

# Need for harmonisation of the statistics on global maritime crimes

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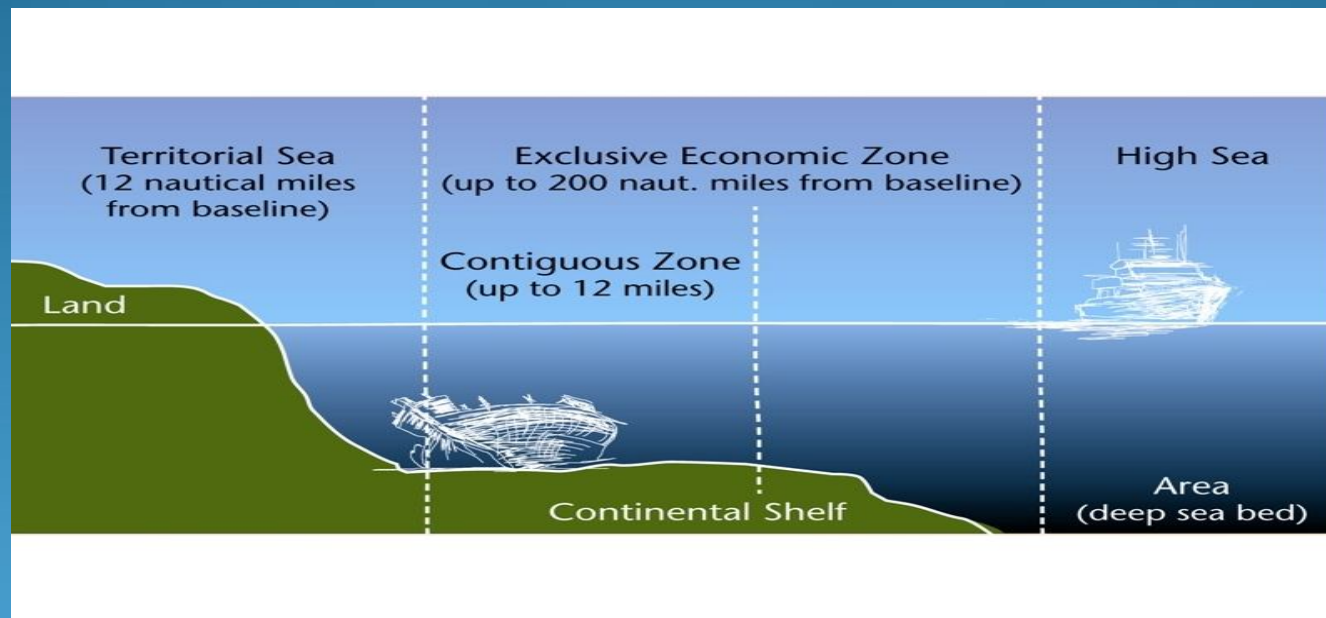
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# International Shipping and the world's maritime zones

- International shipping is conducted across the various maritime zones created under the United Nations Convention for Law of the Sea (UNCLOS) 1982, namely: Territorial seas, Contiguous zones, Exclusive Economic zones and the High Seas.



- Source: UNESCO

# Overview of crimes at sea against vessels

- Globally, shipping has always been prone to crimes.
- International maritime traffic has experienced a rise in crimes against vessels in recent years.
- Examples of hotspots for maritime crimes are: Malacca Straits, Gulf of Aden and recently Gulf of Guinea.
- Crimes against international shipping prevail in all maritime zones and may be classed under the following heads:
  - Armed Robbery
  - Piracy
  - Terrorism
- The focus of this presentation is on the confusing definition of piracy, which affects reliability of the statistics on global maritime crimes.

# Main Sources of Statistics on global maritime crimes

- International Maritime Bureau (IMB)
  - IMB is a non-profit making organisation, established as an agency of the International Chamber of Commerce (ICC) to collect, exchange and disseminate information on global maritime crimes from a commercial perspective.
- International Maritime Organisation (IMO)
  - IMO is a specialised agency of the United Nations with responsibility for the safety and security of shipping and the prevention of marine pollution by ships

## Reasons for unreliable & confusing statistics on global maritime crimes

- IMB defined piracy in its annual reports for several years until 2009, as follows: An act of boarding (or attempted boarding) with the intent to commit theft or any other crime and with the intent or capability to use force in furtherance of that act.
- IMO has adopted definition of piracy under Art 101 of UNCLOS:
  - (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
    - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
    - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
  - (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
  - (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

- IMB's definition of piracy makes no distinction as to the nature or location of unlawful acts against vessels, including unlawful acts against vessels whether in internal waters, within or outside port facilities, and whether within or outside territorial waters.
- IMO's definition recognises a distinction between piracy as only occurring on the high seas; and all other unlawful acts within internal and territorial waters and port facilities as armed robbery. For this purpose, high sea means all maritime zones, including the Contiguous zone and the EEZ, but excluding the Territorial waters.
- The distinction between territorial and high sea is crucial in the IMO's definition of piracy. This leads to the question: what is Territorial Sea?

Article 3 of UNCLOS which provides that:

*Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.*

## Uses for global statistics for maritime crimes

- Determining insurance premiums
- Charterparties and freight costs
- Hardening of vessels
- Higher bunker costs to increase speed
- Re-routing
- Security decisions and policy formulation
- Military intervention, etc.



# Benefits of having harmonised statistics on global maritime crimes

More authoritative and reliable data.

- Economic benefits:

- Assist in reviewing Hull and Machinery insurance policies
- fixing of insurance premiums
- Making informed decisions on routing / re-routing
- Savings on bunker expenses
- Making informed decisions on vessel hardening / security

- Other benefits:

- Making informed decisions on combating maritime crimes from national and international perspective
- Assist shipowners and operators in deciding the appropriate security arrangement for their vessels

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Thank you for your attention to this  
short presentation