

Report of the International Law Commission

“Prevention and suppression of piracy and armed robbery at sea”

a) Legislation, case law and practice of the States relevant to the topic, in connection with Articles 100 to 107 of the United Nations Convention on the Law of the Sea

In the Republic of Croatia, the following legislation is applicable to piracy and armed robbery at sea: the Constitution of the Republic of Croatia (Official Gazette No 85/10 - consolidated text and 15/14 — Decision of the Constitutional Court of the Republic of Croatia), the Defence Act (Official Gazette No 73/13, 75/15, 27/16, 110/17 — Decision of the Constitutional Court of the Republic of Croatia, 30/18 and 70/19), the Act on the Coast Guard of the Republic of Croatia (Official Gazette No 125/19), the Act on the Safety Protection of Maritime Ships and Ports (Official Gazette No 108/17 and 30/21) as well as the Ordinance on the conditions to be fulfilled by legal entities providing boarding services for armed escorts on ships belonging to the Croatian state (Official Gazette No 123/12).

The Act on the Coast Guard of the Republic of Croatia stipulates that one of the tasks of the Coast Guard is suppression of piracy and other forms of use of the high seas for non-peaceful purposes in accordance with international law and the guidelines of the Central Coordination for Protection of Rights and Interests of the Republic of Croatia at Sea.

Representatives of the ministries in charge of defence, maritime affairs, internal affairs, marine fisheries, environmental protection, economy, finance and foreign affairs participate in the work of the aforementioned Central Coordination.

Furthermore, the actions of the Coast Guard of the Republic of Croatia have included presence of ships and aircrafts in the exclusive economic zone and they have had a preventive role in combating piracy since there has been no need for applying other powers, such as flag checking, stopping and inspection of vessels, pursuit, arrest and coercive measures.

Additionally, in accordance with the Act on the Safety Protection of Maritime Ships and Ports and the Ordinance on procedure on the conditions to be fulfilled by legal entities providing boarding services for armed escorts on ships belonging to the Croatian state, the Ministry of the Sea, Transport and Infrastructure may issue a decision permitting the boarding of persons serving as armed escorts on ships belonging to the Croatian state during their navigation in sea areas where there is a high risk of pirate attacks or armed robbery.

The above mentioned decision does not have to be issued to foreign legal entities if they have been explicitly authorized by one of the EU Member States in accordance with its legislation to provide armed escort services on ships belonging to their state, of which they must provide evidence to the aforementioned Ministry.

c) Role of international, regional and subregional organizations regarding the prevention and repression of acts of piracy and armed robbery at sea

The Armed Forces of the Republic of Croatia have been participating in the peace support operation “EUNAVFOR Somalia – ATALANTA” since 2009. One of the tasks of this operation is prevention and repression of piracy and armed robbery at sea.

The Armed Forces of the Republic of Croatia participate in the aforementioned operation by seconding a staff officer to the Operation Command in Rota in the Kingdom of Spain for a period of up to seven months. So far, 41 members of the Armed Forces of the Republic of Croatia have held the above position in the Operation Command, and the next rotation is planned for December 2023. Autonomous Vessel Protection Detachment (AVPD) teams of the Armed Forces of the Republic of Croatia also participate in this operation, on board the UN World Food Programme (WFP) ships. Until today, four AVPD teams participated in the operation (12 members per team for a period of five months), as follows: 1 HRVCON AVPD — Cypriot ship “MSM DOURO” in 2014; 2 HRVCON AVPD — Cypriot ship “MSM DOURO” 2016; 3 HRVCON AVPD — WFP ship of the Republic of Palau “PETRA II” in 2018, and 4 HRVCON AVPD — WFP ship of the Antigua and Barbuda “JUIST” in 2020. The last attack on ships in the area of the peace support operation “EUNAVFOR Somalia - ATALANTA” was recorded in 2019, with no pirate attacks recorded since then in the last three years.