



NATIONAL RESEARCH UNIVERSITY
HIGHER SCHOOL OF ECONOMICS

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CHALLENGES OF ADAPTING
INTERNATIONAL LAW NORMS
INTO RUSSIA'S LEGAL SYSTEM**

BASIC RESEARCH PROGRAM

WORKING PAPERS

SERIES: LAW

WP BRP 44/LAW/2014

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THE REANIMATION OF PIRACY: CHALLENGES OF ADAPTING INTERNATIONAL LAW NORMS INTO RUSSIA'S LEGAL SYSTEM²

This study focuses on the dissonance between the definition of piracy in Russia's Criminal Code (disposition of Article 227) and piracy as defined by international law (Article 101 of the UN Convention on the Law of the Sea, 1982). This can create obstacles in the appropriate qualification of piracy acts and lead to a certain discord between the two (national and international) law systems. At least four areas of possible disagreements were identified: contradictions over a place to commit an act of piracy; over the object of crime; a purpose, and over a crime's objective aspect.

The paper also investigates the potential competitions between jurisdictions, including situations in Russia's exclusive economic zone and on board a vessel registered at a Russian port.

JEL Classification: K33.

Keywords: piracy, criminal prosecution, universal jurisdiction, collision of jurisdiction, Russia.

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² This study (research grant No. 14-01-0118) was supported by The National Research University Higher School of Economics' Academic Fund Program in 2014/2015.

Introduction

Piracy off the coast of Somalia, the Western Indian Ocean and other parts of the high seas is a major challenge to the international security system. Within just one year (2012), the UN Security Council adopted six resolutions on the Somalia crisis and the unprecedented rampancy of international piracy caused by it. Even countries which lie thousands miles away from the Gulf of Aden in other regions of extraordinary pirate's activities must take an active part in international anti-piracy cooperation, as well as adapting the appropriate national standards and legislation.

As a result of a surge in piracy, state institutions and international organizations face a growing demand for expert and legal support in order to counter this threat. Therefore, many recent studies, firstly of the Anglo-Saxon doctrine, have met this need using the applied approach⁴. This research has catered to revived the directions of classical international maritime and international criminal laws on piracy to become exploited once again by state and inter-state authorities, after a lull in piracy for a few decades.

We did not manage to find any published works after 2008 (the year which we consider to be the starting point of the climax in modern piracy), and there are few studies which analyze the correlations between International law and Russian National legislation and their suppression of piracy. Russian law-enforcement agencies must also meet demands for a well-qualified response to new forms of piracy in accordance with both international law and internal criminal law, in particular guaranteeing the prosecution of those who were captured during special anti-piracy operations. In December 2010, Moscow's City Court sentenced the attackers of the dry cargo ship *Arctic Sea*, implementing universal jurisdiction for the first time in the history of the current Russian Criminal Code (pirates were captured on the high seas in the Baltic region).

Our general hypothesis centers around the serious dissonance between the piracy definition in Russia's Criminal Code (disposition of Article 227) and the international law definition (Article 101 of the UN Convention on the Law of the Sea, 1982). We discovered that

⁴ For example, one of issues of the *American Journal of International Law* (Vol. 104, No. 3, July 2010) was devoted to contemporary piracy (including articles by *Kontorovich, Eugene & Art, Steven*. An Empirical Examination of Universal Jurisdiction for Piracy; *J. Ashley Roach*. Counter Piracy Off Somalia: International Law and International Institutions; *Thuo Gathi, James*. Kenia's Piracy Prosecution and others). Other works include *Boot, Max*. Pirates, Then and Now: How Piracy Was Defeated in the Past and Can Be Again // *Foreign Affairs*. Vol. 88, No. 4 (July/August 2009). P. 94-107. *Ishii, Yurika*. International Cooperation on the Repression of Piracy and Armed Robbery at Sea under the UNCLOS // *Journal of East Asia and International Law*. Vol. 7. Issue 2. 2014. P. 335-350. *Kontorovich, Eugene*. A Guantánamo on the Sea": The Difficulty of Prosecuting Pirates and Terrorists // *California Law Review*. Vol. 98, No. 1 (February 2010). P. 243-275. *Kontorovich, Eugene*. Piracy on the high seas-customary international law-UN Convention on the Law of the Sea-international law in US courts-international criminal law // *American Journal of International Law*. Vol. 107. Issue 3. 2013. P. 644-649. *Massarella, Carmino*. Piracy and International Maritime Crimes in ASEAN // *International Journal of Marine And Coastal Law*. Vol. 28. Issue 4. 2013. P. 743-748.

it can create obstacles in the appropriate qualification of piracy acts and lead to confusion between the two (national and international) legal systems. At least four aspects of possible confusion were identified: contradictions over where the act of piracy was committed; over the object of crime; the purpose and the objective aspect of crime.

The paper also analyzes potential competition between jurisdictions, including situations in Russia's exclusive economic zone and on board a vessel registered at a Russian port.

Substantive confusions on definitions of piracy in international and Russian law

Since the establishment of the Russian Federation's current Criminal Code (hereinafter *CC RF*) piracy has been defined as assaults on a sea-faring ship or a riverboat with the aim of capturing other people's property, committed with the use or threat of violence (Article 227).

However Article 101 of the United Nations Convention on the Law of the Sea⁵ (hereinafter *UNCLOS*) states 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:

(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)⁶.

Some commentators⁷ believed that the definition of piracy in Russian criminal law is more constricted than that of international law, for example when discussing an object of crime, which may be a ship or an aircraft for international law, and a ship or a boat for the *CC RF*. However we cannot lend this conclusion much support, since in line with some other parameters there is a vice versa correlation between the two definitions, and the disposition of the *CC RF* article seems to be rather more broad than the international law definition. This can be seen from the table below, particularly if we continue to compare objects of crime. Therefore, we may

⁵ Adopted in Montego-Bay on 10.12.1982, entered into force on 16.11.1994, ratified by the Russian Federation on 26.02.1997.

⁶ United Nations Convention on the Law of the Sea // http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm

⁷ See, for instance, Commentaries by professor Anatoly V. Naumov ("Комментарий к Уголовному кодексу Российской Федерации / Отв. ред. А.В. Наумов. М.: Юристъ, 1997").

observe a more comprehensive dissonance between the definitions, since they do not linearly correspond to each other as the particular and the general.

We have tabulated the most evident contradictions between the two legal systems' approaches below.

Tab. 1. Contradictions in qualifying piracy in accordance with Russian legislation and international law

Substance of contradiction	Interpretation of elements in accordance with:	
	Definition of piracy in accordance with international law (UNCLOS, Art. 101)	Definition of piracy in accordance with Russian legislation (CC RF, Art. 227)
<i>Divergence on the possible place where an act of piracy is committed:</i>	outside state territory < ⁸	both outside and inside state territory >
<i>Divergence on the object of crime:</i>	ships or aircrafts >	only ships<
<i>Divergence on the object of crime:</i>	sea-faring ships <	sea-faring ships or riverboats >
<i>Divergence on the purpose of crime:</i>	any "private ends" >	only "capturing other people's property" <
<i>Divergence on the objective aspect of crime:</i>	participation in the operation of pirate ships or aircrafts can be qualified as piracy >	only direct assaults on ships or boats can be qualified as piracy <

It is clear that there is a contradiction between the two definitions about *where* acts of piracy can take place. The customary norm of international law, as stated by the UNCLOS, contains the imperative that only those acts of violence which occur on the high seas or in a place outside the jurisdiction of any state can be qualified as piracy. Nevertheless, the CC RF does not put piracy qualification in dependence on any specific territorial factors. The Article 227 contains *no* provisions stating that, when bringing a suspect to justice, the place where acts of piracy are committed should be taken into account. Therefore, the validity of this concrete article in space corresponds to the general validity of the Russian Criminal law, which operates not only on the high seas (such as crimes committed aboard a ship registered in a

⁸ We used the symbols > where a definition is wider, and < where one is more constricted than the other

Russian port– Article 11, part 3 of the CC RF), but also on the country's territory, including territorial seas and internal aquatic spaces such as rivers, lakes and reservoirs.

Sea-faring ship and riverboats could both be possible objects of assault by pirates, as evidence of another divergence from UNCLOS's piracy definition. The treaty does not contain a particular reference stating that the international legal definition of piracy is applicable to assaults on sea-faring ships only. However, if the Convention and its implementations are followed for events that occur at least 12 nautical miles away from the seacoast, it is a logical conclusion to draw.

It is important to bear these cases in mind when speculating on non-linear conflicts between national and international definitions of piracy. The national definition is of course more constricted than the international one, because it does not allow an aircraft to become an object of assault by pirates. However, the national definition is broader than the international definition in the sense that it also allows a riverboat to be an object of assault. This goes against the logic of international law, although this is not because anti-piracy norms have been historically evaluated under the auspices of international *maritime* law, but because all rivers, even trans-boarder ones, in any part of them comprise sovereign territory, it simply cannot represent⁹ *a place outside the jurisdiction of any state*.

One further issue concerns acts of piracy committed on a state's territory. Following Russian law, it is paradoxically possible to qualify piracy as an assault on a non-sailing ship, even if the ship is in the stocks, providing that the objective aspect of crime can be described as the use or threat of violence, and the deed is intending to capture other people's property.

Russian legal experts¹⁰ have attempted to bridge the substantial gaps in the CC RF's piracy article. They concluded that only high seas can be the place where piracy assaults are committed, and analogous deeds committed out of Russian territorial waters must be qualified as *Robbery* (Art. 162 of CC RF). However, from a legal perspective this conclusion is nothing more than authoritative doctrinal opinions, and the Russian Criminal Law does not contain any limitations on the possible places where acts of piracy can be committed. This can lead to an overly broad interpretation of the norm or even its exploitation, contradicting the spirit of the

⁹ So, the Russian Constitution stipulates that the territory of the Russian Federation shall include the territories of its subjects, **inland waters** (*emphasis added*) and territorial sea, and the air space over them // <http://www.constitution.ru/en/10003000-04.htm>.

¹⁰ See, in particular, composite commentary works of two groups headed by *a)* professor Lebedev, Chairman of the Supreme Court of the Russian Federation and *b)* professor Chuchaev – *a)* Комментарий к Уголовному кодексу Российской Федерации (постатейный) / Отв. ред. В.М. Лебедев. 13-е изд. М.: Юрайт, 2013 и *b)* Комментарий к Уголовному кодексу Российской Федерации (постатейный) / Под ред. А.И. Чучаева. М.: КОНТРАКТ, 2012.)

law. An example of this may be attempts to qualify the actions of *Greenpeace* activists as piracy, who had protested against mining oil deposits on the *Prilazlomnaya* platform¹¹.

The divergence between national and international definitions of piracy on the purpose of crime should also be analyzed. One characteristic of the objective aspect of piracy crimes, as described by Article 227 of the CC RF, is the mercenary aim of capturing other people's property. This apparently correlates with UNCLOS's provision which stipulates that piracy consists of illegal acts of violence or detention, or any act of depredation committed for private ends. However, the notion of *private ends* is much broader than an *a priori* criminal distinct aim of *capturing other people's property*. UNCLOS does not reveal the substance of *private ends* and does not give any examples of them. We suggest that this term be interpreted, as opposed to public ends.

UNCLOS assumes the non-state character of piratical threats in numerous abstracts of the text; only a private ship or a warship/government ship whose crew has mutinied and taken control of the vessel can be considered a pirate ship. Consequently, the notion of *private ends* can be treated as committing *anti-society* deeds willingly and on their own initiative, but not by order or by the deputy of any state authority.

Certainly, defining the ends of piracy in accordance with international law may seem too ambiguous, as opposed to the concrete aim of piracy under Russian criminal law. But, when following Russian criminal law the aim of *capturing other people's property* can not only be interpreted as the intention to capture a ship with belongings on board, but also as the will to receive a ransom, i.e. to obtain other people's property such as money or bonds in exchange for the captured vessel or goods.

It is worth noting that the mercenary aims of crimes as stipulated by Article 227 distinguish them from deeds criminalized under Article 211 of the CC RF, on the *Hijacking of an Aircraft, a Sea-faring Ship, or a Railway Train*. Such crimes, irrespectively their ends, are considered to be a crime of a terrorist nature¹² in Russia, because they are aimed at violating public security, intimidating the population, or exerting influence on governmental decision-making by.

¹¹ It was exactly part 3, Art. 227 which the North-West Investigation Office (Следственное управление СКР по СЗФО) referred to initiate proceedings against *Greenpeace* activists in September, 2013. After the portion of criticism from the high-ranked Russian officials the re-qualification of the case took place. See, *Putin Abolished Piracy* (Путин отменил пиратство // Ведомости. №177 (3439). 26.09.2013).

¹² Common order of the General Prosecutor's Office of the Russian Federation and the Ministry of Interior of the Russian Federation dated 11/09/2013 (Указание Генпрокуратуры России №387-11, МВД России №2 от 11.09.2013 «О введении в действие перечней статей Уголовного кодекса Российской Федерации, используемых при формировании статистической отчетности» (Перечень №22)) // http://www.consultant.ru/document/cons_doc_LAW_154639/?frame=3.

We can therefore assume that, in Russia, it is the aims of deeds which distinguish terrorist crimes from piracy.

Contradictions over jurisdiction

We have determined which deeds Russian criminal law and international law consider to be piracy, and now we must examine how these national and international laws are implemented in reality.

First, different national legal systems consider justifications for their jurisdictions on piracy differently, and they have their own ways of validating correlations between national and international jurisdictions. For instance, US legislation follows the precedential logic of Anglo-Saxon law and is based on a specific approach. The US Criminal Code describes piracy with reference to international law¹³, stipulating a particular law-enforcement order for countering piracy which differs from the ordinary rules of criminal law. Canada (Criminal Code)¹⁴ and New Zealand's (Crimes Act 1961)¹⁵ criminal laws on piracy present other examples of dispositions with reference to international law.

Russian criminal law is based on a contrary approach. The general section of the CC RF establishes the general principles of its operation in time and space, which are applicable to all criminalized deeds. Therefore, the Code creates universal *rules of the game* which at the same time must take into account the specifics of concrete crimes, including those of international significance such as piracy. The advantages and disadvantages of these approaches are discussed below.

As the CC RF affirms, Russian citizens, stateless persons and foreign citizens can all be charged as criminals under Russian legislation. Therefore, it is possible to bring offenders to justice under the CC RF on piracy charges even if they do not possess Russian citizenship.

¹³ §1651 *Piracy under law of nations*. "Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life" // <http://uscode.house.gov/>

¹⁴ *Piracy by law of nations*. "74. (1) Every one commits piracy who does any act that, by the law of nations, is piracy. (2) Every one who commits piracy while in or out of Canada is guilty of an indictable offence and liable to imprisonment for life". R.S., c. C-34, s. 75; 1974-75-76, c. 105, s. 3 // <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-24.html?texthighlight=piracy#s-74>.

¹⁵ 92 *Piracy*. "(1) Every one who does any act amounting to piracy by the law of nations, whether that act is done within or outside New Zealand, - (a) shall upon conviction thereof be sentenced to imprisonment for life if, in committing piracy, he or she murders, attempts to murder, or does any act likely to endanger the life of any person: (b) is liable to imprisonment for a term not exceeding 14 years in any other case. (2) Any act that by the law of nations would amount to piracy if it had been done on the high seas on board or in relation to a ship shall be piracy for the purposes of this section if it is done on board or in relation to an aircraft, whether the aircraft is on or above the sea or is on or above the land" // <http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM328572.html>

In fact, the principle of citizenship is only one of four broadly recognized principles of the CC RF's implementation in space¹⁶; the other three are territorial, real and universal principles. Article 11 and Article 12 consider all of these aspects (see table below for their characteristics).

Tab. 2. Principles of the CC RF's implementation in space and essentials for qualifying as piracy

<i>Principle</i>	<i>Substance</i>
<i>Territorial Principle</i>	<p>Any person who has committed a crime on the territory of the Russian Federation shall bear criminal responsibility under the CC RF (Article 11, part 1). Crimes committed within the boundaries of Russia's territorial waters or air space shall be deemed to have been performed on the territory of Russia. The validity of the CC RF shall also be extended to offences committed on the continental shelf and in Russia's exclusive economic zone (Article 11, part 2).</p> <p>A person who has committed a crime on board a ship registered in a Russian port which is on the open sea outside the confines of Russia shall bear criminal responsibility under the CC RF, unless otherwise stipulated in an international agreement by Russia. Under the CC RF, criminal responsibility shall also be borne by a person who has committed an offence on board a warship or in a Russian military aircraft, regardless of their location (Article 11, part 3).</p>
<i>Principle of Citizenship</i>	Russian citizens and stateless persons who permanently reside in Russia and who have committed crimes outside the boundaries of Russia shall bear criminal responsibility under the CC RF, unless these persons have been convicted in a foreign state (Article 12, part 1).
<i>Real principle</i>	Foreign nationals and stateless persons who do not reside permanently in Russia and who have committed crimes outside the boundaries of Russia shall bear criminal responsibility under the CC RF in cases where the crimes run counter to the interests of Russia, or Russian citizens, or stateless persons who permanently reside in Russia (Article 12, part 3).
<i>Universal principle</i>	Foreign nationals and stateless persons who do not reside permanently in Russia and who have committed their crimes outside the boundaries of Russia shall bear criminal responsibility under the CC RF in cases provided for by Russia's international agreements (Article 12, part 3).

¹⁶ See, for instance, textbooks edited by professors Rarog or Naumov (Уголовное право России. Части Общая и Особенная: учебник / Под ред. А.И. Рарога. М., 2008; Уголовное право России. Практический курс / Под общ. ред. А. И. Бастрыкина; под науч. ред. А.В. Наумова. М., 2007.)

In general, the principle of citizenship is the easiest and the most distinct one in terms of its application. Russian individuals involved in pirate activity shall bear criminal responsibility under Article 227, providing that they are not convicted for the same crime by any foreign courts. It is interesting that even if another country, following the definition of international law which considers piracy only those deeds committed on the high seas, it does not deprive Russian law-enforcers of the right to respect the approach of the CC RF not admitting such restrictions. Moreover, should a Russian citizen participate in an assault on a vessel in foreign territorial seas or in a foreign country's port, Russian criminal law allows them to be brought to justice under Article 227 of the CC RF even if their actions are not recognized as piracy under that jurisdiction.

The real principle of the CC RF's operation in space makes it possible to bring foreign citizens and stateless persons to justice for crimes committed out of Russian territory. The Criminal Code of the Russian Federative Socialist Republic (1960) did not include this principle but it has been restored in the current criminal code.

Item 3 Article 12 of the CC RF rules that a person must bear criminal responsibility when a crime runs counter to the interests of the Russian Federation, for instance when organizing a rebellion abroad (Art. 279 of the CC RF) or committing acts of sabotage (Art. 281 of CC RF) on Russian territory. However, for piracy we must take into account its mercenary aims, as laid out in the CC RF. Therefore, it is more logical to assume that using the real principle of jurisdiction must in practice have other basis, as stipulated by the same Item 3 Article 12. such as the fact that a crime is aimed against the interests of a Russian citizen or stateless persons who do not reside permanently in the Russian Federation. The acting law allows a foreign citizen to be brought to justice under Article 227 if they take part in piracy assaults with the aim of capturing a Russian citizen's vessel or their property on board, irrespective of the vessel's nationality. Following the *non bis in idem* principle, the CC RF does acknowledge some limitations to the application of both the universal and the real principles of criminal law. Individuals shall bear criminal responsibility under the CC RF unless they have been convicted in a foreign state.

Initially, it seems that the implementation of the CC RF's territorial principle is not relevant to combating piracy, given that according to international law, piracy may not take place within any national territory. However, first, we found that Russian criminal law does not rule in the same manner and so the criminal jurisdiction under Art. 227 of the CC RF has the same space limitations as those of all other criminalized offences, meaning that it covers internal water spaces and territorial seas. Second, the description of the territorial principle above shows that

the CC RF presents it broadly and incorporates spheres of jurisdiction from areas outside of Russian territory. Therefore, crimes of piracy committed on board a ship registered in a Russian port are treated as if they were committed on Russian territory, unless otherwise stipulated by an international treaty. For instance, should pirates capture property on board a ship under the Russian flag on the high seas they would have to bear responsibility under Article 227 of the CC RF. The same can be said of attempts of piratical assaults with the aim of capturing other peoples' property aboard a Russian warship. In this case, according to criminal law it does not matter whether the place the actions were committed in was the high seas or a foreign port, unless it is regulated by a particular bilateral treaty.

For the first time in the history of contemporary Russian criminal legislation, Article 11 of the CC RF has established that its jurisdiction covers crimes committed on the Continental Shelf and in Russia's exclusive economic zone (hereinafter *EEZ*). This statement has great importance for revealing the confusions when qualifying piracy according to national and international law, because the EEZ can be considered as a space where the functions of the UNCLOS the CC RF treaties can intersect.

The anti-piracy standards of international law, including those that stipulate prosecution of pirates based on universal jurisdiction, are valid in the EEZ. There is therefore a territorial and universal conflict between the two principles of the CC RF's operation in space.

The universal principle and the real one allow offenders who are foreign nationals and stateless persons or who do not reside permanently in the Russian Federation to be brought to justice for crimes committed outside of Russian territory. However, in this case it is not threats to state interests and its citizens but the standards of international law which are the basis for implementing Russian criminal jurisdiction beyond its national territorial borders. Handling universal jurisdiction must be based on a concrete and evident provision of an international treaty which is valid in Russia.

In our case, this is Article 105 of the UNCLOS:

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

This standard of international law allows us to apply the universal principle of the CC RF to crimes of piracy. The implementation of this standard in Russian criminal legislation requires a few observations.

First, we began with a discussion about the confusions concerning acts of piracy committed in the Russian EEZ. The CC RF claims to operate in space without limitations and practically without exceptions, aside from a few regarding subjects of crime for diplomats and other individuals who enjoy international immunity (see Item 4, Article 11, the CC RF). The CC RF's territorial jurisdiction is grounded in the territorial jurisdiction of criminal law, but more importantly, it can contradict universal jurisdictions which can be implemented by third party states in the Russian EEZ. Therefore, the intention of a third state to fulfill its right to capture pirates based on Article 105 of the UNCLOS competes with the right of Russian law-enforcers to prosecute pirates according to the CC RF's territorial principle. Hopefully this will never occur to a great extent, but there is already evident discord between the provisions given by Russian criminal law and standards of the international sea laws.

Item 3, Article 11 of the CC RF, which, as stated above broadens the CC RF's function to include offenders who commit crimes on board a Russian ship external to Russian state territory, provokes several conflicts of norms. The case is that this rule is valid unless otherwise stipulated by an international agreement by Russia. However, *otherwise* is stipulated. The UNCLOS states that from any State can capture a Russian ship controlled by pirates¹⁷ with following prosecution of offenders. However, the UNCLOS allows a ship to be captured under the Russian flag where the crew or passengers commit acts of piracy, and punishes offenders according to the legislation of the capturing State. Hence, in such cases the dilemma over whether Russian law-enforcers or their foreign colleagues captured a piratical vessel and pirates shall bring the offenders to justice must be resolved by negotiations, as the Russian legislation admits both variants.

Conclusions

In conclusion, there is only one way to eliminate contradictions between the anti-piracy standards of Russian internal and upper-national law, which is to simplify the qualifications of piracy and make it more efficient. This is direct implementation of anti-piracy provisions of international law into Russian legislation. Namely, transferring and adapting key characteristics of piracy to the Russian Criminal law or including the reference rule in Article 227 of CC RF.

¹⁷ Art. 104 of UNCLOS stipulates that a ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

In order to implement the first option, we suggest some amendments which should be put in place at a minimum.

First, it is compulsory to exclude the mention of *a riverboat* from the definition of piracy (Article 227 of the CC RF).

Second, the same article ought to have specific characteristics of the objective aspect of crime, particularly about the place where the crime can be committed. It should stipulate that an *assault on a sea-faring ship committed on the high seas* can be qualified as piracy only.

Third, the characteristic of the purpose of crime should be expanded by the provision that piracy is committed *with the aim of capturing other people's property or other mercenary aims*.

The alternative option of modifying the definition of piracy in Article 227 of the CC RF seems more logical and simple. It does not intend to “repair” the current disposition, but seeks to correct it by establishing a direct link with the existing norms of international law¹⁸. A description could look like this : “*An assault on a ship considered as piracy by an international treaty of the Russian Federation with the aim of capturing other people's property or other mercenary aims*”.

This suggested version offers some limitations to the international legal definition of piracy. We consider these limitations advantages of the existing disposition of Article 227 of the CC RF. Here, in comparison to the UNCLOS text, we can see a more concrete aim of piracy, in addition to the qualification of piracy as only direct assaults on vessels, but not incitements, assistance or any other actions that must be recognized as participation in a crime, if we were to follow Russian criminal law.

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¹⁸ The Plenum of the Supreme Court of the Russian Federation declares such approach.