



## **RIKKYO UNIVERSITY INTERNATIONAL LAW PROFESSOR LECTURES AT IMLI**

Professor Atsuko Kanehara (Professor of International Public Law at the Law Faculty of Rikkyo University, Japan) visited IMLI and delivered a lecture on "Maintaining the Order of the High Seas by Combating Modern Piracy and Other Crimes - A Legal and Practical Perspective". In her lecture Professor Kanehara explained the concept of piracy and its essence as "Modern Piracy".

Professor Kanehara stated that Article 101 (a) of the United Nations Convention on the Law of the Sea (UNCLOS) contains the pillars of the definition of piracy. However, she explained that "while violence is essence of modern piracy, Article 101 does not give any direction concerning the degree and magnitude of "acts of violence" to be regarded as piracy." She argued that "the essence of piracy" should be the significant infringement on the legal interests of navigation and the safety of navigation." She warned a sort of "inflation of piracy concept." In this respect, she brought to the attention of the students the various obstructions against Japanese research whaling vessels explaining that the features of such obstructions were that the latter were not for private ends and the degree of danger would depend on each case.

Professor Kanehara recalled that the acts of piracy attract universal jurisdiction and that enforcement measures to be taken by non-flag States against piracy include measures as, the right to approach, visit, questioning, inspection, search, arrest, detention and seizure of the pirate vessel.



*Professor Atsuko Kanehara meeting IMLI students*

In comparison with the universal jurisdiction system for piracy, she continued by providing an analysis of the measures that non-flag States are entitled to take under the 2005 Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988. She explained that under the said Convention there is a need for the consent or authorization of the flag State as a condition for the measures taken by a non-flag State at the high seas, that the seriousness of such measures at high seas will depend on the gravity of the situation and, that non-flag State measures form solely a part of the enforcement measures at sea.

Professor Kanehara studied law at the University of Tokyo, Faculty of Law. Since April 1999 she is Professor of Public International Law at Rikkyo University, Faculty of Law. She was a Visiting Scholar at Leiden University, Faculty of Arts, Japanese Studies, The Netherlands in March 2008, Katholieke Universiteit Leuven, Faculty of Arts, Japanese Studies, in Belgium and Harvard Law School, USA from 1995 to 1997. Professor Kanehara is a member of the International Law Association, of the Committee for the Legal Issues on Outer Continental Shelf

and of the American Society of International Law. She is the author of numerous publications in English and Japanese.

In 1989 Professor Kanehara was awarded the Adatci Mineichiro (Judge of Permanent International Court of Justice) Award.

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