
The field of international law and piracy is rapidly becoming a crowded one of variable quality. Geiss and Petrig’s *Piracy and Armed Robbery at Sea* supplies a real lack: a comprehensive book-length survey of the general public international law issues relating to counter-piracy operations off Somalia. Their approach is balanced, authoritative and clear, and covers all major issues. This book will be a necessary point of reference for serious future work on the topic and may stand as a leading authority for some time.

*Piracy and Armed Robbery at Sea* is organised in four parts: first, the factual background to piracy off Somalia and counter piracy efforts; second a brief survey of the modern international law on piracy and other crimes at sea and its historical development; third, counter-piracy enforcement powers and their legal constraints; and fourth, the prosecution of piracy suspects (with an emphasis of adjudicative jurisdiction, possible prosecution venues, and the transfer of suspects between States). The first part provides a balanced and accurate account of the situation off Somalia. In particular it may serve as a primer for those new to the field in navigating the daunting wilderness of acronyms that springs up around international military deployments. I can only note in passing the extraordinary contribution made by the Shared Awareness and Deconfliction meetings (SHADE) in what is now the exemplar of multi-mission military cooperation (pp. 27-8). The authors could perhaps have made slightly more of the extent to which SHADE may provide a model for other contexts. The second part of the book offers a brisk but holistic tour of the relevant international legal instruments which have been (or could be) applied in counter-piracy.

The meat of the book is the third and fourth parts. Here a genuine attempt is made to see the potentially applicable law in the round, which remains potentially fragmentary and less than comprehensive. The authors consider the basic instruments that can be brought to bear on the problem, including: the UN Convention on the Law of the Sea (UNCLOS),\(^1\) the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention),\(^2\) the International Convention Against the Taking of Hostages and various codes of conduct such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia\(^3\) and the Djibouti Code of Conduct. They then consider the possible restraints on powers under this framework, in particular legal constraints on the use of force in maritime law enforcement operations.

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\(^1\) 1833 UNTS 3.  
\(^2\) 1678 UNTS 222.  
\(^3\) (2005) 44 ILM 829.
and the potential impact of human rights law. The law is then placed in context in the discussion of piracy prosecutions in Part 4, which includes an extended consideration (pp. 186-220) of the legal complexities involved in transferring a piracy suspect from the custody of the flag State of a capturing warship to a third State for prosecution. On the latter question, the authors’ treatment of human rights issues is particularly welcome. The analysis is fine-grained, acknowledging that in transferring suspects to another jurisdiction to stand trial the question is not one of the human rights record of the destination State in general but the risk faced by particular individuals in concrete cases (pp. 213-214). Geiss and Petrig also quite correctly note that in respect of the protective principle of non-refoulement (generally ‘prohibit[ing] bringing a person within a jurisdiction where he or she is at risk of certain human rights violations’) that its scope varies considerably between various refugee and human rights law instruments (p. 207). The approach taken to this and other issues bearing on prosecutions is near-comprehensive, systemic, logical and clearly explained.

On theoretical issues, the authors invariably survey the major arguments and arrive at well-reasoned, respectable conclusions. There is only space here to note a few points of engagement with the principal legal controversies. On the tired and impoverished debate as to whether the requirement that piracy be ‘for private ends’ excludes politically-motivated acts of ‘terrorism’ from being piracy the authors observe:

Such a reading … appears to be overly broad and … it has convincingly been argued that the test lies not in the pirates’ subjective motivation, but in whether the acts in question qualify as public acts authorised by (or more broadly attributable to) a State (p. 61).

It is a conclusion with which I agree, and which appears to be gaining some ground in the literature more widely. The authors also engage with debates surrounding the potential application of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 (SUA Convention) to acts of piracy. They note the obvious point that the SUA Convention is not in any way textually limited to politically-motivated crimes, despite being described as a ‘terrorism suppression’ convention, and many of the crimes it prescribes could overlap with piracy. In this context, they make the best case I have read to date that the SUA Convention powers granted to masters of ships to deliver persons suspected of convention crimes to the authorities of contracting port States do not extend to the commanders of warships, noting in particular that Art.

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4) Although, regrettably, the IMO secretariat continue to adhere to the idea that politically motivated acts cannot be acts of piracy: IMO Doc Leg 98/8 (2011), para 14.
5) Art. 8, SUA Convention.