

## CENTRE FOR INTERNATIONAL LAW

### Seminar

**4 OCTOBER 2013, FRIDAY, 3.00PM – 4.30PM**

**Seminar Room 4-2, Level 4, Block B, NUS Bukit Timah Campus**

**469 Bukit Timah Road, Singapore 259756**

# The Historical Development of the Laws of Piracy

### SPEAKER



**Tamsin PAIGE**  
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Tamsin completed her LLB at the University of Technology, Sydney in 2011, where she focused her studies on Public International Law and Jurisprudence. During the course of her studies she worked in private practice as a civil litigation paralegal, primarily handling commercial leasing disputes. She also worked in the Federal Court (NSW/ACT) Registry where she mainly engaged in policy research, international law compliance procedure and preparing migration appeal briefs. She also consulted for anti-slavery NGO, Not For Sale, Australia on matters of international and domestic law. Prior to her legal studies Tamsin had a successful career as a pâtissière in some of Sydney's most prestigious restaurants. She is currently preparing to submit her M Phil (Law) at the Australian National University examining the role of the law on piracy through two case studies – European colonial expansion and Somalia. She also tutors international law in the LLB program and working as a research assistant on A/Prof Don Anton's deep sea mining project.

### ABSTRACT

Pirates are often referred to as *hostis humani generis*, or enemies of all humanity. This language finds its origins with Cicero and has been used to justify the laws criminalising piracy and describe the basis of jurisdiction that states have over this crime. As a phrase it still comes up today when discussing piracy. However, historical State practice does not reflect this rhetoric towards piracy even though it appears time and time again.

This seminar will examine the historical development of the laws of piracy in the context of state practice. The seminar will begin with a brief assessment of the Roman Empire (where the phrase *hostis humani generis* was coined) and then trace the meaning of the concept of piracy - via a series of snapshots - through to contemporary laws criminalising piracy, as articulated in UNCLOS. A particular focus will be the development of the British common law through colonial expansion in the Americas and Asia, which underpinned the modern expression of the law.

This seminar will invite discussion of State practice in terms of the degree to which it indicates that legal approaches to piracy were actually very different from concurrent policy and rhetorical approaches. This has generated no little confusion when considering the crime today. The rhetoric painted pirates as the enemies of all humanity who could be dealt with as anyone with a whiff of authority saw fit. However, whilst the law clearly defined what constituted piracy and who could be prosecuted for these crimes, it was policy and State practice – in tandem with political and other non-legal influences - that exerted the greatest influence upon whether and how the law was enforced.