

## **Universal Jurisdiction and the Somali Piracy Crisis (2005-2012): Assessing the Effectiveness and Limitations of the UNCLOS Piracy Regime**

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### **Abstract**

The Somali piracy crisis (2005-2012) represents the most significant modern test of the international legal framework governing piracy under the United Nations Convention on the Law of the Sea (UNCLOS). During this period, Somali pirate groups conducted hundreds of attacks against commercial vessels transiting the Gulf of Aden and the Western Indian Ocean, threatening maritime security, international trade, and freedom of navigation. The crisis prompted an unprecedented international response involving multinational naval coalitions, regional prosecution arrangements, and the extensive application of universal jurisdiction under Articles 100 and 105 of UNCLOS.

This paper critically examines the effectiveness of the UNCLOS piracy regime through the lens of the Somali piracy crisis. Using a doctrinal legal methodology, it analyses relevant UNCLOS provisions, United Nations Security Council resolutions, judicial decisions, and state practice relating to the arrest, transfer, detention, and prosecution of suspected pirates. Particular attention is given to the operation of universal jurisdiction and its practical application by domestic courts during multinational counter-piracy efforts.

The paper argues that although UNCLOS provided an indispensable legal foundation for international cooperation against piracy, the Somali crisis exposed significant limitations within the contemporary piracy framework. These include jurisdictional constraints arising from territorial waters, the absence of an obligation to prosecute, uncertainty surrounding third-state prosecutions and transfer arrangements, human rights concerns, and the inadequate treatment of attempted piracy. The article concludes that the suppression of Somali piracy was achieved through a hybrid legal framework combining UNCLOS, Security Council authorisations, regional cooperation mechanisms, and domestic enforcement measures, highlighting the need for targeted reforms to strengthen the effectiveness of universal jurisdiction in combating modern maritime piracy.

### **Keywords**

UNCLOS, Universal Jurisdiction, Somali Piracy, Maritime Security, Law of the Sea, Piracy Prosecution, United Nations Security Council, International Maritime Law.