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Uncertainty on Somalia's beaches : the legal regime of onshore anti-piracy operations / Frederic Wiesenbach

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Abstract:	<p>In March 2012, the EU decided to expand the Atalanta anti-piracy mission to Somalia's beaches. Simultaneously Atalanta's operational strategy has been changed and the constraining rules for the use of force under the law-enforcement paradigm and international human rights law (IHRL) have been eased towards the less strict rules governing the use of force in hostilities under international humanitarian law (IHL). A problem-orientated comparison exemplifies that the law-enforcement and the hostilities paradigms required from Atalanta forces entirely different reasoning for the lawful conduct of force and impose specific restrictions on the permissible means and tactics. An analysis of hypothetical rescue scenarios further examines that the status of the actors and extend of force change the legal paradigm which has serious implications for the lawful conduct of force. Hence, the Atalanta command must take serious attention to the legal status under which rescue operations are conducted to avoid breaches of IHL or IHRL.</p>
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