



Are there Laws on the High Seas?

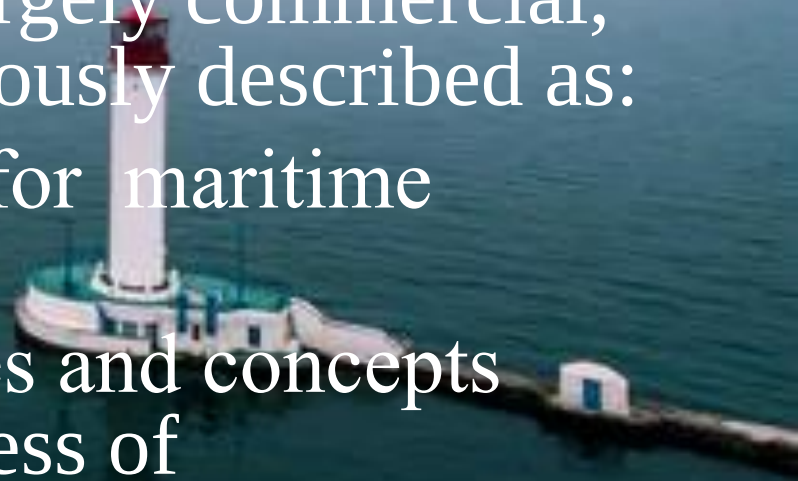
- The high seas are not lawless (not completely)
- U/ International Law, a maritime country extends outward some distance from its shoreline.
- During the 20th century several attempts to develop an international “Law of the Sea”



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Maritime Law

- Maritime law is frequently rests on: (one's particular perspective)
- Where the perspective is largely commercial, maritime law has been variously described as:
 - the “legal framework for maritime transport” and
 - the “body of legal rules and concepts concerning the business of carrying goods and passengers by water”.



International Law:

- The rules and other norms, both written and unwritten
- It govern legal relations between States.
- Which includes many rules and other norms that relate to the rights and obligations that States have or may claim in relation to maritime law enforcement

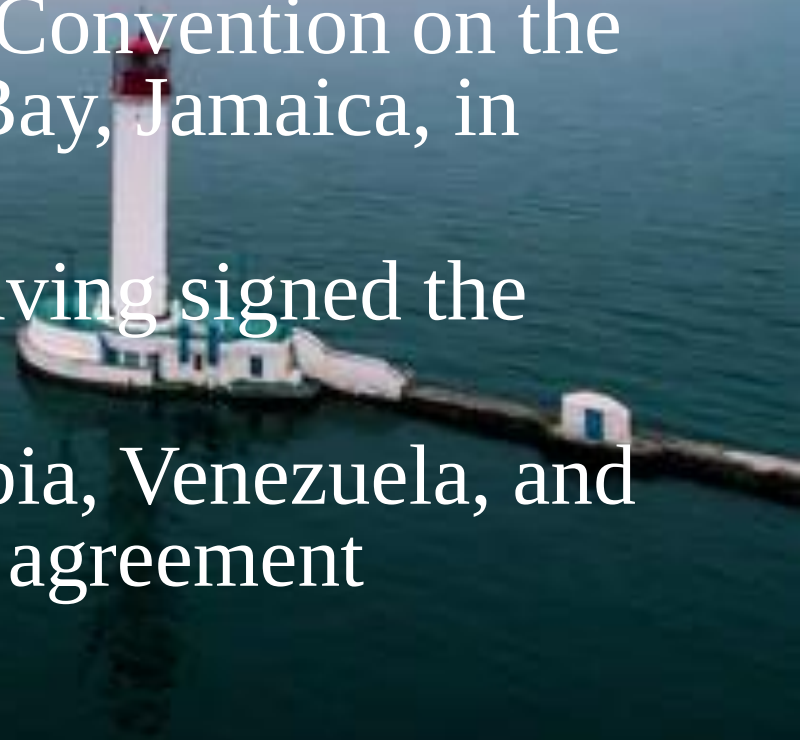
Maritime Law

- Treaty/Convention:
- Customary International Law
- Implementation in National Law



Maritime Law

- Maritime law is frequently rests on: (one's particular perspective)
- The recent United Nations Convention on the Law of the Sea (Montego Bay, Jamaica, in 1982)
- More than 160 countries having signed the agreement by 2017.
- The United States, Colombia, Venezuela, and Turkey) had yet to sign the agreement



Maritime Legal Regime

- An extensive legal regime that covers conduct upon the oceans
- There are many treaties and customary international law rules that apply to conduct at sea.
- The centerpiece of this regime is the UN Convention on the Law of the Sea of 1982, which, along with customary international law, governs conduct at sea.



Maritime and Law

- Many treaties apply at sea and in relation to the sea. The United Nations Convention on the Law of the Sea of 1982
- UNCLOS is considered to be the fundamental expression of the rules governing general relationships and jurisdictions at sea.
- In effect, it is a “Constitution” for the sea

Law

- What laws your State has passed in order to make international law applicable:
- (a) Within their State's maritime zones,
- (b) To people and vessels of their State, and
- (c) In some circumstances, to vessels without nationality,
- To enable their State to engage in maritime law enforcement and prosecutions in relation to breaches of those laws.



Marine Law

- A flag State generally has exclusive jurisdiction over a vessel flying its flag.
- Exceptions to this rule, which in some circumstances allow another State to exercise jurisdiction over that vessel or people, things and conduct in that vessel.

Maritime Security: Common Security Issues

- In today's marine industry, ensuring security compliance is a complex task, as there is much to look over and many ways a security breach can happen.
- Security not only need to be vigilant to prevent attempts to undermine the nation's laws and security, but they also need to know how to be vigilant against local and internal threats.
- Small-scale attacks can still be harmful to a marine company and can result in the loss of lives, severe environmental damage or harm to company property.

UNODC Particularly Assists in:

- Mapping the maritime risk situation and identifying areas for regional coordination and capacity building support
- Collaborating with regional stakeholders with the aim of better coordinating the fight against maritime crime
- Advocating for the adoption and implementation of UN standards and norms on maritime crime and piracy
- Providing assistance to **Criminal Justice capacity building** in order to help States carry out effective maritime law enforcement and helping victims of maritime crime

Crimes Control Strategies: The Gulf of Guinea

- The UN Security Council Resolutions 2018 (2011) and 2039 (2012)
- UNODC developed a strategic framework to enhance the regional capacities aimed at tackling piracy and armed robbery against vessels.
- **The UNODC Global Maritime Crime Programme (GMCP) includes the UNODC Maritime Crime Programme Strategy in Relation to Piracy, Armed Robbery Against Vessels, and Maritime Crime in the Gulf of Guinea Region.**

Regional Maritime Security: Threats and Risk Assessments (South East Asia)

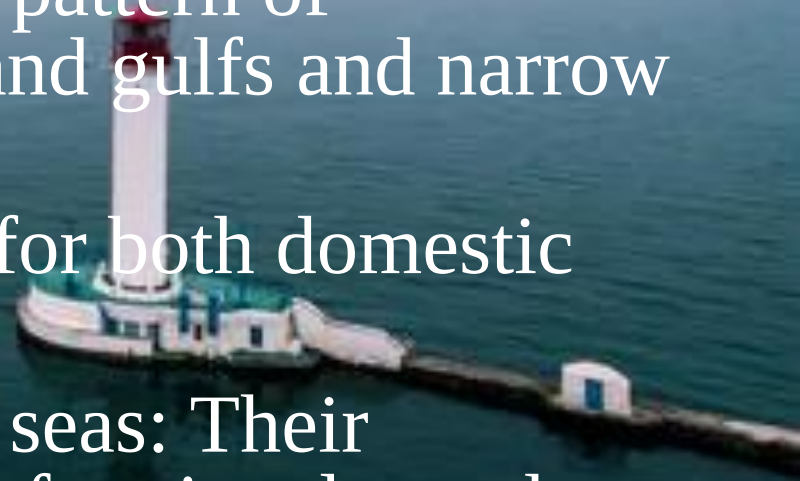


Regional Maritime Security: Threats and Risk Assessments (South East Asia)



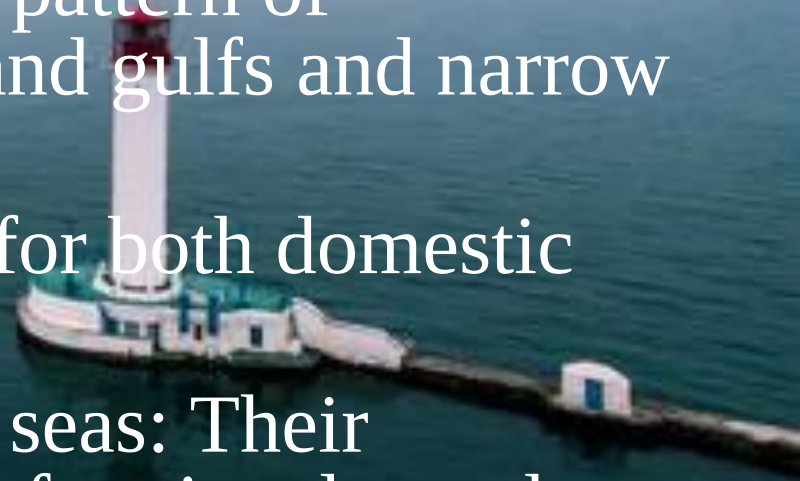
The Maritime Security of Southeast Asia

- Reflects a range of enduring and dynamic factors
- this region with its complex pattern of archipelagos, islands, bays and gulfs and narrow shipping channels
- Its dependence on shipping for both domestic and intra-regional trade
- The importance of regional seas: Their resources to the well-being of regional peoples.



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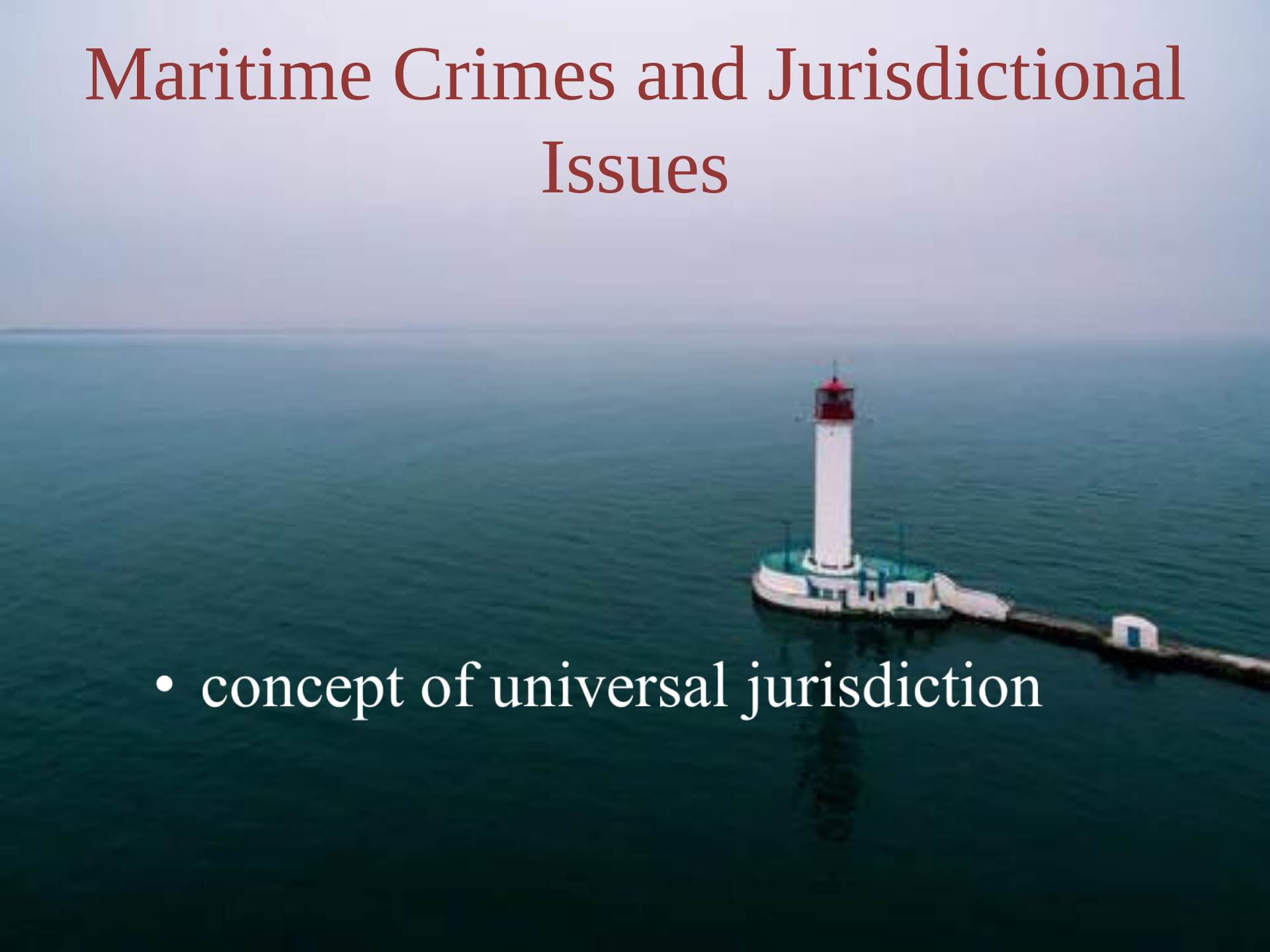


Maritime Crimes and Jurisdictional Issues



Maritime Crimes and Jurisdictional Issues

- concept of universal jurisdiction



Maritime Crimes: Jurisdictional Issues

- In General: the law of the sea stipulates that maritime countries essentially control their territorial waters from the shore out to a distance of 12 miles (19.3 km)
- The “12-mile limit.” Within this zone, all laws of that country apply: the country can build, extract natural resources, and either encourage or forbid sea passage through it
- Maritime countries are also entitled to an Exclusive Economic Zone (EEZ) made up of the water column and the seabed out to a distance of 200 miles (about 322 km)

Maritime Jurisdictional Issues

- The sizes of some EEZs may be limited by the presence of the EEZs of other countries, in which case the overlapping area is often divided equally between the various parties
- The country that owns the **EEZ** also owns the sea life and mineral resources found within it
- EEZ cannot prevent ships, aircraft, and other vessels from foreign countries from passing through it and over it.

Jurisdiction: Case Laws

- Sec:1 of IPC: Extent of Operation of the Code
- Sec:2- Punishment of offences committed within India (territorial sea)
- Sec.3-Offences Committed beyond India
- Sec.4- extension of Code to extra- territorial offences



Jurisdiction: Case Laws

- Emperor v. Vinayak Damodar Savarkar, (1911) 13 B LR 296
- Mobarak Ali Ahmed v. State of Bombay, AIR 1957 SC 857
- Abu Salem Abdul Qayoom Ansari v. State of Mah, (2011) 11 SCC 214
- Republic of Italy v. Union of India, (2013) 4 SCC 721



Jurisdiction: Case Laws

- The Extradition Act, 1962



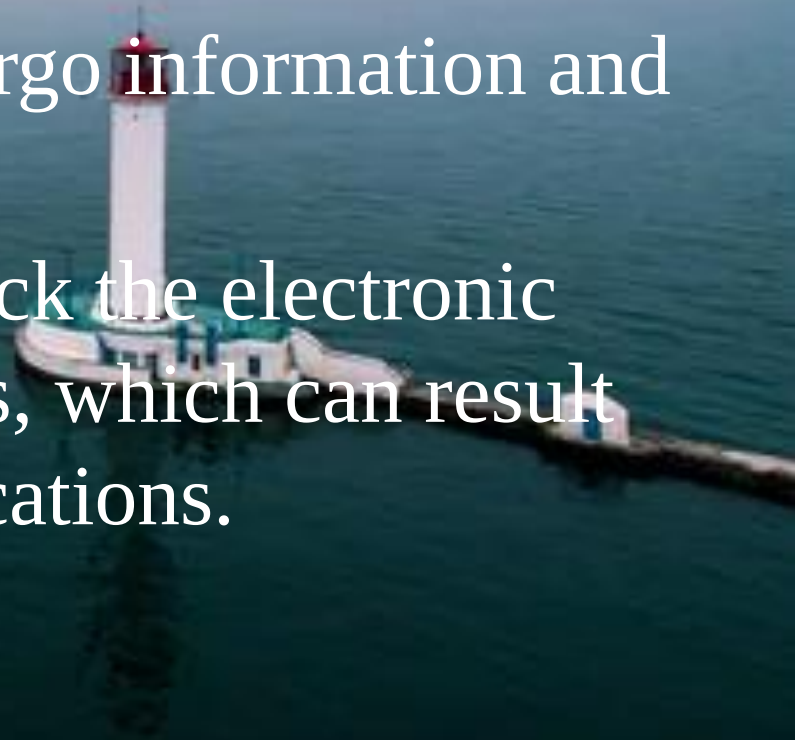
What is Maritime Safety and Security?

- Maritime security is a general term for the protection of vessels both internally and externally.
- The areas from which ships and maritime operations need protecting include:
- Terrorism, Piracy, Robbery, Illegal Trafficking of Goods and People, Illegal Fishing and Pollution.



Cyber security

- Cyber security at sea means protecting the valuable data a company holds that criminals can exploit — including cargo information and employee details.
- Cybercriminals can also hack the electronic systems that control vessels, which can result in severe and costly ramifications.



Jurisdictional Issues

- With respect to international crimes: - Piracy
- Human Trafficking and
- Crimes against Humanity
- Any country or international organization can theoretically claim authority over the matter using the concept of universal jurisdiction



Thank You

