



Acts Similar to Maritime Piracy: The Challenges of Legal Classification under Article 101 of UNCLOS

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ABSTRACT

Despite the existence of an integrated international legal framework comprising structures, bodies, texts, and security measures, the problem persists regarding the distinction and classification of certain acts and offenses in relation to the crime of maritime piracy. Although Article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) the general convention on the law of the sea stipulated that the purpose of acts of maritime piracy is, in principle, driven solely by private ends, such acts may involve other common public, political, religious, or ethnic motives, among others.

However, the criteria of similarity in certain crimes do not necessarily categorize them as acts of maritime piracy; rather, they may be classified under other acts characterized by international law within its texts, such as insurgent acts, acts of resistance, political crimes, organized crimes, armed robbery, maritime prize, and international maritime terrorism. Each of these acts possesses distinct characteristics that differentiate it from the crime of maritime piracy. Consequently, it is essential to examine the circumstances and backgrounds underlying the lack of proper legal classification for these similar acts.

Keywords: Insurgent acts, political crime, armed robbery, maritime piracy, organized crime, maritime prize, maritime terrorism.

Introduction

Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS), concluded in Montego Bay, Jamaica, in 1982 and previously Article 15 of the 1958 Geneva Convention on the High Seas addressed the subject of maritime piracy. These articles defined its conditions, regulations, and the criteria for determining whether an act constitutes maritime piracy. Such an act must involve violence committed on the high seas, involve at least two vessels, and be motivated solely by private ends or purposes. However, these provisions did not establish a definitive definition for all these elements, leaving room for numerous interpretations. Article 101 stipulates that:

"Piracy consists of any of the following acts:

- 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:
- b) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
- c) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;
- d) 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;
- e) Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b)."¹

Conversely, such acts may be motivated—even relatively—by other common public, political, religious, ethnic, or historical purposes. Furthermore, this article overlooked many causes, motives, cases, and objectives leading to maritime piracy, such as political crises and internal instability that destabilize governments. The failure of Article 101 to address these factors is a notable critique. Consequently, the application of these criteria to various incidents of violence characterized by public danger despite their diverse objectives, means, and methods has excluded many illicit acts against maritime vessels and persons on board from the classification of "maritime piracy." Instead, they have been categorized under different headings, leading to confusion with other activities such as an insurgent acts and resistance, political crimes, armed robbery, organized crime, maritime prize, and other acts of maritime terrorism that threaten the security and stability of the international community. This inevitably results in errors regarding subsequent legal classification.²

Accordingly, this study highlights the most significant differences and distinctions in this field to ensure that legal classification is not adversely affected, which could otherwise result in legal statuses contrary to what they ought to be. This study is guided by the following research question:

❖ **What are the main legal distinctions in international law and the law of the sea between acts of maritime piracy and similar acts that impact the legal classification of these activities?**

To address this problematic and encompass the various aspects of the subject, the historical method was adopted to gain knowledge regarding the historical background of the stages in the development of legal texts criminalizing maritime piracy and similar acts on the high seas, as provided by various international conventions, notably the 1982 UNCLOS. The descriptive method was also employed to clarify international legal provisions of a customary or conventional nature related to this topic. Furthermore, the analytical method was utilized, as it enables the researcher to uncover the strengths and weaknesses of the international system established to regulate various international legal frameworks governing these acts. Finally, the comparative method was integrated due to the diversity of sources and references belonging to different major legal systems worldwide.

On this basis, we shall attempt to review the various acts similar to maritime piracy through two subsections. In the first subsection, we will examine the primary legal differences between maritime piracy and the insurgent acts, as well as political crimes and armed robbery. In the second subsection, we will address the primary legal differences between maritime piracy and organized crime, as well as maritime prize and maritime terrorism.

I Section I: Legal Distinctions Between Maritime Piracy and the insurgent acts, and Between Piracy, Political Crime, and Armed Robbery

In this section, we shall examine the primary legal distinctions between maritime piracy and the insurgent acts in the first branch, between maritime piracy and political crime in the second branch, and between piracy and acts of armed robbery in the third branch.

1. Subsection 01: Maritime Piracy and the Insurgent Acts

In the past, significant confusion existed between acts of maritime piracy and the acts of insurgent acts, whereby some states resorted to characterizing these acts as maritime piracy. However, the International Law Commission clearly distinguished between acts of maritime piracy and the insurgent acts. It determined that acts of violence committed by the crew or passengers of a vessel while on the high seas, which are directed against the vessel itself, the persons on board, the cargo it carries, or against the vessels of the state against which they are rebelling, do not constitute a case of maritime piracy. Rather, these are insurgent acts, and the competent authority to take measures against the mutineers is the flag state of the insurgent vessel.³

The insurgent acts may be recognized by the state against which these acts are directed. In such a case, the insurgents possess the rights of belligerents granted by the state that recognized the insurgency; accordingly, insurgent vessels in this instance cannot be considered pirate vessels. However, if they are not recognized, a distinction can be made between two hypotheses:

1.1 First: The case of insurgent acts directing their acts against the vessels of the state to which they belong and against which they are rebelling.

Insurgents may attack naval vessels belonging to the state to which they belong. In this case, other states may not intervene in these operations as long as they do not extend to the vessels of third parties or occur within the territorial waters of another state. This position was adopted by England in its maritime regulations; thus, Britain did not intervene when insurgents seized vessels in Cartagena in 1837, despite Spain's declaration that these insurgents were considered pirates.⁴

Similarly, the United States of America rejected Venezuela's request to treat the German vessel Falk as a pirate ship because insurgents had used it in August 1929 during a revolutionary movement to attack Cumaná. The United States responded that no rule in international law mandates that a vessel be treated as a maritime pirate ship simply because it was used in a failed revolutionary attempt.⁵

Furthermore, the majority of states did not consider the seizure of the Portuguese passenger ship Santa Maria by the opposition officer Henrique Galvão and his followers—opponents of the regime of Portuguese President António de Oliveira Salazar—and its surrender to Brazilian authorities with a request for political asylum in Brazil, to be an act of maritime piracy. This is because the objective was political rather than economic, despite the Portuguese government's classification of these acts as falling within the category of maritime piracy.⁶

1.2 Secondly: Insurgents Directing Acts of Violence Against Vessels Belonging to Other States

If acts of violence are directed against vessels belonging to other states, these acts are considered a form of maritime piracy, as they constitute a threat to security and the safety of maritime navigation.⁷

2. Subsection 02: Maritime Piracy and Political Crime

Political crime is defined as "an act directed toward harming public authority, or governmental bodies and institutions responsible for administering the country's affairs, provided that the act is committed with a political motive aimed at reforming one or more aspects of the state's affairs in pursuit of the national interest."

Political crime is characterized by two criteria: the subjective criterion, which pertains to the motive or incentive for committing the crime against public authority, its apparatus, institutions, and public order; and the objective criterion, represented by the nature of the infringed right. This is because political crimes are committed in response to political motives; those performing these unlawful acts initially possess good intentions and are driven by patriotism. They intend to achieve the common good and reform, yet they perpetrate criminal acts to achieve those ends. Based on the foregoing, the distinction and difference between the two crimes lie in the political motive, which constitutes the essence of political crime.⁸

In international law, there are many cases where the classification of the crime of maritime piracy has been conflated with political crime. Some examples include, but are not limited to, the following:

2.1 First: The Case of the Portuguese Vessel Santa Maria

In the case of the Portuguese vessel Santa Maria, the facts indicate that Officer Galvão seized the ship while a large number of passengers of various nationalities were on board. He and his men led the vessel to the high seas with the intent of drawing international public opinion to the political opposition in Portugal against the dictatorial regime of President Salazar. The incident resulted in the death of one crew member, and ultimately, the dissenters surrendered the ship at a neutral port. While both Spain and Portugal considered this act an act of maritime piracy, the absence of the "private ends" element invalidates such a classification. The objective here was political; therefore, there is no basis for characterizing it as a maritime piracy operation.⁹

2.2 Second: The Case of Sardinia and Naples Regarding the Vessel Gaston

In this case, the vessel Gaston departed for Tunisia. Upon reaching the high seas, the passengers revolted, seized control of the ship, and released several political prisoners who were on board. They then headed toward the Italian city of Naples to ignite a revolution. However, the authorities there managed to capture the vessel, and the court ruled for its confiscation on the grounds that it had committed acts of maritime piracy. Nevertheless, the British jurists Twiss and Phillimore disagreed with this view, considering the judgment entirely improper and emphasizing that a distinction must be made between revolution and acts of maritime piracy.¹⁰

2.3 The Case of the Turkish Vessel Mavi Marmara

The same applies to the case of the Turkish vessel Mavi Marmara (Freedom Flotilla), which set sail on May 15, 2010, towards the Gaza Strip in Palestine. Flying the Turkish flag and carrying ten thousand tons of humanitarian aid for the residents of Gaza, the ship had approximately 600 Arab and foreign activists on board seeking to provide relief to the local population. The Zionist occupation categorized this as an act of maritime piracy and subsequently attacked the vessel in international waters. This resulted in the killing of nine crew members and the disappearance of three others, despite the absence of any private ends; the motive here was driven by humanitarian and social dimensions.¹¹

In these cases, we observe that the state of instability experienced by certain nations during that period rendered them victims of such acts. This led them—quite naturally and expectedly—to classify the aforementioned actions as crimes of maritime piracy, prioritizing their own interests over the strict adherence to international law. Consequently, their classification and legal classification of the facts were flawed and not entirely sound, as the element of "private ends" was absent in all these cases, while political, social, and humanitarian motives were prominently manifest.

3. Subsection 03: Maritime Piracy and Armed Robbery

International legal scholars have reached a consensus that maritime piracy refers to every incident occurring on the high seas. Conversely, incidents occurring within the territorial waters, internal waters, or rivers of states are termed "armed robbery against ships." However, some argue that acts of piracy within territorial waters should be labeled "territorial maritime piracy" instead of "armed robbery," seeking to unify the perspective toward these criminal acts and to eliminate the confusion resulting from disparate nomenclature.¹²

Nevertheless, the International Maritime Organization (IMO) found it necessary to designate acts occurring within waters subject to the sovereignty of states as "armed robbery against ships," to distinguish them from maritime piracy occurring on the high seas. In 2001, via Resolution A.922(22), the IMO defined armed robbery as: "any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for traditional or private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea."¹³

Furthermore, on January 15, 2026, reports indicated an increase in global maritime incidents, including maritime piracy and armed robbery throughout 2025. Most cases were classified as low-level. According to the annual report issued by the International Maritime Bureau (IMB) on maritime piracy and armed robbery, 137 incidents against ships were recorded in 2025, compared to 116 incidents in 2024 and 120 in 2023. The report also reveals the boarding of 121 vessels, the hijacking of four ships, and fire being opened on two vessels, in addition to 10 attempted attacks.¹⁴

It is evident, therefore, that the distinction between maritime piracy and armed robbery lies in the locus delicti (place where the crime was committed), the pursuit of perpetrators, and the applicable law.¹⁵ Maritime piracy, by its nature, is a violation of international law; similarly, armed robbery is a violation of the domestic law of the jurisdictional state. However, from a technical standpoint, some view armed robbery as maritime piracy given the methods of execution, the means employed, and their shared objectives, motives, and the prevailing violence accompanying these operations.¹⁶

Nonetheless, maritime piracy—with its previously mentioned conditions—remains independent of armed robbery, as well as the various aforementioned acts that may relatively resemble it in certain characteristics.

II Section II: Legal Distinctions Between Maritime Piracy and Organized Crime, and Between Piracy and Both Maritime Prize and Maritime Terrorism

This section examines the primary legal distinctions between maritime piracy and organized crime (First Branch), maritime piracy and maritime prize (Second Branch), and maritime piracy and maritime terrorism (Third Branch).

1. Subsection 01: Maritime Piracy and Organized Crime

Organized crime is defined as an illegal act of a professional criminal nature, characterized by sophisticated planning and precise execution, supported by substantial financial and material resources. These resources facilitate the achievement of specific objectives through both legitimate and illegitimate means, led by a group of professional criminals who represent the direct face of the crime.

The International Criminal Police Organization (Interpol) defines it as:

"A group of persons who, by virtue of their structure, commit illegal acts on a continuous basis, primarily aimed at achieving profit without being restricted by national borders."¹⁷

In his 1929 work on crime in Chicago, John Landesco defined it by stating:

"Organized crime, for its practitioners, is a justified activity. Despite social rejection of these activities, the moral sense at various levels of organized crime is anesthetized by continuous doses that provide organization members and groups with a psychological sense of justification—that the behaviors they practice are a right forced upon them by either their personal circumstances or the conditions of the society in which they operate."

Others define it as: "A continuous collective organization of persons practicing crime, violence, and corruption to obtain power and money. The most important characteristics of these groups are continuity, organizational structure, criminality, violence, and membership based on affiliation, loyalty, and a desire for corruption with the aim of control and profit."¹⁸

To understand the relationship between maritime piracy and organized crime, one must identify the points of convergence and divergence.

Points of Similarity:

- Both activities (or crimes) rely on complex, clandestine organizational activities that cast a shadow of dread over criminal operations. They are governed by strict internal regulations to which allies and operators must adhere.
- Both organized crime and maritime piracy utilize illegal means, and both are transnational in nature.
- Both threaten local and international security and stability.

Points of Difference:

- In maritime piracy, the pirates' objective is achieved as soon as they obtain money. In organized crime, practitioners may resort to assassinations even after achieving their primary goal.
- Pirates often aim to support their communities and secure a livelihood—as seen with Somali pirates. Conversely, those involved in organized crime aim to amass exorbitant wealth, similar to the Italian Mafia.¹⁹

However, recent studies and security investigations have demonstrated that maritime piracy is now also practiced by dangerous syndicates. It has evolved from a simple form to a more complex, composite nature, managed by dangerous organizations branched out in different parts of the world. These entities possess the capacity to link with various international criminal organizations through information exchange, access to global markets, the "marketing" of piracy operations, and the sale of modern military weapons used in attacks.²⁰

The United Nations Office on Drugs and Crime (UNODC) has called for strengthening maritime security in the Western Indian Ocean, for instance, through special strategic partnerships. The security of the Western Indian Ocean—a vital artery for one-third of global

cargo trade—is critical to global economic stability and security. Heavy maritime traffic has made it a target for piracy attacks and organized crime groups seeking to smuggle drugs, persons, and weapons. This challenge is exacerbated by the vastness of the maritime routes (connecting Asia to Africa and the Middle East), alongside limited resources and logistical difficulties. Given that global and economic security is at stake, cooperation between state governments and the private sector has become essential for an effective and rapid response to these threats.

For these reasons, the UNODC, with financial support from the Government of Japan, has partnered with private sector actors to provide targeted operational support across the region. In close cooperation with Yamaha Motor Co., Ltd. and the Japan Underwater Drone Association (JUDA), the program provides specialized equipment along with hands-on technical training. This ensures that maritime authorities are not only equipped with the necessary tools but also possess the capability to maintain and deploy these assets effectively. The program has been implemented in six target countries: Comoros, Kenya, Mauritius, Madagascar, Seychelles, and Tanzania. It has enabled the standardization of technical criteria among agencies, thereby enhancing their autonomy in resource management and increasing their capacity to respond to organized crime and evolving, increasingly complex maritime threats.

For example, Kenyan Coast Guard officials have received training in engine operation and maintenance to prevent such crimes and threats. In February 2026, a specialized regional training course in Yamaha engine maintenance was held at the official Yamaha distribution center in Kenya, combining theoretical training with practical application. Through this cooperation, participants were trained not only in engine operation but also in preventive maintenance, fault diagnosis, and asset management—elements essential for ensuring the sustainability and reliability of maritime assets in challenging operational maritime environments.²¹

2. Subsection 02: Maritime Piracy and Maritime Prize

The term "prize" (al-ightinam) linguistically derives from the verb "to seize" or "to take advantage of," referring to the acquisition of spoils during war. Jurists have differed in defining it; some define it as "the seizure of enemy ships and their cargo," while others define it as "everything seized at sea or in foreign ports." It has also been defined as "the right to interfere with maritime property for the purpose of confiscation, in accordance with the laws of naval warfare."

The practice of maritime prize can only occur during wartime, carried out by states or belligerent parties. Its practice may be prohibited during an armistice, or it may be permitted unless the armistice agreement explicitly states otherwise. In 1907, the Institute of International Law permitted only the right of visit and search during an armistice period. Furthermore, it is established in international law that maritime prize may take place on the high seas, within the Exclusive Economic Zone (EEZ), or even within the territorial waters of the belligerent states. For instance, the French judiciary ruled in 1948 on the validity of the seizure and confiscation of both the Italian vessel *Arlisiana* and the vessel *Andex*, which were seized in Tunisian territorial waters, then under French sovereignty.²²

General consensus has established that acts of war, including the right of prize, are impermissible in the territorial waters of neutral states. If these waters are located within a

neutral zone, no acts of war may be practiced therein, even if initiated outside this zone. Hostile merchant ships and their cargoes are subject to maritime prize. It is required that the vessels belong to a hostile state or that the vessels themselves engage in hostile acts, even if they belong to a neutral state. In the latter case, these vessels lose their neutral status and become subject to the same regulations as hostile vessels. This also applies to state-owned vessels designated for public service, excluding ships of an exceptional nature.

The process of maritime prize, regarding the insurance of the ship and cargo, may be viewed from two perspectives: formal and substantive. In terms of form, there must be compliance with the procedures resulting in the seizure of movable property according to the laws of naval warfare, including the right of visit and search, or the belligerent right to identify the vessel. In terms of substance, it involves the seizure of private maritime property, with the exception of maritime vessels protected by humanitarian considerations.²³

3. Subsection 03: Maritime Piracy and Maritime Terrorism

While maritime terrorism is not an ancient phenomenon, it is not entirely new in international practice; according to Christophe Houry, it appears to have emerged in the 1960s. Despite this, there is no specific, agreed-upon definition for this crime, similar to the lack of a universal definition for international terrorism in general.²⁴ It is necessary to address the latter by defining its concept and the various definitions provided by legal scholars and international conventions—such as the 1998 Arab Convention on the Suppression of Terrorism—to identify the points of similarity and difference between it and maritime piracy first, and then to clarify the concept of maritime terrorism in a second stage.

1. International Terrorism Crimes

Despite the debate and difficulty in defining this type of crime—due to disagreements over whether the definition should include acts of violence committed by armed struggle groups against occupation—the 1937 Geneva Convention provided a definition of international terrorism. It characterized the acts falling within its scope as criminal acts directed against a State, or those intended or calculated to create a state of terror in the minds of particular persons, a group of persons, or the general public. It also specified certain acts that could constitute forms of terrorism, such as intentional acts of a nature likely to endanger human life.²⁵

The 1998 Arab Convention on the Suppression of Terrorism, in its first article, defined international terrorism as:

"Any act or threat of violence, notwithstanding its motives or purposes, perpetrated for the execution of an individual or collective criminal scheme aimed at terrifying people or threatening them with harm or putting their life, liberty, or security in danger, or causing damage to the environment or to public or private installations or property or occupying or seizing them, or endangering a national resource."²⁶

The similarity between the crime of maritime piracy and international terrorism is substantial regarding their descriptions. However, precise regulation of this similarity and the determination of the appropriate legal classification require deeper reflection and a comparison of the characteristics and elements of each. Nearly all crimes coincide or overlap in the elements of violence, threat, cruelty, intimidation, and the instillation of fear and terror in others. Therefore, a comparison must be made regarding the element of violence and threat, and the element of the motivating purpose.

A. The Element of Violence

Legal scholars agree that terrorist crimes are considered crimes of violence, as this characteristic makes such crimes frightening and terrifying. Violence and cruelty are the catalysts for panic and the generation of awe in the hearts of people; consequently, this is what renders an act "terrorist" and grants it this nature. Similarly, maritime piracy relies on violence, force, severity, and brutality directed at others to overpower them. The meaning of "overpowering" in maritime piracy carries a deeper and more intense connotation because it occurs in locations where it is difficult for victims to seek aid or call for rescue.²⁷

Thus, the element of violence exists in both terrorist crimes and maritime piracy, even if the methods employed differ, as it is natural for each crime to involve acts consistent with its specific nature.

B. The Element of Motivating Purpose

The significance of committing terrorist acts lies in intimidating people, instilling terror in their hearts, causing extreme alarm, and endangering their lives, security, and liberties. These are the same objectives for which maritime piracy is committed, differing only in the scope of generality among the public.²⁸

The dangers of maritime piracy may be narrower in scope and more specific in objectives than those of international terrorism, as piracy occurs only at sea and aims at plunder, looting, killing, kidnapping, and similar matters. For this reason, pirates are called "sea robbers" because they raid ships for the purpose of looting and plundering, not for destruction and sabotage; if the latter occurs, it is merely incidental and unintentional. Therefore, maritime piracy is considered a part of terrorist acts of a special nature, or it is international terrorism specific in its scope and purposes.²⁹

Regarding the motivating purpose or motive, the objectives of international terrorism are broader and more comprehensive than those of maritime piracy. The former may have numerous and diverse motives depending on circumstances—whether political, economic, social, or religious whereas the primary objective of maritime piracy is financial gain; that is, the objective is generally purely economic.³⁰

2. Maritime Terrorism

The distinction between international terrorism and maritime terrorism appears to lie in the location where these acts occur. The latter is specifically situated at sea or within water bodies, unlike the former, which has a broader scope that may encompass land and sea, and may extend to air and space. On this basis, it is necessary to address maritime terrorism and clarify its concept through the definitions provided by the International Maritime Organization (IMO) and the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), in order to identify the points of similarity and agreement between maritime terrorism and maritime piracy, as well as the reasons for its proliferation.

A. Definition of Maritime Terrorism by the International Maritime Organization (IMO)

The International Maritime Organization (IMO) has attempted to define maritime terrorism, characterizing it as: "The pursuit of political purposes or the intent to influence the exercise of the rights of another State or political entity, by committing one or a series of the following acts:

- ❖ Seizing or exercising unlawful control over a ship or other maritime structure by threat of force.
- ❖ Committing or threatening to commit an act of violence against a person on board a ship that is likely to endanger safe navigation.
- ❖ Destroying or damaging a ship, a maritime platform, cargo, or a navigational facility, or placing a device (a destruction apparatus) likely to destroy or damage them.
- ❖ Knowingly communicating false information that could threaten safe navigation."³¹

B. Definition of Maritime Terrorism in the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

Article 3 bis of the Protocol addresses the concept of maritime terrorism by stipulating that it falls under unlawful acts as follows:

- ❖ **B.1.** When the purpose of the act—by its nature or context—is to intimidate a population or to compel a government or an international organization to do or to abstain from doing any act, if used against or on board a ship in a manner that causes—or is likely to cause—death, serious injury, or substantial damage.
- ❖ **B.2.** Transporting on board a ship explosive or radioactive material, knowing that it is intended to be used for a conditional or unconditional threat, in accordance with national law, resulting in death, serious injury, or substantial damage, with the intent to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.³²

Accordingly, maritime terrorism, as a form of the general crime of terrorism, can be defined as: "Any illegal act of violence directed against ships, their crew members, their cargo and property, or against ports and maritime targets, with the aim of directly or indirectly influencing the government of a specific State or any other entity in pursuit of political objectives."³³

Consequently, what has been previously noted regarding terrorist crimes applies to maritime terrorism, with the exception of the location. Therefore, it can be argued that the crime of maritime piracy is a form of terrorism in general, and maritime terrorism committed within a vessel in particular. Furthermore, it can constitute a grave form of terrorism if coupled with other crimes such as murder, torture, sabotage, etc.

C. Reasons for the Proliferation of Maritime Terrorism

Before addressing the reasons for the proliferation of maritime terrorism, it must be noted that seas and oceans were not previously a theater for terrorist activities. Statistics indicate that terrorist attacks against maritime vessels did not exceed 2% of the incidents encountered by ships at sea over the past few decades. Legal scholars attribute the paucity of terrorist attacks against vessels to several factors, most notably:

- ❖ The concentration of terrorist groups far from maritime areas and their lack of sufficient capabilities to conduct operations at sea.
- ❖ The fact that maritime targets are often out of sight and lack the dense media presence found in other regions, which suggests that terrorist groups are often constrained by a specific financial ceiling for executing their operations.³⁴

Despite the aforementioned factors—which contributed to terrorist groups abstaining from attacking ships and maritime targets in general for a certain period—there were some terrorist attacks against maritime vessels. These played a role in drawing the world's attention to this form of terrorist attack, such as the hijacking of the Italian ship *Achille Lauro* in October 1985, which is considered one of the most significant cases of aggression against cruise ships on the high seas; the attack on the American destroyer *USS Cole* while it was in the Port of Aden on October 12, 2000; and the attack on the French oil tanker *Limburg* on October 13, 2002, while it was in Yemeni territorial waters. These events influenced the emergence of the term Maritime Terrorism, which, alongside pirate attacks, constituted one of the most critical problems threatening the freedom of navigation and hindering international trade across seas and oceans.³⁵

The use of the term "maritime terrorism" due to the increased and repeated attacks by terrorist groups on maritime targets can be attributed to several reasons, most notably:

- ❖ **C.1.** Terrorist groups benefiting from the factors that led to the emergence and growth of maritime piracy operations, coupled with the inefficiency of the forces tasked with guarding national shores and coasts, and the lack of security measures implemented in ports.
- ❖ **C.2.** The abundance of maritime targets that attract the attention of terrorist groups, who perceive that attacking them fulfills their intended objectives, especially with the increasing reliance on maritime transport and the high density of vessel traffic in certain narrow shipping lanes, which facilitates attacks by both pirates and terrorist groups.
- ❖ **C.3.** Terrorist groups acquiring methods and techniques for dealing with maritime targets through the services, skills, and maritime handling techniques provided by commercial companies specialized in maritime sports and training.³⁶
- ❖ **C.4.** Instability in the global economy and the occurrence of disruptions in the prices of certain vital goods and services.
- ❖ **C.5.** The fact that terrorist attacks against ships, particularly cruise ships, may serve as a means of pressure on governments to force the adoption of a specific political stance in exchange for the release of hostages.³⁷

These are the primary factors that have led to the increased focus of terrorist groups on attacking maritime vessels navigating the seas and oceans, after they found the path accessible and acquired the qualifications necessary to carry out such attacks.³⁸

D. Similarities and Differences Between Maritime Piracy and Maritime Terrorism

After addressing the definition of maritime terrorism and studying its most significant proliferation factors, we can now identify the distinguishing elements between this criminal act and maritime piracy by examining their points of similarity and difference, as detailed below:

❖ D.1. Similarities Between Maritime Piracy and Maritime Terrorism

A clear and indisputable relationship can be established between the two phenomena. In addition to both being transnational crimes, they share four common elements:

Both maritime piracy and maritime terrorism are considered transnational threats under international law and to the security of the international community as a whole. They are

international crimes that threaten the safety of ships and international navigation, necessitating cooperation at both international and regional levels to suppress them.

- The similarity in techniques and methods employed in both maritime piracy and maritime terrorism.
- Violence and kidnapping are prominent features of both maritime piracy and maritime terrorism used to achieve their various objectives.
- Modern maritime piracy has become more bloody and cruel, a characteristic typically associated with maritime terrorism.
- This is what the International Maritime Bureau (IMB) concluded in its 2003 report, stating that there is no functional difference between maritime terrorism, maritime piracy, and armed robbery against ships. This is because both are criminal offenses that have significant and harmful impacts on persons, property, maritime trade, and navigational affairs.³⁹

❖ D.2. Differences Between Maritime Piracy and Maritime Terrorism

Despite the existing overlap between these two phenomena, there are distinct differences and disparities that cannot be overlooked, whether regarding the intent or the desired objective, the means used for execution, the location of the commission, or the resulting consequences.

- **Objective and Intent:** Regarding the goal or objective to be achieved, it can be said that while the aim of maritime piracy consists of achieving private ends or personal purposes for the perpetrators, the objective behind committing acts of maritime terrorism consists, conversely, of achieving public or political goals.
- **Means and Mechanisms:** Regarding the means and mechanisms used in executing these two crimes, it appears that pirates often utilize traditional methods. In contrast, terrorist groups frequently employ sophisticated and complex means and mechanisms. Furthermore, pirates generally attempt to avoid the attention of the international community and work to achieve their goals with the minimum possible losses, whereas terrorist groups do the opposite, seeking to draw international attention by causing the maximum possible losses.⁴⁰
- **Geographical Scope:** While the crime of maritime piracy requires, as a condition, that it be committed on the high seas, the crime of maritime terrorism does not require commission within a specific maritime zone; it may occur in internal waters, territorial waters, the high seas, etc.
- **The "Two-Ship" Rule:** While the crime of maritime piracy requires the involvement of two ships in the operation—one representing the pirate ship and the other representing the attacked or victim ship—this condition is not required for maritime terrorism. This crime is established in cases of unlawful acts of violence committed by the crew or passengers of the ship itself, such as the 1961 Santa Maria incident.
- **Resulting Effects:** Looking at the consequences of each crime, it becomes clearer that acts of maritime piracy achieve temporary material benefits for the perpetrators, whereas terrorist operations achieve strategic objectives that impact regional and global levels.

In conclusion, despite the overlap between the two phenomena—or rather, the two crimes—and the inclusion of maritime piracy acts within certain international counter-terrorism

documents, and after highlighting the similarities and differences, it can be emphasized that clear distinctions exist between them. Maritime piracy should not be treated as maritime terrorism, as its concept and constituent elements, according to Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS), place it outside the framework of maritime terrorist acts.

Conclusion

Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) stipulated that the purpose of maritime piracy acts must be motivated solely by private ends, whereas such acts could be driven by other common public motives and purposes, whether political, religious, ethnic, or otherwise. In this context, the 1988 Rome Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) and its 2005 Protocol criminalized all unlawful acts directed against the safety of maritime navigation without labeling them as maritime piracy, affirming that matters not regulated by this Convention remain subject to the rules and principles of general international law. Consequently, maritime piracy is considered an international crime par excellence, due to the fulfillment of all its constituent elements—the legal, material, and moral elements—and the convergence of these elements with the international element of the crime.

Furthermore, acts similar to piracy do not constitute maritime piracy operations; rather, they may be classified as revolutionary acts, political crimes, organized crimes, armed robbery, maritime prize, or maritime terrorism, as each of these acts possesses distinct characteristics that differentiate it from the crime of maritime piracy. When a suitable environment exists, these acts spread and escalate across seas and oceans, leaving dire consequences for the economies of states, their security, and their marine environment. Perhaps one of the most significant causes is the weakness of the security and defense systems of most coastal states and the lack of assistance from major powers. This may suggest, in one way or another, the involvement of the governments of these major powers in such crimes and their intervention—driven by numerous and suspicious motives—in international maritime issues, diverting them from proper international legal classification for various objectives.

Footnotes:

¹ See:

- Jean-Paul Pancraccio, *Law of the Sea*, Dalloz edition, Paris, France, 2010, p. 446.

- Presidential Decree No. 96-53 of 2 Ramadan 1416 AH, corresponding to 22 January 1996 CE, concerning the ratification of the United Nations Convention on the Law of the Sea. Published in the Official Gazette of the People's Democratic Republic of Algeria, No. 06, issued on 24 January 1996.

² See both: Radhia Aissat, *Maritime Piracy and its Implications for Maritime Security*, Master's Thesis, Faculty of Law, Mouloud Mammeri University, Tizi Ouzou, Algeria, 2016, p. 35. And Muhammad bin Abdul Aziz Saad Al-Yamani, an article entitled (Maritime Piracy - A Comparative Jurisprudential Study), *Arab Journal of Security Studies and Training*, Volume 28, Issue 55, p. 217 and beyond.

³ See both: Radhia Aissat, previous reference, pp. 35-36. And Muhammad Salama Muslim Al-Duwaik, *The Sea in International Law*, 1st ed., Al-Halabi Legal Publications, Beirut, 2010, p. 133.

⁴ Muhammad Talaat Al-Ghunaimi, *International Law in its New Dimensions*, Al-Maaref Establishment, Alexandria, Egypt, 1998, p. 187.

⁵ See: Radhia Aissat, op. cit., p. 36; and Salah Muhammad Salima, *Maritime Piracy*, 1st ed., Law and Economics Library, Riyadh, 2014, p. 84.

⁶ Houry, Christophe: *Maritime piracy with regard to international law (uncertainties and contemporary developments)*, L'Harmattan, Paris, 2014. pp. 106-107.

- ⁷ See also: Salah Muhammad Salima, op. cit., p. 85; and Radhia Aissat, op. cit., pp. 36-37.
- ⁸ Ali Hassan Al-Sharafi, "Terrorism and Maritime Piracy in Light of the Provisions of Islamic Law and International Agreements," from the book (Terrorism and Maritime Piracy) by a group of authors, 1st edition, Dar Al-Hamid for Publishing and Distribution, and Al-Akademioun for Publishing and Distribution, Amman, Jordan, 2014, p. 61.
- ⁹ Sobrino Heredia, José Manuel: Terrorism and maritime piracy, maritime security and violence at sea, Bruylont, Brussels, 2011, 158.
- ¹⁰ Muhammad Talaat Al-Ghunaimi, International Law in its New Dimensions, Ma'aref Establishment, Alexandria, Egypt, 1998, p. 186.
- ¹¹ Aissat Radhia, op. cit., p. 38. See also for further information: Maher Hamed Muhammad Al-Hawli et al., The Israeli Aggression Against the Freedom Flotilla, Journal of the Islamic University, Vol. 19, No. 2011, p. 430.
- ¹² Muhammad bin Abdul Aziz Saad Al-Yamani, op. cit., p. 216.
- ¹³ Ali bin Abdullah Al-Mulhem, Maritime Piracy Against Ships, Master's Thesis, Naif Arab University for Security Sciences, Riyadh, 2007, pp. 47-49.
- ¹⁴ Global maritime piracy and armed robbery increased in 2025, in site: <https://icc-ccs.org/global-maritime-piracy-and-armed-robbery-increased-in-2025>, visited: April 12, 2026, at 20h30 pm.
- ¹⁵ Muhammad bin Abdul Aziz Saad Al-Yamani, op. cit., pp. 216-217.
- ¹⁶ Aissat Radhia, op. cit., p. 39.
- ¹⁷ Abdul Fattah Mustafa Al-Saifi, Organized Crime (Definition, Patterns, and Trends), 1st ed., Naif Arab University for Security Sciences, Riyadh, Saudi Arabia, 2003, p. 27.
- ¹⁸ Muhammad bin Sulaiman Al-Wahid, The Nature of Organized Crime (Organized Crime and Methods of Combating It in the Arab World), 1st ed., Naif Arab University for Security Sciences, Riyadh, Saudi Arabia, 2003, p. 52.
- ¹⁹ Husam Al-Din Bouaissa, Maritime Piracy and Its Impact on the Arab Region, PhD dissertation, Faculty of Law, University of Hadj Lakhdar, Batna, 2013, pp. 150-151.
- ²⁰ Husam Al-Din Bouaissa, *ibid.*, p. 151.
- ²¹ Strengthening Maritime Security in the Western Indian Ocean through Strategic Private Partnerships, Office on Drugs and Crime, United Nations, in site: <https://www.unodc.org/unodc/news/2026/April/strengthening-maritime-security-in-the-western-indian-ocean-through-strategic-private-partnerships>. visited: April 12, 2026, at 20h36 pm.
- ²² Salah Muhammad Salima, previous reference, pp. 127-128.
- ²³ Salah Muhammad Salima, previous reference, pp. 128-129.
- ²⁴ Christophe Houry, Op. Cit, p. 119.
- ²⁵ See Salah Mohamed Salima, op. cit., pp. 92-145; and Ali Hassan Al-Sharfi, op. cit., pp. 27-28.
- ²⁶ See Inas Mohamed Al-Bahji and Youssef Al-Masri, The Crime of Maritime Piracy in International Law, First Edition, National Center for Legal Publications, Cairo, Egypt, 2013, p. 145; and Ali Hassan Al-Sharfi, op. cit., p. 27.
- ²⁷ Sobrino Heredia José Manuel, Op. cit., pp. 170-171.
- ²⁸ Ali Hassan Al-Sharfi, op. cit., pp. 28-29.
- ²⁹ In this context, Sharif Sheikh Ahmed, President of the Transitional Federal Government of Somalia, stated before the United Nations General Assembly in 2010 that there was a real interaction between the two phenomena. He added that his country faced a double threat: the threat of international terrorism on the one hand, and the threat of maritime piracy on the other. See further: Ali Hassan Al-Sharfi, op. cit., p. 29 et seq.
- ³⁰ See Radhia Aissat, op. cit., p. 44; and Inas Mohamed El-Bahgy and Youssef El-Masry, op. cit., pp. 145-151.
- ³¹ Mustafa El-Atafi, (Contemporary Developments in Maritime Piracy in Light of Security Council Resolutions Concerning the Somali Coast), Master's Thesis, Ahmed Bougara University, Boumerdès, Algeria, 2015, p. 38.
- ³² *Ibid.*, pp. 38-39.
- ³³ Adel Abdullah Al-Masdi, Piracy Off the Somali Coast and Countermeasures, First Edition, 2010, Dar Al-Nahda Al-Arabiya, Cairo, Egypt, p. 54.
- ³⁴ Peter Chalk, The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States, The RAND Corporation, Project Air Force, 2008, pp. 19-20.
- ³⁵ Salah Muhammad Salima, op. cit., pp. 151-152.
- ³⁶ Mustafa al-Atafi, op. cit., p. 40.
- ³⁷ Peter Chalk, op. cit., p. 22.
- ³⁸ Mustafa al-Atafi, op. cit., p. 41 et seq.
- ³⁹ The Singaporean Minister of Home Affairs stated that "piracy, or armed robbery against ships, should be treated as terrorism." Egypt has also adopted the principle of equating piracy, or armed robbery against ships, with terrorism in terms of jurisdiction and other aspects. Article 86 of the Egyptian Penal Code defines terrorism as: "Any use of force, violence, threats thereof, or intimidation employed by a perpetrator in execution of an individual or collective criminal scheme aimed at disrupting public order or endangering the safety and security of society, if

such action is likely to harm individuals or instill fear among them..." (See: Salah Mohamed Salima, op. cit., pp. 152-153).

⁴⁰ Adel Abdullah Al-Masdi, *Piracy Off the Somali Coast and Measures to Combat It*, First Edition, Dar Al-Nahda Al-Arabiya, Cairo, Egypt, 2010, p. 56.

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