



Wrong Hands on Deck?

Combating Piracy & Building Maritime Security in Eastern Africa

KARL SÖRENSON



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Sammanfattning

Den här rapporten undersöker hoten mot den maritima säkerheten i östra Afrika, hur dessa hot hanteras samt möjligheterna att bygga maritim säkerhet i regionen. Rapporten diskuterar tre aspekter av maritim säkerhet: ekonomisk säkerhet, statssäkerhet och mänsklig säkerhet. Medan det somaliska sjöröveriet, vilket för närvarande dominerar säkerhetsdiskussionen, i huvudsak bäst förstås som ekonomisk säkerhet, så har det implikationer även för stats- och mänsklig säkerhet. Andra illegala aktiviteter, så som smuggling av vapen och droger, olagligt fiske, sopdumpning och människosmuggling diskuteras också enligt dessa kategorier. Rapporten argumenterar för att ett ökat beaktande av samtliga illegala aktiviteter och deras bakomliggande orsaker skulle tjäna det internationella samfundets försök att bygga maritim säkerhet i östra Afrika.

Nyckelord: Somalia, sjöröveri, maritim säkerhet, östra Afrika, marinoperationer

Summary

This report investigates the threats to maritime security in Eastern Africa, the responses to deal with these threats and the prospects for building maritime security in the region. The report discusses three aspects of maritime security: economic security, state security, and human security. While the Somali piracy, which dominates the security agenda, is mainly an economic security problem, it has both state and human security implications. Other illegal activities, such as smuggling of weapons and drugs, illegal fishing, waste dumping and smuggling of humans are also analysed according to these categories. The report argues that paying more attention to all these activities; their underlying incentives and area of impact, would benefit the international community's current work to build maritime security in Eastern Africa.

Keywords: Somalia, Piracy, Maritime Security, Eastern Africa, Naval Operations

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Abbreviations

AIS	Automatic Identification System
AMISOM	African Union Mission in Somalia
APS	African Partnership Station
AU	Africa Union
AUC	African Union Commission
CMF	Combined Maritime Forces
EASF	East African Standby Force
GoA	Gulf of Aden
ICC	International Chamber of Commerce
ICPAT	IGAD Capacity Building Programme Against Terrorism
IGAD	Inter-governmental Authority on Development
IMB	International Maritime Bureau [of the ICC]
IMO	International Maritime Organisation
IRTC	Internationally Recommended Transit Corridor
MCE	Maritime Centre of Excellence
NATO	North Atlantic Treaty Organization
PAG	Pirate Attack Group
PSC	Peace and Security Council
PSD	Peace and Security Directorate [of the AU Commission]
PSO	Peace Support Operation
RMAC	Regional Maritime Awareness Capability
SALW	Small Arms and Light Weapons
TFG	Transitional Federal Government
TSF	Task Force
UIC	Union of Islamic Courts
UNODC	United Nations Office on Drugs and Crime
WFP	United Nations World Food Programme

1 Introduction

The waters off the coast of Somalia have been hazardous over the last two decades. During the 1990's the intensity of the Somali piracy varied from none to little more than a dozen reported incidents per year. In 2003 a new phenomenon occurred: ships were not only being attacked but also hijacked off the coast of Somalia. The practise increased and spread among different clans and groups in Somalia. With the increasing naval presence during the second part of the 2000's, the different bands of pirates adapted their tactics and employed larger vessels enabling them to expand their reach. In 2008, when the international community intensified its efforts, the pirates started to deploy even further out, into the Arab Sea and the Indian Ocean. The last two years have seen unprecedented levels of attacks and hijackings, indicating that several new actors are trying to take up piracy as an alternative way of earning an income.

Several states, both in the region and internationally, as well as international organisations, are presently involved in a range of counter-piracy operations in Eastern Africa. At the same time, the international community is growing increasingly aware that the maritime operations have limited impact on the drivers behind the piracy problem, and that they will not lead to any long-term solution as they do not address the root causes and economic incentives behind the piracy. In addition, piracy is only one activity which contributes to make the waters from Djibouti to Tanzania hazardous. Piracy deserves attention because it hampers trade and jeopardizes the lives and livelihood of both local and international seafarers. However, alongside piracy, the region grapples with a number of other criminal activities which together with piracy complicate the situation even further.

Just as with piracy, the international community is becoming aware of the unstable maritime situation in Eastern Africa, particularly in the waters between Yemen and Somalia. Presently there is a plethora of activities all aimed at enhancing the regional maritime security on Eastern Africa. Although there are many initiatives and ideas for a regional maritime build up, the prospects for quick progress appears bleak due to a low priority amongst African states for maritime issues, and uncoordinated partner engagement.

The threats to maritime security in Eastern Africa vary from piracy, illegal fishing and smuggling to trafficking and illegal waste dumping. However, the main focus of late has been piracy emanating from the situation in Somalia, which has also prompted different members of the international community to initiate various activities directed towards enhancing maritime security. This report aims at taking stock of the current security situation and the prospects for developing regional maritime capability to address the situation.

1.1 Background

The Swedish Defence Research Agency (FOI) has, on commission of the Swedish Ministry of Defence, undertaken several fact-finding trips to Djibouti, Ethiopia, Kenya, Oman and Seychelles to conduct an explorative interview series with government and partner representatives, regional organisations, centres-of-excellence, think-tanks and NGOs, on current and future developments related to peace and security in Eastern Africa. In addition, FOI sailed with SweHMS Carlskrona during a period when it was the Force Headquarter for the European Union's operation Atalanta. The interviews revolved around several issues, such as the emerging structures and capabilities for peace and security in Eastern Africa, and maritime security challenges in the region.

FOI has on previous occasion published reports and findings relating to the present situation on the Horn of Africa. Some of these might be viewed as complementary to this report and may be of interest to readers looking for a fuller understanding of the region's security challenges; *State Failure on the High Seas – Reviewing the Somali Piracy*¹, which examines the origin and workings of the Somali Piracy, *Somalia: Failed State of Nascent States-system*², which investigates the state of Somalia and the prospects for state building, *The Emergence of an Economic Equilibrium in the Gulf of Aden?*³, which discusses the economic aspects of the Somali piracy, *Yemen in Crisis – Consequences for the Horn of Africa*⁴ which explores the economic links between Yemen and the Horn of Africa and *Patchwork for Peace – Regional Capabilities for Peace and Security in Eastern Africa*⁵, which discusses the regional capability for peace and security. This paper will therefore bypass certain lines of arguments as they have been developed in further detail in one or several of the aforementioned reports.

1.2 Aim and Method

The aim of this paper is to explore the maritime security situation in Eastern Africa, with particular focus on the piracy incidents in the greater Gulf of Aden and the Somali Basin. Connected to this issue, prospects for building a regional maritime capability will be elaborated upon. The questions that the report asks

¹ Sorenson, K. (2008) *State Failure on the High Seas – Reviewing the Somali Piracy*, FOI-R--2610--SE <http://www.foi.se/upload/projects/Africa/FOI-R--2610.pdf>

² Haldén, P. (2008) *Somalia: Failed State of Nascent States-system*, FOI-R--2598--SE <http://www.foi.se/upload/projects/Africa/FOI-R--2598.pdf>

³ Sorenson, K. (2009) *The Emergence of an Economic Equilibrium in the Gulf of Aden?* FOI-S--3228--SE

⁴ Atarodi, A. (2010) *Yemen in Crisis – Consequences for the Horn of Africa* FOI-R--2968--SE <http://www2.foi.se/rapp/foir2968.pdf>

⁵ C. Hull, E. Skeppstrom & K. Sorenson (2011) *Patchwork for Peace – Regional Capabilities for Peace and Security in Eastern Africa* FOI-R--3048--SE <http://www2.foi.se/rapp/foir3048.pdf>

are: What is the threat to maritime security in Eastern Africa? What is the current response to this threat? What are the prospects for building maritime security in Eastern Africa?

In order to answer these questions, the report examines the nature and evolution of the piracy incidents and other illegal activities connected to the maritime security in Eastern Africa. It then continues by analysing the international naval intervention to combat the piracy as well as the international community's involvement to tackle the broader aspects of maritime security in the region.

The report relies on two main sources of information; statistical data coupled with explorative interviews, and first and secondary sources. Due to the fact that some of those interviewed hold sensitive positions in the political or military structures in the East African region, or have requested anonymity, the references do not disclose their names or locations. This is clearly a constraint, but a necessary one in order to be able to account at all for certain of the developments.

Further, this paper understands piracy and smuggling in Eastern Africa as economic driven activities. If the line of argument in this paper is to appear intelligible, the reader needs to appreciate the assumption that the actors behind these types of operations are motivated by the financial gains which they stand to receive if successful in their enterprises. The economic activities as drivers of the Somali piracy and smuggling have been discussed in earlier reports prepared by FOI.

Given that the economic incentives remain, credible disincentives, i.e. activities which impede the business, are of interests since this is what the naval operations as well as an enhanced regional maritime capability, at least in part, are meant to achieve. Thus, this report generally understands the counter-measures, which the region and the international community are attempting to dissuade the piracy and related activities with, as disincentives.

The statistics on piracy incidents used in this report are taken from the International Maritime Bureau (IMB) of the International Chamber of Commerce (ICC) which publishes reports on piracy and armed robbery on the high seas, referred to as ICC-IMB Piracy-Reports. There are other statistics available relating to the Somali piracy, most notably perhaps from the EU and NATO. However, this report relies only on the statistics from ICC-IMB when discussing piracy incidents. The choice of the ICC-IMB statistics over other sources is motivated by the fact that the ICC-IMB's records have longer time series than for example the two aforementioned. However, given this choice it is important to

point out that the ICC-IMB reports have been criticised with regards to the Somali piracy.⁶

With regard to economic costs associated with the Somali Piracy, this report relies on data from Oceans Beyond Piracy. Some of the costs presented by Oceans Beyond Piracy have been criticised for inaccuracy. This critique is not without relevance, but since Oceans Beyond Piracy captures the widest range of data on costs, and the current report is less concerned with costs per se and more with the relations between different costs associated with the Somali piracy, it relies mainly on Oceans Beyond Piracy data pertaining to costs.

1.3 Outline

This report starts by presenting the maritime situation in Eastern Africa in chapter 2 and 3. The report then continues by exploring the ongoing naval operations in chapter 4, to continue with a discussion regarding private initiatives to secure shipping in chapter 5. The regional prospects, initiatives and capabilities for maritime security in the Eastern African are presented in chapter 6. Finally, central findings and conclusions are presented in chapter 7.

1.4 Aspects of Maritime Security

It is beyond the scope of this report to more thoroughly discuss what we mean by *maritime security*, but it may help the subject matter of this report along to briefly touch upon some of the concepts which are associated with the term. Generally this paper examines maritime security as distinct from maritime safety. Hence, this paper is concerned with the part of maritime security which is connected to risks and threats originating from antagonistic activity. This means that maritime security as understood in this paper connects to, at least in part, to three other concepts; international security, economic security and human security on the seas. International security relates to what we commonly associate with security between states and state-actors. International security

⁶ One view is that there is a certain amount of over-reporting of piracy incidents in the ICC-IMB statistics relating to the years 2008-2010. This alleged over-reporting may be due to the international maritime guideline of best practices regarding the Somali piracy, which recommend seafarers who pass the waters off the coast of Somalia and in the Gulf of Aden to report any suspicious approaches in the vicinity. Because of the increased risk of attacks against ships passing the piracy-infested waters there is, allegedly, an increased eagerness to report perceived attacks, which might in reality only be an approach made by, for example, a local fisherman. Contrary to this critique the opposite has been argued, i.e. that there is a case of underreporting in the ICC-IMB statistics. This is supposedly due to some of the tuna-trawlers sailing in the Indian Ocean deciding not to report piracy incidents as it would give away their position to competitors. It is impossible to account for this alleged over/underreporting, but the reader should be aware of the critique.

connects, at least in part, to economic security which relate to the secure transfer of goods and services on the high seas. Thirdly, human security relate to the protection, or lack there of, of those travelling the seas^{7,8}. The Somali piracy might be said to connect to all of these concepts, whereas a concept such as terrorism is normally treated as a matter of state security and smuggling primarily is a case of economic (in)security. These instances of maritime security might be instrumental to keep in mind since we will try to reconnect to them as they all are relevant to the situation in Eastern Africa.

The aspects of maritime security might also be relevant when trying to build a secure maritime environment. Are the same kinds of structures needed when building economic security as when promoting human security? Arguably they both form part of a secure maritime surrounding. This report does not attempt to answer these questions, but rather hope to highlight the different aspects of the security situation in the Eastern African waters while investigating what is currently being done to promote maritime security.

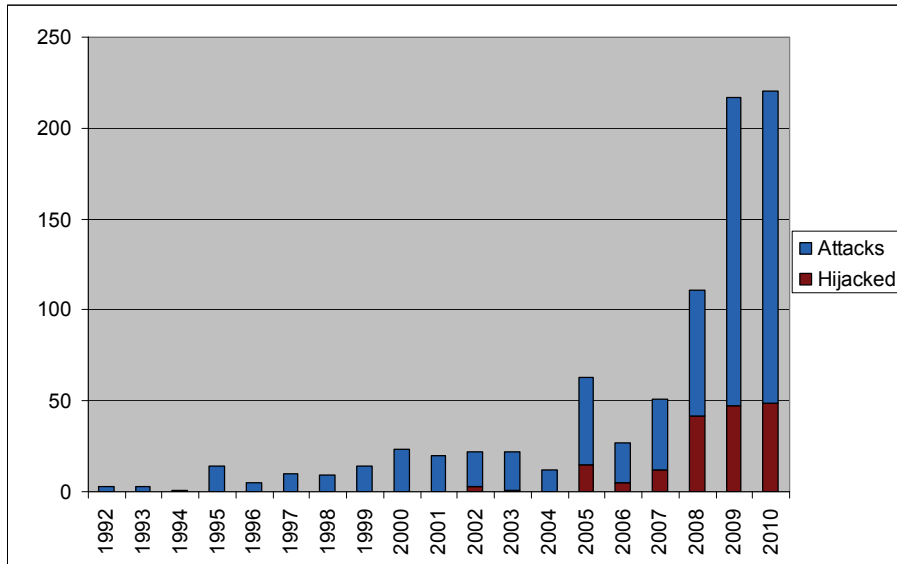
⁷ Hence, this report takes a more narrow view on human security than the traditional idea, which connects human security to the concepts of freedom from fear and freedom from want. These two concepts are here bypassed since they both are intimately associated to the United Nations Development Program's report from 1994, which omits the maritime arena. While it could be argued that the idea of freedom from fear is applicable to maritime security, in so far as people should not have to fear for their physical security because of antagonistic threats, the idea of freedom from want is somewhat lost when applied to maritime security.

⁸ These concepts' importance to maritime security are borrowed from Leos Müller's discussion regarding maritime security, presented at Stockholm Maritime Conference organised by Centre for Maritime Research (CEMAS) in January 2011

2 Piracy

Every year, an estimated 20,000 ships pass through the Gulf of Aden. As indicated by the compiled ICC-IMB statistics (below) piracy incidents in the Gulf of Aden and in the Somali Basin have been increasing. At the time of writing, there were 23 hijacked ships anchored off the coast of Somalia and 513 sailors held hostage.⁹

Diagram 1: Piracy incidents during the period 1992-2010.



Comments to piracy statistics:

- All statistics from the ICC International Maritime Bureau
- Hijacked according to the definition of the ICC-IMB
- Attacked = Every category except "Hijacked", see ICC-IMB piracy statistics for details

During the 1990's the intensity of the Somali piracy varied from none to around a dozen reported incidents per year. In 2002 the incidents gradually changed from being "mere" attacks to also encompass hijackings to a larger degree. The practise of hijacking the ships continued sporadically to 2005 when a significant increase was recorded. There are different views concerning the origin of the Somalia piracy and how it developed into the lucrative business that is today. One ad hoc view, which is held by many, is that the Somali piracy developed

⁹ As of 2011-05-03, Interview: International Representative 12

from disgruntled Somali fishermen. The perceived trespassing by international trawlers fishing in Somali waters, according to this view, prompted the Somali fishers to board foreign fishing vessels. These boardings eventually evolved into a “taxation” of the trespassing foreign fishers, a trend which evolved into including other types of vessels passing the waters off the coast of Somalia and in the Gulf of Aden. Once it was clear that money stood to be made, more and more actors were drawn to pirating passing ships. Eventually this practise became the more general phenomenon that the Somali piracy is today.¹⁰

There is however an alternative explanation which is of interest. The Norwegian researcher S. J. Hansen puts forth the idea that the Somali piracy is not so much a question of a tendency evolving into a practice, but rather practice designed by a small group of Somalis. After having interviewed Somalis in the Diaspora Hansen argues that the current business model of the Somali piracy was developed by the Hoboyo-Haradhere cartel, which in 2003 found investors and trained the current board-and-highjack technique.¹¹ In 2005, the cartel started to put this technique into regular practice, which also corresponds to when the hijacking started to occur more systematically. However, there was a breach in this practise in 2006, which had long lasting effects on the Somali piracy. In 2006, the Union of the Islamic Court (UIC) took control of much of the southern parts of Somalia and challenged the authority of the then sitting Transitional Federal Government of Somalia (TFG). The UIC quickly banned the piracy, a ban which they also enforced, with the effect that the pirate groups split up and retreated from their strongholds.¹²

However, the UIC attitude to piracy was to be short lived. The TFG asked for help from Ethiopia, which in late 2006 intervened and pushed back the UIC. The Ethiopian occupation did not focus on suppressing or even maintaining control in areas known to be pirate strong holds and the piracy resumed. However, now as the groups had been fragmented during the UIC period, it occurred in new geographical places. It is this brief period in 2006 during the UIC position in power that would explain the corresponding sharp drop in piracy activity.¹³

This explanation offered by Hansen is of interest as it would not only explain the sharp increase in 2005, but also put the decline in 2006 in perspective. Hansen’s theory is corroborated by the fact that known pirate groups during this time, i.e. 2004-2007 was dominated by the clans Majerteen and Saaid. However, because

¹⁰ This view has no clear advocate, but has been brought up during several of the interviews.

¹¹ Hansen, S. J. (2009) *Piracy in the Greater Gulf of Aden* Norwegian Institute for Urban Regional Research, NIBR 2009:29, p. 23

¹² *Ibid*, p. 27

¹³ *Ibid*.

of the Ethiopian intervention the piracy practise spread and soon came to transcend the clan pattern in Somalia.¹⁴

With the increasing naval presence during the late part of the 2000's the different bands of pirates adapted their tactics by employing larger vessels enabling them to also strike at greater distances than previously. In 2009, when the international community intensified its effort, the pirates started to deploy even further out, into the Arab Sea and the Indian Ocean. The last two years have seen unprecedented levels of attacks and hijackings, indicating that several new actors have taken up piracy as an alternative way of making a living.¹⁵

Map 1: Somalia.



¹⁴ Interview: International Representative 27

¹⁵ IMB Annual Piracy Report 2003-2009

2.1 Two Modus Operandi?

The Somali pirates have been seen using different sorts of tactics, or way to operate, and they have been active from Bab el Mandab in the north, to the Seychelles in the south and as far east as the eastern parts of Oman. However, the general behaviour is less diverse. Presently, the Somali pirates can be said to be operating in two different areas; the Gulf of Aden and the Somali Basin. The pirates seem to rely on what generally could be referred to as two different modus operandi. Moreover, these modus operandi, or tactics, appear to be quite distinct depending on where one encounters them. This does not mean that this is how the pirates have always operated, or that this is how they will continue to behave. It is important to underscore that the pirates have displayed a capacity to adapt their behaviour. The two tactics described below are relatively new. Earlier, i.e. up to year 2007, Somali piracy was mainly a coastal phenomenon. However, the last three years have seen quite large changes, not only with regards to the quantity of piracy incidents, but also to the way the pirates operate.

2.1.1 Piracy in the Gulf of Aden

One popular tactic, which has been used throughout, but that seems to have gained in popularity around 2004, is to attack ships passing through the Gulf of Aden. The basics of this tactic seems to be that the pirates put out in smaller types of boats, called *skiffs*, and if the moment is deemed opportune, attack a ship. Such an attack-group commonly consists of 2–4 small high-speed boats, or skiffs, with a crew of 3–6 individuals on each boat. Often one skiff takes the lead and acts as a spotter. The pirates then attempt a boarding (often by the use of ladders to scale the freeboards) and, if successful, more pirates are picked up under way to better control the hostages on board the hijacked ship. The hijacked ship is then taken to a safe harbour on the Puntland shore, beyond the control or reach of the international naval forces. Some of the known villages which have been used by the pirates are Eyl, El-hur, Haradhare, Hobyo and Bossaso. A ransom for ship, cargo and crew is eventually negotiated and finally exchanged. The pirate attacks which occur in the Gulf of Aden typically happen very quickly and it is difficult for the ships to take evasive action in time and for the naval forces to intercept the attackers as incidents happen so quickly and in relatively close quarters.¹⁶

This type of tactic seems to have been dominating among the northern pirate groups based in Puntland. On occasion the Puntland groups have commandeered larger vessels, such as fishing boats, to increase their endurance, but this seems to

¹⁶ BBC (18/09/2008) *Life in Somalia's pirate town*, <http://news.bbc.co.uk/2/hi/africa/7623329.stm>

be the exception. With the increased naval presence and better surveillance few incidents involving mother-ships have been reported in the Gulf of Aden area.¹⁷

The Puntland pirates, are, or at least were, seafarers which had other reasons to sail in the Gulf of Aden. The business connection to Yemen is important to Puntland and both legal and illegal actors travel between Puntland and Yemen on a regular basis. Hence, an actor working in the Gulf of Aden may not primarily be searching for a potential piracy target but rather be open to seize the opportunity if it presents self.¹⁸

2.1.2 Piracy in the Somali Basin

Another tactic employed by the Somali pirates is to set out from the Somali coast into the Somali Basin. Until year 2008 most of the more southern attacks occurred along the Somali coast, i.e. seldom more than 200 nautical miles out from the Somali coast, and often perpetrated by the same groups as the ones attacking the ships in the Gulf of Aden. However, since 2009 there is a trend that pirates have been deploying further out into the Indian Ocean using larger boats. This tactic typically consists of a larger boat, called a *whaler*, in which the pirates load fuel, ladders, ammunition, khat and water. Behind the whaler the pirates tow 2-3 skiffs, in which they deploy when coming upon a potential prey, this set-up is commonly referred to as Pirate Attack Group (PAG).¹⁹

The employment of the PAGs is a rather new phenomenon. Other pirate groups have also used mother-ships to enable further endurance, however, the occurrence of this specific set-up with one whaler and a couple of skiffs can only be traced back to the latter part of 2009, and seems to be a more popular approach among the pirate groups operating from the south of Somalia. The phenomena of the PAGs coupled with the fact that pirates caught in the Somali Basin by naval forces to a larger degree belong to different Somali clans indicates that new groups are turning to piracy. These groups are not necessarily seafarers by trade but have taken to piracy as it presents them with a possible income.²⁰ In addition, as some of the attacks occurred more than 600 nm from the Somali coast, they seem likely to have been committed as much in desperation as by design. Some of these so-called PAG-pirates have also been found ship-wrecked and it is believed that several PAGs have succumbed to the sea. Hence, these newer brand of pirates seem to spend more time in preparation,

¹⁷ K. Sorenson (2008) *State Failure on the High Seas – Reviewing the Somali Piracy*, FOI-R--2610--SE <http://www.foi.se/upload/projects/Africa/FOI-R--2610.pdf>

¹⁸ Interview: International Representative 17

¹⁹ Interview: International Representative 12

²⁰ Interview: International Representative 1

but are perhaps even more dependent upon luck than the older groups from Puntland as they can occur anywhere in the eastern parts of the Indian Ocean.²¹

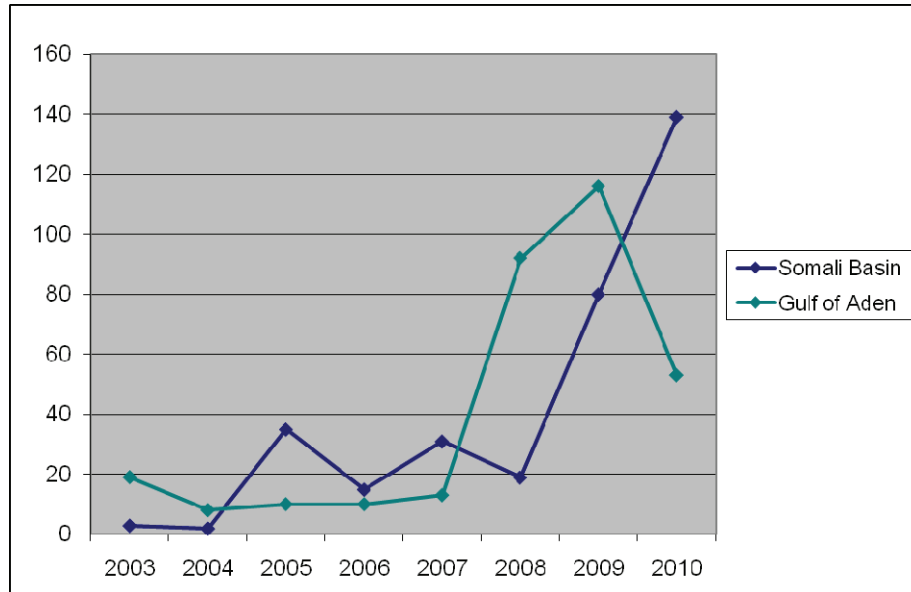
Unlike piracy in the north, the PAG-set up in the south use temporary bases along the southern Somali shore. These temporary bases are due to a lack of safe harbours in the southern parts of Somalia. However, it can also be seen as an indication of the need for a stationary place to muster crews, unlike in the north where able men are more readily available, because of its stronger connection to the maritime arena.²²

During the latter part of 2010 the Somali pirates also increased their reliance on hijacked ships to attack and attempt hijacking of other ships. The phenomenon has been used before, but then mostly by hijacking fishing vessels which are essentially larger than skiffs and whalers, but significantly smaller than a bulk carrier or tanker. This development has enabled the pirates to operate over an extended time and space. With a commandeered mother-ship the Somali pirates also have the added advantage of being difficult to intercept by the international navies as they are in control of a ship with both crew and cargo as hostage. Hence, these platforms are a valuable platform for the long range piracy. Another drawback for the pirates when operating hijacked ships as mother vessels is that they are dependent upon the ships skipper who will manoeuvre the ships for them as the Somali pirates in general lack the necessary skills to do so. The drawback for the Somali pirates with this technique is that the hijacked ship is only possible to use as a mother vessel with a significant number of skiffs intact as the ships themselves are too slow to be used in direct attacks on other ships.

²¹ Ibid

²² Interview: International Representative 12

Diagram 2: Relation between incidents in the Gulf of Aden and the Somali Basin



As seen in the graph the proportion of incidents between the Somali Basin and the Gulf of Aden has varied over time. As mentioned the pirates have been quite adaptive in their behaviour. In chapter 3 some of the naval operations' impact on the piracy will be discussed, which may shed some light on some of the drivers behind the changing behaviour of the pirates.

2.2 Incentives, Costs and Security

The question of why piracy has become an alternative way of making an income in Somalia is quickly answered. The money transferred to Somali pirates during 2010 has been estimated to around USD 230 million. For an economy which has been plagued by a 20-year civil war and which is largely controlled by local entrepreneurs, piracy is clearly lucrative. However, because of the longevity of the Somali piracy the incentives now also go deeper as the piracy earnings make up a part of the general Somali economy. Piracy has become a business in which one can invest and participate in.²³

²³ The Somali economy's relation to the piracy is more thoroughly discussed in earlier FOI product on Somali Piracy. K. Sorenson (2008) *State Failure on the High Seas – Reviewing the Somali Piracy*, FOI-R--2610--SE <http://www.foi.se/upload/projects/Africa/FOI-R--2610.pdf>

The real figures surrounding the Somali piracy are difficult to access. Somalia does not have an official economy and the sums of the ransom payments from the ship-owners to the pirates are normally not disclosed, however estimates of the figures involved has on occasion been made public. When the piracy was on the increase in late 2007 and during 2008 the ransoms averaged around USD 300,000 per ship. Of course larger ships or ships with especially valuable cargo could yield higher ransom payments. An example of this is the ransom paid for the Ukrainian ship *Faina* which was hijacked on 25 September 2008. The ship *Faina* carried a cargo of T-72 tanks and other heavy and light weapons allegedly destined for South Sudan.²⁴ The ship was released on 5 February 2009 for a USD 3.2 million ransom. This sum was perhaps atypical (in the same sense as her cargo) but belonged to the higher ransom payments in 2008. However, during 2009 the ransoms continued to increase. During 2010 the ransoms have continued to peak and sums as high as USD 9.5 million have been paid out to the pirates.²⁵

The report *Ocean Beyond Piracy* estimates that while the average ransom for 2005 was USD 150,000 the average ransom for 2010 was USD 5.4 million. This would mean that the total of ransoms paid during 2010 was USD 238 million. Of course the ransoms paid pale in comparison to the estimated total costs generated by the Somali piracy, which is estimated to somewhere between 7 and 12 billion dollars by the *Ocean Beyond Piracy* report.²⁶ Given the level of ransoms and that the amounts are increasing, it is easy, at least from a rational choice perspective, to see why the Somali piracy continues to remain a popular way to earn an income.

Given that Somali piracy is profit-driven, it is of interest of those engaged in it to preserve and expand their current business. The past four years' profits have also enabled the different piracy groups to build up important logistics, infrastructure and the intelligence structure necessary to sustain the practice over time. Most of the earnings from the Somali piracy do not stay in Somalia, but for a country with a shaky economic situation the gains that do linger in Somalia make a difference.²⁷

The Somali piracy is an interesting example of what Leos Mueller points to as the ambiguity of maritime security, since it captures some of the challenges when discussing maritime security. On the one hand, it is a question of economic security since piracy impedes the trade route through the Gulf of Aden and hence adds extra costs in the form of ransoms payments. These costs are in turn associated with delays for the ship-owners and companies involved. In addition,

²⁴ BBC (07/10/2008) *Hijacked tanks for South Sudan* <http://news.bbc.co.uk/2/hi/7656662.stm>

²⁵ Interview: International Representative 12

²⁶ *Oceans Beyond Piracy*, p. 2

²⁷ Interview: International Representative 5

there are extra costs connected to the general piracy problem emanating from Somalia as it affects ship-owners and companies indirectly by increasing insurance costs and adding extra costs on various security measures. The report Ocean Beyond Piracy estimates, by adding ransoms, insurance premiums, re-routing of ships, security equipment, i.e. costs which directly impacts the shipping community, to somewhere between USD 3.3 and 5.5 billion.²⁸ The total cost of the Somali piracy is therefore of significance to shipping business and trade, and it is by no means strange that the Somali piracy is viewed with concern by ship-owners who also are not directly affected by the Somali piracy.

On the other hand, the costs associated with the Somali piracy risks overshadowing the grave human security situation. At time of writing there were 513 sailors held to ransom by the Somali pirates. The hardship, in the form of abuse, poor hygienic conditions and malnourishment facing anyone being held by the pirates is perhaps better regarded as a human cost, and a question of human security. As we shall see in chapter 4 it is however the security mechanisms created to deal with state security which have become the primary tools against the Somali piracy.

²⁸ These costs are based on the report Oceans Beyond Piracy by discounting the costs for naval operation, prosecution, anti-piracy organisations and costs to regional communities, which together with the aforementioned costs make up what the report Ocean Beyond Piracy deem to be the total cost of the Somali Piracy. Oceans Beyond Piracy, p. 2
http://oceansbeyondpiracy.org/documents/The_Economic_Cost_of_Piracy_Summary.pdf

3 Other Illegal Activities

With regards to extent and costs, the Somali piracy dominates the maritime security challenge in Eastern Africa. However, viewed as an illegal activity taking place in the region it is but one amongst many. Smuggling, illegal fishing and waste dumping all occur to some extent in the waters off the coast of Eastern Africa.

3.1 Illegal Fishing and Waste Dumping

Illegal fishing and dumping of waste in Eastern African waters are not merely rumours, but do occur in the Somali waters. The alleged illegal fishing perpetrated by the tuna fishers stationed on the Seychelles and Mauritius have been an issue and sometimes framed as the first cause for the boarding of ships along the Somali coast.²⁹ However, due to increasing piracy and the dangers associated with being hijacked as well as the additional tasking of the European Union Naval operation Atalanta to report fishing activities, the frequency of trespassing fishing vessels into Somali waters appears to have lessened. In fact, reports that the tuna is now on the increase may corroborate these news.³⁰

Nevertheless, illegal fishing remains a potential problem as the yellowed back tuna, a much sought after food fish, is mainly found in Eastern African waters. One of the difficulties related to the illegal fishing is that none of the Eastern African states, with the possible exception of Mauritius and the Seychelles have any real capacity to monitor or report trespassing fishing vessels. This complicates the already controversial issue of fishing as much of the information on the extent of the fishing remains unknown. As indicated, the naval presence can and does play a role in decreasing this deficiency, but as it is not the naval operations' primary objective to impede illegal fishing, the issue remains unresolved.

Another issue associated with piracy is illegal waste dumping. The question of illegal waste dumping is complicated as it seems to have taken on a life of its own. To the extent of the knowledge of the author of this report, the issue is partly founded on two different occurrences which then have been entangled. The first issue goes back to the tsunami of 2004 when waste was washed up on the Somali shores. Some of the waste which was washed ashore was undoubtedly toxic. However, that this waste was deliberately dumped along the Somali coast is less clear. During the 1990's similar rumours occurred as well upon which the responsible authorities for the Mogadishu harbour undertook a fact-finding

²⁹ Interview: International Representative 27

³⁰ Interview: International Representative 6

excursion by letting divers investigate the marine environment along parts of the Somali coast. The divers did not find anything out of the ordinary.³¹ Moreover, the idea of illegally dumping waste in Somali waters would entail that ships with hazardous waste deliberately sailed up to the Somali coast to dispose of their waste. Far simpler for anyone interested in dumping hazardous waste would be to dump it somewhere in the middle of the ocean where the risk of detection would be considerably smaller than if sailing along any coast. Hence, the notion of deliberate waste dumping in Somali waters is not supported by any clear incentive which would make this practice of particular interest to anyone.

However, there is a case to be made that Somalia is involved in illegal waste dumping, but dumping ashore. There are several reports that have indicated that Somalia have been trading in importing waste since the mid 1990's. Allegedly, Italian and Swiss waste-management companies are to have entertained business deals with local leaders in Somalia. The waste is to have been imported from Europe to Somalia and then buried underground.³²

3.2 Smuggling of SALW and Drugs

The Somali conflict could perhaps be viewed as the nexus of many conflicts currently taking place on and around the Horn of Africa. In the southern part of Somalia, the Transitional Federal Government (TFG), backed by the African Union Mission to Somalia (AMISOM) and the international community, is fighting the Al-Shabaab militia. In the northern part of Somalia there are tensions between Puntland and Somaliland. The "cold war" between Ethiopia and Eritrea is partly played out in Somalia as both countries back different factions in Somalia. In addition, there is a long standing conflict between Somalia and Ethiopia over the Ogaden region in Ethiopia, which by many Somalis is regarded as a part of Somalia.

Because of the civil war in Somalia, both Kenya and Ethiopia try to keep a tight control on their borders to Somalia. This is not an easy task, especially for Ethiopia, since both the administrative as well as technical instruments are limited for an effective border control. As a consequence of the tensions in the area movements of goods across the borders, especially small arms and light weapons (SALW), are difficult to keep track on. In addition, the conflicts in the area make this sort of smuggling a lucrative business.

It is however not only SALW that are being smuggled in the region, but also other kinds of products. Some are harmless, but nevertheless smuggled in order

³¹ Interview: International Representative 27

³² Milton, C. (2009) *Somalia used as toxic dumping ground*, The Ecologist
http://www.theecologist.org/News/news_analysis/268581/somalia_used_as_toxic_dumping_ground.html

to avoid taxation. The much in demand narcotic drug khat is also traded in the region. As it is officially an illegal substance in some of the states in the region of Eastern Africa, the drug is smuggled. The khat trade also transcends the Eastern African region into Europe and the US.

3.3 Smuggling of Humans

In a special report from 2006, the Office for the Coordination of Humanitarian Affairs (OCHA) singles out Somalia as a hub from which refugees from the region transfer on their way to the Arab peninsula. According to the report tens of thousands of refugees from the Horn of Africa transfer through Puntland in Somalia to travel on towards Yemen. The report singles out Bossaso in Puntland as the centre for much of this smuggling activity.³³ This view is corroborated in a report from United States Department of State from 2008, which also underscores that the lack of a function government in Somalia enables the practices, which are described to be on the increase.³⁴ The problem seems to endure since the publication of these two reports.

The threats to the maritime security on the Horn of Africa vary from piracy, illegal fishing, dumping of waste, smuggling of drugs and SALW to smuggling of humans. Connecting it to our earlier discussion of what maritime security entails, the aforementioned problems seem to make up different parts of maritime insecurity. Illegal fishing can be viewed as an economic security problem, whereas the waste dumping seems rather to be a question of environmental security. The smuggling of SALW is on the other hand a state security related problem since many of these weapons are used to destabilise the region. The smuggling of humans is however clearly a question of human security. Hence, security problem in the maritime arena is quite diverse but the main focus of late has been the piracy emanating from situation in Somalia. It is the Somali piracy that has prompted different members of the international community to initiate various activities directed at enhancing maritime security.

³³OCHA *Human Smuggling and Human Trafficking in Somalia*

³⁴ *Trafficking of Persons Report 2008 – Special Cases – Somalia* (2008) US Department of State

4 The Naval Response

As indicated in the previous chapter, maritime security in Eastern Africa includes a broad range of issues, but currently piracy dominates the agenda of the international community. This is perhaps unfortunate as it tends to overshadow some important local problems. Nevertheless, given the costs associated with the Somali piracy to the vital transports passing the Gulf of Aden it is understandable.

In connection with the steady increase in piracy incidents it is important to discuss some of the aspects of the on-going counter-piracy operations in the greater Gulf of Aden and Somali Basin. The Somali pirates have shown time and again that they are well equipped to adapt their behaviour. Conversely, the operations constantly strive to adapt to the behaviour of the Somali pirates. This interaction is perhaps not strange, but it does display some peculiarities which might be interesting to discuss as it can help to explain some of the statistics.

Presently, there are three naval task forces on station. It is the EU NAVFOR Operation Atalanta, also known as Combined Task Force 465 (CTF-465), the NATO Operation Ocean Shield, known as Combined Task Force 508 (CTF-508) and the Combined Maritime Forces (CMF) operation Combined Task Force 151 (CTF-151). The size of each of these forces varies over time. During the monsoon season the number of ships can be reduced due to the harsh weather conditions that make it difficult to operate far out into the Indian Ocean – pirates and navies alike. In addition, the force flows to the different task forces have been uneven both in 2009 and 2010. However, a minimal number is always kept to ensure that each of these forces can keep at least two ships in the Internationally Recommended Transit Corridor (IRTC) in the Gulf of Aden. Operation Atalanta always keeps an additional ship available to provide close escorts for the United Nations World Food Programme (WFP), which brings food relief to Somalia and to the United Nations Support Operation to AMISOM (UNSOA), which is a logistical operation in support of the African Union's Mission in Somalia (AMISOM).

There is also another task force present, known as Combined Task Force 150 (CTF-150). CTF-150 is not a counter-piracy operation, but a part of Enduring Freedom which focuses mainly on fighting terrorism. In addition, there are bilateral responses, e.g. from India, China, Japan, Saudi Arabia, Russia, etc, which sometimes liaise with Atalanta, Ocean Shield or CMF.

The heavy naval presence in the greater Gulf of Aden is quite recent. In the end of 2008, the EU launched its operation Atalanta. The embryo to Atalanta was Operation Alcyon which focused only on the protection of the WFP-shipments to Somalia, some of which had been attacked by Somali pirates. The NATO

Operation Ocean Shield was initiated in 2008 and the CMF had been present for some time but was expanded during 2009.

4.1 Operational Development

Initially the force flow to the different task forces was uneven and focus lay on surveying the IRTC, and for operation Atalanta, to provide the WFP-ships with close escort.³⁵ During this period Somali piracy was mostly contained to the Gulf of Aden and the coast of Somalia. Due to the continuous increase in piracy incidents during 2009 despite the naval build up, the different task forces intensified their efforts to combat piracy. During 2009, focus lay mostly on the Gulf of Aden, but when the phenomena with the PAGs setting out from the southern coast of Somalia, the three task groups partly regrouped to better cover the Somali Basin areas as well. For the operations on station the operational concept has from inception been to detect, disrupt and deter the piracy.

Given the extent of the operation these concepts might be of interest to discuss since they might bring clarity to how the task forces operate.

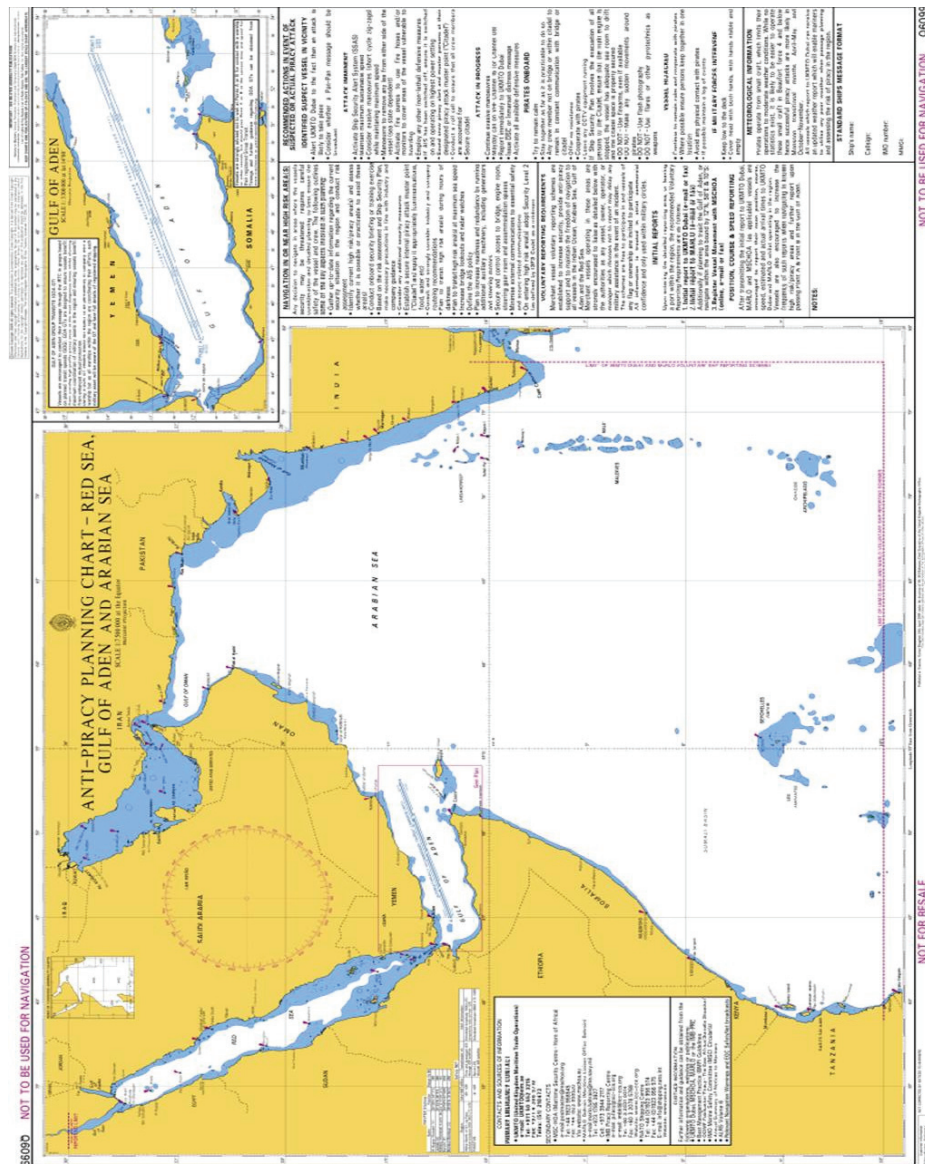
4.1.1 Detect, Disrupt...

Detecting piracy in the in the area of operation is a daunting task for the international navies. Currently the area of operation extends in the north from Bab el Mandeb through the Gulf of Aden down to the Seychelles and from the Kenyan coast to 65° E – an area roughly the size of the United States of America. Hence, to find a couple of skiffs is not easy. The naval operations have therefore become increasingly dependent on good surveillance - especially since the area of operation has been expanded on several occasions. Satellite imaging, surveillance aeroplanes, sensors on the ships and helicopters, all play an important role to maximise the operations' possibility to effectively detect. Just as with the other operational assets the surveillance platforms have are unevenly spread among the participants in the naval operations.

The importance of early detection has become increasingly acute as the new pirate groups started to deploy further into the Somali Basin. Since the naval operations are basically constabulary operations the law-enforcement element of the operations is greatly helped by good surveillance, as it furnishes the piracy-prosecutors with evidence, which might increase the possibility for convicting perpetrators.

³⁵ Interview: International Representative 12

Map 2: Chart over Operation Atalanta's area of operation. IRTC marked in GoA³⁶



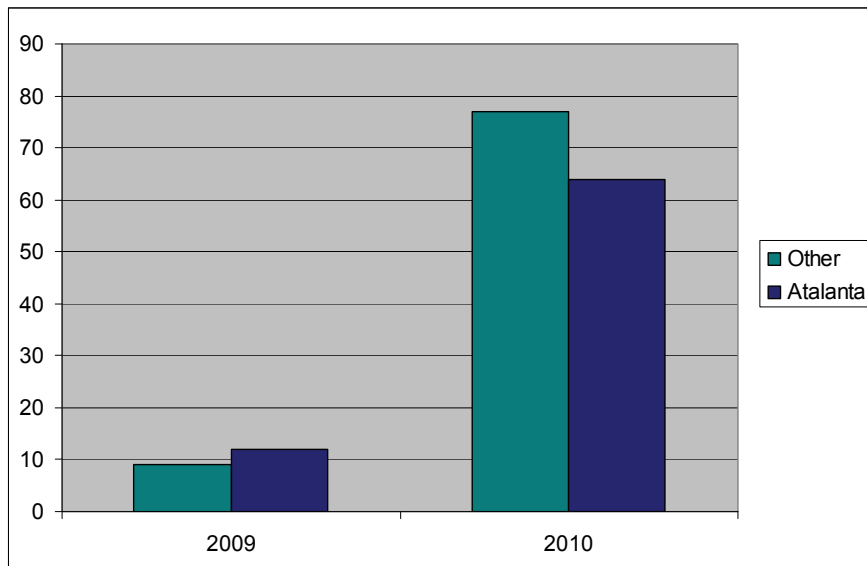
The practice of disrupting pirates is also partly related to the prosecution of suspected pirates as this concept entails the actual capture of suspected pirates. The disruption task involved several difficulties for the naval operations,

³⁶ EUNAVFOR, <http://www.eunavfor.eu/downloads/>

especially with regards to identification. It is not always easy to single out who might be a pirate with clear and unambiguous evidence so as to stop, board and destroy pirate equipment. Initially, the disruption of pirates focused on pirates during attack, i.e. when the pirates were on the verge on boarding a ship. This presented difficulties for the naval assets as the response time from a pirate alarm to an already successful boarding could be as low as 20 minutes. Given the distances, also in the Gulf of Aden, the time was often not enough to successfully intercept the attacking pirates. In addition, once a pirate vessel or PAG was captured during a boarding attempt the process of prosecution set in which risked tying up the naval asset that had captured the suspected pirate vessel(s).

However, with the increase of naval components on station and the ever increasing piracy during 2009, the naval task forces started to disrupt suspected pirate vessels at an earlier stage, i.e. when the pirates where searching for a potential prey. Once a suspected pirate vessel is deemed to carry equipment meant to be used for piracy the PAG is stopped and equipment such as ladders, weapons and extra fuel is destroyed, and the suspected pirates instructed to go back to where they put out from.

Diagram 3: Count of disrupted PAGs by the naval operations.



- *Figures for 2010 account only for the two first quarters (January-July)*
- *Statistics from the EU NAVFOR Operation Atalanta Operations Headquarter*

As indicated by the statistics above the disruptions of suspected pirate vessels increased during 2010. This increase is due to the change in tactics from the

naval operations to target suspected piracy vessels at an early stage. The effectiveness of this practice can be discussed as piracy during 2010 was more or less constant in comparison to 2009. But, it could well be argued the other way around, i.e. that if this change in tactics had not been put in place the Somali piracy would have increased even more during 2010.

4.1.2 ...and Deter

For the various navies patrolling the area, deterring the Somali pirates seems to be difficult. Deterrence relies on the psychological factor that the threat one poses is, or appears to be, credible. Hence, deterrence is a complicated concept since it is dependent upon the threat not only creating enough disincentives, but also that these disincentives are well communicated to the opponent.³⁷

The concept of deterrence carries with it another difficulty and that is how one evaluates its effectiveness. Statistics regarding piracy seem to indicate that there is very little correlation between intensity of counter-piracy operations and a reduction in the number of piracy attacks. For example, a year like 2007, when there were no counter-piracy operations in action, had fewer attempted piracy attacks than 2010, when there were several naval patrol vessels on station. In fact, one could argue that there is even a positive correlation, i.e. there have never been as many piracy incidents as when the international naval components have been present. This would perhaps be an unfair argument because, just as in the case with the disruptions, it could be argued that there would have been even more piracy attacks if the navies had not been present at all. However, it does say something about the element of deterrence. The idea behind deterrence in this particular case would be that the naval presence created such a threat to the pirates that it shook their belief in piracy as a possible mean to riches, and abandoned it to pursue other activities. It is from the statistics very difficult to arrive at a conclusion where it seems like that the Somali pirates' feels threatened by the naval presence.³⁸

4.2 Legal Issues³⁹

As indicated there are several complicated issues relating to detaining, arresting, convicting and imprisoning suspected pirates. Presently the naval operations' legal framework rests upon several documents. United Nations Security Council Resolutions (UNSCR) 1814, 1816, 1846 and 1851 are the international documents which mandate the operations on station. The UNSCR 1814 (in

³⁷ T. C. Schelling (1960) *The Strategy of Conflict*, Ch. 1-2

³⁸ See statistic on page. 14

³⁹ The author wishes to underscore that he by no means is an authority on legal matters and hope that the reader will bear this in mind when reading this particular section.

particular) refers to the United Nations Convention on Law of the Sea (UNCLOS) with regard to the definition of piracy and armed robbery on the high seas. In addition, each state participating in the naval operations, act under the jurisdiction of their own national laws and the rules of engagement for the operation they are serving in.

In spite of the many legal documents mandating the naval operations there seem to be several legal gaps, or questions, which complicate the operations. One such difficulty, which relates to the apprehension of suspected pirates, is that the states participating in one of the naval operations operate partly under the Rules of Engagement (RoE) of that operation, and partly under national laws and constraints. This has led to a situation where engaging suspected pirates is as much a question of the limits of the operation (i.e. the RoE) as it is of the state that the ship comes from (national legislation). As a consequence, some states let their vessels “chop-out” of the operation, i.e. leave the operation temporarily in order to operate under national legislation and thereby ensure greater freedom of responses. Hence, it is often important under which flag a naval vessel is when a complicated situation occurs, e.g. a boarding in progress.

In general, boardings under way seem to be notoriously difficult from a legal perspective. Before dispatching a team of Special Forces to intercept pirates in the midst of hijacking a ship, several approvals are needed; the approval of the commander of the operation, a national approval (depending on the state) and an approval from the flag state of the hijacked ship. The first complication, can at times be side stepped by, as described above, chopping out of the operation, but the latter, the approval of the flag state has at times proved to be difficult to obtain.⁴⁰

In support of the naval operations’ efforts to apprehend suspected pirates there are several regional initiatives to build capacity to try and convict suspected pirates. Financed by the EU, the United Nations Office on Drugs and Crime (UNODC) run a counter-piracy programme in the Eastern Africa with the objective to enhance the region’s capacity to try, convict and imprison pirates. So far, Kenya and the Seychelles have been the most active within the UNODC-programme. The programme, which is extensive, encompasses training in modern investigation procedures for the naval operations, education of prosecutors and judges and renovation of the prison facilities. The long term objective of the UNODC’s counter-piracy programme is, however, to establish the necessary means for trying, convicting and imprisoning pirates in Somalia. As an example of the latter the UNODC has helped to build two prison facilities in Puntland and Somaliland.⁴¹

⁴⁰ Interview: International Representative 12

⁴¹ UNODC Counter-Piracy Programme – Support to the Trial and Related Treatment of Piracy Suspects, Issue Two: March 2010

Taken together, the legal gaps, the practical difficulties regarding gathering and securing of evidence for individuals suspected of piracy and the current low capacity in the region, have led to a situation where many of the states participating in the naval operations have resorted to national law. As a consequence, individuals suspected of piracy have, on several occasions, been brought back to the state that apprehended them for the legal procedures. For example, on April 5, Dutch Special Forces responding to a distress call from the German cargo ship MS Taipan caught ten Somalis, allegedly in the midst of trying to hijack the ship.⁴² The pirates were intercepted and taken to the Netherlands from where they were extradited to Germany to stand trial, facing up to 15 years imprisonment. If convicted, the pirates have the possibility to seek asylum in Germany once they have served their sentences.⁴³ This example is not uncommon regarding how states have tried to solve the legal issues pertaining to apprehended suspected pirates.⁴⁴

This possibility to seek asylum for suspected pirates transferred to Europe and the US, have had the effect that many states participating in the naval operations, hesitate on which approach against piracy is the most appropriate. On the one hand, transferring suspects to Europe or the US might be more secure from a legal stand point, but entails the possibility of asylum-seeking – something that sends a mixed signal regarding the crime of piracy. On the other hand, the alternative, to turn to the region for the legal procedure may entail other legal complications.

The possibility of seeking asylum adds an additional complication for the naval operations, since what should have been a punishment ultimately becomes another incentive for piracy. Connecting the legal difficulties in detaining and arresting suspected pirates to our previous discussion on deterrence, the legal situation shed some light on why, at least in part, it is difficult to deter the Somali piracy.

4.3 Long-term Effects

After two years of an unprecedented high level of naval presence it is difficult to evaluate the effect the operations have had. The statistics show that the level of attacks has increased in 2009 and 2010, in spite of the naval presence and the growing number of impeded PAGs.⁴⁵ However, a more detailed examination of

⁴² Der Spiegel Online (14/04/2010) *Somali Pirates Could Face Trial in Germany*
<http://www.spiegel.de/international/world/0,1518,689035,00.html>

⁴³ Reuters (22/11/2010) *Somalis Charged with Piracy go on Trial in Hamburg*
<http://af.reuters.com/article/worldNews/idAFTRE6AL49720101122>

⁴⁴ There are several other cases similar to the MS Taipan-case, e.g. both France and the US are also in the process of trying suspected Somali pirates.

⁴⁵ See statistics p. 28

the statistics indicate that although there were more attacks in 2009 and 2010 than before, the success rate of pirates seems to be lower, i.e. the hijackings tends to be approximately the same for 2009 and 2010 as for 2008. This would indicate that the pirates, although more ambitious in 2009 and 2010 than in 2008, are less effective. A more plausible alternative explanation is that there are new actors in Somalia willing to try piracy as an alternative mean of income. Although there is no clear causal relationship between the naval presence and the pirate operations, there might be a correlation since the success rate in 2009 and 2010 is lower than in 2008.⁴⁶

The international community is growing increasingly aware that naval operations have limited impact, especially on establishing a credible deterrent against the Somali pirates. An alternative way, which still waits to be more thoroughly explored, is addressing the drivers behind the piracy problem, as the naval operations cannot and will not confront the root causes and economic incentives for piracy. In the short-term, the international maritime presence appears to achieve temporary security effects, especially with regard to the WFP shipments upon which the famine-struck parts of Somalia rely. In addition to having limited impact on the piracy problem the naval operations are very costly. The Oceans Beyond Piracy study group estimates that the naval operations alone costs around USD 2 billion a year.⁴⁷

Connecting to the discussion on maritime security it can be of interested to note that the naval assets presently operating in the area were once developed in a state security context, i.e. to promote the security of the European and western states during the cold war. Constabulary tasks to protect sea lines of communications are a task which traditionally has been carried out by the navies in the western hemisphere, but faced with the security setting in the Gulf of Aden and the Somali Basin they are insufficient. E.g. tools for securing evidence are lacking and the crews do not have the skills to apprehend and interrogate according to legal procedures. Hence, when applied in a different security context, where promoting economic and human security – a task that normally would have been delegated to a coast guard – it is perhaps not strange that the navies in part fall short of addressing the maritime insecurity in Eastern Africa. In the end, the naval operations presence is necessary to promote local security relief, but they remain insufficient to address the maritime insecurity.

⁴⁶ ICC IMB Annual Piracy Report 2003-2009

⁴⁷ Oceans Beyond Piracy, p. 2

http://oceansbeyondpiracy.org/documents/The_Economic_Cost_of_Piracy_Summary.pdf

5 Private Initiatives

With increasing piracy in the waters off the coast of Somalia and in the Gulf of Aden the ship-owners and ship-merchants have increasingly come to turn to commercial security service providers for help with voyage planning, protection of the vessels and, if needed, payment of ransoms. As the security service providers are a very heterogeneous group, both with regard to type of service provided as well as type of response, this chapter only gives a brief outline of the general situation and the issues with more immediate bearing on the maritime situation.

Over the last three-four years, ship-owners and skippers have increasingly come to review their security measures. From relatively moderate security awareness amongst ship-owners, the growing Somali piracy has prompted new counter-measures as well as a review of current security management within the shipping community. As mentioned, the Somali piracy has not only added to the expenses in the form of extra costs associated with ransom-payments, but also with regard to delays of the hijacked ships and increased insurance costs for the ship-owners and companies involved. An additional mean to try to come to turn with the increased risk when travelling the Somali piracy waters is to increase the security of the ship itself.

5.1 IMO Recommendations

The trend of increasing ship-security is not something that ship-owners have initiated on their own, the International Maritime Organisation (IMO) has for some time issued recommendations to seafarers travelling the waters of the Gulf of Aden and the Somali Basin. The increasing piracy has however prompted the IMO to issue stronger policies regarding the Somali piracy in particular: one such document, sponsored by the IMO, is the Best Management Practice, entitled *BMP3 – Piracy off the Coast of Somalia and Arabian Sea*, relating best practices for vessels transiting the Gulf of Aden and the Coast of Somalia. The BMP3 issues recommendations regarding company planning, master's planning and voyage planning, for ships travelling the piracy waters.⁴⁸ The idea is that an adherence to the IMO recommendations, which include that ships liaise with the naval operations in the area, will provide for a more secure passage through the piracy-infested waters.

As mentioned, the commercial security services' provide different sorts of solutions, but many of them offer management on how to implement some of the

⁴⁸ See BMP3 for details regarding recommendations on: http://www.secure-marine.com/bmp3/bpm3_pdf.pdf

IMO recommendations from voyage planning, to protection of cargo, crew and the vessel itself. The levels of service vary, from general consulting to advisory directly on board ships transiting dangerous zones. In connection to these services some of the security providers also offer technical solutions such as specially made water hoses, acoustic devices, barbed wire, night vision equipment, construction of safe-rooms (so-called citadels), etc. Other services also provide hostage negotiation management up to safe ransom payments, when a ship has been hijacked. Some ship-merchants now also offer security consultancy for their clients, as there is an increasing demand from the shipping community how to best protect their investments.⁴⁹ The report *Oceans Beyond Piracy* estimates that security equipment alone costs the shipping community something between USD 360 million to USD 2.5 billion.⁵⁰

Connecting back to our previous discussion on deterrence, it could be argued that so far, the most credible deterrent seems to be the arrangements made by the potential targets, i.e. the ships passing the Somali waters. Barbed wire along the side of the ships, water-hoses, high speed and coordination with the naval taskforces seem to create a local deterrent in so far as denying the pirates an easy prey. However, given the desperate situation of some of the pirates adrift several hundred nautical miles away from the closest shore, this too might not always suffice as the only lifeline for the pirates might be to attempt a boarding regardless of the odds. Moreover, even ships which take all the necessary precautions have fallen victims to the Somali pirates.

A risk-aware behaviour from ship-owners has also the added benefit of allowing the naval forces in the area to focus on enduring operations, such as patrolling the IRTC and performing focused operations to intercept pirates setting out from the Somali coast, rather than ad hoc distress responses.⁵¹ Although active security awareness and adherence to the IMO recommendations certainly seem to lessen the risk of falling prey to a pirate attack, it is no guarantee.

5.2 The Use of Weapons

While many ship-owners and skippers do adhere to most of the IMO recommendations, some choose to deliberately ignore certain recommendations. One such an example is the commercial tuna trawlers, which often do not report their location to the naval operation and switch off their Automated Information System – both in breach with IMO recommendations.⁵² This is mainly due to the fact that public knowledge of a fishing vessel's position might reveal to other

⁴⁹ Interview: International Representative 17

⁵⁰ *Oceans Beyond Piracy*, p. 2

http://oceansbeyondpiracy.org/documents/The_Economic_Cost_of_Piracy_Summary.pdf

⁵¹ Interview: International Representative 17

⁵² Interview: International Representative 10

fishers where fish can be found, thus leaving competitors with important information regarding a shoal's location. However, since the fishers feel that they cannot reveal their position it also leaves them more vulnerable to pirate attacks. As a consequence, many of the fishers place armed guards on board their vessels to provide a stronger level of protection.⁵³

Perhaps the most controversial issue pertaining to enhanced ship-security is the question of armed guards. Some commercial security providers do offer armed guards to the shipping community, but far from all ship-owners choose to place armed guards on board their ships. For some owners it is a question of policy, as they feel that the legal and insurance issues associated with weapon on board their ships are not sufficiently investigated, whereas others seem to have more practical reasons for not placing armed guards board.⁵⁴

The influx of armed guards on board the ships increases the risk of escalation of the level of violence and use of force. It shifts the use of force from being a unified response from the navies in the area, to anyone travelling the high seas. As the decision to use force in these circumstances is made locally, without accountability, one can assume that the risk goes up. It does not mean that an escalated situation will be an automatic effect of more weapons in the area, but that the risk of it is increased since the principle of practicing proportionality in the use of force will be distributed to several actors rather than a limited number. Hence, the question of escalation depends upon the conduct of those who choose to use armed personnel (discounting the part the pirates play themselves). Presently the use of armed guards can be associated with what could best be described as attitudes to risk. Many ship-owners who use armed guards rely on a multitude of counter-measures to deter and detect potential piracy attacks, where an inner layer of armed guards are used as a final line of defence. In such a context armed guards will not per se increase the risk of escalation as the general vigilance of the ship is primed to avoid attacks in general. Because the other counter-measures also give the skipper time to report an imminent attack, the use of force can also be coupled with some accountability, assuming the incident is first reported. However, other ship-owners rely exclusively on armed personnel as their only counter-measure. In the latter case, the probability of actually having to engage pirates increases since there is neither any early detection nor any visible deterrent in place. In addition, it will be very difficult to hold anyone accountable for the use of force. Hence, the risk for a general escalation in violence is found not only in the presence of weapons, but whether weapons are used in combination with other counter-measures and accountability, or if it is employed as the only mean to avoid a suspected attack.

⁵³ Interview: International Representative 1

⁵⁴ Interview: International Representative 6

5.3 Who's Security?

Adding up all the costs which directly impacts the shipping community, the report Ocean Beyond Piracy estimates, by adding ransoms, insurance premiums, re-routing of ships, security equipment, to somewhere between USD 3.3 and USD 8.8 billion.⁵⁵ This means that the bulk of the total economic cost associated with the Somali piracy, which is estimated to between USD 7 and USD 12 billion yearly, is carried by the shipping community. An apparent problem for the community is that it has difficulties coming up with a unified response. Organisations such as IMO can issue policy documents and lobby for greater harmonization in responses, but ultimately it is left up to the ship-owner which counter-measures to implement and which risks to take. So far, the shipping community has been looking at the international community with its navies for an increased response to the Somali piracy. However, given the current trend of large naval detachments in the area and several initiatives to increase the region's own maritime awareness, the international community is running out of options. Although the shipping community and the international community are increasingly collaborating on matters related to security and naval operations' priorities, local and regional options for greater maritime security remain unexplored.

Although the economic costs dominate the piracy question, an issue which is often overshadowed is the aspect of human security. The Somali piracy is beginning to impact sailors and skippers attitude to sailing in the vicinity of Somalia. Although the general risk of being hijacked can be consider as fairly low, 49 ships hijacked in 2010 out of 20,000 passages through the Gulf of Aden, the psychological impact cannot be neglected. The distressing stories of maltreatment from the many sailors who have been held to ransom and released are starting to impact the sailor community's willingness to transit the area. In addition, some ship-owners express a concern over the shortage of able skippers, as many are traumatised or not willing to risk transits. This might also impact shipping. The cost to human security is not as easily measured as other costs associated with the Somali piracy, but it may come to the price of decreasing willingness and demands for higher compensation.

⁵⁵ Oceans Beyond Piracy, p. 2
http://oceansbeyondpiracy.org/documents/The_Economic_Cost_of_Piracy_Summary.pdf

6 Regional Maritime Security

Presently, there are regional initiatives directed towards maritime security issues, but most are still in a policy formulation phase with far to go before implementation. There are several organisations, states and other stakeholders currently working to bring the region together and focus on maritime security, including a wide range of initiatives aimed at enhancing the regional maritime capabilities on the Horn of Africa. Although there are many proposals and ideas for a regional maritime enhancement, the majority of the prospects are still sketchy in outline and facing an uncertain future. However, on a conceptual level there are possibilities for more immediate progress regarding increased cooperation and information sharing.

6.1 Inventory

6.1.1 The Djibouti Code of Conduct

In 2009, a meeting convened by the International Maritime Organisation (IMO), adopted the *Djibouti Code of Conduct*. Through this accord, nine states⁵⁶ from the Western Indian Ocean, Gulf of Aden and Red Sea areas agreed to help addressing the problem of piracy and armed robbery against ships off the coast of Somalia and in the Gulf of Aden. The Djibouti Code of Conduct remains a core policy framework in the East Africa region and is perhaps the most important document in this field as it sets the level of cooperation in the region, and most initiatives now underway subscribe to it. Some important elements include:⁵⁷

- Cooperation in the arrest, investigation and prosecution of persons suspected for committing piracy, to seize suspect ships, and to rescue ships, persons, and property subjected to acts of piracy.
- Exploration of the prospects of shared operations, e.g. by nominating law enforcement or other authorized officials to partake in an operation conducted by another signatory.
- Establishment of national focal points for piracy and the sharing of information relating to incidents reported.

⁵⁶ The Djibouti Code of Conduct is open for signature by the 21 countries in the region, of which Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, United Republic of Tanzania and Yemen, signed it during the conference. As a result, the Code of Conduct is effective as from 29 January 2009.

⁵⁷ IMO website, Djibouti Code of Conduct:
<http://www.imo.org/OurWork/Security/PIU/Pages/DCCoC.aspx>

- The use of piracy information exchange centres in Kenya, Tanzania and Yemen, in the regional Maritime Rescue Coordination Centre in Mombasa, the Sub-Regional Coordination Centre in Dar es Salaam, and a regional maritime information centre being established in Sana'a.

6.1.2 Contact Group on Piracy off the Coast of Somalia

The Contact Group on Piracy off the coast of Somalia was created in January 2009 and is an ad hoc forum for states, organisations and industry which have an interest in combating the Somali piracy. Presently around 60 countries and several international organizations participate in the Contact Group on Piracy, some of which include the Arab League, the African Union, the European Union, the International Maritime Organisation, the North Atlantic Treaty Organisation, and various departments and agencies of the United Nations.⁵⁸ Hence, the Contact Group on Piracy functions as an umbrella organisation to promote coordination for those involved in combating the Somali piracy. The Contact Group is divided into four so-called working-groups:⁵⁹

- Working Group 1 is working with the military and operational coordination and focuses on force generation and capacity building. It is chaired by the UK.
- Working Group 2 works with judicial issues and deterring the Somali piracy and is chaired by Denmark.
- Working Group 3, chaired by the US, is working with the commercial shipping community, by strengthening self-awareness and other capabilities.
- Working Group 4, works with communication and public information regarding the damage being done by the Somali pirates. Some of its work is also directed to Somalia. This group is chaired by Egypt.

6.1.3 United Nation's Office for Drugs and Crime

Some implementation activities exist, under the auspices of the United Nation's Office for Drugs and Crime (UNODC). Since 2009, the UNODC staff in Nairobi work according to four pillars; policing, prisons, prosecution and court/judiciary. They identify an area of concern and engage it, in order to build it up. So far the UNODC is cooperating with the Kenyan authorities where the bulk of the work

⁵⁸ US Department of State, Contact Group on Piracy off the Coast of Somalia:
<http://www.state.gov/t/pm/ppa/piracy/contactgroup/index.htm>

⁵⁹ Interview: International Representative 32

has been focused on the Shimo Le Tewa prison in Mombasa, which currently holds 100 pirates, ten of which have been convicted. Under the auspices of UNODC the prison has been renovated and brought up to standard. The UNODC has also held workshops with judicial personnel to enhance the regional awareness on piracy legislation.⁶⁰ In 2009, it provided the funds for an NGO to engage *Avocates du Monde* as defence attorneys for pirates who were due to appear in court. In addition, the UNODC has assigned a chief magistrate to review each judicial process, in order to counter possible corruption. It has also facilitated communication between the EU Operation Atalanta and the Kenyan authorities to harmonise enforcement efforts with Kenyan laws. To this effect, the UNODC has provided a “best practises” to operation Atalanta, which according to UNODC representatives is starting to have effect. The UNODC also works in cooperation with the government of the Seychelles which also allows a court to try and convict suspected pirates. However, the Seychelles have made it clear that they are not willing to imprison convicted pirates. To this end the UNODC has, in cooperation with the Puntland and Somaliland authorities as well as with the Transitional Federal Government of Somalia (TFG) built two prisons in Somalia, to enable imprisonment of convicted pirates.⁶¹

6.1.4 The African Union’s views on Maritime Security

The African Union is undertaking parallel initiatives aimed at enhancing maritime security in general, but progress is staggering. In part driven by partner initiatives, the AU has recently initiated two strands related to maritime security. The first is handled within the African Union Commission (AUC) peace and security directorate (PSD), aiming at formulating a maritime strategy for the African Peace and Security Architecture (APSA). The other rests with the AUC Department of Infrastructure and Energy, and takes on a broader scope of maritime transportation safety and security for the waters around the continent. The latter held a conference in Durban in mid October 2009, during which it was agreed upon by the AU member states to:

- Adopt a Maritime Transport Charter (AMTC);
- Develop strategies for the use of maritime ports as well as maritime safety, security and protection of the maritime environment; and
- Update the Maritime Plan of Action to further develop maritime transports in Africa.

According to analysts and political officers in the region, the AUC PSD work is progressing very slowly and it seems like partners to the AU are looking to the

⁶⁰ Interview: International Representative 30

⁶¹ Interview: International Representative 4

Department of Infrastructure and Energy initiative for any development on the maritime arena.⁶²

6.1.5 The EASF Maritime Study Group

The Eastern Africa Standby Force (EASF⁶³) maritime study group has emerged as a possible forum for discussions pertaining to maritime security in the region. On authorisation from its Council of Ministers, the EASF has recently made a comprehensive study on the possibility of enhancing regional maritime security through a ‘maritime pillar’ of EASF. Covering military assets of the member states, as well as of ports and other maritime facilities, the preliminary findings point to a severe lack of maritime capabilities in the region. Nevertheless, for a future maritime pillar, several potential tasks are suggested, *inter alia* maritime security (including counter-piracy operations and coast guard functions such as fishery protection and anti-smuggling operations), maritime support to peace operations, disaster response and management, and search and rescue missions. The final conclusions are still pending, and it is not clear whether the recommendations will point to the EASF mechanism to be used to develop and maintain assets for these tasks. This hesitance is justified, since besides being a costly project, a standing maritime component runs the risk of straining scarce resources. In addition, the EASF Coordination Mechanism (EASFCOM) has a single-programme mandate directed towards building the East Africa component of the African Standby Force (ASF) for Peace Operations, and day-to-day maritime tasks outside that scope may also be considered outside current mandate. The study group, which is supported by the Nordic Advisory and Coordination Staff (NACS) with Norway as the framework nation for maritime issues, has emerged as a possible forum for regional discussions.

The EASF comprehensive inventory point to a severe shortage of ‘blue water’ capacity in the Eastern African region. Most states in the region have very small (or non-existent) navies with limited resources, consisting of smaller patrol vessels with limited endurance and reach, designed to manage port security. Even Sudan and Kenya, with relatively advanced fleets, lack blue water capacity with sufficient endurance for patrolling the high seas. Some recent capacity development examples include:

- Kenya has committed itself to develop its maritime assets, by boosting its Navy and Customs Authority. By adding components with better endurance, Kenya hopes to be able get the reach into the Somali Basin.

⁶² Interview: International Representative 31

⁶³ EASF was formerly known as EASBRIG, i.e. the East African Standby Brigade but changed its name to EASF in 2011.

- By enforcing the Custom Authority, Kenya hopes to promote a higher level of maritime security within its own borders.
- France has trained the Djibouti coast guard; participated in the Regional Maritime Awareness Capability (RMAC) training and donated a small landing craft to the Djibouti Navy.
- Uganda has provided training to Somalis to form a port security team in Mogadishu.
- Considerations of hardware support (i.e. ships) from partners to East Africa exist, but several naval officers and analysts have pointed out that the lack of basic seamanship skills may render such support inefficient and unsustainable.

6.1.6 The Inter-governmental Authority on Development (IGAD)

The Inter-governmental Authority on Development (IGAD) has yet to launch any formal steps in the maritime security domain and there are no signs that it would be refocusing to matters concerning maritime safety and security. However, the IGAD Capacity Building Program against Terrorism (ICPAT) is under consideration for expansion and incorporation into the general structures of IGAD, and the expanded programme includes maritime-related issues such as piracy, economic crime and arms-smuggling. As in the case of ICPAT – which was focused on the legislative matters pertaining to counter-terrorism – the new organisation would potentially review legislative areas of cooperation in maritime matters. IGAD facilitate and participate in high level meeting on maritime security with its members (Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda) as well as with the Southern African Development Community (SADC) and East African Community (EAC). As the expansion presupposes a due political process before it can be implemented, IGAD will unlikely make any major breakthroughs in the maritime area in the short-term. However, if the expanded programme can be made as effective as the ICPAT program, it may prove valuable in areas confined to legislation. In order to make progress, member states – in particular Ethiopia and Kenya – must be in agreement. In addition, partner countries and organisations, like the EU, must be convinced of its merit.

6.1.7 Bilateral partners

Several partners, such as the US, UK, France and Egypt, have engaged the states around the Horn of Africa in order to enhance their respective maritime efforts. However, most observers note that coordination is lacking.

The US executes the most ambitious programme in the region. The US has launched the African Partnership Station (APS), an initiative which is part of US Africa command's (AFRICOM) Security Cooperation programme. The APS – which is a sea-based node for information exchange and training – is part of the US Navy's Global Fleet Station. It aims to help coastal states on the Horn and East Africa to achieve safety and security in the Gulf of Aden, by building expertise and professionalism. The US Navy, the US Marine Corps and the US Coast Guard are the US services involved in the APS.

Of four US projects, three are concerned with equipment and one with training:

- Provision of Automatic Identification System (AIS) receivers to the coastal states and the states in the Great Lakes region (i.e. Djibouti, Kenya, Tanzania, Uganda and Yemen). The AIS project will enhance the general surveillance capability of the beneficiaries, as the AIS generate open information about ships that carries AIS transponders. The project seeks to increase general maritime awareness.
- The AIS-project is complemented by the RMAC project. This project provides some states with radar and picture surveillance which can be linked with AIS information.
- A Command, Control, Communication and Information System (C3IS) which will link the AIS and the RMAC to the Maritime Centre in Djibouti. Ideally the C3IS will also provide a node to the AMISOM HQ in Mogadishu in order to boost their maritime awareness.
- The Maritime Centre of Excellence (MCE), which is a US funded centre situated in Mombasa, Kenya, for training of African navies. The idea is to increase the general awareness about piracy, port security, smuggling, counter-terrorism measures and risk management. However, the centre is also meant to work as a confidence-building platform for members of different African navies to meet.

The Red Sea states are engaged, but with a different focus. A less formal platform for cooperation is the Red Sea states (Saudi Arabia, Sudan, Egypt and Yemen) who meet regularly on issues related to maritime security. The focus is somewhat different compared to the initiatives by the Gulf of Aden states and the international community, as it is mainly targeted on the Red Sea, and incorporates initiatives which go beyond piracy (e.g., smuggling).

6.2 Prospects for Future Capability Development

There is currently no single entity to take the coordinating lead on regional capability development for maritime security, and activities are uncoordinated.

There is an excess of activities all aimed at enhancing the regional maritime security on the Horn of Africa, some relating to cooperation and some relating to capacity building.

The most apparent gap is the immediate lack of resources, i.e.: lack of surveillance capability, lack of ships with blue water capacity, and lack of seamanship. Taken together any cooperation project will have to start from the bottom. The US is increasingly applying a bottom-up approach, but is at the same time running the risk of having to create top-down, comprehensive projects as the lack of basic seamanship skills will negatively impact local progress. The pressure from the international community on the region to quickly develop the necessary capacities to address regional maritime security might turn out to be overzealous. The low starting level implies that any measure must be taken with a long-term view and commitment.

Several African organisations express bewilderment over the international community's prioritisation; on the one hand the focus on stopping the disintegration of Somalia, and on the other political pressure and a diversion of resources to develop resources for maritime security – something that will hardly address the situation in Somalia, other than indirectly. Most observers emphasise that local and regional ownership is key – if the regional actors do not understand or perceive the need themselves as to why regional maritime security matters, every attempt to develop the maritime security capacity will fail to make sustainable progress.

The current state of the maritime situation in Eastern Africa is no coincidence. Most African states have never seen the navies as an important part of their armed forces, as most security concerns are found either within the African states or on land borders to neighbouring countries. The exception has been port security, for which a few states have some, albeit limited, capabilities. Hence, for the African states in Eastern Africa, capability development would be facilitated if there was a stronger and complementary focus on maritime issues of greater importance to the African states, e.g., food security, fishing rights and protection of natural resources.

In the long term, the drivers ashore, specifically in Somalia, need to be addressed. Awaiting a more comprehensive approach to the complex security situation in Somalia from the international community, the AU operation AMISOM attempts to provide support for the fragile Transitional Federal Government. The need for local and regional capacity enhancements for maritime security has been discussed within the international community. A regional maritime security enhancement would be desirable not only because of the ever growing piracy problem, but also because the void of security in the region on a whole enables any actor who wishes to further destabilise the region. However, as we have seen the discussion tends to turn around maritime security focusing on the piracy problem, which seems to indicate that it is the economic

security which is put at the forefront. Other aspects of maritime security, such as the human security – not only for the pirate hostages is less explored.

Nevertheless, a regional capability development in Eastern Africa both enables and presupposes external international partner support, and could potentially also address several other important maritime security issues, besides piracy, in the region. At the same time there is an apparent risk that with a dominant donor perspective the region itself will not set the agenda of how and where these pressing issues are to be addressed.

7 Conclusion

The Somali piracy in Eastern Africa will continue until the economic incentives are removed or necessary and sufficient disincentives are established. Hence, given the present circumstances it would be naïve to believe that the piracy would cease any time soon. Moreover, the smuggling and trafficking of weapons and the smuggling of humans in Eastern Africa will also continue since these activities, just like the piracy, are economically driven businesses, and presently, there are few disincentives that would effectively be able to address these mechanisms.

The naval presence is necessary to protect strategic transports from pirate attacks, ensure the WFP delivery and to intervene and relieve the shipping when possible. However, since the naval operations cannot project a credible deterrent, it will not produce long term effects on the piracy.

Parallel to the naval operations, there is a plethora of activities all aimed at enhancing the regional maritime security in Eastern Africa. The many ongoing initiatives to enhance the Eastern African capability to better combat piracy might facilitate swifter accommodation of piracy-related problems. However, as the initiatives mainly are focused on the piracy aspects of the maritime security it is only a part of the maritime situation in Eastern Africa which will be addressed. In addition, as the region's current capability level must be considered as very low, the steps towards a secure maritime environment in Eastern Africa can only be viewed as a long term undertaking.

A direct consequence of the insufficient responses to the Somali piracy is the security enhancement of the ships passing piracy waters. Since the commercial security service providers' counter-measures differ hugely it is impossible to estimate their effectiveness on a whole, but a risk-conscious behaviour from shipping companies and skippers may bring about a local deterrent (the ship itself). The current trend from ship-owners and skippers to take a greater responsibility for their own security allows the naval forces to focus on enduring operations, rather than ad hoc distress responses. The influx of armed guards on board ships passing the Gulf of Aden and Somali Basin does however increase the risk of escalation of violence since the use of force is shifted from being a more unified response, presently displayed by the naval forces, to just about anyone travelling the high seas.

From our previous discussion it is clear that piracy is mainly a problem of economic security, but with human security implications, especially for those held to ransom by the pirates. Nevertheless, the main counter-measures to piracy are found on a state-actor level. Although the relation "economic security problem – economic solution" would be a simplification, more focus on the economic drivers could prove beneficial. Any long-term attempt to address it will

inevitably have to involve either a focus on removing the incentives by credible deterrence – possibly on land in Somalia, impeding of the money transactions and choking the sponsoring of the piracy business. When coupled with the naval component, law enforcement and an active engagement with shipping, the economic factors could prove to be a powerful instrument. The issue of human security is however more complex since it stretches beyond the need for those held to ransom as it also involves seafarers from the region not affected by the piracy, but by the general insecurity.

Hence, the enhancement of maritime security in Eastern Africa would benefit from a broad approach where other issues than piracy are addressed. Given the current donor drive to bring the region up to speed vis à vis the piracy, positive synergies on the maritime security situation on a whole might be obtainable. The Contact Group on Piracy is an attempt for a more comprehensive approach, but only regarding the issues pertaining to piracy. Regardless of organisational focus; piracy, smuggling, illegal fishing alike, as long as the mechanisms in Somalia are left out of the equation any initiative will only address the maritime security in part.

With revolutions in North Africa and the Middle East, with at least one military intervention as a consequence, an ongoing counter-insurgency in Afghanistan, an improving – but far from stable – Iraq, and civil strife in Côte d'Ivoire, Democratic Republic of Congo and a now divided Sudan, what is to become of Somalia? As the means to solve a complicated situation like the one in Somalia are already spread thin, what can realistically be done? The ad hoc answer seems to be “containment”; to keep al-Shabaab weak, to stop al-Qaeda from gaining momentum and to push back the piracy. But for how long can such an approach be sustainable? Somalia's geographically strategic position and global reach with its considerable Diaspora will never be sufficiently contained. Yet, the key to solve all of these outstanding issues is neither found in the region, nor on the high seas, but in Somalia itself.

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⁶⁴ The East African Standby Force (EASF) was formerly known as the East African Standby Brigade (EASBRIG), hence the Coordination Mechanism, now known as EASFCOM, was formerly known as EASBRIG Coordination Mechanism (EASBRICOM).

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