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Theses of doctoral (PhD) dissertation

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The Phenomenon of Contemporary Maritime Piracy and Ways to Combat it

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I. Background of the dissertation

Problem statement and the subject of the dissertation

The ancient crime of piracy has been part of humanity's daily life since we first set sail. Although piracy is still often associated with the period following the discovery of the Americas, which coincides with the so-called golden age of the crime, it has been revived in the 21st century, causing continuing commercial, economic and, in some cases, humanitarian difficulties and endangering human lives. The threat posed by crime persists, with roughly 200 reported attacks in 2020, while the number of unreported attacks is also very high.

Under customary international law, piracy is the first crime that falls under universal jurisdiction. For a long time, the approach to the perpetrators was characterized by the concept of *hostis humani generis*, i.e. enemies of mankind, which was considered proportionate to the gravity and dangerousness of the crime.

At the international level, the prohibition of piracy was first mentioned in the Paris Declaration of 1856. The demand for international regulation continued to be strong, and a report was prepared within the framework of the League of Nations, which included both theoretical and practical provisions to curb the crime. However, the first serious draft agreement was produced in 1932, courtesy of Harvard Law. The Harvard draft contained forward-looking provisions and was also very broad in its conceptual framework.

The draft also had a major influence on subsequent codification activities, as the 1958 High Seas Convention drew heavily on it. However, the commentary behind the provisions of the draft was often ignored in the codification of the Convention, a shortcoming which is still reflected in international law today, as the current United Nations Convention on the Law of the Sea (UNCLOS), with 168 States Parties, has taken over the provisions of the Convention with virtually no changes.

However, the inadequate transposition of earlier codification efforts soon became apparent. In addition, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), adopted in 1988, was intended to remedy the offences and places of commission not covered by UNCLOS. The concept of armed robbery against ships, as developed by the United Nations International Maritime Organization (IMO) General Assembly, also serves this purpose.

As a consequence, maritime piracy has one of the most extensive background among international crimes, and the fact that it is subject to universal jurisdiction, puts it on a par

with the most serious international crimes, despite the fact that it is in fact a crime with general characteristics. Nevertheless, in the regions most endangered by the crime, there is a general legislative deficit, as the quality (and quantity) of legislation is far from satisfactory. A further problem is the culture of impunity, with a very low number of prosecutions against pirates, which is a real barrier to combating the crime in many regions. Given that 85% of global trade takes place at sea, the uninterrupted use of the trade routes is a priority for the entire international community, regardless of whether a state has a maritime coastline or not. Historical experience has shown that it is not possible to eradicate piracy completely, as the crime recurs, often through local conflicts, in some of the world's key commercially important regions. However, this does not mean that piracy cannot be reduced to a level that States can cope with.

Aims of the research

1) *The presentation and critical review of the international framework of maritime piracy*

A satisfactory international framework is the basis for combating piracy at sea. Piracy has strong customary and treaty roots in international law. However, the widely accepted UNCLOS, which codifies piracy *jure gentium*, defines the offence too narrowly, and several piratical incidents in the past have highlighted this shortcoming.

The other stronghold of the framework, the SUA, aims to remedy these shortcomings. In its form, it is a typical suppression convention, focusing on the types of offences that are usually committed by pirates, but which would not be covered by the narrow wording of UNCLOS. It also removes the conditions set in UNCLOS, thereby broadening the scope of the acts covered.

The conceptual framework and the conducts covered by these two international agreements are complemented by the concept of armed robbery against ships. The definition was adopted in the framework of the IMO General Assembly in order to cover more typical cases. Although it was adopted in a non-binding document, armed robbery against ships is now part of the concept of piracy and is generally recognized by the international community.

The international legal framework on piracy thus has several legs, and a detailed analysis of its development, i.e. its evolution and current state, is one of the main objectives of my dissertation. The relationship between terrorism and piracy is linked to this issue, since the

distinction between the two offences is based on flawed foundations, mainly due to political factors, and this creates uncertainty.

2) *Introducing piracy hotspots and their comparison*

The fact that in which regions of the world piracy occurs depends on a number of factors. However, there is no doubt that the right geographical conditions (topography, water conditions, proximity to international trade routes) and a socially perceived shipping history are important factors. There are currently four regions (hotspots) that are the most endangered by contemporary piracy: Somalia and the Gulf of Aden, Nigeria and the Gulf of Guinea, South-East Asia, and Central and South America and the Caribbean.

Although the problem of piracy links these hotspots, differences can be found in the causes of the crime and the *modus operandi*, among other things. The examination of these characteristics is clearly a question to be addressed. A further important part of the examination of each region is the description of the international and local response to containment. This will allow a comparison of the level and success of cooperation in each region.

3) *Measures taken by the shipping industry to repel pirate attacks*

Measures against piracy are not only taken by international organizations and governments, but also at the level of the shipping industry. Since the prevention of specific attacks often depends on the vessel under attack, i.e. its reinforcement and the training of its crew are also essential. The most controversial issue regarding the security measures is the use of privately contracted armed security services, which has not yet been regulated in a binding international instrument and the state regulations (if any) are very variable. Although there are many international sources dealing with the problem of piracy at sea, the situation of private armed security services is less frequently addressed by authors. This is undoubtedly a wide-ranging topic, which raises many questions and which I have tried to cover in depth in my dissertation.

4) *The issue of prosecuting pirates*

In order to suppress piracy, adequate general prevention is of paramount importance, and therefore the main objective of my dissertation is to examine the trends in the prosecution of the perpetrators. Since the crime is subject to universal jurisdiction, pirates arrested can be

prosecuted by any state, regardless of the factors that would otherwise determine jurisdiction. Nevertheless, it is still the case that Western States, which usually have more developed legal systems, do not lead the way in prosecuting under universal jurisdiction, which contributes to the perpetuation of a culture of impunity around the crime.

As I mentioned above, the international legal framework on piracy is very diverse and this has an impact on the domestic law of individual States, as several regulatory models have been developed. However, not all of them are capable of ensuring effective prosecution. I also considered it important to present these domestic legal trends.

When examining aspects of the prosecution of pirates, the possibility of prosecution by international tribunals have to be addressed. In the case of the perpetrators in Somalia, several UN reports have addressed this issue, and the idea of establishing an international court has been raised on several occasions. I also considered it important to explore the alternative solution constituted by an existing body, the International Criminal Court (ICC). When the main forum of international criminal law was established, piracy was not included in the jurisdiction of the ICC. An essential part of the dissertation is to present the reasons and options and to answer the question of what would be the optimal model for prosecuting pirates.

Sources of the dissertation

Taking into account the objectives of the thesis, my aim was to make as complete examination as possible of the available academic literature. Although there were several studies in Hungarian during the peak of Somali piracy, the vast majority of the literature can be found was foreign, so I mainly translated and processed them to get the substance of the dissertation.

The relevant international agreements, the codification and preparatory material, as well as reports, formed an essential part of the sources for the dissertation. These have helped me in the proper interpretation of the treaty texts. The draft codification by lawyers of Harvard, which can be regarded as one of the main bases of the current legislation, also falls into this category.

In presenting the trends in prosecution of pirates, I have also examined the case law of national and international tribunals, so the literature used includes the decisions of these bodies as well.

During my work I have also focused on the decisions of international organizations and their bodies. Among these, the decisions of the UN Security Council made for to suppress piracy in Somalia stand out.
The most challenging task during my work was to find literature on the domestic law of individual States, as there is little available that deals with this issue in a comprehensive way and no up-to-date database of legislation summarizing the level of legislation exists.

Applied research methods and the structure of the dissertation

The dissertation primarily aims to present of the phenomenon of contemporary maritime piracy, focusing on the existing rules of international law. The research is therefore based on international law, but a closer examination of the domestic law and judicial practice of individual States is inevitable when considering the prosecution of the perpetrators.
Following this historical background, my aim was to present the international framework for maritime piracy. In doing so, I have analyzed the development of the legislation, i.e. I have examined in detail the codification and preparatory work that eventually led to the adoption of the High Seas Convention. When presenting the legal framework I have relied primarily on the texts of the relevant international treaties and related documents, and on the academic literature to examine the shortcomings. In examining the preparatory material, emphasis has been placed on the codification of the interpretation of the 'private ends' in the context of the crime, which, while being one of the most criticized elements of the UNCLOS concept, plays a major role in the difficulties of distinguishing between terrorism and piracy.
When presenting the piracy hotspots, I have followed the same approach in case of each regions, in order to make them comparable, i.e. to explore the social and sociological basis of the crime, the methods of conduct and the means of action. I have examined the latter in the chapters on the individual hotspots, again for ease of comparison, as I believe that this gives a more complete picture of the individual hotspots and of contemporary piracy in general.
I have examined piracy in Somalia and the Gulf of Aden more thoroughly than other regions, as it is considered - according to the unanimous opinion of various authors - to be the focus point of contemporary piracy, as it has a number of specific characteristics (such as the number and success rate of attacks and the degree of response from the international community) that give it a prominent place not only in the academic literature but also in the relevant international dialogue.

When presenting possible ways of combatting piracy, I have specifically addressed the opportunities for the shipping industry. In doing so, I mainly looked at industry recommendations and good practices. Within this chapter, my research focused on the situation of armed private security services. As there is no binding international instrument in this area, I was able to rely on soft law rules and a comprehensive examination of the provisions of UNCLOS, as well as on specific domestic legislation.
I have presented the relationship between universal jurisdiction and piracy through the work of legal scholars, court judgments and international agreements. I also analyzed the UNCLOS rules on universal jurisdiction. Finally, I have examined, through national case law, how they were applied in judicial practice at the dawn and peak of modern piracy.
In the chapter on trends in accountability, I looked at the national and international dimensions. For the former, I have presented a comparative analysis of the different national models, looking for the most appropriate one for bringing pirates to justice. For the latter, I examined the efforts to involve an international body, and then the advantages and disadvantages of setting up a new tribunal. Also related to this dimension is the development of the rules on the ICC's jurisdiction and whether there is a possibility of ICC involvement in the future. Finally, as a conclusion to this chapter, I have tried to find an accessible and optimal model for the prosecution of pirates.

II. Summarizing the conclusions of the dissertation

Historical experience shows that it will probably never be possible to permanently suppress maritime piracy, but the international community can do a lot to temporarily reduce the number of attacks. That is because, although the phenomenon of piracy is connected to a certain region, it is nonetheless a global problem.
The regulation of piracy has come a long way over the centuries, from the concept of *hostis humani generis* to the development of the modern international framework. What has remained unchanged, however, that it is subject to universal jurisdiction. The various conceptual elements have been transposed into the drafts at the various stages of codification, mostly with the same wording, but the underlying codification activity has sometimes differed in its interpretation of customary international law.

The current international legal basis is provided by the United Nations Convention on the Law of the Sea, which – in theory – transposes customary law and regulates the offence by

adopting a concept that developed in the first half of the 20th century. Although the concept and structure followed the steps taken in the codification of customary law, the commentaries which fleshed out the provisions were in many cases ignored. The UNCLOS concept, partly as a result, often appears incomplete, while other problems have been highlighted by cases over the past half century or so, and are thus an obstacle to the proper prosecution of piracy.

The elements of the definition of piracy provided by Article 101 of UNCLOS are the following:

a) the act committed is unlawful, violent, an act of detention or depredation (*violence requirement*);
b) committed for private ends (*private ends requirement*);
c) the offenders are crew or passengers of a privately owned vessel or aircraft (*private vessel requirement*);
d) the offence is committed against another ship, aircraft, or against persons or property on board of such ship or aircraft (*two ship requirement*);
e) on the high seas (*high seas requirement*).

The private ends requirement limits the number of cases covered by the offence. The current interpretation looks at this requirement from a subjective point of view, focusing on the personal gain, thus making the erroneous, sharp distinction that conduct not falling within the private purpose is committed for political ends, which are incompatible with piracy.
It is true that during the codification of piracy, the scholars clearly emphasized the profit-making nature of the offence, as maritime robbery was effectively used as a synonym for piracy. However, the intention of the lawmakers was in fact to distinguish it from state-sponsored piracy, which is indeed an act outside the framework of 'traditional' piracy.
Given that both the commentaries and some judicial decisions support the correct interpretation of the private ends, it is undoubtedly true that the current understanding is intended to avoid raising uncomfortable and difficult-to-answer questions about piracy in relation to insurgents. However, with the proliferation of pirate attacks, the boundaries seem to be blurred as the activities of these groups have come to the fore, since, as long as their actions are profitable, the incidents that can be linked to them are also considered as piracy by States and international organizations.

Another problem arises from the interpretation of the private ends requirement: the possible confusion between the concepts of piracy and terrorism. This is because a conduct with a broader political motivation could easily be classified as terrorism. This approach would also lead to the exclusion of objective elements, since the political element of terrorism is deeper and maritime terrorism also must be distinguished from piracy.

The shortcomings of the high seas requirement is highlighted by the majority of attacks, as the International Maritime Bureau's (IMB) live piracy map shows that many of the incidents take place in zones that cannot be considered as high seas. Moreover, attacks in rivers and estuaries are common in the Gulf of Guinea and Central and South. There is no doubt that piracy owes its current status and, so to speak, its prominent international role to the requirement of the high seas, since it is internationalized by the fact that its typical place of conduct is not under the jurisdiction of any state and that its universal jurisdiction can only be secured through this specific place of conduct. However, the limitation of the place of conduct is less problematic, since the international community has been able to remedy this problem through other conventions and the legislation of an increasing number of States has already adopted the extended geographical fact.

Among the procedural provisions of UNCLOS, the right of hot pursuit should be highlighted as one that makes the work of law enforcement agencies in pursuing and apprehending pirates more difficult. This right can only be exercised until the pursued vessel enters the territorial waters of its own State or third State. The Harvard draft, which is in effect a model for UNCLOS, would have provided for more extensive provisions in this area. However, it also represents a deeper intervention in the sovereignty of coastal States, so a derogation from it, i.e. a narrower scope of powers, could be justified.

Neighboring States interested in suppressing maritime piracy have had to tackle the problem through cooperation, which in some regions has been achieved through the implementation of shiprider/embarked officer, the most effective measure for law enforcement agencies to catch offenders. A shiprider is a law enforcement officer who, while on board a vessel of a law enforcement agency of another cooperating state, has the authority to grant permission to enter the territorial waters of his own state and is also authorized to carry out certain acts during the investigation.

In particular, the interpretation of private ends shows that the statement that UNCLOS has in fact transposed customary international law on piracy is not entirely true. This statement is problematic because it provides a safety net for the convention to invoke against possible

criticism. In fact, it could be argued that the provisions are based on customary law, but in this case it is precisely the commentaries that give them substance that are ignored. Furthermore, UNCLOS, by 'transposing' customary international law, cannot respond to changes (for example in *modus operandi*) that have taken place in the almost 100 years since the codification process began, or to the different socio-political reasons that characterise the different regions. This is not surprising, given that forty years have passed since its adoption, which in itself could justify the need for a revision. But since UNCLOS continues to enjoy universal acceptance, this 'revision' has taken a different form.

The *Santa Maria* and *Achille Lauro* incidents highlighted the weaknesses of UNCLOS. As a consequence, the SUA was adopted, with the primary aim of addressing the shortcomings of UNCLOS. Although, as the name of the convention suggests, it was adopted in order to curb wider maritime security threats, it is necessary, as contemporary piracy has shown that the conduct of the perpetrators is broader than that defined by UNCLOS.

According to Article 3 of the SUA, any person commits an offence if that person unlawfully and intentionally:

a) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or
b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or
c) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or
d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or
e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or
f) communicates information which that person knows to be false, thereby endangering the safe navigation of a ship; or
g) injures or kills any person in connection with the commission or attempted commission of any of the offences set out in points (a)-(f).

The SUA therefore aims to cover a wider range of conduct by having a much broader territorial scope than UNCLOS. In its form, the SUA is a typical suppression convention, supporting the transnational criminal nature of piracy. Accordingly, the offences covered are subject to extraterritorial jurisdiction. The Convention can only fulfil its true purpose if it is applied in conjunction with UNCLOS, as these two treaties currently form the basis of the international framework and coexist in close symbiosis.

There are currently four major regions of the world that are considered to be endangered by piracy. Almost all of them are of major importance for international maritime trade, but beyond that, there are many differences between the hotspots. Each of these hotspots has different social, political or even historical reasons and traditions for the rise of piracy, which highlights the depth and diversity of the problem, the reasons why the crime has not been definitively suppressed over thousands of years and why piracy is more than a simple crime for profit.

There are also differences in *modus operandi*, which may vary not only between regions but also within them. The relevance of SUA and armed robbery against ships in this context is enhanced, as many attacks are not committed on the high seas, and may allow the law to respond to the diversity of *modus operandi*. However, it should also be noted that piracy has been able to persist over such a long period of time because the perpetrators have adapted to the circumstances, as reflected in the *modus operandi*. This diversity would require more frequent review.

Somalia and the Gulf of Aden region is the most notorious piracy hotspot of the modern era, as the activities of the local perpetrators have brought the problem to the attention of the international community. The UN Security Council's resolutions must be highlighted, which have given a specific and unprecedented mandate to the States involved in the repression. This included action in Somalia, where the Security Council has identified piracy as a threat to international peace and security.

As a result of the call from the Security Council, there have been no piracy incidents in the last two years, but in my opinion, the military presence is no longer sustainable for a long period of time, so it is only a symptomatic treatment and does not solve the piracy problem in the region. It requires addressing the - very specific - factors behind the crime, which only the European Union, among the initiatives examined, is trying to do.

The cooperation in Somalia is draining the resources of the international community, leaving other endangered regions to tackle piracy on their own, as is the case in Nigeria and the Gulf

of Guinea. The region is specific in that it is conceptually on shaky ground in terms of the current interpretation of the private ends, as piracy is politically motivated, with many attacks linked to the insurgent group called MEND.

There is a parallel between the two regions in the legal action which is embodied by the Djibouti and Yaoundé Codes of Conduct. Both have been adopted on the same model, following UN Security Council's and IMO General Assembly's resolutions, and drawing heavily on UNCLOS. Their scope covers not only piracy but also other maritime security issues. In my opinion, they can play a particularly important role in the field of developing the legal framework, since in many cases internal laws are not adequate to combat piracy. Furthermore, regional responses to piracy, with specific levels of international assistance, can provide a long-term and effective response, and the mentioned Codes of Conduct can play an important role in this.

Although contemporary piracy is clearly associated with Somalia, there was already significant pirate activity in Southeast Asia before the East African incidents. This has the advantage of an already developed, higher level of inter-state cooperation, including legal, information sharing and law enforcement cooperation.

Within the framework of legal cooperation, not only regional multilateral treaties have been concluded, but also bilateral and trilateral agreements. The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) should be highlighted, which was a model for the African Codes of Conduct, but unlike to them, is a binding document. However, not all endangered States are Party to it, which hampers cooperation. The region is particularly well placed in terms of information sharing, with three centers assisting the States. The level of law enforcement cooperation is also high and effective, with piracy having been almost completely suppressed from the Strait of Malacca, previously the most dangerous in the region. However, the widespread rejection of international involvement is a shortcoming: despite effective cooperation, the number of attacks remains high and the region needs a new approach and international experience.

Of all the hotspots I have examined in the dissertation, Central and South America and the Caribbean is the newest and receives the least attention, probably due to the lower number of incidents in comparison. Caribbean States cooperate through the CARICOM Convention, which provides information sharing, procedural and legal cooperation. The treaty contains wide-ranging provisions which, among other things, allow States Parties to act on each other's territory in the event of the commission of regulated offences.

The vessel's crew can do much to protect the ship and prevent an attack. Reinforcing merchant ships can be an effective way to do this. There are various recommendations to help the crew. Armed private security services, whose use has become widespread as piracy has increased, also serve this purpose. This is despite the fact that, although the UNCLOS rules provide some guidance, the private armed security industry is regulated at international level mainly by self-regulatory, soft law sources.

At the same time, State-level regulations on private armed security services and floating armories are far from uniform, and the conditions for their proper application are currently not yet ensured. In my opinion, it is of the utmost importance to seek consensus in this area, as private services are proving to be a very effective means of protection and can relieve the burden on official State bodies.

Ensuring adequate general prevention, i.e. holding perpetrators legally accountable, is key to suppressing piracy. Piracy is the first crime under customary international law to fall under universal jurisdiction. This fact has since been confirmed by several legal scholars and court judgments, as well as by UNCLOS. However, the wording of the latter is less imperative, so that it cannot be said to impose an obligation on States to adopt domestic legislation to ensure that pirates can be prosecuted under universal jurisdiction. This is the reason why the States participating the cooperation in the Gulf of Aden have often released captured pirates rather than prosecute them in their own courts.

Moreover, the framework of UNCLOS is not adequate in terms of interception. Although it contains provisions on procedural measures, further inter-State agreements are needed to ensure that these are properly implemented, in particular those governing the right of hot pursuit. They are also less imperative, so that, although failure to arrest is in principle a violation of international law, States may be exempted if they have good reason for failing to do so, leaving them sufficient room for maneuver to circumvent these provisions.

In light of the above, it is not at all surprising that the number of prosecutions under universal jurisdiction was very low at a time when piracy was on an unprecedented scale, and a culture of impunity was spreading. However, there are counterexamples, such as Kenya and The Seychelles, acting under international agreements, have prosecuted a number of pirates and have often used legal measures in these cases which could serve as an example for the exercise of universal jurisdiction and the domestic legal regulation of the crime.

This is relevant because national courts remain the primary forum for international criminal prosecution. In the case of piracy, however, the appropriate legal basis for this is not

available in many States. In the light of these shortcomings of UNCLOS and the national legislation, it can be concluded that the countries that are on the right track are those that do not rely exclusively on the law of nations and/or UNCLOS, but which, mainly on the basis of the SUA, broaden the scope of piracy, thereby covering a wider range of cases, and which include it in their domestic law as a crime under universal jurisdiction.

In connection with the above, it is of paramount importance to support the States that are conducting proceedings and to help those that do not have adequate legislation in order to promote accountability, with a view to improving the law. The examples of Kenya and The Seychelles, have shown that the international community cannot completely withdraw itself from accountability, even if it is undertaken by specific States. It has also shown that in these situations it is not possible to rely solely on these States, but that interested countries with more developed legal systems must also be involved into the process.

However, as long as the existence of appropriate domestic legislation at national level is not considered to be general, and accountability is not guaranteed, the possibility of involving the other dimension, the international level, should be examined. Proposals to this were made inside of UN at the beginning of the last decade, outlining several possible solutions that would have partly or fully taken the international approach, in the form of the creation of new tribunals.

However, these measures have not been implemented since, as these proposals have not had widespread public support. A frequently heard objection has been the cost and time-consuming nature of setting up such bodies. In my opinion, the creation of a single such body would not, in itself, be able to address the wide-ranging problem of piracy at the level of accountability, as there are still a very high number of incidents in the various regions. Therefore, the only solution would be to create bodies at regional level, if new international courts were to be set up. However, I see very little chance of this happening, as it would mean setting up at least two or three bodies.

If a new body is not created, there would another tribunal that should be taken into consideration: the International Criminal Court. Piracy does not fall within the ICC's jurisdiction, because when the Rome Statute was drafted, several conventional crimes were not included into the Statute. Instead the Rome Conference ended up focusing on the core crimes, thus narrowing the jurisdiction to the most serious international crimes. However, this does not mean, of course, that the extension of jurisdiction of ICC cannot take place in the future.

Piracy was not raised as a serious possibility during the Rome Conference. Even though it may meet the requirements of the Statute, the decisive factor is that it is fundamentally different in nature from the core crimes and the other conventional offences under consideration. Although piracy has been regarded for millennia as a serious crime and its perpetrators as enemies of mankind, it shares characteristics with traditional offences and has received special attention only because of the specificity of its place of conduct.

This approach has not changed, despite the fact that in recent decades, thanks to the SUA and the development of the terminology of armed robbery against ships, the scope of piracy has been greatly expanded, as the international community has considered these new conducts as a new category of piracy rather than completely new crimes. Their seriousness has been duly assessed by States, as evidenced by the scale of the action taken against it. Despite this, the ICC has not taken into account as a solution to the problem of accountability.

Moreover, as the judges of the Court already have a heavy caseload, and the preparation of each case is a lengthy process, the body would certainly not be able to cope with such an increase in the number of cases. And national prosecution trends show that the principle of complementarity would not help the ICC either, as States often seek to avoid the burden of prosecution in piracy cases, unlike in other international crimes.

This creates a kind of stalemate, which could be solved by promoting accountability at regional level by increasing the competences of the States. Such efforts can be observed, as the international community is trying to contribute to this process in the main regions. Regional foundations are already available for this purpose in all hotspots, but it will take many years before the relevant domestic legislation will enter into force.

Furthermore, to make a real progress political will is needed as well. The examples of Kenya and The Seychelles have shown that if political will exists in a region, even in a few States, it can be enough to turn the tide. However, their example has also shown that in the long term, the commitment of a few States is not enough, and that in most of the States in the endangered regions, political will and adequate domestic legislation are lacking.

Capacity-building of the endangered regions and States is an additional challenge suppress piracy. Piracy can usually thrive in countries where State institutions and the rule of law are weak, armed conflicts are raging, and poverty and corruption are constant issues. Dealing these problems is also essential, because as once the issue accountability is addressed, it can provide an even longer-term solution for the States. But without addressing them, a lasting suppression of piracy will not be possible.

III. List of relevant publications

1. *A tengeri kalózkodás mint nemzetközi bűncselekmény a XXI. században*
   In: Bragyova András (szerk.) Miskolci Doktorandusz Konferencia Tanulmánykötet. Miskolc, Magyarország: Bíbor Kiadó 2017. pp. 193-203.

2. *Maritime Piracy as an International Crime in the 21st Century*
   Belvedere Meridionale XXX. évf. 4. sz. 2018. pp. 96-107.

3. *Veszélyes vizeken, avagy a délkelet-ázsiai kalózkodás*
   Állam- és Jogtudomány LX. évf. 1. sz. 2019. pp. 91-106.

4. *Ahol a kalózkodás létformává vált: Szomália*
   In: Fejes Zsuzsanna – Lichtenstein András – Márki Dávid (szerk.) Jog, erkölcs, kultúra: Értékdilemmák és identitások a jogrendszerekben. Szeged, Magyarország: Szegedi Tudományegyetem Állam- és Jogtudományi Doktori Iskola 2020. pp. 103-112.

5. *A tengeri kalózkodásra vonatkozó nemzetközi jogi rezsim*
   Pro Futuro – A jövő nemzedékek joga X. évf. 1. sz. 2020. pp. 161-177.

6. *A tengeri kalózkodásra vonatkozó univerzális joghatóság érvényesülése a gyakorlatban*
   Iustum Aequum Salutare XVII. évf. 3. sz. 2021. pp. 245-262.