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La moderna pirateria al largo delle coste della Somalia: un banco di prova per vecchi e nuovi strumenti internazionali di prevenzione e repressione

Modern Piracy off the Coast of Somalia: a Test for Old and New International Instruments for Piracy Prevention and Repression

The article considers the international practice developed in the last few years off the coasts of Somalia and highlights the main difficulties faced by States in fighting the massive phenomenon of piracy, which is a consequence at the same time of ineffective action by the Somali government and an obstacle to its consolidation.

The legal framework is somewhat exceptional, because of the involvement of the UN Security Council. However, it confirms traditional rules of the law of the sea on piracy, allowing States to arrest foreign vessels in high seas while requiring permission by the coastal State to take action in territorial waters.

To bring the expected results and prosecute the individuals suspected of piracy, the international effort for the prevention and repression of the phenomenon relies on the appropriate application of multilateral conventions in force and on new implementing regulations, adopted by the competent organizations.