



Head of the Legal and International Judicial Affairs Unit of the Italian Navy General Staff Lectures at IMLI

Admiral Fabio Caffio, Head of the Legal and International Judicial Affairs Unit of the Italian Navy General Staff, recently lectured on “Maritime Security Operations: Legal Aspects”.



Admiral Fabio Caffio lecturing on “Maritime Security Operations: Legal Aspects” to IMLI Class 2006-2007

During his lecture, Admiral Caffio distinguished between Maritime Security Operations which comprised Maritime Interdiction Operations, and Maritime Security Operations which encompassed Maritime Law Enforcement.

Maritime Interdiction Operations are based on the U. N. Charter and include actions like naval embargo and self-defense operations. These actions may be undertaken for purposes of peace keeping or in order to enforce sanctions that have been duly imposed. These actions may be coercive measures intended to maintain international peace or may be self-defense measures in response to an armed attack.

Maritime Law Enforcement, on the other hand, is based on the principles found in the UNCLOS and applies to activities such as piracy, international terrorism, illegal transport of clandestine migrants, and illegal trafficking in narcotics. These activities give rise to the right to visit merchant ships given to warships under the UNCLOS. Measures that can be taken against merchant ships include the right to approach and the right to stop through warning shots or disabling fire.

Admiral Caffio stated that both aspects of Maritime Security are subject to the rule of proportionality in the use of force. Thus it is necessary to evaluate the situation and determine the extent of force necessary to address the maritime security concern. Further, in applying the use of force, it is important to remember that the least interference in merchant shipping should be followed.

According to Admiral Caffio, *“The label Maritime Security is related to both the efforts to counter threats to maritime interests of States and to secure that the International Waters are not used by persons or entities to carry out illicit trafficking or to endanger the international peace.... Maritime Security Operations (MSO) is an enlarged notion that encompasses both the Maritime Interdiction Operations (MIO) based on U.N. Charter and peacetime Maritime Law Enforcement (MLE) based on UNCLOS.”*

* For further information please contact Ms. Josephine Uranza (Editor, IMLI e-News) at publications@imli.org