

Maritime Piracy and the Right of Hot Pursuit: The Legal Framework under the 1982 United Nations Convention on the Law of the Sea and the UN Security Council's Position in the Twenty-First Century

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Abstract

The international community has consistently recognized the importance of safeguarding maritime navigation, especially on the high seas. This approach is consistent with the legal regime governing this vast maritime area, which is not subject to the sovereignty of any State. All States must therefore play an appropriate role in preserving the security and safety of international navigation in these waters. Particular attention must be given to combating piracy, which was criminalized under the 1958 Geneva Convention on the High Seas. The legal foundations for its suppression and punishment were later incorporated into the 1982 United Nations Convention on the Law of the Sea. The twenty-first century has witnessed numerous incidents of maritime piracy whose effects have extended to the economic sphere. Somali piracy in the Gulf of Aden became especially prominent. In response, the United Nations Security Council adopted a series of firm resolutions aimed at combating this phenomenon.

Keywords: International community; international maritime piracy; freedom of the high seas; 1982 United Nations Convention on the Law of the Sea.

Introduction:

International custom has long recognized that the seizure of pirate ships and the arrest of persons accused of maritime piracy are matters of concern to all States, whether such action takes place on the high seas or in internal waters¹. This position continued until acts of piracy were expressly criminalized by the 1958 Geneva Convention on the High Seas². The legal foundations for combating piracy were then codified in the 1982 United Nations Convention on the Law of the Sea³. The legal regime of the high seas is based on the principle that these areas are not subject to the sovereignty of any State and do not fall within the territorial jurisdiction of any single State. At the same time, they cannot be left as a refuge for criminals or as an area of disorder. Otherwise, the very purpose of the freedom of the high seas would be undermined. That freedom rests on the need to ensure safety and security for all vessels navigating in maritime spaces open to international navigation. Acts of maritime piracy threaten the safety and security of navigation for all States.

¹ See: Houssam Eddine Al-Ahmad, *Maritime Piracy Crimes in Light of Legislation and International Conventions*, 1st ed., Al-Halabi Legal Publications, Beirut, 2010, p. 109.

² See: the text of the 1958 Geneva Convention on the High Seas on the United Nations website: http://legal.un.org/docs/index.asp?path=../ilc/texts/instruments/french/conventions/8_1_1958_high_seas.pdf&lang=EF&referer=http://legal.un.org/diplomaticconferences/1958_los/. Accessed 19 June 2026 at 14:00.

³ See: the text of the 1982 United Nations Convention on the Law of the Sea on the United Nations website: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_a.pdf. Accessed 19 June 2023 at 21:00.

They also produce economic effects because international trade depends heavily on maritime transport and navigation, particularly for oil-producing States. States, especially developed States, must therefore cooperate to confront and suppress conduct that violates international law. In the twenty-first century, piracy incidents on the high seas increased and affected economic activity. Somali piracy in the Gulf of Aden was particularly significant. This development led the Security Council to adopt important resolutions concerning piracy off the coast of Somalia. How did the 1982 Convention on the Law of the Sea establish the legal framework governing piracy? How does international jurisdiction contribute to its suppression? What position did the Security Council adopt through its resolutions on piracy off the Somali coast?

Section One: The Legal Elements Governing Maritime Piracy under the 1982 Convention on the Law of the Sea:

As maritime piracy expanded, States became increasingly aware of the danger it posed on the high seas and of its threat to international navigation and commercial movement. Piracy came to be regarded as an offence against the principle of freedom of the high seas. It does not threaten the safety and security of one State alone. Rather, it threatens the international community as a whole. For this reason, acts committed by pirates have been regarded as acts directed against the international community⁴. To clarify the elements of this international crime, it is necessary first to examine its definition (Subsection One) and then to identify its constitutive elements (Subsection Two).

Subsection One: The Meaning of Maritime Piracy under the 1982 Convention on the Law of the Sea:

In addition to the efforts of international legal scholarship to define maritime piracy through several doctrinal approaches⁵, both the 1958 Geneva Convention on the High Seas and the 1982 United Nations Convention on the Law of the Sea serve as principal reference instruments for identifying the elements of piracy. Neither Convention provides a concise conceptual definition. Instead, each specifies the acts that constitute piracy. Article 15 of the first Convention provides that: "Piracy consists of any of the following acts :"¹. Any illegal act of violence, detention or depredation, committed for private ends by the crew or passengers of a private ship or private aircraft, and directed:

⁴ See :Houssam Eddine Al-Ahmad, op. cit., p. 119.

⁵ The jurist "Pella" defines piracy as acts of violence committed for private gain and directed against persons themselves or against their property in places not subject to the sovereignty of any particular State. Such acts disturb the safety and security of those places. His definition does not limit piracy to violence, but also includes robbery, plunder, killing, wounding, and similar conduct, provided that the acts occur in an area outside the sovereignty of any State, such as the high seas or airspace beyond national jurisdiction." Fauchille" identifies the following conditions for piracy: the prohibited conduct must involve waylaying on the open sea; a group of persons on board the vessel must commit unlawful acts of violence; and the violence must be directed indiscriminately against vessels. Mohamed Talaat Al-Ghunaimi defines maritime piracy as the commission, or intended commission, of acts of coercion at sea without lawful authority and outside the jurisdiction of any civilized State. This definition emphasizes that the violent acts must occur on the high seas or in a place outside the jurisdiction of any State. Mohamed Sami Abdel Hamid defines piracy as all unlawful acts of violence committed by individuals on the high seas against persons or property and necessarily intended to obtain a private material benefit for those who commit them. **For further details, see :** Pella, "La repression de la piraterie," Hague Recueil, 1926, p. 169; Fauchille, Traite de droit international public, vol. I, Paris, 1923, p. 30; Mohamed Talaat Al-Ghunaimi, International Maritime Law in Its New Dimensions, Monchaat Al-Maaref, Alexandria, n.d., pp. 182-183; and Mohamed Sami Abdel Hamid, Foundations of Public International Law: International Life, vol. 3, 2nd ed., University Publications House, Alexandria, n.d., p. 340. [Arabic sources except where otherwise indicated]

- (a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State.
2. Any act of voluntary participation in the operation of a ship or aircraft with knowledge of facts making it a pirate ship or aircraft.
3. Any act of inciting or intentionally facilitating an act described in subparagraphs 1 or 2 of this Article".

Article 101 of the second Convention, entitled "Definition of Piracy," provides that any of the following acts constitutes piracy:

"(a) Any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship or 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 aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) Any act of inciting or intentionally facilitating an act described in subparagraph (a) or (b)".

Accordingly, Article 101 of the 1982 United Nations Convention largely reproduces the substance of Article 15 of the 1958 Geneva Convention on the High Seas.

Subsection Two: The Constitutive Elements of Maritime Piracy under the 1982 Convention on the Law of the Sea:

The two definitions contained in Articles 15 and 101 of the above-mentioned Conventions show that maritime piracy has a material element and a mental element. What distinguishes it, however, is its international element. These elements are examined below.

First: The Material Element of Maritime Piracy:

The material element is established by any unlawful act of violence, detention, or depredation committed by the crew or passengers of a private ship. The conduct may involve physical harm to victims or merely a restriction of their liberty. An example is a ship intercepting another vessel and using an armed threat to force it to change course with the aim of looting or sinking it.

The acts of violence or coercion must be connected with a vessel. An act of violence, by itself, is not sufficient to constitute an element of piracy. An isolated assault against a person or property, such as theft, is not treated as piracy unless the vessel element is present. The vessel is the instrument of the offence and may play either a passive or an active role in the conduct forming part of the crime⁶. Suppressing piracy therefore requires the elimination of conduct that threatens the safety and security of maritime navigation.

What, then, are the forms through which the material element of maritime piracy is manifested?

They may be identified as follows:

1. Attempt to Commit the Material Act of Maritime Piracy:

An attempt to commit the material act is sufficient to justify punishment of a person who goes to the high seas with the intention of committing acts of violence, even if those acts are not completed. Attempt is therefore punishable in its own right. This category also includes material acts of

⁶ See : Mohamed Talaat Al-Ghunaimi, op. cit., p. 340.

assistance, financing, and facilitation covered by Article 101 of the 1982 Convention on the Law of the Sea and Article 15 of the 1958 Geneva Convention on the High Seas.

Piracy is not an offence that requires habitual or repeated conduct. Repetition is not a condition for its establishment. It is also a continuing offence for as long as the vessel used to carry out the acts remains engaged in a voyage intended to achieve the unlawful result. Such conduct is contrary to the principles of public international law, particularly the principle of safety and security of international navigation.

2. The Requirement of a Prerequisite Element: The Acts Constituting Piracy Must Occur on the High Seas:

A prerequisite element of this offence⁷ is that the constituent acts must be committed on the high seas⁸. International maritime piracy must therefore take place on the high seas. If one ship attacks another in the territorial sea of a State, or if a ship attacks the coast of a State, territorial jurisdiction belongs to the State in whose waters or on whose coast the attack occurred⁹.

The spatial setting therefore constitutes a prerequisite element of piracy. According to the prevailing view in international legal scholarship, the act of violence must occur on the high seas or in a place outside the jurisdiction of any State¹⁰. This spatial requirement means that an act of violence directed against a vessel in the territorial sea or internal waters of a State is not classified as piracy in the strict legal sense. It becomes piracy only if it occurs on the high seas or in another maritime area outside the jurisdiction of any State. This conclusion follows from reading Article 15 of the 1958 Geneva Convention on the High Seas together with Article 101 of the 1982 Convention on the Law of the Sea. Both instruments require the unlawful act to occur on the high seas or in a place outside the jurisdiction of any State. They also require an illegal act of violence, detention, or depredation, committed for private ends by the crew or passengers of a private ship or aircraft, and directed on the high seas against a ship, aircraft, persons, or property. If the conduct occurs outside this required spatial setting, it does not constitute piracy under those provisions. It instead falls within the jurisdiction of the coastal State in whose maritime area the unlawful act occurred.

3. Voluntary Participation and Incitement as Forms of Criminal Participation in Maritime Piracy:

Article 101(b) and (c) of the 1982 United Nations Convention on the Law of the Sea recognizes voluntary participation and incitement as forms of criminal participation in piracy. Voluntary participation in the operation of a ship or aircraft, with knowledge of facts that give it the character of a pirate ship or aircraft, constitutes unlawful conduct within the scope of piracy. The same applies to any act that incites the commission of an act described in subparagraphs (a) or (b), or intentionally facilitates its commission. Voluntary participation and incitement are therefore

⁷ In international criminal law scholarship, prerequisite elements of an offence are circumstances or conditions that must exist before or at the same time as the material conduct for the offence to be legally constituted. They differ from the essential elements of an offence, which are the fundamental legal components required for any crime. These pre-existing conditions are necessary because the existence of certain offences, including maritime piracy, depends upon them.

⁸ Under the 1958 Geneva Conventions, the high seas comprised all maritime areas extending beyond the internal waters and territorial seas of coastal States. See: Mohamed Al-Saeed Al-Dakkak and Mostafa Salama, *Public International Law*, Dar Al-Huda for Publications, Alexandria, 2000, p. 361.

⁹ Sadek Abu Heif, *Public International Law*, 12th ed., Monchaat Al-Maaref, Alexandria, n.d., p. 386.

¹⁰ See: Ahmed Abou El-Wafa Mohamed, *International Law of the Sea in Light of International and National Court Judgments, State Practice, and the 1982 Convention*, 1st ed., Cairo, 1989, pp. 402-403.

included among acts of piracy. This reflects a fundamental principle of criminal law: perpetrators must not escape punishment or criminal justice. In the present context, that principle serves the protection of the safety and security of international maritime navigation.

Second: The Mental Element of Maritime Piracy:

Piracy is an intentional offence. Once the unlawful acts of violence described in Article 101 of the 1982 Convention on the Law of the Sea have occurred in the required spatial setting, namely the high seas or another place outside the jurisdiction of any State, the material element is established. The offence also requires general criminal intent. The perpetrator must knowingly carry out acts that threaten international maritime safety and security on the high seas. A separate special intent is not, in principle, required. It is sufficient that the perpetrator intends to complete the material acts constituting the offence and knows that they will produce consequences affecting international peace and security.

The two Conventions nevertheless refer to an additional element. The unlawful acts of violence must be committed for private ends¹¹. In other words, the offender's will and unlawful intention must be directed toward the commission of the offence with knowledge that its consequences affect an international interest, violate rules of international law, and threaten the stability and safety of the international community. Some international legal scholars require a specific criminal intent consisting of an intention to obtain private gain. They regard this as an essential criterion for distinguishing maritime piracy from other acts. On this view, acts of violence or detention must be committed for private ends.

Third: The International Element of Maritime Piracy:

An international crime differs from a domestic crime because the unlawful conduct has an international dimension and affects an "international interest." That interest functions both as a criterion and as an object of protection for the international community. An offence is described as international when the unlawful conduct infringes an international interest protected by international criminal law¹². Maritime piracy therefore has an international character. Its international element distinguishes it from ordinary offences governed by domestic law¹³.

Accordingly, acts of violence committed by pirates on the high seas or in an area outside the jurisdiction of any State are unlawful acts that affect an international interest. That interest lies in ensuring the safety and security of maritime navigation, for which international law seeks to provide adequate criminal protection. These unlawful acts therefore acquire the character of an international crime¹⁴.

¹¹ See: Article 15(1) of the 1958 Geneva Convention on the High Seas and Article 101(a) of the 1982 Convention on the Law of the Sea, which provides in substance that piracy includes any illegal act of violence, detention, or depredation committed for private ends by the crew or passengers of a private ship or private aircraft.

¹² See: Mohamed Abdel Moneim Abdel Ghani, *International Crimes*, PhD dissertation in International Criminal Law, Faculty of Law, Alexandria University, Egypt, 2007, p. 334.

¹³ International interests protected by international criminal law are public international interests whose violation threatens the existence or fundamental security of the international community as a whole, or of the overwhelming majority of its members. Without such interests, there would be no basis for distinguishing international crimes from ordinary domestic offences. Among the most important are the maintenance of international peace and security and the development of friendly relations among States.

¹⁴ The international element of piracy must also be read together with the conditions established by Article 101 of the 1982 Convention on the Law of the Sea. Three conditions may be identified. **First**, there must be an unlawful act, including detention, violence, or depredation against persons or property, or voluntary participation, incitement, or intentional facilitation. **Second**, the unlawful act must be committed for private ends by the crew or passengers of a

Section Two: The Person Bearing Criminal Responsibility and the Nature of Jurisdiction in Maritime Piracy:

Identifying the person who bears responsibility for maritime piracy (Subsection One) is closely linked to determining the courts competent to punish those who commit the offence (Subsection Two). This makes it possible to define the scope of criminal responsibility more precisely.

Subsection One: The Person Bearing Criminal Responsibility for Maritime Piracy:

Article 101 identifies the party who bears criminal responsibility for maritime piracy. A close reading of its first paragraph shows that the natural person who carries out an act of piracy for private ends, whether through violence, detention, or depredation ¹⁵, bears international criminal responsibility.

Subsection Two: Determining Jurisdiction in the Suppression of Maritime Piracy:

Articles 105 and 107 of the 1982 Convention on the Law of the Sea establish two mechanisms that allow any State to combat piracy on the high seas or in any other place outside the jurisdiction of any State:

- The first mechanism is the seizure of a pirate ship or aircraft, or a ship or aircraft taken by piracy, together with the arrest of persons and seizure of property on board. Such action may be carried out by warships, military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect ¹⁶. The ship or aircraft concerned must in fact be under pirate control ¹⁷.
- The second mechanism concerns adjudication. The courts of the State that carried out the seizure through its warships, military aircraft, or other duly authorized government vessels or aircraft may determine the penalties to be imposed and the measures to be taken with respect to the unlawful acts ¹⁸. Jurisdiction to try and punish pirates therefore belongs to the courts of the State whose warships or other authorized units made the seizure. This is an application of the principle of universal jurisdiction. The unlawful acts must, however, have been committed on the high seas or in a place outside the jurisdiction of any State, rather than in the territorial sea of the State carrying out the seizure. If the attack, abduction, or seizure of a vessel occurred while it was

private ship or aircraft. **Third**, the act must be directed against a ship, aircraft, persons, or property on board on the high seas or in a place outside the jurisdiction of any State. Acts occurring in internal waters, the territorial sea, archipelagic waters, the exclusive economic zone, or on the continental shelf are not, merely by reason of their location, classified as piracy under this definition.

¹⁵ Article 101(a) of the 1982 Convention on the Law of the Sea provides that piracy includes : "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 ...". International legal scholarship nevertheless differs on the person who may bear international criminal responsibility for piracy. One view considers the State to be the only subject of international criminal responsibility. A second, mixed approach allows criminal responsibility to be attributed to both the State and the individual. A third view confines such responsibility to the individual.

¹⁶ Article 107 of the 1982 Convention on the Law of the Sea, entitled: "Ships and aircraft which are entitled to seize on account of piracy", provides that a seizure on account of piracy may be carried out only by warships or military aircraft, or by other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect".

¹⁷ Article 105 of the 1982 Convention on the Law of the Sea, entitled "Seizure of a pirate ship or aircraft", provides that 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".

¹⁸ Article 105: further provides that 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.

sailing or lying on the high seas, or in another place outside State jurisdiction, the conduct constitutes unlawful violence committed by pirates and therefore amounts to maritime piracy¹⁹.

If, by contrast, the conduct occurs while the vessels are navigating or lying in internal waters or in a territorial sea subject to the sovereignty of a coastal State, the unlawful violence is not maritime piracy in the strict sense. It is more appropriately characterized as theft, looting, or armed robbery affecting the safety and security of maritime navigation. This matter is addressed by the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, concluded in Rome on 10 March 1988²⁰. That Convention describes relevant offences in terms that include the use or threat of force against a ship or persons on board²¹. The International Maritime Organization has also clarified the classification of acts occurring in waters under the sovereignty of a coastal State, including internal waters and the territorial sea. It uses the term "armed robbery against ships." In its 2001 resolution A.922(22), such conduct is treated as armed robbery against ships when an unlawful act resembling piracy is directed against a ship, or against persons or property on board, and is committed within the jurisdiction of a State. The principal distinction between armed robbery and piracy is therefore spatial. Armed robbery occurs in waters under the sovereignty of a State, and that State alone has the right to pursue and take legal action unless it requests the intervention of another State. Maritime piracy occurs outside territorial waters, where all States may pursue and suppress piracy on the high seas²². Accordingly, if such conduct occurs within Somali territorial waters, jurisdiction to try and punish the accused belongs to Somalia. Some scholars,

¹⁹ The 1988 Convention concerning unlawful acts committed at sea treats such conduct as serious maritime offences whose perpetrators must be pursued, arrested, brought before criminal courts, and subjected to appropriate penalties.

²⁰ The principal event that led to the adoption of the 1988 Rome Convention was the 1985 hijacking of the Italian cruise ship "Achille Lauro" by a Palestinian terrorist group. **Algeria acceded to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation by Presidential Decree No. 97-373 of 30 September 1997.** The decree concerning Algeria's accession was published in Official Gazette No. 65 of 5 October 1997.

²¹ **Article 3 of the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation provides**, in substance, that a person commits an offence if that person unlawfully and intentionally: (a) seizes or exercises control over a ship by force, threat of force, or another form of intimidation; (b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship; (c) destroys a ship or causes damage to a ship or its cargo that is likely to endanger its safe navigation; (d) places, or causes to be placed, on a ship a device or substance likely to destroy the ship or cause damage to it or its cargo so as to endanger, or be likely to endanger, safe navigation; (e) destroys or seriously damages maritime navigational facilities, or seriously interferes with their operation, if such an act is likely to endanger safe navigation; (f) communicates information known 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 the offences listed above. The Convention also covers attempts, incitement, participation, and certain threats intended to compel a natural or legal person to act or refrain from acting where the threat is likely to endanger safe navigation. **Article 4 provides that** the Convention applies when a ship is navigating, is scheduled to navigate, into, through, or from waters beyond the outer limit of the territorial sea of a single State, or beyond the lateral limits of its territorial sea with adjacent States. It also applies in certain cases where the alleged offender is found in the territory of a State Party. **Article 5 requires** States Parties to make the offences punishable by appropriate penalties that take account of their grave nature. **Article 6 requires each State Party** to establish jurisdiction over the offences when they are committed against or on board a ship flying its flag, in its territory including its territorial sea, or by one of its nationals. It also permits jurisdiction in specified cases involving stateless habitual residents, nationals who are seized, threatened, injured, or killed, or offences intended to compel the State to act or refrain from acting. A State establishing such jurisdiction must notify the Secretary-General of the International Maritime Organization. Each State Party must also establish jurisdiction when an alleged offender is present in its territory and it does not extradite that person to a State Party that has established jurisdiction. The Convention does not exclude criminal jurisdiction exercised in accordance with national law.

²² **For further analysis of International Maritime Organization Resolution A.922(22) of 2001, see:** Miloud Ben Abdelaziz and Amal Bouhental, "The Legal Characterization of Maritime Piracy in Islamic Legislation and International Law," Algerian Journal of Research and Studies, Algeria, vol. 5, no. 2, April 2022, pp. 745-746.

including Jean-Paul Pancraccio, consider the 1988 Convention insufficient because it covers a wide range of violent acts against ships operating in maritime areas beyond the sovereignty or jurisdiction of a coastal State. In their view, it uses a broad and undifferentiated formulation and does not take sufficient account of the private ends that characterize piracy, such as the motive of private gain. Pancraccio therefore considers the instrument closer to a convention against maritime terrorism than to a convention against piracy, while the Montego Bay Convention remains the principal reference in this field ²³.

It should also be noted that intervention against piracy falls within the duty of States to cooperate in its suppression. Article 100 of the 1982 Convention on the Law of the Sea provides: "All States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State".

A seizure undertaken for the purpose of prosecution must also be justified. Otherwise, the State that carried out the seizure incurs international responsibility for loss or damage caused by an unjustified seizure ²⁴.

Within this framework, the 1982 Convention on the Law of the Sea provides another international mechanism that permits the tracking and pursuit of foreign vessels that have committed maritime piracy: the right of hot pursuit ²⁵. This mechanism is originally applied within the contiguous zone of the coastal State. It consists of tracking and pursuing foreign vessels that violate the laws and regulations of the coastal State while passing through its contiguous zone, particularly rules relating to customs, fiscal matters, health, and immigration. Conduct contrary to those laws and regulations is unlawful under the 1982 United Nations Convention on the Law of the Sea. However, a vessel's escape to the high seas after committing maritime piracy does not mean that it escapes legal responsibility. The Convention therefore regulates the continuation of the coastal State's right to pursue the offending foreign vessel even on the high seas, as well as in the exclusive economic zone or on the continental shelf ²⁶. Any breach by the pursuing vessel flying the flag of the coastal State of the rules governing hot pursuit may give rise to the responsibility of the flag State. What, then, are the elements of this international responsibility when the right of hot pursuit is exercised unlawfully?

²³ Jean-Paul Pancraccio states in *Droit de la Mer*, with reference to the Rome Convention of 10 March 1988, that because the Convention covers all acts of violence against ships occurring in maritime spaces outside the sovereignty or jurisdiction of a coastal State, it adopts a broad and undifferentiated formulation and does not take account of the specific purposes of those acts, such as private gain, which characterizes piracy. He therefore regards it as more oriented toward combating maritime terrorism than piracy, while the Montego Bay Convention remains the essential reference in this field. See :Jean-Paul Pancraccio, *Droit de la Mer*, 1st ed., Dalloz, Paris, France, 2010, p. 144.

²⁴ Article 106 of the 1982 Convention on the Law of the Sea, entitled "Liability for seizure without adequate grounds", "provides that where a ship or aircraft is seized on suspicion of piracy without adequate grounds, the State making the seizure is liable to the State whose nationality the ship or aircraft possesses for any loss or damage caused by the seizure".

²⁵ The right of hot pursuit in the contiguous zone is an exceptional right that limits the general principles of freedom of navigation and the exclusive jurisdiction of the flag State over ships on the high seas. In Arabic legal writing, hot pursuit is also described as the "right of tracking" or "hot pursuit." The standard French expression is *le droit de poursuite*, and the standard English expression is the right of hot pursuit.

²⁶ Article 111(2) provides : "that the right of hot pursuit applies, *mutatis mutandis*, to violations in the exclusive economic zone or on the continental shelf, including safety zones around continental-shelf installations, of the laws and regulations of the coastal State applicable in accordance with the Convention to the exclusive economic zone, the continental shelf, and the relevant safety zones".

Answering this question requires an examination of the elements that give rise to international responsibility when the right of hot pursuit is exercised unlawfully. They are as follows:

First: The element of fault (the unlawful act):

Fault arises when the conditions relating to the vessel conducting the hot pursuit are not respected, when the conditions concerning the foreign vessel being pursued are not satisfied, or when the procedures governing the pursuit are not followed. These requirements are set out in Article 111 of the 1982 Convention on the Law of the Sea.

1. Conditions Relating to Vessels Conducting Hot Pursuit:

Article 111(5) of the 1982 Convention provides that hot pursuit may be exercised only by warships or military aircraft, or by other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect ²⁷. Private, tourist, and commercial vessels therefore cannot exercise this right. The Convention thus identifies both the means and the authorities entitled to conduct hot pursuit. Warships and military aircraft may be used in both wartime and peacetime to protect the coasts of the State.

The Convention also recognizes vessels operated by government services. Articles 32 ²⁸ and 96 ²⁹ address government ships, including coast guard vessels, fisheries-protection vessels, and maritime police vessels. Such vessels may exercise hot pursuit. Under Article 111(5), however, they must carry clear markings showing that they are in government service and they must be authorized to exercise the right against foreign civilian vessels. Failure to satisfy these requirements may engage the international responsibility of the coastal State for resulting damage.

2. Conditions Relating to the Foreign Vessel Subject to Hot Pursuit:

Private merchant vessels and government ships used for commercial purposes may both be subject to hot pursuit. Such vessels have a commercial character when they are intended to carry goods or passengers, are unarmed, are not operated by naval personnel, and are entered in the commercial register, regardless of whether they form part of a fleet or are owned by private persons or by the State.

In other words, the vessel subject to hot pursuit must not be a warship. Warships enjoy immunity that places them beyond the jurisdiction of, or submission to the courts of, the coastal State in its contiguous zone or territorial sea generally. The same applies to other government ships used for non-commercial purposes under Article 32. As regards warships, the pursuing vessel may only require them to leave the territorial sea immediately. The same applies in the contiguous zone where the coastal State's laws and regulations on customs, fiscal matters, health, and immigration are violated ³⁰.

²⁷ Article 111(5) provides that the right of hot pursuit may be exercised only by warships or military aircraft, or by other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

²⁸ Article 32 of the 1982 Convention on the Law of the Sea, entitled "Immunities of warships and other government ships operated for non-commercial purposes provides", that, with the exceptions contained in subsection A and in Articles 30 and 31, nothing in the Convention affects the immunities of warships and other government ships operated for non-commercial purposes.

²⁹ Article 96 of the same Convention provides that ships owned or operated by a State and used only on government non-commercial service have complete immunity on the high seas from the jurisdiction of any State other than the flag State.

³⁰ Article 30 of the same Convention provides that if any warship does not comply with the laws and regulations of the coastal State concerning passage through the territorial sea and disregards a request for compliance, the coastal State may require it to leave the territorial sea immediately.

Article 111(1) further requires verification that the place where the foreign vessel, or one of its boats, committed the violation was within the waters of the contiguous zone of the pursuing State³¹.

3. Procedures That Must Be Followed in Conducting Hot Pursuit :

The procedural requirements governing hot pursuit may be summarized as follows, in accordance with Article 111 of the 1982 Convention on the Law of the Sea.

(a) There Must Be Good Reason to Believe That the Foreign Ship Has Violated the Laws and Regulations of the Coastal State Applicable in the Relevant Area:

There must be sufficient indications that the vessel has actually violated laws or regulations protecting rights recognized in Article 33, including rules relating to customs, fiscal matters, immigration, and health. The grounds for hot pursuit must be genuine rather than hypothetical or imagined. There must be an actual infringement of the protected rights. This requirement appears in the first and fourth parts of Article 111(1)³². The wording of the first part nevertheless gives the coastal State a measure of discretion in assessing whether the available information falls somewhere between suspicion and certainty.

The same condition is reflected in the first part of Article 111(4), which provides that hot pursuit is not deemed to have begun unless the pursuing ship has satisfied itself by such practicable means as may be available that the ship pursued, or one of its boats or other craft working as a team and using the ship pursued as a mother ship, is within the limits of the territorial sea or, as the case may be, within the contiguous zone, the exclusive economic zone, or above the continental shelf. This procedure confirms the need to verify that the violation occurred by technical means that leave no room for doubt.

(b) A Visual or Auditory Signal to Stop Must Be Given:

The signal must be given from a distance that enables the foreign ship to see or hear it. It is a practical step that precedes the pursuit. This requirement follows from Article 111(4)³³. The pursuing vessel must ensure that the order to stop, conveyed through the visual or auditory signal, can reach the vessel being pursued.

Article 111(4) does not specify how many signals must be given to the foreign vessel, nor does it prescribe a fixed distance between the pursuing vessel and the pursued vessel. These matters are therefore left to the discretion of the pursuing vessel. The main purpose of the visual or auditory signal is to inform the foreign vessel that it must stop so that the competent authorities can determine whether it violated the coastal State's laws and regulations concerning customs, fiscal matters, health, or immigration while it was in the contiguous zone.

³¹ Article 111(1) provides that hot pursuit must be commenced when the foreign ship or one of its boats is within the internal waters, archipelagic waters, territorial sea, or contiguous zone of the pursuing State.

³² The first part of Article 111(1) provides that hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. A further condition appears later in the same paragraph: when the foreign ship is within a contiguous zone as defined in Article 33, pursuit may be undertaken only if there has been a violation of the rights for whose protection the zone was established.

³³ Article 111(4) provides that the pursuit may begin only after a visual or auditory signal to stop has been given at a distance that enables the foreign ship to see or hear the signal.

Under Article 111(1), it is not necessary for the vessel issuing the order to stop to be physically present within the territorial sea or contiguous zone at the same time as the foreign vessel ³⁴.

(c) The Pursuit Must Be Continuous and Uninterrupted:

This requirement follows from Article 111(1) ³⁵. For example, if a warship of the coastal State begins pursuing a foreign vessel and then stops because of an engine failure, or because it must assist a ship or boat in danger of sinking near the coast, the original pursuit cannot simply be resumed after an interruption because the requirement of continuity has not been satisfied. This does not prevent another vessel belonging to the same coastal State from continuing the pursuit in the circumstances permitted by Article 111(6) ³⁶.

Hot pursuit is not subject to a fixed distance or duration. It is, however, limited by Article 111(3), under which the right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own State or the territorial sea of a third State. This rule respects the territorial sovereignty of coastal States over their territorial seas.

Secondly: The element of damage:

Damage is the loss sustained by the pursued vessel as a result of being stopped or detained outside the territorial sea or the contiguous zone in circumstances that do not satisfy the legal conditions and procedures described above.

The damage must be real and serious. It may already have occurred or may be capable of materializing in the future. It may be material or non-material, such as intimidation of the crew or an affront to their dignity. This follows from Article 111(8) ³⁷. The exercise of hot pursuit is therefore subject to an important limitation: the coastal State may incur responsibility when its competent vessels stop or detain a ship outside the territorial sea in circumstances that do not justify hot pursuit. If the pursuit was not lawfully justified, or if the evidence relied upon was insufficient, and the foreign vessel consequently suffers loss or damage, the coastal State may be required to provide compensation.

Third: The element of the causal link:

The damage must be the natural consequence of the conduct of the pursuing vessel, such as the stopping or detention of a foreign vessel in violation of the conditions and procedures laid down in Article 111. If the damage results from an external cause, if it was caused by the vessel that suffered the damage, or if it resulted from force majeure, the flag State of the pursuing vessel does not incur responsibility on that basis. International responsibility arises when there is fault in the exercise of the right of hot pursuit and the conduct occurs in unjustified circumstances ³⁸.

³⁴ Article 111(1) further provides that, when the foreign ship receives the order to stop while within the territorial sea or contiguous zone, it is not necessary for the ship giving the order also to be within the territorial sea or contiguous zone.

³⁵ Article 111(1) provides that pursuit may continue outside the territorial sea or contiguous zone only if the pursuit has not been interrupted.

³⁶ Article 111(6)(b) provides that an aircraft giving the order to stop must itself actively pursue the ship until a ship or another aircraft of the coastal State, summoned by the aircraft, arrives to continue the pursuit, unless the aircraft itself is able to arrest the ship. Merely sighting the foreign ship while it commits, or is suspected of committing, an infringement is not sufficient to justify an arrest outside the territorial sea unless the ship has been ordered to stop and pursued without interruption by the aircraft itself, another aircraft, or vessels continuing the pursuit.

³⁷ Article 111(8) provides that where a ship has been stopped or arrested outside the territorial sea in circumstances that do not justify the exercise of the right of hot pursuit, it must be compensated for any loss or damage sustained as a result.

³⁸ An example of unlawful excess in hot pursuit is the sinking of the Canadian vessel "I'm Alone" by the United States Coast Guard during a pursuit connected with an attempt to smuggle liquor into the United States. A joint commission

A central conclusion follows from the foregoing analysis. The right of hot pursuit is a right granted to the coastal State under the international law of the sea, but it is not absolute. It is subject to legal conditions and procedures that must be respected. A breach of those requirements may engage the responsibility of the State whose vessel carried out the pursuit ³⁹.

Section Three : Maritime Piracy Incidents and the Position of the United Nations Security Council in the Twenty-First Century: Somali Piracy in the Gulf of Aden :

The twenty-first century has witnessed numerous piracy incidents on the high seas that have disrupted economic activity associated with maritime navigation. The most prominent were acts committed by Somali pirates in the Gulf of Aden ⁴⁰. On 21 July 2007, the Secretary-General of the International Maritime Organization, Efthimios Mitropoulos, and the Executive Director of the United Nations World Food Programme, Josette Sheeran, warned of the seriousness of these acts. Mitropoulos subsequently asked United Nations Secretary-General Ban Ki-moon to bring the issue of piracy in Somalia before the Security Council. He also sought action that would allow the Council to request the Transitional Federal Government of Somalia to adopt the measures needed to address the problem. Such measures could include accepting the entry of foreign vessels into Somali territorial waters while conducting operations against pirates, suspected pirates, or armed robbers who threatened security at sea. This approach was linked to Article 107 of the 1982 United Nations Convention on the Law of the Sea, which permits warships and other duly authorized government ships and aircraft to carry out seizures on account of piracy ⁴¹. These developments led

between Canada and the United States later awarded compensation of (USD 25,000) after finding that the sinking exceeded the permissible limits of enforcement and constituted an unlawful act. The example illustrates that hot pursuit, even when justified by a violation of coastal-State law, may not lawfully be conducted in a manner that unjustifiably destroys the pursued vessel. **Article 111(7) of the 1982 Convention** also provides that the release of a ship arrested within the jurisdiction of a State and escorted to a port of that State for inquiry before the competent authorities may not be claimed solely because the ship, while being escorted, passed through part of the exclusive economic zone or the high seas, if the circumstances made such passage necessary.

³⁹ **For further details, see:** Siham Al-Sahouli, *Moroccan-Spanish Maritime Disputes*, 1st ed., Asbateil Press, Tangier, Morocco, 2016, p. 50; **and** Moufid Shehab, *The New Law of the Sea and Arab Interests*, Institute of Arab Research and Studies, Cairo, 1977, p. 53.

⁴⁰ The Gulf of Aden controls the southern approach to the Red Sea and the Suez Canal and is one of the principal routes of global maritime navigation. The source estimates that approximately (16,000) to (20,000) vessels transit the area each year and that it carries about(30%) of global oil-related maritime traffic. It is also a major trade route between Europe and Asia and an important route linking Russia and Black Sea States with West Africa and East and Southeast Asia. For States bordering the Red Sea without access to other seas, the Red Sea and Gulf of Aden are essential trade routes. They are particularly important for Jordan, Sudan, and Djibouti, and remain highly significant for Egypt and Saudi Arabia despite those States' access to other maritime areas. Yemen and Somalia also face the Indian Ocean. Any serious disruption of navigation in the Red Sea and Gulf of Aden can therefore adversely affect the interests of these States. Oil-producing Arab States, especially Gulf States whose petroleum exports to Europe pass through this corridor, are also affected by instability in the route.

⁴¹ The Secretary-General of the International Maritime Organization, "Efthimios Mitropoulos", and the Executive Director of the United Nations World Food Programme, Josette Sheeran, warned that piracy off the Somali coast threatened the shipping lanes in the region and could disrupt fragile food-aid supply routes to Somalis affected by civil conflict, political instability, and natural disasters. Merchant ships, fishing vessels, and other forms of maritime transport, including vessels delivering humanitarian assistance, faced significant risks. In June 2007, the Council of the International Maritime Organization, meeting in London, expressed concern about these developments as presented by Secretary-General "Mitropoulos". It also approved proposals for further action to engage the international community in responding to continuing piracy and armed robbery in the region, especially attacks directed against ships carrying humanitarian assistance to Somalia.

the Security Council to adopt four important resolutions on maritime piracy off the Somali coast ⁴². Their main provisions are discussed below.

Subsection One: Security Council Resolutions 1814 and 1816 and the Beginning of the Council's Response to Piracy off the Somali Coast :

The Security Council's initial response to piracy off the Somali coast, acting under Chapter VII of the Charter of the United Nations, was relatively cautious. In Resolution 1814 of 15 May 2008, paragraph 11 expressed support for the contributions made by certain States to protect World Food Programme maritime convoys. The Council called on States and regional organizations to coordinate their efforts, subject to prior notification of the Secretary-General. This followed a request from the Somali Transitional Federal Government for measures to protect vessels engaged in transporting and delivering humanitarian assistance to Somalia and in other authorized activities.

Resolution 1816 of 2 June 2008 emphasized the seriousness of piracy and armed robbery against ships in territorial waters and on the high seas off the coast of Somalia. It drew attention to the resulting threats to the delivery of humanitarian assistance, the safety of commercial sea routes, international navigation, and international peace and security. The resolution also recalled the legal framework applicable to combating these acts, as reflected in the 1982 United Nations Convention on the Law of the Sea. That Convention provides the basis for full cooperation in repressing piracy on the high seas or in any other place outside the jurisdiction of any State, including boarding, searching, and seizing vessels engaged or suspected of engaging in piracy and arresting persons who commit such acts for the purpose of prosecution. The Security Council therefore decided as follows:

1. For a period of six months from the date of adoption of the resolution, international cooperation with the Transitional Federal Government was to be intensified in order to combat piracy and armed robbery. The Government would provide advance notification to the Secretary-General regarding relevant cooperation, especially with respect to entry into Somali territorial waters for the purpose of suppressing such acts. States cooperating with Somalia could use the necessary means within those waters in a manner consistent with the rules applicable to piracy. In practical terms, the resolution recognized that foreign warships could enter Somali territorial waters, with the consent of the Transitional Federal Government, to combat piracy.
2. The authorization was based on the letter dated 27 February 2008 from the Permanent Representative of Somalia to the United Nations to the President of the Security Council, which conveyed the consent of the Transitional Federal Government.
3. All States were called upon to cooperate, particularly flag States, port States, coastal States, States of nationality of victims of piracy and armed robbery, and other States having relevant jurisdiction under international law and their domestic legislation. Such cooperation was intended to establish jurisdiction, investigate persons responsible for these acts, and provide assistance concerning persons within their jurisdiction or control, including victims, witnesses, and persons detained in connection with operations undertaken pursuant to the resolution.

⁴² Several United Nations Security Council resolutions adopted in 2008 were connected with Somali piracy, including Resolutions 1811, 1844, and 1853. The present study focuses on Resolutions 1814, 1816, 1838, and 1851. See : the United Nations Security Council resolutions database: <https://www.un.org/securitycouncil/ar/content/resolutions>. Accessed 20 May 2026 at 23:00.

Subsection Two: Security Council Resolutions 1838 and 1851: Growing Concern over Piracy off Somalia and the Need to Apply the 1982 Convention on the Law of the Sea to Protect International Navigation:

Resolution 1838 of 7 October 2008 began by referring to the two earlier resolutions. It expressed stronger concern about the serious threat created by the spread of piracy and armed robbery against ships off the coast of Somalia. Particular concern related to the delivery of humanitarian assistance, the safety of international navigation and commercial sea routes, and fishing activities. The resolution then addressed the following matters:

- The Council took note of the letter dated 1 September 2008 from the President of Somalia to the Secretary-General of the United Nations. The letter expressed appreciation for the Security Council's assistance and confirmed Somalia's readiness to work with States and regional organizations by providing further advance notifications in addition to those already submitted. This was consistent with paragraph 7 of Resolution 1816 concerning the authorization granted by Somalia for foreign warships to enter its territorial waters to combat piracy and armed robbery off the Somali coast.
- The Council further stated that the continuing incidents of piracy had aggravated the situation and remained a danger to international peace and security in the region as a whole. It called on States whose naval vessels and military aircraft were operating on the high seas and in the airspace off the Somali coast to act consistently with international law and the 1982 Convention on the Law of the Sea. It also called on States to cooperate with the Transitional Federal Government in accordance with Resolution 1816.
- The resolution urged States to provide advice and guidance to vessels entitled to fly their flag on appropriate precautionary measures for protection against attacks while navigating off the coast of Somalia, in accordance with the recommendations of the International Maritime Organization.
- Finally, the Council referred to the Secretary-General's expectation that the authorization in Resolution 1816 could be renewed for an additional period upon receipt of a request from the Transitional Federal Government.

Resolution 1851 of 16 December 2008 addressed the substantial increase in piracy during the latter part of 2008. It also noted the growing sophistication and audacity of pirates, including the geographical expansion of attacks off the Somali coast. The resolution referred, in particular, to attacks against vessels carrying humanitarian assistance, the hijacking of the vessel "Sirius Star" approximately 500 nautical miles from the Kenyan coast, and unsuccessful attacks occurring far to the east of Tanzania. The distinctive feature of this resolution was the seriousness with which the international community addressed the phenomenon. Its principal elements may be summarized as follows:

- The Council welcomed the launch of the European Union's Operation Atalanta to combat piracy in the region. The operation was designed to counter piracy off the Somali coast and protect vessels travelling to Somalia. The Council also welcomed the efforts of the North Atlantic Treaty Organization and of other States cooperating with the Transitional Federal Government.
- The Council welcomed initiatives taken by the Governments of Egypt and Kenya, the Special Representative of the Secretary-General for Somalia, and the United Nations Office on Drugs and Crime to develop effective measures addressing the causes of piracy and armed robbery off the Somali coast.

- The Council emphasized the need for States to criminalize piracy in their domestic legislation, establish appropriate legal rules for combating it, and exercise jurisdiction over such conduct. This approach was linked to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, including the extradition of persons responsible, or suspected of being responsible, for seizing or exercising control over ships by force, threat of force, or other forms of intimidation.
- In response to the letter dated 9 December 2008 from the Transitional Federal Government of Somalia, the Security Council encouraged Member States to continue cooperating with that Government in combating maritime piracy. It did so by providing for an additional period of twelve months from the date of adoption of Resolution 1816 referred to above. During that period, States and regional international organizations cooperating with the Transitional Federal Government could take all necessary measures to suppress piracy and armed robbery at sea, pursuant to the Government's request, provided that those measures were consistent with applicable international humanitarian law and human rights law.
- The Council also expressed concern, following the report of the Monitoring Group on Somalia dated 20 November 2008, about the increasing amounts of ransom paid to pirates. Such funds could aggravate piracy by facilitating access to weapons and ammunition used in pirate operations.

In light of the absence of effective central judicial institutions in Somalia, the arrest of pirates by foreign vessels off the Somali coast and in the Gulf of Aden created uncertainty concerning the courts competent to try them. Pirates apprehended by foreign naval vessels were often transferred to the authorities of the autonomous region of Puntland in north-eastern Somalia. Human rights organizations intervened because of serious human rights violations attributed to those authorities. The European Union subsequently concluded an agreement with Kenya under which Kenya could try pirates transferred to its territory by European vessels. France, for example, transferred approximately eleven pirates captured by the frigate *Nivose* in the Pacific Ocean ⁴³.

***Conclusion:**

Maritime piracy threatens human rights and fundamental freedoms as one of the serious international crimes. The international community has therefore sought to adopt the legal measures required to combat it, especially those contained in the 1982 Convention on the Law of the Sea and related instruments. These include the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, which entered into force on 1 March 1992, and its Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, signed on the same date. They were followed by the 2005 Protocol, which entered into force on 28 June 2010. The 1982 Convention on the Law of the Sea clarified the foundations of the crime of piracy and the extent of its seriousness through the unlawful acts it encompasses, which threaten the safety of ships and the security of passengers and crews. This laid the basis for combating the crime at both international and regional levels. International attention became more pronounced as its practical danger increased through the seizure of ships and

⁴³ France played a prominent role in anti-piracy operations. In April 2008, it transferred approximately fifteen pirates to prisons in France after they were apprehended while attacking French vessels at sea. The detention operation drew criticism, including from defence lawyers, because five of the detainees were held aboard a warship for five days. According to their lawyers, this detention fell outside the requirements of international law. See: Houssam Eddine Al-Ahmad, op. cit., p. 131.

containers in Somali territorial waters. The problem, however, lies in assigning jurisdiction to punish such crimes to each State. In other words, domestic jurisdiction belongs to the courts of States whose warships, military aircraft, or other ships or aircraft clearly marked as being on government service and authorized to that effect seize a ship taken by piracy and under pirate control, arrest the persons on board, and seize the property found there. Those courts determine the appropriate penalties and the measures to be taken against such unlawful acts, in accordance with the social and economic objectives pursued by their domestic legislative policies. Consequently, there is an absence of international rules that, as a general principle, require States to exclude the jurisdiction of these national courts, despite the seriousness of this type of crime for the safety and security of international maritime navigation.

Within this framework, the only avenue left to the international community is to activate international cooperation in the repression of piracy, as established by Article 100 of the 1982 Convention on the Law of the Sea, whether such crimes occur on the high seas or in any other place outside the jurisdiction of any State. This is so while maritime piracy remains excluded from the jurisdiction of the International Criminal Court despite being characterized as an international crime, because the Statute of the Court does not expressly provide for this type of offence. The 1982 Convention, in particular, contains specific provisions concerning methods of combating piracy and determining national jurisdiction to try and punish pirates. This is an application of the principle of universal jurisdiction, which should be strengthened through the establishment of an international judiciary, or an international judicial body, competent to deal with this type of crime under a legal regime containing specific provisions on different forms of international cooperation. These may include the extradition of pirates, mutual legal assistance, joint investigations and inquiries, and the transfer of criminal proceedings. The United Nations laid foundations for this approach through the Commission on Crime Prevention and Criminal Justice at its twenty-second session in Vienna in April 2013, where it followed up on the results of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and the preparatory work for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice ⁴⁴.

Sources and References:

- 1958 Geneva Convention on the High Seas, United Nations website:
http://legal.un.org/docs/index.asp?path=../ilc/texts/instruments/french/conventions/8_1_1958_high_seas.pdf&lang=EF&referer=http://legal.un.org/diplomaticconferences/1958_lo/
- 1982 United Nations Convention on the Law of the Sea, United Nations website:
https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_a.pdf
- United Nations Security Council Resolutions 1814, 1816, 1838, and 1851 (2008), United Nations website:
<https://www.un.org/securitycouncil/ar/content/resolutions>
- Rome Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, concluded on 10 March 1988:

⁴⁴ See: the United Nations website, Commission on Crime Prevention and Criminal Justice, twenty-second session, Vienna:

https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_22/_E-CN15-2013-CRP01/E-CN15-2013-CRP1_A.pdf. Accessed 20 June 2023 at 21:00

https://sherloc.unodc.org/cld/uploads/res//treaties/definitions/treaty/protocol_to_the_convention_for_the_suppression_of_unlawful_acts_against_the_safety_of_maritime_navigation_2005_html/Protocol_to_Maritime_Convention_A.pdf

- United Nations Commission on Crime Prevention and Criminal Justice, twenty-second session, Vienna, United Nations website:
https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_22/_E-CN15-2013-CRP01/E-CN15-2013-CRP1_A.pdf
- Presidential Decree No. 97-373 of 30 September 1997 concerning Algeria's accession to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Official Gazette No. 65 of 5 October 1997.
- Ahmed Abou El-Wafa Mohamed, International Law of the Sea in Light of International and National Court Judgments, State Practice, and the 1982 Convention, 1st ed., Cairo, 1989.
- Siham Al-Sahouli, Moroccan-Spanish Maritime Disputes, 1st ed., Asbateil Press, Tangier, Morocco, 2016.
- Houssam Eddine Al-Ahmad, Maritime Piracy Crimes in Light of Legislation and International Conventions, 1st ed., Al-Halabi Legal Publications, Beirut, 2010.
- Sadek Abu Heif, Public International Law, 12th ed., Monchaat Al-Maaref, Alexandria, n.d.
- Mohamed Al-Saeed Al-Dakkak and Mostafa Salama, Public International Law, Dar Al-Huda for Publications, Alexandria, 2000.
- Mohamed Sami Abdel Hamid, Foundations of Public International Law: International Life, vol. 3, 2nd ed., University Publications House, Alexandria, n.d.
- Mohamed Talaat Al-Ghunaimi, International Maritime Law in Its New Dimensions, Monchaat Al-Maaref, Alexandria, n.d.
- Mohamed Abdel Moneim Abdel Ghani, International Crimes, PhD dissertation in International Criminal Law, Faculty of Law, Alexandria University, Egypt, 2007.
- Moufid Shehab, The New Law of the Sea and Arab Interests, Institute of Arab Research and Studies, Cairo, 1977.
- Miloud Ben Abdelaziz and Amal Bouhental, "The Legal Characterization of Maritime Piracy in Islamic Legislation and International Law," Algerian Journal of Research and Studies, Algeria, vol. 5, no. 2, April 2022.
- Pella, "La repression de la piraterie," Hague Recueil, 1926.
- Fauchille, Traite de droit international public, vol. I, Paris, 1923.