New Dimension of Security in Europe

European Anti-piracy Strategy:

Somalian Piracy: Today's Challenge Addressed by an EU Initiative

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Introduction

Piracy off the coast of Somalia was once a relatively small problem. The pirates primarily targeted fisherman and cruise ships in what amounted to petty theft[1]. Over the last few year however, there operations have evolved and their targets become bolder often preying on larger vessels and demanding more significant ransoms. The targeted area at the moment encompasses over a quarter of the Indian Ocean[2] so it is impossible that any one actor could effectively police such a large zone individually - a broader multinational approach is needed as military strategies could only address the symptoms and effects of piracy and not the underlying issues that its cause.

The emergence of piracy has been associated with several key threats already recognized by European Union ("EU"). The current European Security Strategy ("ESS") indicates that potential causes which lead to instable regions are directly connected with state failure and organized crime. The international community has been dealing with the threat of maritime piracy which is essentially another product of a failing region or failed state over the last century, however the threat has only recently re-emerged and become a problem that has seen significant impacts on the EU and our interests.

Piracy is foremost a national security threat (regional security, illicit trade, loss of revenue from reduced ship traffic, environmental threat): it is the Somalian state that bares the greatest cost as a result of their actions. Nearly 4 million Somalis[3] depend on food donations to survive and not every ship carrying food is able to afford having an armed escort, therefore attacks by Somali pirates could eventually lead to a greater threat of widespread starvation then the state is already experiencing[4]. However, there are also important "international" reasons for getting involved with the piracy problem. Piracy is indeed an international security threat, international society fears that such actions are only attributing to factors that would further destabilise the country by encouraging the development of other criminal activities such as organized crime. Piracy has an economic impact (threat to global economy) and – not least important – it is a threat to human security[5].

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[1] Holahan, C.: The real cost of piracy.

[2] The attacks have begun to stray further into international waters. Pirates now operate in an estimated 1.4 million square miles of open waters off Somalia and Nigeria, another piracy hot spot on Africa's Atlantic Coast.

[3] Paul Bendix, the head of Oxfam Germany, believes over 13 million people could die of hunger if nothing is done. (The pirates, the Germans and the starving millions. The guardian, August 08, 2008)

[4] Axe, David: Ten things you didn't know about Somali Pirates.

[5] There is a sad reminder of the human cost of piracy: 867 ordinary crew members were held hostage by pirates during 2009, e.g.British couple held by Somali pirates for 100 days (British couple held by Somali pirates for 100 days appeal for help, The Guardian January 31, 2010)

SITUATION IN SOMALIA.

Clan culture

Clan culture within Somalia has a complex history with regards to the diverse the ethnic make up of the population. Such a system is not unique to Somalia and it is a prevailing factor that still dominates the political arena and affects the social security of most African states. This deeply rooted system has historical lineages that date back generations; it has survived both the colonial conquests and the subsequent nationalist movements that led to the independence of African nations. Somalia's current status and future progression prospects are reliant on finding a solution to the population's current dilemma that in effect is an identity crisis within the state. Regions are separated and are chronically infected with conflict as a result of alliances based on clan and sub clan cultures while national unity and solidarity remains an ideology suppressed by this overpowering national trend.

Before colonisation Somalia was in effect held together for centuries by an elaborate clan system, 'composed of five principal clan families'[6]. This system ruled by clan elders produced an effective regulated structure of stability up until the arrival of colonial powers that effectively divided the region amongst themselves through separation of the five families.

The decade following Somalia's independence saw the clan based loyalty system intensify and infuse itself within Somali politics, '1969 saw the first democratically elected president, however he was subsequently assassinated the following year amid intensifying civil clan based rivalry'[7]. The subsequent period saw a series of political changes that saw evolution in government and ideologies, following the president's assassination a bloodless coup resulted in commander of the Army Mohamed Siad Barre seize power amid rising political tensions. His initial emergence did foresee relative progression, with a strategy of promoting nationalism being successfully implemented, however once again clan culture obscured true progression. Internal rivalries led to the assassination of prominent political heads of rival clans and the creation of a dominant one party Marxist dictatorship with the founding of the Somali Revolutionary Socialist Party'[8].

The eventual fall of the Somali government and its slide into civilian warfare was based on clan and sub clan groups forming alliances and pursing political power. Somalia's failed invasion of Ogden in 1977 saw an opportunity for the Mijertyn and Isaq clans to form alliances with groups who were experiencing violent oppression and exclusion from Barres Marehan clan's dominated government. They used this opportunity to create a resistance movement that would battle the weakened Somali government.

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[6] Un-authored 1, (2010), History Of The World, Between Arabia and Ethiopia.
[7] Un-authored 2: Aljazeera.net, Africa News: Timeline of Somalia, A Chronology Of Important Events and Developments
[8] Un-authored 4: The New York Times Online, January 3rd 1995

With Ethiopian aid, mounting pressure was placed on the government via guerrilla warfare that eventually led to the Somali civil war and the official collapse of the centralised government.

The entailing civil conflict saw major regressive changes to Somalia from which it has yet to recover, the clan based alliance that controlled what was once British Somaliland claimed independence form the state 'in order to avoid marginalisation that they experienced in often violent forms from previous regimes'[9]. Central Somalia became entrenched with clan dominance over land and resources. Various initiatives by the international community failed to restore order or maintain peace, the infamous US mission and subsequent UN peacekeeping operation resulted in large casualties on all sides involved and resulted with the seizure and failure of both missions. 1998 saw the region of Puntland claim autonomy this decision was based upon an agreement between clans that occupied the area in order to detract themselves from the civil disorder that was engulfing the central region. While the area has not declared independence it does request recognition as an autonomous federal state part of a future united country of Somalia[10].

Rise Of Islamic Ideology

While the region of Puntland remained fairly stable in terms of security, central Somalia is yet to arise out of civil factionalism, with clan warlords maintaining control and feuding over resources the local population eventually began to fight back and organize themselves in order regain security. 2005 saw the phenomena of the Islamic Courts Union seize power; the ICU was essentially an alliance of regional clans that fought the criminal elements of central Somalia and seized power via a basic federal like system of power sharing based upon the Islamic interpretation of Sharia law. This clan based alliance did prevail, stability was restored, ports and airports reopened and public welfare programs reintroduced, however elements within the international community saw such a system as potentially dangerous for having elements perceived as sympathetic to Islamic fundamentalist ideologies and as a result a probable haven for terrorist groups. 2006 saw Ethiopia support and aid a newly announced Transitional Federal Government, Ethiopian troops entered Somali and with a small contingent of Somali TFG forces eventually led to the defeat of the ICU, disbanding its elements and effectively occupying the state[11].

The current situation is Somalia is still extremely volatile, although the TFG has absorbed many elements and installed previous leaders of the ICU as key ministers in an attempt to resolve the civil dispute; elements within the mainland Somali population refuse to accept its authority and maintain a resistant stance. The currently government is in effect very weak and is reduced to what may be deemed as a government in exile

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[9] Un-authored 5: BBC News Online, Regions and Territories: Somaliland
[10] Un-authored 6: UN report on Puntland, Overview On Environment and Situation In Puntland, Report Created For The UN Office For The Coordination Of Humanitarian Affairs In Somalia, 2005
[11] Strasser, B: Somali Piracy, Solutions lie on land not the sea

within their own state. Reminents from the ICU have developed into what has become essentially radical Islamic organisations, previously controlled by the ICU groups who as a result monitored there actions, groups such as Al-Shabab are now unrestricted, membership does not follow clan based loyalties or alliances, a radically distorted interpretation of Sharia law are the dominant ideologies they follow and wish to impose, while opposition to any foreign occupation is their main priority. With Ethiopian forces drastically reducing their numbers as a result of local objection to their presence, and African Union forces being severely ill prepared for their mission, mainland Somali continues to slip deeper into a state of civil disorder, being an ideal example of a failed state there are no signs of progression in the foreseeable future.

While the Clan system is the basis for Somalia current security problems it may also hold the key in its future stabilisation. The regions of Somaliland and Puntland are examples that stability is achievable, perhaps a form of federal governance based along clan lines would be the most viable solution. The only factor that has shown the ability to unify the Somalian population appears to be religion, the rise of Islamic organisation such as the ICU initially stabilised the most volatile central region. Its subsequent fall has evidently created a potentially dangerous formation of hard-line organisations that detached themselves form the clan system that previously policed them. However what must be considered is that various pirate groups are directly connected with the clans that dominate their base areas. If the ruling parties of such clans were to oppose and ban piracy, members of such movement would have no choice but to oblige by they elders orders or move and risk banishment from their families, with such strong cultural ties it is an option that would perhaps create a strong deterrent. The ICU and resulting Islamic movements in central Somalia opposed piracy as it was ruled to be 'against the principals of Islamic law', perhaps promoting the Islamic ideology or using the remaining elements of the ICU would be key in battling the piracy problem.

Evaluating The Emergence Of Somali Piracy

While Piracy has been an issue that has plagued the seas and oceans for hundreds of years, the problem of Somali piracy is a relatively new phenomenon and has very distinct characteristics and causes when compared to other areas of the globe where the problem persists. What must be initially considered is that the form in which this sea-based crime exists is more of financial threat then a life threatening one to its potential victims. Somali pirates are not known for murder, torture or inhumane treatment of their captives, rather piracy is treated as lucrative business, it is in the best interests of the pirates to secure the safety of the cargo and their crew and exchange them for a monetary ransom.

The initial causes of piracy in the region can be dated back to 1991 and the collapse of the Somalia State, the following 19 years has seen no central authority and a as a result no forms of state security or national defence that would have otherwise monitored and protected the Somali coast. The integrity of the coastline has been

severely infringed, as a result what was once a rich source of food and income for the population through an efficient and sustainable fishing industry has now been and continues to be systematically exploited by international fishing vessels. It is estimated that 'more then £300 million worth of tuna, shrimp, and lobster' [12]is being stolen from Somali waters each year. The results are disastrous for both food security and the already fragile informal economy of the state. Somali fishermen are now finding their nets empty, 'today's catch is on average just 10% then that of a decade ago'[13].

The second major cause is one that was only unearthed as a result of the 2004 tsunami but after careful analysis was discovered to be an ongoing issue that most likely began decades earlier. Native Somalis have often complained and accused international vessels of dumping toxic waste and chemicals into Somali waters. 'The United Nations envoy to Somalia Ahmedou Ould-Abdallah confirmed his organization had reliable evidence that confirmed this charge' [14]however it was only after the tsunami when the sea began to wash up containers filled with toxic and radioactive waste did this issue get the recognition of the international community. UNEP spokesman Nick Nutall has comment on record that there are "many different kinds" of waste. "There is a uranium radioactive waste. There is lead, and heavy metals like cadmium and mercury. There is also industrial waste, and there are hospital wastes, chemical wastes—you name it."[15] The effects on the local population has been disastrous, illnesses and genetic mutations in new born infants have seen a huge rise in the coastline populations, skin disorders and cancers are becoming ever more common, and while health security has been severely afflicted, food security which once supported thousands of Somali's is also now decimated.

Piracy emerged from the initial response of Somalia fishermen organizing themselves to deter foreign vessels and protect their coastal integrity; vessels were often boarded and asked to pay a "levy" or "tax" for compensation before being allowed to leave. This initial substitution for loss of income quickly developed into a profitable business, and one in which the earnings are shared amongst the local population. "A Ukrainian ship which was held and released by the Somalis in 2009 garnered a multimillion-dollar payment by the owners, which is reportedly being utilized to clean up the waste being dumped in the area."[16] Piracy is perceived by the local population not as a crime but in effect as a form of acquiring justice and insuring compensation for years of exploitation from elements within the international community.

Piracy has evolved into a lucrative well-organized business, initially emerging out of the Puntland region it involves essentially four groups of personnel:

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[12] Hari, J.: The IndependentOnline, You Are Being lied To About Pirates
[13] Strasser, B: Somali Piracy, Solutions lie on land not the sea
[14] Azikiwe, Abayomi, Workers World, Why Somali's Seize Ships
[15] Un-authored 7: Times Online, Somalia's Secret Waste Dumps
[16] Abdullahi, N: Aljazeera.net, Behind Somali Piracy

- Firstly the financiers, these are the businessmen who set up the operations and finance them in return for the largest portion of the ransom. Such people are often very wealthy individuals who are able to move quickly and freely across states.

- Ex Fishermen who are considered the brains of the operation because of their knowledge of the sea

- Militiamen, who are considered the muscle having fought in the civil war with experience in combat and arms

- Technicians who operate sophisticated harder and software such as GPS, satellite phone and military equipment.

Media reports suggest that the majority of pirates can be found in the Puntland area and therefore any strategy designed to tackle the problem should be based upon that region. There is a mixed response to such statements, Puntland citizen Mohammed Abid states that "piracy is not a problem that stems out of Puntland, although our fishermen were the first to set up a national coast guard in order to protect our waters, many groups have followed suit and emulated our system, as a result piracy or coast guards as Somali would refer to them can be found through out the coast line of Somalia. During the rule of the ICU piracy was forbidden and therefore aggressively acted upon by ruling clan authorities, hence why piracy initially emerged out of Puntland. However since the fall of ICU the TFG and Ethiopian troops have failed to maintain order or peace, piracy elements have once again established themselves throughout the coast. " He further points and insists that "although the West perceive Pirates as a criminal entity, and I do agree that due to its increase in popularity additional elements have come into play through finical backers, piracy remains not as crime to the indigenous population, but rather a form of acquiring justice from the international boats who continue to either loot our waters or dump their waste upon us for our people to die. The spoils are seen throughout the community, the people are happy, I guarantee if a westerner was to go look for pirates the community would protect their coastguards"[17]

PIRACY: FACTS AND FIGURES

Despite the efforts of international community, The IMB PRC says there has been an "unprecedented increase" in Somali pirate activity in the first nine months of 2009. The pirates appear to have "extended their reach, threatening not only the Gulf of Aden and east coast of Somalia, but also the southern region of the Red Sea, the Bab el Mandab Straits and the East Coast of Oman"[18].

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[17] Personal Interview with Mohammed Abid on 29/03/10, Biomedical Scientist and Puntland Citizen On Assignment At Leicester Royal Infirmary Hospital,
[18] BBC News: Q&A: Somali piracy. November 02, 2009

A total of 406 incidents of piracy and armed robbery have been reported in the 2009 annual piracy report issued by the International Maritime Bureau's Piracy Reporting Centre (IMB PRC). Somalia accounts for more than half of the 2009 figures[19].

Table1[20]
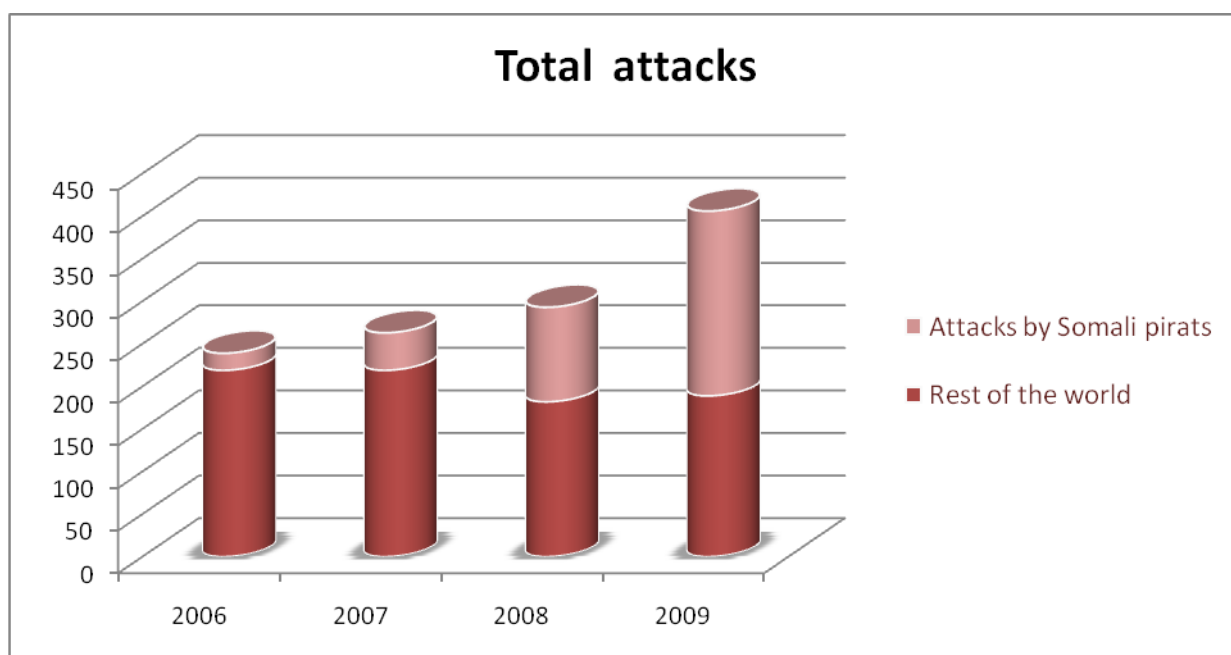
Economic dimension

The corridor between Yemen and Somalia which leads to the Suez Canal is of enormous importance, since 20% of the world's shipping travels this way. The northern coastline of Somalia lying to the south of the Gulf of Aden is a key transit zone for ships passing to and from the Red Sea and the port of Djibouti and approximately 8 percent of the global seaborne oil trade traverses this maritime chokepoint annually The Indian Ocean waters off the southeast coast of Somalia are home to busy shipping lanes for trade between Asia and East Africa, as well as for ships making longer voyages around South Africa's Cape of Good Hope. Therefore the strategic location of the Horn of Africa is of high importance for international security and commerce.

In addition to the generalized threat that piracy poses to the security of shipping lanes, the incidence of piracy has important second order effects on the costs, patterns, and benefits of regional and international shipping and trade. Rerouting vessels to avoid the Gulf of Aden and other waters near the Horn of Africa adds additional transit days and fuel costs to shipping companies: avoiding attacks can easily add $1.5 million to $2 million in extra fuel, time and labour to the cost of a shipment to Europe. Suez Canal authorities

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[19] The total number of incidents attributed to the Somali pirates stands at 217 with 47 vessels hijacked and 867 crew members taken hostage - compared to the 111 incidents in 2008. Though the number of 2009 incidents has almost doubled, the number of successful hijackings is proportionately less which can be directly attributed to the increased presence and coordination of the international navies along with heightened awareness and robust action (International Chamber of Commerce – Commercial Crime Service)

[20] Source: The Journal of Commerce Online - News Story, May 31, 2009; the ICC-CCS

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report that shipping traffic and resulting revenue have declined due both to decreased economic activity and the piracy threat to the Canal's approaches in the Gulf of Aden. Other areas having also been directly effected, shipping traffic to and from the Kenyan port of Mombasa is particularly vulnerable to security disruptions in the West Indian Ocean too.

Somali piracy not only disrupts the trade throughout the region, but also increases the overall price of international commerce going through the Gulf to Western states. Piracy incurs economic costs in a number of ways, including ransom payments, damage to ships and cargoes, delays in delivering cargoes, increased maritime insurance rates, the costs of steps to harden merchant ships against attack, and costs for using naval forces for anti-piracy operations. Piracy is estimated to have cost the world an estimated $60 - 70m in 2008[21]. Insurance premiums protecting against vessel damage and delays due to piracy have increased five-to tenfold[22]. The overall ransom paid out in 2009 for seized vessels lies somewhere between $60-80 million (€42-57 million)[23].

PIRACY & EU

Since the creation of the ESDP, the EU has aimed to become a more relevant global actor within the security field[24]. Taking the initiative in addressing the piracy problem gives a chance for the EU to improve its image as a military actor: to show that it is able to protect its citizens, its interests and to be an influential contributor in providing international security. It is a chance to show that EU is pro active, more coherent and more capable than ever before and that it is able to „*make an impact on a global scale*"[25]. The EU identifies crucial challenges associated with this security threat. In the Council's Conclusion of 26 May 2008 is stated that the EU was concerned with "*the upsurge of piracy attacks off the Somali coast, which affect humanitarian efforts and international maritime traffic in the region and contribute to continued violations of the UN arms embargo*" [26]. The EU is committed to the settlement of the Somali crisis that covers political, security and humanitarian aspects. On September 19, 2008 the Council adopted the Joint Action document - reflecting the UN resolution 1816 - which later resulted in the deployment of the military mission EU NAVCO in order to allow a swift return to peace,

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[21] BBC News: Q&A: Somali piracy, November 02, 2009

[22] Peter Townsend, the head of the marine group at insurance broker Aon, In: Holahan C.:The real cost of piracy, 14/4/2009

[23] Pop, V: EU mission alone cannot solve piracy problem, says admiral. EU Observer, February 02, 2010.

[24] „*The development of a stronger international society, well functioning international institutions and a rule-based international order is our objective … we are committed to upholding and developing International Law…. The fundamental framework for international relations is the United Nations Charter…contribute to an effective multilateral system leading to a fairer, safer and more united world*" (ESS)

[25] European security strategy

[26] Council joint action 2008/851/CFSP

security, stability and development in Somalia in coordination of action undertaken by with third states[27].

INTERNATIONAL LAW and UN

The United Nations Security Council has the primary responsibility for the maintenance of international peace and security and several United Nations instruments address the problem of piracy: the Convention on the High Seas, the Convention on the Law of the Sea (UNCLOS) of 1982, and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention). Maritime piracy is a violation of international law and a universal crime[28].

The Convention on the High Seas of and UNCLOS both address piracy by stating that "*all states shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.*"[29]

The Article 110 of UNCLOS authorizes warships to visit and/or inspect ships on the high seas that are suspected of engagement in piracy and also authorizes the right of visitation/inspection of vessels suspected of being engaged in piracy. States, under both the Convention on the High Seas and UNCLOS, are authorized to seize a pirate ship, or a ship taken by piracy and under the control of the pirates, and arrest the persons and seize the property on board. The courts of the State whose forces carry out a seizure may decide the penalties to be imposed on the pirates.

The SUA Convention expands on the judicial treatment of pirates "*to ensure that appropriate action is taken against persons committing unlawful acts against ships.*"[30] Unlawful acts include, but are not limited to, the seizure of ships; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it. The SUA Convention calls on parties to the agreement to make its enumerated offenses "*punishable by appropriate penalties which take into account the grave nature of those offenses*"[31]. Questions regarding legal jurisdiction, due process for detained pirate suspects, and the role of foreign military forces in anti-piracy law

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[27] Council Conclusion on Somalia: Joint Action 2008/749/CSFP
[28] The term "piracy" is defined in UNCLOS (Article 101) as:
(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed-
(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

[29] Article 14 of the UNCLOS
[30] Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988
[31] Ibid.

enforcement activities may complicate current international operations against pirates in the Horn of Africa region. The most immediate legal concern associated with anti-piracy operations are jurisdictional questions that arise based on the location of pirate attacks and/or international naval interventions, the nationalities of crew members, and the countries of registry and/or ownership of any seized vessels. The disposition of property and insurance claims for vessels involved in piracy also raises complex legal questions.

The UN Security Council issued seven resolutions (1801, 1814, 1816, 1838, 1846, 1851 and 1853) in 2008 to facilitate an international response to piracy off the Horn of Africa. Resolution 1851 has authorized international naval forces to carry out anti-piracy operations in Somali territorial waters and ashore, with the consent of Somalia's Transitional Federal Government (TFG). Furthermore it provides similar authorization to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking authorized anti-piracy operations in Somali waters. In 2009 there were issued three resolutions (1863, 1872, 1897) and till march 2010 the UN Security Council released two more resolutions (1910, 1916) though only to extend the mandate of the Monitoring Group[32]. Resolution 1872, adopted May 26, 2009, authorizes member states to participate in the training and equipping of the TFG security forces in accordance with Resolution 1772 (2007). Resolution 1897 (November 30, 2009) affirms the advance consent of the TFG being obtained for the exercise of third state jurisdiction by „ship riders" in Somali territorial waters and that such agreements or arrangements do not prejudice the effective implementation of the SUA Convention[33]. Moreover, at the beginning of 2009, the voluntary, ad hoc international forum was created within the UN framework as the Contact Group on Piracy off the Coast of Somalia[34].

CURRENT OPERATIONS

Since the first UN Resolution 1816 of 2 June 2008 declared that piracy in the Gulf of Aden became a threat for the world peace, several actors deployed NAVAL operations in that area to combat piracy.[35] In formal, these actors can be divided into four groups: Combined Force 151, NATO, European Union, national contingents.

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[32] Resolution 1910 adopted January 28, 2010, extending AMISON till January 31, 2011; Resolution 1916 adopted March 19, 2010, extending mandate of the Monitoring Group in Somalia
[33] Paragraph 6 of the SUA Convention
[34] The Contact Group on Piracy off the Coast of Somalia was created on January 14, 2009. It brings together and encourages countries, organizations, and industry groups that are coordinating efforts to bring an end to piracy off the coast of Somalia and to ensure that pirates are brought to justice.with an interest in combating piracy pursuant to UN Security Council Resolution 1851. At the UN headquarters on 10 September 2009 the representatives from the USA, Japan, Cyprus, Singapore, and the UK signed the New York Declaration, a commitment to best management practices to avoid, deter or delay acts of piracy. The text of the New York Declaration: http://www.fco.gov.uk/resources/en/pdf/3849543/ny-declaration.pdf
[35] Weber, Annette – EU Naval operation in the Gulf of Aden (EU NAVFOR Atalanta): Problem Unsolved, Piracy Increasing, Causes Remain.

Operation Enduring Freedom: Combined Force 151: Originally OEF-Combined Force 150 was initialised in 2001 to pursue the "War on Terrorism".[36] Indeed the operation encountered also acts of piracy in this time. Nevertheless in January 2009 the US Naval Force Central Command (NAVCENT) in Bahrain proclaimed the creation of special taskforce to combat piracy off the Somali coast. In general the mission is led by the US but as "coalition of willing" opened for everyone who wants to participate. Besides the US, Turkey and Singapore are providing ships, South Korea is a associated member. The separation into OEF-150 and OEF-151 seems to be just a legal issue, because some states who participate in the fight against terrorism (OEF-150) do not have a mandate for fighting pirates under OEF command. Thus states can change between OEF-150 and OEF-151, depending on whether to fight on terrorism or on piracy. So in fact there are about 20 states which become coordinated from the US base in Bahrain.

NATO: Operation Allied Protector/Ocean Shield: After more and more WFP ships got attacked by pirates, the UN Security Council asked the NATO to provide escorts for food aid shipments to Somalia. After that the NATO sent a part of its Standing NATO Maritime Group 2 from Mediterranean Sea to the Gulf of Aden. In August 2009 the terminating mission was succeeded by Operation Ocean Shield, which additionally should play an active part in combating piracy.[37] The NATO participated in Multinational Force to Combat Pirates with 5 ships from UK (flagship), Greece, Italy, Turkey and USA. In March 2010 the NATO decided to extend Operation Ocean Shield until the end of 2012.

European Union (ESDP): NAVFOR Atlanta: In November 2008 the EU decided to get active and launched an operation into the Gulf of Aden.[38] Attacks on commercial vessels increased dramatically, so the EU was compelled to protect its trade interest and furthermore improve the humanitarian situation in Somalia. Thus the first objective is equal to the NATO mission: "provide protection to vessels chartered by the WFP…" The Atlanta-Mandate, based on Security Council resolutions 1814 (2008), 1816 (2008) and 1838 (2008) is a so called robust mandate, what means that there is a huge scope to act, also to "take the necessary measures. Including the use of force, to deter, prevent and intervene in order to bring to an end acts of piracy and armed robbery which may be committed in the areas where [the operation] is present." Explicit mentioned is "to liaise with organisations and entities, as well as States, working in the region to combat acts of piracy and armed robbery off the Somali coast." The operation as commanded by the Headquarter in Northwood (England). To accomplish the objectives the EU created a Maritime Security Centre (Horn of Africa) which informs vessels about risks in the threaten area. Vessels can also register with MSC (HOA) to travel in the transit corridor, protected by twelve warships and a number Maritime Patrol Aircraft. In December 2009 the mission has been extended for another year. All in all Atlanta has become a leading operation in the combat against piracy in the Gulf of Aden.

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[36] Focus Online: Anti-Piraten-Kampf jetzt (auch) unter US-Kommando, 08/01/2009.
[37] NATO News Release (Allied Maritime Command Headquarters Northwood), 12/03/10.
[38] Council of the European Union: http://www.consilium.europa.eu/showPage.aspx?id=1518&lang=en.

National contingents: Besides the three operations, there are national contingents active from Russia, China, South Korea, Japan, Malaysia, India and Iran. There are also some states that have contingents in different organisations and additionally under national command, for example Italy and French.[39]

Furthermore on Somalia mainland there is a peacekeeping mission by the African Union in progress (**AMISOM**), mandated by Security Council Resolution 1772 (2007). 5.600 are stationed there to secure the interim government and the port in Mogadishu. Originally the UN should sent troops but a lack of willingness of the members to offer troops and a precarious security situation in Somalia prevented that.

To sum, there are different actors (the whole international community) with the same objectives under various mandates and commands. While the protection of WFP vessels can be considered as successful, the general problem of piracy off the coast of Somalia is not solved. Indeed there are some areas securer than before, but attacks on commercial vessels did not decrease. Significant for an ineffectiveness of current efforts is some kind of competition among the actors. Indeed ships can temporarily change to other commands/operations and there is already an exchange of information among ESDP operation, NATO, OEF-151 and the national contingents established, but there is still no central coordination as well as no common strategy recognisable.

Pirate prosecution

Last year (2009), the EU mission arrested 75 suspects and sent them to Kenya for prosecution. But many of the pirates intercepted at high sea are released, if they are not caught in the act of hijacking[40]. There is no mechanism efficient enough for the prosecution of arrested pirates in the international waters[41]. Kenya and Seychelles[42] are the only two States to have an agreement with Western naval powers patrolling the pirate-infested waters of the Indian Ocean and Gulf of Aden for the transfer and trial of suspected pirates. At the moment, Kenya has over 100 suspected pirates in custody with 10 serving seven years and nine serving 20 years each in prison. Despite having the most powerful democracy in East Africa, Kenya does not appear to have an effective court system[43]. In fact, recently Kenya has started declining to accept arrested pirates since the government of Kenya has imposed a temporary ban on pirates being brought into the country because of having overwhelmed prison and judiciary system[44]. What is important,

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[39] Weber, Annette: EU Naval operation in the Gulf of Aden (EU NAVFOR Atalanta): Problem Unsolved, Piracy Increasing, Causes Remain

[40] Pop, V: EU mission alone cannot solve piracy problem, says admiral. Eu observer, February 02, 2010

[41] Because of the lawless situation in Somalia, the courts in Mombasa lacking expertise, translators and being already burdened with of domestic cases have only convicted 19 pirates in more than a year and are prosecuting more than 100 others. (AFP: Overwhelmed Kenya rejects suspected pirates, March 26, 2010)

[42] Facing a threat to its two main industries, tourism and fishing, the Seychelles cabinet agreed tough new anti-piracy laws. The new laws are to include conspiracy to commit piracy, meaning that suspects will no longer need to be caught in the act for a reasonable chance of prosecution (Smith, D: Seychelles gets tough with Somali pirates. The Guardian, February 07, 2010.)

[43] Axe, David: Ten things you didn't know about Somali Pirates. June 2009.

[44] Billow A.A: Kenyan Governmnet Declines to Accept Somali Pirates. Newstime Africa, March 26, 2010.

the pirates know that if they ditch their weapons they will not be arrested. It has been admitted that the UK Royal Navy has caught and released 66 pirates during their operations off Somalia. This "catch and release" policy applies to over 60% of pirates captured and reflects a collective lack of political will to arrest and prosecute pirates in courts[45].

POSSIBLE SOLUTIONS.

Military Land Intervention

A military solution via land based intervention operations could perhaps play an important role in tackling the Piracy issue. However any intervention would need to be seriously assessed before any consideration on whether its implementation should take place.

In order to tackle the issue perhaps a series of small military operations could be carried out in order to identify, pacify and contain the elements of concern. With an ongoing naval mission backed by an on the ground operation working in a cohesive manor the piracy issue could possibly be addressed and managed and eventually beaten by tackling the problem by addressing piracy groups on an individual bases. The UN Security Council has already passed resolution allowing international military vessels to enter Somali waters and pursue suspected pirates on land in an effort to address the growing problem.

However it has been established that the perception of pirates is not a negative one amongst the population surrounding the coastline. Piracy at the moment is a rather bloodless issue, as previously mentioned they are concerned with only capture and release of ships and crew, many ex captives have mentioned that upon conversing with the pirates they understood that the act was carried out as a result of desperation in order to obtain money to substitute and maintain a healthy lifestyle. Somali culture is very close knitted, while clan and sub clan alliances are the roots behind the current situation, if there is one factor that has proven time and time again to unite the people it is when they face the threat from a foreign non Somali, non Muslim entity. US operations of 1993, and the ongoing Ethiopian occupation are good recent historical examples.

Puntland in terms of security is relatively stable; the government has implemented an effective system with an established police, military and judiciary system. So far it has succeeded in resisting the destabilizing elements central and southern Somalia are facing. Military intervention brings with it the likelihood of casualties, whether they are pirate or civilian any casualties would be treated in the same manor by the Somali people. The EU would not want create a situation similar to that of Afghanistan or Iraq, a single Somalian casualty would be fiercely avenged by the individuals clan and sub clan alliances. This

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[45] Ince & Co: Piracy – a review of 2009.

would essentially tip the delicately balanced system Puntland has established into a state of potential anarchy, it would provide an excuse for elements such as Al-Shabab to enter Puntalnd under the guise of resistance and further destabilize the area.

Puntland currently acts as a buffer between main land Somalia and the stable and well established region of Somaliland, any disruption may avertedly see the whole region once again become inflamed with violence, in today's current climate the EU would not want to become morally obliged to enter in any form of sustained long term combat operations.

Even if one were to take an optimistic view and hypothetically predict a successful campaign against piracy in Puntland this still would not solve the problem. In effect it would create more issues for the EU to deal with. Any land based military intervention would effectively not be addressing the root causes to the piracy problem. Poverty would still be strife, the population's position would remain unchanged, and effectively what little expertise or skilled personnel they once had that could have been used to set up a future coast guard service or even reestablish the fishing industry would have been significantly affected. The financial backers behind the piracy operation would simply move to other areas of Somalia to establish new bases from which to launch any operations from. With Somaliland having an effective anti pricy security policy the only other option would be to hire new foot soldiers from mainland Somalia, with no effective central authority and the remaining Islamic factions occupied with their mission of forcing out foreign troops piracy essentially would have the perfect condition to flourish. The last option any military would want to pursue would be to enter mainland Somalia in a potential combat operation. History has dictated this would inevitably cause casualties on all sides, and once again would possibly work to empower fundamentalist elements in Somali society. With Somali communities currently growing amongst EU states, any military operation that induces causalities would create potential domestic security concerns as citizens who identify with region become distressed. The EU is currently facing the threat of domestic terrorism with which we have managed to address progressively; any new combat operation would potentially create another avenue/excuse for extremist elements in our domestic societies to rebel against.

Military intervention although not being totally ruled out has to be undertaken by the Somali Puntalnd authorities themselves, perhaps strategies that would see the creation of a legitimate Puntalnd Naval force with funding to cover wages and training together with economic and conservation packages to address the current problems would be a more safer and effective course of action to pursue.

Naval option

A further approach to encounter the piracy threat is to increase the existent NAVAL-operation. Before the EU considers political feasibility and increased costs of sending more warships into the threatened area, the potential effect of this action has to be examined. Here, some facts can be helpful. The coastline of Somalia is more than

3.700 Kilometres long.[46] Pirates are operating more than 1.500 Kilometres off the coastline. In May 2009 the EU expanded their operating radius from 3.5 to 5 million square kilometres, since pirates attacked commercial vessels more than 800 Kilometres off the coast.[47] As seen it's a huge area the international community has to protect to stem piracy.

Indeed the monitored area of the EU is relatively protected. Protection to vessels chartered by the World Food Programme is guaranteed and can be considered as success. Furthermore the newly created Maritime Security Centre (Horn of Africa) informs commercial vessels about risks in the threatened area and let them travel in the protected Atalanta transit corridor after registering. Piracy attacks inside the monitored area have significantly decreased. But on the other side Atalanta has failed to contain neither piracy as whole nor the causes of piracy.

Last developments show a further expansion of action scope. On 1 January 2010 the British freighter MV Asian Glory and the Singaporean chemical tanker M/V Pramoni were hijacked by pirates. The "Asian Glory" was attacked about 1.000 kilometres off the coast.[48] The ship was shortly before arriving at the Atalanta protected area. Not long ago, on 23 March 2010, the turkey vessel MV Frigia under Maltese flag was hijacked 1.800 Kilometres off the coast from Somalia, nearer to India than to Somalia.[49] That position is 600 kilometres away from the operation area of Atalanta. Pirates are operating far away off the coastline from Somalia and because of growing financial capabilities via ransom and advanced technologies, the operational area of pirates has enlarged to an unknown area. Further more about 20.000 vessels crossing the Gulf of Aden a year, the pirates can select their targets. There are about 40 warships in the region. The European Union contributes up to 12 ships. In total the situation has not significantly improved after applying warships in the threatened area. According to U.S. Vice Admiral there would be 61 warships necessary to get the situation under control.[50] Others speak about 200 warships, an incredible number which is not realisable.[51] The recently hijacked vessels MV Asian Glory and MV Frigia are symbolic for an enormous flexibility of the pirate communities to act far away off the coast on deep sea. Thus an uncoordinated increase of naval patrolling wouldn't abolish piracy but only displace it.

It is of fundamental importance that already existing ships will be coordinated optimally to protect a largest possible area. Primarily is an adequate coordination inside Atalanta but also among all actors (ESDP, NATO, OEF-CTF 151 and national contingents) who participate in the Gulf of Aden to encounter piracy. But that's still the problem: all actors do not see themselves as partners in a shared security strategy. As long as a

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[46] Deutschlandfunk: Wenn Kriegsschiffe zum Einsatz kommen, 10/12/2008.
[47] Weber, Annette: EU Naval operation in the Gulf of Aden (EU NAVFOR Atalanta): Problem Unsolved, Piracy Increasing, Causes Remain.
[48] Focus Online: Piraten kapern zwei Schiffe, 02/01/2010.
[49] Marinelink: Frachter Frigia Hijacked, 25/03/2010, http://de.marinelink.com/story.aspx?333751.
[50] NavyTimes: Expert: Navy doesn't need war on piracy, 10/12/2008.
[51] Landeszeitung Lüneburg: Militär kann Piratenplage nicht auf Dauer beenden, 16/04/2009.

common approach and a linking cooperation are not established to optimise a protected and monitored area in the Gulf of Aden and beyond, an increased naval operation is useless. Only after a cooperation-improvement could the EU decide to increase the number of warships, if necessary.

"Private Protection Teams"

An often, especially from practice, suggested solution to encounter the piracy threat in the Gulf of Aden is the involvement of the private sector.[52] Present multinational Naval-Operations are only partly successful as there is a lack of cooperation to protect such a huge area and about 20.000 ships passing the Gulf of Aden a year – some actors demand a supplement to the "public sector", namely so called Private Protection Teams (PPT).[53]

The concept provides that commercial vessels are protected by professional trained and well equipped teams. Ideally the sole presence of those teams should deter potential attackers. If it comes to the worst and the pirates are attacking the vessel, PPTs are able to defend the ship by armed force. Since Pirates are not suicides, in general the aim of those teams is a non-violent conflict resolution: attackers would anticipate the very existence of armed teams and must weight between profit and suicide. PPT doesn't replace NAVAL-missions but are rather an addition to existent NAVAL-operations. A combination of both measures could buy the attacked vessel time: While pirates are trying to hijack the ship, the teams do anything to defend it, during a friendly warship is underway to help.

There are already some companies engaging private security on their vessels when crossing the Gulf of Aden.[54] The questions are: should the EU support a PPT-approach? What role could the Union play in private sector? The latter one is easier answered. There are still pictures, controversial discussion and actions of those teams in the streets of Iraq keep in mind. Clear rules and principles for PPT are essential to prevent lawlessness on the ships. Thus an institution, which trains and controls protection teams, is vital. The EU could create such an institution and consequently support and monitor PPT by assigning certificates. A cooperation or even connection with the Maritime Security Centre (Horn of Africa) would be thinkable. Anyhow PPT should work closely with MSC (HOA). More difficult is, whether the EU should generally support that approach. To answer we have to weigh the pros and cons in three different dimensions: impact, law and control.

(1) Impact:

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[52] Toomse, Rene: Piracy in Gulf of Aden: Considering the Effects of Private Protection Teams, in: Baltic Security & Defense Review Volume 11, Issue2, 2009.

[53] Representative proponents of PPTs are U.S. Vice Admiral Bill Gortney and Rene Toomse, Captain of the Estonian Army. In this context Toomse is mentioning the NATO- summit in Riga (2006) where a wider approach of conflict resolutions and a wider spectrum of civil and military instruments were demanded

[54] Cullen, Patrick: Private Security Head-to-Head Against Pirates. A Practical Answer to Protecting Commerical Shipping, in: Journal of International Peace Operations Volume 4, Number 3, November-December 2008.

Most important advantage towards a NAVAL-operation is that theoretical each commercial vessel can be protected by PPT. Since Warships becoming useless when hostile pirates hijack a vessel and take hostages, as a consequence that there is nothing else for it but to pay ransoms, PPT don't let it get to that point in the first place. Additionally engaging PPT is a lot cheaper (valued at 50000$ per vessel per route) than to sailing around the Horn of Africa.

With all enthusiasm there are reasonable doubts regarding the effectiveness of PPT. These, first of all concern the general involvement of PPT. There are 20.000 vessels crossing the Gulf of Aden a year. It can be questioned if every company can afford protection teams. Further more it can be questioned if the anticipation-effect (doesn't matter if all ships are protected or but a few, crucial is the possibility of resistance) a sufficient reason is, to stop the piracy. Anyway the EU shouldn't support such fragmentary actions. As mentioned before, to hold hostages for ransom is a profitable business and for many Somalis the only source of income. Any more the pirate communities got ransom into the millions. They are professional organized and well equipped with modern technology (GPS systems), what they allow to select their targets. Probably piracy would displace to unprotected vessels or other regions. The shifting of pirates activities into Seychelles territorial water, off the coast of Oman and into the Indian Ocean after the massive presence of warships off the coast from Somalia is a clear proof for that assumption. Finally PPT does only encounter the results of piracy, but not the roots and thus it is absolutely not a complete solution.

(2) Law:

According to the UN Security Council Resolution 1846 all states are authorized to take an active part in the fight against piracy and armed robbery and use all necessary means to repress them.[55] Only problem is that allowed means are meant for an exclusive NAVAL-operation.[56] The Atlanta mandate, based on the Security Council Resolutions, lists among others follow task: "*take necessary measures, including the use of force, to deter, prevent and intervene in order to bring to an end acts of piracy and armed robbery which may be committed in the areas where (the operation) is present*".[57] As we can see there are already strong and robust mandates existent, which only have to be extended by private sector. Further more there are no restrictions by international law which prohibit a wider approach.

But this is in contradiction to national law. In this case each state has its own laws to protect states independence. Thus we have a very complex legal issue, since almost the whole international community is involved in this matter. Another aspect is the

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[55] UN Security Council (Department of Public Information): http://www.un.org/News/Press/docs/2008/sc9514.doc.htm.
[56] Toomse, Rene: Piracy in Gulf of Aden: Considering the Effects of Private Protection Teams, in: Baltic Security & Defense Review Volume 11, Issue2, 2009.
[57] Weber, Annette: EU Naval operation in the Gulf of Aden (EU NAVFOR Atalanta): Problem Unsolved, Piracy Increasing, Causes Remain.

currently unresolved legal position. It's entirely ambiguous which actor is responsible if something would happen in worst case. It's unclear if the ship master, the ship owner or the PTT would be held accountable if someone died. As shown there are massive legal barriers, which first have to be solved, theoretical.

(3) Control:

A next controversial matter is the monitoring of PTT. First it has to be considered that the circumstances at sea are completely different from that in Iraq. On vessels at sea protection teams are always monitored and each misconduct would be registered. With clear rules, consistent trained methods of acting on vessels and certificates, handed out by public sector, there is no room for violation of human rights.

The vital point wasn't asked. If the situation would escalate, we would know neither the PPT's nor the pirates' reaction. With 20.000 vessels a year, there is a maximum of 20.000 deployments a year of PPT. It's improbable to believe that no incident would happen after all actions the public could see on the streets in Iraq. Otherwise unpredictable is the response of pirates on PPT. It's not out of question that pirates start to open fire more easily than if no resistance is met.[58] As already mentioned piracy is a big business and pirate communities would keep doing everything to hold hostages for ransom. With all problems the international community has to solve in the Gulf of Aden, live is still the most valuable thing. Since there were only a small number of casualties yet, what is amazing for an issue with such an impact, there is no room to risk an escalation. All in all the international community mustn't risk live of humans to see what will happen by involving the private sector namely Private Protection Teams.

There are pros and cons either way. Finally the EU cannot prohibit the deployment of PPT, if a company decides to engage them. But after all there are more doubts and difficulties in impact, law and control than pros. Thus the EU shouldn't support a concept of Private Protection Teams but rather find a solution in public sector.

RECOMMENDATIONS or "Raise the costs for piracy"

An effective anti-piracy strategy should not be primarily concentrated on the pirate groups; instead the focus of any new strategy should rest on the victims of pirate activities. More Navy vessels or even a ground-based mission would not solve the problem and would be way to expansive.[59] In an unstable environment like Somalia it's impossible to control the whole country or even the coastline.[60] In the end the pirates will adapt to the new situation and move their operations in other areas. An anti-piracy

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[58] Cullen, Patrick: Private Security Head-to-Head Against Pirates. A Practical Answer to Protecting Commerical Shipping, in: Journal of International Peace Operations Volume 4, Number 3, November-December 2008.
[59] Middleton, Roger: Piracy in Somalia: Threatening global trade, feeding local wars, Chatham House Briefing Paper, October 2008, 10-11.
[60] NavyTimes: Expert: Navy doesn't need war on piracy, 10/12/2008.

strategy should therefore concentrate less on the pirates but more on the ships affected and the sea routes they navigate.

At the moment piracy is an attractive business for the many poor and unemployed men in Somalia. Networks profit from this situation. Weapons and ships are cheap and easily acquired and young men are willing to do everything just to help their families and themselves. The risk of getting caught is currently minimal while the opportunities of a significant payload from the ransoms are appealing.[61] There are not enough navy ship in the Gulf of Aden to protect every ship on the many different shipping lanes. The level of cooperation between the different navy operations currently operating in the area is very low.[62] As a result of these unsynchronized anti-piracy missions, piracy has developed and progressed into a profitable business.

To drastically reduce the pirate attacks on merchant ships in the Gulf of Aden its necessary to increase the cost for piracy in the area. If every man in Somalia knew that they could get killed or arrested by pirate activities they would think twice before joining a pirate group. The same goes for the piracy networks. If they anticipate the high cost for the attacks they are forced to move to a different area or give up their activities ones and for all. The European Union and their allies in the Gulf of Aden can dramatically increase the costs for piracy by implementing some of the following concepts.

Create one secure corridor through the Gulf of Aden

All shipping lanes between Europe and the Indian Ocean go through the Gulf of Aden, making it one of the most important transit routes for the global economy. As a result every ship crossing the gulf competes with all the other transport ships over time and money. This constant battle that naturally occurs within a globalized economy just increases the risk for all involved. The cargo ships travel on many different routes through the gulf, making it impossible for the navy ships to protect them against most of the pirate attacks.[63] And therefore lowers the costs by reducing the risk for piracy operations.

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[61] A fully fitted pirat attack group may cost between 10.000 to 20.000 US-Dollar; a sucsessful attack can bring several million US-Dollar in ransoms. (Preuss, Olaf: Boom der Überfälle vor Somalia: Das lukrative Geschäft mit der Piraterie, 04/25/2009). According to some estimates, Pirates in 2008 pulled in as much as $150 million, indicating that piracy is now Somalia's biggest industry. Concerning the situation in Somalia (2m people face famine), the more ransoms are paid, the greater is the incentive to engage in piracy (Axe D., 2009). Not only private companies have to face unforseen economic cost, but so do some governments. One hot-spot with a large concentration of pirates is Southeast Asia. To combat the problem, Thailand set up an anti-piracy unit eleven years ago. Although they spent over $13 million dollars, they haven't caught a single pirate. They may have deterred pirates from attacking ships, but the expense involved may not seem economically feasible to governments. Already in september 2008 Andrew Linnington of the maritime union Nautilus said piracy had got worse because successful demands for large ransoms have inspired "copycat" attacks (Barkham, P: 2008). The legality and morality of paying a ransom is questionable. Though there is no doubt that the reward side of the coin remains in the pirates' favour.

[62] Nicoll, Alexander (Ed.): Combating piracy off Somalia: Swift naval response is only part of the solution, in: IISS Strategic Comments Volume 15, Issue 1, Feburary 2009.

[63] The combined Maritime Forces includes some 36 ships which patrol more than 2,5 million square miles of international water. At the same time approximately 50 private ships cross the area every day. (Nakamura, Michelle: Piracy off the Horn of Africa: What is the most Effective Method of Repression?, 2009, 4,8).

So in a first step it is necessary to implement a main shipping lane trough the Gulf of Aden on witch all cargo ships on there way to Europe or the Indian Ocean are recommended to join when navigating through the gulf. The advantages of this concept are obvious. One route can be secured more easily by the different navy fleets than the whole Gulf of Aden.[64] The final location of this route should be decided by military experts because the route primarily has to fulfil strict security needs. Therefore military experts have to point a route which is more likely to be secured than others. Instead of securing wide areas of the Gulf its more effective for the naval operations if the new corridor gets divided in different sectors, each controlled by a different anti-pirate navy operation currently active in the Gulf of Aden based according to their individual capacities. After establishing the different sectors depending on the specific mission capabilities every naval operation is obligated to protect their sector. That means monitoring the area, helping ships in an attack and engaging incoming pirates.

By the end of the summer 2009 the pirates were having to attack seventeen ships to hijack one. While the coalition forces took some credit for this, they admitted they intervened only in about 20% of attacks and much of the success against attacks was down to the crew themselves. Moreover, the ratio slipped back to less than one in three by the end of November. It could be caused by a fact that most hijacks at that time were around the Seychelles, where the Naval reach was limited and where there is no Group Transit Scheme[65]. But despite having insufficient capacities, IMB Director Captain Pottengal Mukundan stated that, "*The international navies play a critical role in the prevention of piracy in Somalia and it is vital that they remain.*"[66]

It's not possible for the European Union to force any ship to use the new route[67] but it is achievable to make the shipping lane more attractive, so that the anticipated finical losses for the shipping companies can be lowered. By protecting the route with navy vessels creating a save passage trough the Gulf of Aden shipping companies gain benefits from using the protected lane instead of other routes with a potentially higher risk to being victims of pirate operations. By concentrating the existing naval forces in a smaller area with close-bounded assignments, anti-pirate operations are going to be more effective and the risk for pirates increases drastically. This concept is also more costs efficient for the participating actors. Instead of regularly increasing their contingents in the gulf with little achievements these new concepts would unite all the missions and make them more powerful.

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[64] A possible problem is the fact that the ships could be an easier target when they are orgenized in a lane. (Middleton, Roger: Piracy in Somalia: Threatening global trade, feeding local wars, Chatham House Briefing Paper, October 2008, 10).

[65] Ince & Co: Piracy – a review of 2009

[66] ICC-CCS: Worldwide piracy figures surpass 400. 14 January 2010

[67] United Nations Convention on the Law of the Sea, Articel 87, 1982.

Cooperation

Uniting all the different anti-pirate missions currently operating in the Gulf of Aden to one major strategy, with the goal to protect a specific shipping lane, consisting of different sectors, makes it necessary to increase the level of cooperation between the participating organisations and nations.

To coordinate the different operations, secure the cargo of the ships and to accumulate or transfer information about pirate activities in the region an international headquarter must be installed, together with a united chain of command.[68] This facility could be based in Djibouti. The government of Djibouti is a close ally to the west, supporting the international efforts in their fight against terrorism and piracy. Also, France and the United States already have military bases in the region. Being an E.U. initiative and respecting the close historical relationships between France and Djibouti it is reasonable to use the French military base of the 13th Foreign Legion Demi-Brigade in Camp Lemonier and establish the main headquarter for an international anti-pirate operation. The camp also hosts the Combined Joint Task Force Horn of Africa of the US Central Command and is a prime strategic operation area making it the ideal location for the command centre.

To make sure that all participating organisations and nations have equal responsibilities and opportunities the command chain should not be fixed. It is hard to imagine that China for instance would participate in an anti piracy operation under NATO command. Therefore it is more productive to install a rotating command chain in which every actor has the same rights[69].

One of the main tasks for the command centre is going to be the supply of the navy vessels with precise information. The ships need to know if there are any pirate ships heading to their sector, the positions of the cargo ships going through the gulf have to be accurate so that in a case of an emergency the forces now where to strike, information about other naval vessels is also required if the circumstances require backup or military co-ordination. To secure this main task an effective anti-piracy strategy has to include a strong cooperation between the different intelligent agencies of the participating nations. In the fight against international terrorism this cooperation is a common principal. Why shouldn't it be possible to implement this concept in the fight against piracy?! It's not enough to just observe the sea routes. The European Union Satellite Centre located in Torrejón de Ardoz (Spain) has the equipment to closely observe the coastline to find pirate bases and hideouts for the piracy groups.[70] But it is not effective to observe the whole coastline of Somalia. The main pirate attacks in the Gulf of Aden have their origin in the Puntland region. Therefore the EUSC satellites should concentrate their observation activities on this region.

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[68] Knigge, Michael: Fighting piracy requires better international cooperation, 05/18/2009.
[69] The same procedure is used by the NATO forces in Afghanistan.
[70] The EUSC allredy cooperates with the European Defence Agency and the European Maritime Safety Agency supporting the SafeSeaNet system.

The key for a strong an effective organised counter piracy mission is an international head quarter in the area, with a flexible rotating command chain and access to a wide range of intelligent material. If the pirates realize that all their hideouts have been discovered by military satellites, all movements are observed so that all ships are constantly informed about the situation in the gulf; the costs for piracy will increase even more.

Piracy as a global challenge

Safeguarding the Gulf of Aden is not just a challenge for one nation ore one organisation, it is a global task. An anti-piracy strategy therefore needs the support of the international community and has to be backed up by the international law. To actively engage pirate attacks on cargo ships in the protected shipping lane, the operation has to be based on a strong UN mandate. This mandate is the common ground for the different nations and organisations participating in the described anti piracy mission in the Gulf of Aden.

The European Union cannot implement this new strategy without the support of the other actors. Russia and China for example have no interest to assign their troops under an EU, NATO or US mission. Cooperation is the key concept for an effective strategy. As a result of this only a mission officially monitored by the United Nations can bound these different actors together. Furthermore it is important to include international organisations like the International Maritime Organisation and the International Maritime Bureau in the operation to profit from their specific knowledge and experience in this field.

A flexible strategy

An international anti-piracy strategy initiated by the European Union based on a UN mandate with a mission headquarter in Djibouti, including current EU and NATO missions as well as operations from other countries, to protect a specific shipping lane in the Gulf of Aden against pirate attacks is just a short term solution. The circumstances in the area can change quite quickly, so it is necessary to be prepared.

Its possible that the pirate organisations will adopt to the new strategy only attacking ships outside the security corridor, or even move there operations in new areas. As a result of these possibilities it is necessary to evaluate the mission at least every two years and to constantly adapt the mission to the new conditions. The mission has to stay flexible when it comes to equipment, logistics and capabilities as long as the pirates have the possibility to adapt.

Conclusion or "THE NEXT STEPS"

The strategy depicted above is not the final answer for the piracy problem in general. Based on its short term character this strategy does not aim at the deeper roots of piracy. Instead its goal is it to create a relatively safe corridor in the Gulf of Aden to protect one of the most important transit routes for the industrial nations. The proposed mission cannot solve the stability issue within Somalia; neither can it guarantee that no ships crossing the gulf get attacked by criminals. This strategy is just a first step on a long, expensive but in the end necessary process to create a political, economic and social solution in the region.

A maritime solution is not an absolute solution to this problem. The piracy problem is a product of a failing state and as such must be resolved by employing a combination of various means in a long-term strategy framework. Most experts believe that the reestablishment of government authority in Somalia is the only guarantee that piracy will not persist or re-emerge as a threat. So the problem is as much on land as at sea - there will be pirates as long as there is chaos and instability in Somalia itself[71]. Naval mission is definitely only a short-term solution (though very desirable with immediate effects).

In the medium term it is required to secure not only the Gulf of Aden but the whole coastline of Somalia. Therefore a coast guard force has to be trained, equipped and implemented. The harbours in the region need to be strictly monitored and controlled to rule out any piracy activity. It also may be necessary to expand the mission to other areas, creating a demand for more ships and troops. Finally the international forces have to decide if they want to implement a more aggressive concept, for instance air strikes against the pirate bases which were able to be identified with the help of satellite reconnaissance by the EUSC, however this creates a risk of elevating the situation in to a potential armed conflict with a risk of causalities from both sides. The problem at the moment is unique, financial loss is of concern and human loss is not risk factor as Somali pirates have acted in a humane fashion, although its kidnap, torture or murder does not occur. Airstrikes or land interventions that have the possibility of creating casualties and would risk the possibility of reprisal attacks from closely connected Somali population, a factor that the EU or any actor would like to avoid.

In the long term the international community has to address the issues that led to Somalia to become a failed state as well as create economic, humanitarian and conservation packages that would address the problems that lead to piracy.[72] The direct initial cause was the violation of Somalian coastline integrity through the dumping of waste and looting of resources. Research would need to be conducted and strategies implemented in order to try to reverse the effects of such activities and possibly heal the

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[71] BBC News: Can somali pirates be defeated? November 20, 2009.
[72] Sauvageot, Eric Pardo: Piracy off Somalia and its Challenges to Maritime Security: Problems and Solutions, UNISCI Discussion Papers Nr. 19, January 2009, 266.

destruction caused and re-establish a fishing industry. Without any significant state power capable enough to impose at least the basic laws for a stable society, controlling the borders against arms and drug smuggling and without some signs of economic recovery the situation cannot improve. If the people of Somalia see no opportunity to live their life in peace and support their families without breaking the law, piracy and other forms of crime and violence are going to continue[73].

The European Union is capable to increase the cost for piracy by cooperating with other actors in the area to protect and secure a passage trough the Gulf of Aden. The cooperation is particularly vital as no single nation has the naval capability to patrol effectively the vast area affected by piracy even with an increased foreign naval presence, there are simply not enough ships to indefinitely patrol the 2.5 million square miles of water that border Somalia's 1,800 mile coastline. But without any international approach to stabilize the region a basic risk for any ship crossing the gulf will continue exist.

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[73] "*Without economic opportunities offering alternatives to criminality and without law and order to curb these activities, then the massive economic returns of hijacking ships will continue to drive piracy,*" (Noah Gottschalk from Oxfam International. In: Pop, V: EU mission alone cannot solve piracy problem, says admiral. Eu observer, February 02, 2010)

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