

Piracy not easy to solve, says international judge in Macau

The United Nations is studying further actions to bring piracy to justice, said Judge Helmut Turk, the vice-president of the International Tribunal for the Law of the Sea (ITLOS) in a lecture yesterday at the University of Macau (UM).

The public lecture, "Combating Maritime Piracy and Terrorism - A European Perspective", was part of the UM Master of Law Seminar Series.

Speaking with the media prior to the seminar, Judge Turk said that at the moment a working group has been established to deal with piracy and the ITLOS is awaiting the group's proposals.

The working group is composed of representatives from 25 to 30 countries.

"Tribunal of the Sea [ITLOS] is not a criminal court and they can only decide cases of piracy if there are inter-states cases," he said.

"At present there is no international court that can take piracy to trial. That is a matter of national jurisdictions for domestic courts," he added.

According to Judge Turk, there is an ongoing discussion about this question in which some suggested the establishment of a new international tribunal.

However, he said that "the cost for such an operation [to set up a new international tribunal] is very high".

Hence, some others suggested the use of the Inter-



Judge Helmut Turk, vice-president of the International Tribunal for the Law of the Sea, spoke about combating piracy and terrorism at the University of Macau yesterday.

national Criminal Court in The Hague to hear piracy trials, but it also brings a controversy as "there is a counter argument that this court is responsible only for war crimes, genocide and crimes against humanity", the ITLOS vice president said.

Judge Turk believed that the most effective way to

fight piracy is on land.

However, if there is no efficient governmental structure such as in Somalia, he said that "it's practically impossible to uphold the law and while the political situation is maintained, it will be difficult to fight piracy. Somalia's industry is based on piracy".

"For now piracy will have to be dealt with by each country's jurisdiction and that is not so easy because many of the countries affected do not have the means to apprehend pirates and also to bring them to justice," Judge Turk said.

At present, penalties for piracy are different from country to country which vary from three to 10 years imprisonment, he said.

And if the pirates killed someone in the course of the crime, they could face up to 15 years in jail, he added.

In the United States, life imprisonment is applied for piracy and some other countries apply capital punishment.

"There are different standards of punishments and some renowned legal experts are criticising about this. Anyone who commits a crime has to know what penalty he will face and a pirate does not know the punishment he faces because of the different domestic jurisdictions and criminal courts," the judge explained.

Piracy has long been a serious issue for the global maritime law and has jeopardised the freedom of sea navigation as it creates threats to political and economic stability in the region.

Given the fact that 90 percent of the global trade is conducted by sea, Judge Turk said that finding solutions to tackle piracy has become a "critical agenda" among all nations.