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Protecting vital trade routes:

The European Union's policy of combat of piracy in
the Horn of Africa from 2008-2012

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List of Abbreviations

AD	Anno Domini
AU	African Union
AMISOM	African Union Mission in Somalia
BC	Before Christ
CIA	Central Intelligence Agency
CSDP	Common Security and Defence Policy of the European Union
DWT	Deadweight Tonnage
EEAS	European External Action Service
e.g.	For example
EU	European Union
EU NAVFOR	European Union Naval Force
EUCAP NESTOR	European Union Regional Maritime Capacity Building for the Horn of Africa and the Western Indian Ocean
EUTM Somalia	European Union Training Mission to Somalia
FAO	Food and Agriculture Organization of the United Nations
GBP	Pound Sterling
GoA	Gulf of Aden
HoA	Horn of Africa
ICC-IMB	International Chamber of Commerce – International Maritime Bureau
ICU	Union of Islamic Courts
IDP	Internally Displaced Person
IMO	International Maritime Organization
INTERPOL	International Criminal Police Organization
IRTC	Internationally Recommended Transit Corridor
Km	Kilometre
MSCHOA	Maritime Security Centre – Horn of Africa
MSSI	Malacca Straits Security Initiative
NATO	North Atlantic Treaty Organization
Nm	Nautical mile
p. / pp.	Page / pages
PCASP	Private Contracted Armed Security Personnel
PMPF	Puntland Maritime Police Force
RPG	Rocket-propelled Grenade
TEU	Twenty-foot Equivalent Unit
TFG	Somali Transitional Federal Government
TNG	Transitional National Government
UK	United Kingdom

UN	United Nations
UNCLOS	United Nations Convention on the Laws of the Sea
UNHCR	Office of the United Nations High Commissioner for Refugees
UNDP	United Nations Development Programme
UNSCR	United Nations Security Council Resolution
USA	United States of America
WFP	World Food Programme

Introduction

0.1 Outline of the problem

In 2008 a problem has come up on the global agenda again that was widely considered to be out-dated. Numbers of acts of piracy¹ in the Horn of Africa (HoA) have seen a 15 fold increase in recent years and evolved into a global security issue, leading to an unprecedented international naval response to the threat posed by Somali pirates. U.S. Navy Admiral Mike Mullen noted already in 2006: “[T]he truth is that piracy can no longer be viewed as someone else's problem. It is a global problem because of its deepening ties to international criminal networks and the disruption of vital commerce” (Mullen, 2006). Somali piracy caused concern for two reasons: Firstly, attacks on UN aid shipments severely endangered support of the Somali population during the ongoing humanitarian crisis. Secondly, piracy posed an increasingly high threat to commercial shipping in the region, which is one of the busiest sea lines of communication between Asia, Europe and North America. The estimate of direct and indirect costs of piracy was calculated to almost \$7 billion in 2011 (Bowden & Basnet, 2011).

Taking into account the world's economic dependence on shipping with more than 80% of global trade goods carried seaborne (UNCTAD, 2012), piracy poses a serious threat to intercontinental trade. Ships on the route connecting East Asia, the Middle East and Europe have to navigate through two of the hotspots of modern piracy: The Strait of Malacca between the Malay Peninsula and the island of Sumatra, and the Gulf of Aden (GoA) between the Arabian Peninsula and the Horn of Africa. While in the Strait of Malacca successful counter-piracy actions have been conducted by regional states, leading to a significant decrease in acts of piracy over the last years, in the Gulf of Aden and off the Somali coast the international community is struggling in order to find a

¹ In the following thesis the term “piracy” or “act of piracy” will be used according to the definition by the IMB as “an act of boarding (or attempted boarding) with the intent to commit theft or any other crime and with the intent or capability to use force in furtherance of that act”. This definition is not recognized by international law, but for the purpose of this work is a more suitable and practical description than the legal definition of “piracy” in Art. 101 UNCLOS because of its wider interpretation of the term. The IMB definition also includes acts of “robbery at sea” occurring in territorial waters as defined in IMO Resolution 1025. The respective UNCLOS and IMO definitions can be found in the appendix.

The problems of legally defining piracy and the constraints of prosecuting, detaining and transferring pirates, though, are not the scope of this thesis. For this subject e.g. see: Geiß & Petrig, 2011; Gosling & Knott, 2008; Bahar, 2006.

solution to the problem of maritime piracy.² In 2009 already more than half (219) of the 410 actual and attempted attacks by pirates recorded worldwide occurred in Somali waters, the Gulf of Aden or were attributed to Somali pirates (ICC International Maritime Bureau, 2010).³ Piracy has always occurred in areas of heavy sea traffic, well-traversed straits where potential targets are to be found (Hansen, 2009) and with more than 20,000 ships transiting the Gulf of Aden every year, there are in fact a lot of opportunities for piracy.⁴

Apart from the economical impact, a second aspect was pushing the international community to react. In the end of 2012 still over two million Somali, almost one third of the population, were classified to be in acute food security crisis (FSNAU, 2012). Ships of the United Nations' World Food Programme (WFP) supplying Somalia's famine-plagued population with indispensable assistance had become the target of pirate attacks numerous times, which made protection of WFP vessels by naval forces necessary.⁵

In response to the aforementioned threats, beginning 2008 there has been a steady international naval effort to increase the level of security in the waters off the coast of the HoA. Currently there are three multi-national naval missions active in the area, each led by different bodies, namely the European Union (EU), NATO and an international mission led by the United States. Additionally there are various countries like Russia, China and India operating their own 'national escort systems' in concert with the multi-national missions. All of these countries have an economic interest in the stability of the waters off the HoA, thus can be called the "*Coalition of the Benefiting*" (Bayer, 2012), since they embody the countries benefiting the most from safe trade routes.

² Under heavy international pressure, the littoral states of Malaysia, Indonesia and Singapore started trilateral counter-piracy efforts (Malacca Strait Security Initiative - MSSSI) in 2004, successfully reducing piracy in the Strait of Malacca in the following years. For more information, see: Galaski, 2009.

³ Attacks attributed to Somali pirates took place in the territorial waters of Oman and the international waters of the Red Sea, the Arabian Sea and the Indian Ocean. In 2007, for the first time since statistics on piracy have been documented, the number of attacks in East Africa surpassed those in Asian waters (Mbekeani & Ncube, 2011).

⁴ Depending on the source, the number of ships transiting the Gulf of Aden varies from 16,000 up to 33,000 ships per year. The estimate of approximately 20,000 ships is widely used. This number is based on traffic statistics of the Suez Canal, where most ships transiting the GoA are headed to or coming from.

⁵ In 2007 alone, there had been three attacks on ships carrying goods and food, forcing the WFP to temporarily suspend shipments to Somalia. The WFP is heavily relying on food transportation by ship, with 90% of the aid arriving in Somali ports (Penner, 2009).

0.2 Research question

In this thesis I am focussing on the European Union's counter-piracy effort in the Horn of Africa.⁶ The major part (80%) of the maritime trade passing the Gulf of Aden is either going to or coming from a European port (U.S. Department of Transport, 2008), as such, the European Union, which represents the majority of the European states including the economically strongest, has a special interest in halting acts of piracy in the region.⁷ The Horn of Africa functionally lies inside the EU's strategic zone of interest, whose stability is essential and therefore has to be protected against transnational threats (Germond, 2011).⁸ The European interest in the region mentioned above is leading me to the following research question:

What is the European Union's driving motive for its naval military commitment in the Horn of Africa since 2008?

To analyse the impact of the EU's military efforts and its motivation in-depth, I phrased two sub-questions:

A) To what extend does the EU's military effort through Operation Atalanta deter piracy in the HoA?

B) To what extend does the influence of Somali piracy on trade routes push the European Union to act militarily against it?

To measure the deterring effect of counter-piracy actions, the most reliable way is to compare statistics about incidents in the observed period of time, which in this case covers the years of deployment of naval forces by the EU (2008 to 2012).⁹ Even though the EU mission's influence on these numbers cannot be completely disconnected from military missions operating in parallel or defensive measures taken by ship owners, due to the size of the mission it can be assumed that an influence, given there is one, can to a relevant part be attributed to the EU NAVFOR mission. The second sub-question will

⁶ The scope on the EU's counter-piracy effort in this work is limited to the EU NAVFOR mission Operation Atalanta. Further EU efforts that are part of the broader EU commitment in the Horn of Africa are not included in this term, but separately mentioned in section 3.2 of this thesis.

⁷ Of the 439 ships that have been attacked by pirates in 2011 worldwide, 182 have been owned by EU-based companies (ICC International Maritime Bureau, 2012). These numbers clearly display the extent to which the European countries are affected by piracy in the Horn of Africa.

⁸ Consequently, the EU NAVFOR Operation Atalanta is the largest of the naval counter-piracy missions active in the region.

⁹ There has been close monitoring and collecting of data about incidents by the International Maritime Bureau, the militarily involved actors and other independent institutions.

be answered based on a neorealist approach on the EU's motivation to engage in the HoA together with data provided by the economic cost estimates of Somali piracy done by Geopolicity (2011), Bowden (2010) and Bowden & Basnet (2011).

In order to answer the research questions, a case study approach is chosen and neorealist theory is used as the theoretical framework in this thesis. The structure will be as follows.

The first chapter will provide a historical overview on the development of the region in the Horn of Africa in terms of its role and importance for the international economy, as well as a brief outline of the history of piracy in general. In a second step the political and economic situation in Somalia, which plays a major and decisive role in the uprising of piracy in the HoA will be outlined. Further, the occurrence of piracy during the time span between 2008 and 2012 will be described in detail in chapter 2. This chapter will give information regarding the first research sub-question. In chapter three, I will try to examine the direct and indirect costs caused by piracy, in order to help answering the second research sub-question. The fourth chapter will be focussed on the military response by the European Union, namely EU NAVFOR Operation Atalanta. Additionally, the context of the broader EU effort in the region within its "Strategic Framework for the Horn of Africa" is introduced. In a final step the findings of this work are going to be evaluated and a conclusive look at the research questions will be taken. Additionally, possible alternative approaches and future challenges will be pointed out.

0.3 Theoretical framework

The theoretical framework applied in this thesis is neorealism. This theory derives from international relations theories and is based on two core assumptions. First, the international system is characterized by a condition, which is called anarchy (Waltz, 1979). This anarchy is caused by the absence of a higher central authority protecting the interests of the larger global community and determines the states' behaviour in the international system (Lamy, 2011). Second, states are the central actors (units) in the international system.¹⁰ According to neorealist theory, states and their behaviour are characterized by the following principles: Given the insecurity inherent to the anarchic international system, survival, or security, is the central, superior target of states (Waltz, 1979). In the anarchic system, survival is achieved through the principle of self-help,

¹⁰ Following the definition of Max Weber, a state is "*the monopoly of the legitimate use of physical force within a given territory*" (Smith, 1986, p. 23).

meaning every state being responsible for its own well-being and not relying on other states to protect them (Dunne & Schmidt, 2011). Further, states are acting rationally, choosing the option that leads to the highest benefits (Keohane & Nye, 1989), therefore can be called “*egoistic value maximizers*” (Lamy, 2011, p. 124). This pursuit of benefits is explained by the distribution of capabilities (power) that differs among states.¹¹ Waltz (1989) wrote, “*because power is a possibly useful means, sensible statesmen try to have an appropriate amount of it*” (p. 40). States are continuously comparing capabilities with other states to position themselves in the international system and “*behave in ways that tend toward the creation of balances of power*” (Waltz, 1979, p. 118). In this balance states are trying to increase their security by expanding their capabilities. While Morgenthau’s classical realist theory is expecting states to maximise their power, neorealists like Waltz expect states to ensure their survival. The EU’s counter-piracy efforts are not to be seen as an offensive attempt to maximise the Union’s power, but rather as an attempt to secure its current economic capabilities. For this reason neorealist theory is chosen over realist theory as the theoretical framework in this thesis to explain the European Union’s effort in the HoA.

Neorealists accept the existence of institutions like the European Union, but consider them only as a tool for states to achieve higher benefits and ensure their survival. From this perspective, the EU has to be seen as an “*interstate alliance whose primary purpose is to strengthen the position of individual states in an interdependent and highly competitive global economy*” (Gilpin R. , 1996, p. 19). Smaller states (like the European ones) with limited resources join alliances to achieve security, therefore European integration was not aimed at forging a common power, but rather to empower individual states through common means (Norris, 2002). International institutions are only established if they serve the rational states’ interests, which is especially the case in ‘high politics’ like security policy.¹²

In the international system, though, the EU can be considered as a single actor, according to neorealists. This change of units follows Robert Gilpin’s assumption that “*just as the modern nation-state is a product of particular historical forces, changes in*

¹¹ Capabilities were defined by Waltz (1979) as the resources that are under an actor’s direct control. They include population, size of territory, economic strength, competence and military capability.

¹² The fact that only in recent years there has been a development towards a Common Security and Defence Policy (CSDP) in the EU, despite the Union’s 60 year existence and its deep economic integration, demonstrates that states in the area of security policy are less willing to give up competences and rather join temporary alliances.

those forces could bring about the demise of the nation-state” (1984, p. 297), meaning that the central unit of analysis could change over time. European states, overcoming anarchy in Europe, together are challenging actors ‘outside’ Europe in the international anarchic system by combining capabilities.¹³ This cooperation is possible due to the fact that “*while the individual member states may have [...] a national perspective on global issues, they simultaneously have a strong and relatively well developed common perspective on international security issues [...]*” (Kluth & Pilegaard, 2011, p. 3).

In order to answer the research questions, I developed the following hypotheses that will be tested in this thesis:

H1: *The EU’s naval Operation Atalanta has led to a decrease of acts of piracy in the HoA between 2008 and 2012.*

H2: *The naval mission of the European Union is not able to eradicate piracy in the HoA, because it doesn’t deal with its root causes.*

H3: *Combating piracy through Operation Atalanta first of all serves economic rather than humanitarian interests of the European Union.*

0.4 Research Methodology

In this thesis to analyse the effect the European Union’s effort in the Horn of Africa on the occurrence of piracy between 2008 and 2012, the most suitable approach is a Case study, which is defined by Gerring as “*an intensive study of a single unit with an aim to generalize across a larger set of units*” (2004, p. 352). The idea of a case study is “*that one case (or perhaps a small number of cases) will be studied in detail [...]. The general objective is to develop as full an understanding of that case as possible*” (Punch, 1988, p. 150). The case study seems to be an appropriate approach to have a profound look at the situation in Somalia and the problems of dealing with piracy. Further, the period of time of observation of the data is limited to the span of 2008 (when Operation Atalanta started) until the beginning of 2013 (time of writing).

The main point of criticism on case studies regards external validity, the capability of generalizing the study to and across populations (Stone-Romero, 2002). This “*tension*

¹³ As Kluth & Pilegaard (2011) put it: “*While the European Union can be said to constitute a relatively closed and self-referential balance of power [...] the Union is simultaneously part of a global balance of power, where the EU is perceived as, and perceives itself as a relatively capable, international actor*” (p. 3).

between the study of the unique and the need to generalize” (Macpherson et al. 2000, p.50) poses a serious problem to generalizability of findings. However, it has to be mentioned that *“sampling is a major problem for any kind of research. We can’t study every case of whatever we’re interested in, nor should we want to”* (Becker, 1998, p. 67). Data measurement is a second aspect of criticism towards qualitative case studies. While quantitative research uses systematic empirical data and relies on statistical and mathematical methods, qualitative research requires and relies on the researchers knowledge of the topic (King et al. 1994). This criticism can be countered by a coherent explanation of proceeding: *“Providing that you have done and can demonstrate a research design driven by those priorities, nobody should have cause for complaint”* (Silverman, 2005, p. 136). Threats to internal validity have also to be kept in mind. Statistical conclusion validity is threatened by the choice of research design and construct validity might be threatened by operationalization (Stone-Romero, 2002).¹⁴ Despite these threats case studies, as Gerring (2004) noted, *“if well constructed, allow one to peer into the box of causality to the intermediate causes lying between some cause and its purported effect”* (p. 348). Additionally, *“case studies allow more room for the researcher’s subjective and arbitrary judgment than other methods“* (King, Keohane, & Verba, 1994, p. 3).

To gain information, a mix of primary and secondary sources is studied. Distinction between primary and secondary sources sometimes is difficult to make and depends on the use of the source (Delgadillo & Lynch, 1999). Generally, primary sources are original documents presenting new thinking and information on which other research is based. In this thesis, primary sources used include IMB annual piracy reports, official UN and EU documents and field studies (e.g. Hansen, 2009). On the other hand, secondary sources used included journal and magazine articles and textbooks, which describe, analyse and comment on primary sources have been used to a large extend for this thesis.

0.5 Scientific Relevance

The problem of piracy in the Horn of Africa is a topic that was very present in the global media throughout the last five years. As the High Representative of the European Union Catherine Ashton stated in 2012, Somali pirates *“are a threat to all nationalities*

¹⁴ These threats, though, are to a different degree inherent to all research designs.

and to countries across the Indian Ocean region“ (Ashton, 2012).¹⁵ According to German Foreign Minister Guido Westerwelle, fighting piracy is *“a humanitarian duty to fight piracy robustly and courageously and to protect our own German seafarers”* (Auswärtiges Amt, 2012).¹⁶

As part of the general problematic situation in Somalia, piracy is in the focus of European Common Security and Defence Policy (CSDP). For the European Union various interests are at stake. Operation Atalanta is the first ever naval mission for the EU and a step forward in developing a CSDP and the EU evolving into a military actor. For that reason there is a special interest in monitoring the implementation of Operation Atalanta as a sample mission for future commitments as done by Percy & Shortland (2011). Besides articles and studies in almost all relevant scientific journals for international relations and security and defence policy, there have been extensive analyses and studies published by official state institutions like Security Councils in European countries and the EU.¹⁷ Many research papers by important think tanks in Europe have focussed on the topic including ECFR, SWP and Chatham House. But also US-American researchers like Chalk (2010) and institutions have done research on this subject due to the economic interests of the United States in the region and the US counter-terrorism focus.¹⁸ Still, it can be noted that the European scholars tend to more often focus on the aspects of piracy, while US think tanks are predominantly concerned about onshore issues like growing Islamism. Extensive studies on the economic impact of piracy have been scarce so far, with *Oceans Beyond Piracy* (Bowden, 2010, Bowden & Basnet, 2011) and *Geopolicity* (Geopolicity, 2011) being the only institutions conducting research in this field.

For these reasons I consider important to have a look at the situation in Somalia and the EU's commitment in the region, as well as to evaluate whether the effort is having the desired impact, and to show up possible necessary modifications for the future approach of the problem.

¹⁵ HR Catherine Ashton has been very active in promoting the EU's engagement in Somalia, visiting the country various times.

¹⁶ Despite the clear economic and security interests at stake, especially in Germany the humanitarian part of the naval operation is stressed to gain support from the generally war-opposed public.

¹⁷ E.g. House of Lords: European Union Committee (2010), U.S. National Security Council (2008), Chalk, Smallman & Burger (2009), House of Commons: Foreign Affairs Committee (2012).

¹⁸ E.g. RAND National Defence Institute, Council on Foreign Relations, The Heritage Foundation.

Chapter 1: Historical Background

1.1 The importance of the Gulf of Aden for global trade

When looking at the importance of the Horn of Africa in this thesis, the focus is on the Gulf of Aden and the waters off the eastern coast of Somalia (Map 1).¹⁹ The Gulf of Aden, linking the Red Sea with the Arabian Sea, stretches from the Bab-el-Mandeb strait in the north-west to Cape Guardafui in the east with a length of about 900 kilometres (Encyclopædia Britannica, 2013). The importance of the waters off the Horn of Africa for global trade has increased tremendously with the opening of the Suez Canal in 1869. From this point on, ships were able to avoid long passages around the Cape of Good Hope, a trip that adds thousands of kilometres of distance to travel as well as additional two weeks on sea.

Despite a temporary decrease in global shipping during the latest economic crisis, the Suez Canal still displays one of the main pillars of Egypt's income today. During the last four years nearly 18,000 ships transited the Canal annually, down from more than 21,000 in 2008.²⁰ Due to rising toll fees for crossing the Canal, in August 2012 the Suez Canal saw a new record in daily revenue with \$19.6 million (Al-Youm, 2012). In 2011 revenues totalled to \$5.2 billion for Egypt.²¹

The Suez Canal plays a vital role for the global economy. As one of the lifelines of global trade, it is especially important for the European economic market, which is accountable for around 80% of the goods transiting the canal (U.S. Department of Transport, 2008). The distance for shipping from the Middle East or East Asia to Europe is reduced by 23% (from Tokyo to Rotterdam) up to 88% (from Ras Tanura, Saudi Arabia to Rotterdam) (Suez Canal Authority, 2013). The shorter distance is not only saving valuable time, but also translates directly into lower spending for fuel and other operating costs such as crews' wages for the shipping companies.

The waters off the Horn of Africa are important to global trade for different reasons. As mentioned before, it is one of the most important waterways for maritime commerce between Asia and Europe, as well as Asia and North America. But apart from the cargo shipping the region plays a vital role for the world's crude oil and gas supply. The

¹⁹ For all maps, see the annex of this thesis.

²⁰ In comparison, some 14,500 ships transited the Panama Canal annually from 2009 to 2011.

²¹ On average, transit fees are at roughly \$250,000 per ship, but depending on size and type fees can exceed \$600,000 for larger vessels (For exemplary calculations see: Notteboom & Rodrigue, 2011). The highest toll fee ever paid for a single transit totalled to \$2.28 million, paid by an Italian cargo ship in September 2011.

proximity to the oil exporting countries of the Arabian Peninsula and Iran leads to a high number of tankers transiting the area. Approximately 11% of the oil transported by tankers worldwide is passing through the Gulf of Aden (The International Tanker Owners Pollution Federation Limited, 2003), mainly for the European market, but also for the US. Regarding transportation of oil and gas, piracy spreading to the Arabian Sea, the Gulf of Oman and the Indian Ocean is also a concern for other nations. With the rapid growth of the Chinese and Indian economy, these countries' industries are increasingly dependent on imports of fossil fuels from the Middle East, thus increasing the states' interest in the region's maritime security status. These two countries alone are projected to account for one third of the worlds' energy demand in 2035 (U.S. Energy Information Administration, 2011).²²

1.2 Historical development of piracy

Dating back to the ancient world around 1000 BC, there have always been peoples to be found that were relying on piracy as their main source of income, from Greek Phocaea in ancient times to Vikings in medieval times (Kempe, 2012).

As early as 500 BC, to better protect maritime trade, acts of piracy were considered a crime. In 44 BC roman philosopher Cicero called pirates *communis hostis omnium* – enemies of all,²³ an expression that in the 17th century was modified to *hostis humanis generis* - enemies of all humanity.²⁴ This term, placing pirates outside of humanity like “savage beasts” (Schmitt, 2008, p. 397), could be found in the legislation of many states in Europe and led to the principle right of any state to prosecute and judge pirates no matter if the state itself was victim of attacks or not.²⁵ This maxim of universal jurisdiction is still present today (Von Arnould, 2012).²⁶

Despite this universal agreement on piracy it has to be noted that up to the 19th century European empires employed seamen to conduct privateering against rivalling empires'

²² According to Bowden & Basnet (2011) India already is importing 75% of its oil supplies from the Middle East.

²³ See: Cicero, *De officiis* III, §107.

²⁴ The term was used by Sir Edward Coke (1628) and Alberico Gentili (1582), who wrote “*piratae omnium mortaliū hostes sunt communes*” (pirates are the common enemies of all mortals).

²⁵ The globally accredited concept of pirates being hostile to mankind explains the international community's willingness to act concerted against piracy today. Because of the unifying effect of an external enemy, counter-piracy policies are accepted even by a general public usually opposed to military efforts (In the case of the Horn of Africa this is to be witnessed in Germany and Denmark for example).

²⁶ It further has to be mentioned that today's reception of the term *hostis humanis generis* differs from the original meaning, since exclusion of pirates from humanity and the right to immediately kill pirates without trial don't fit into modern concepts of human rights.

merchant ships or armadas.²⁷ These privateers played an important role during the colonial expansion of European empires to East Asia and America, helping their respective empire securing its spheres of influence in the new worlds (Kempe, 2012). This tool of imperial aspirations was common until 1856 when the practice finally was abolished in the Declaration of Paris (Stark, 1897).

In the beginning of the 18th century piracy was a problem spanning all over the world, with pirates from North America and the Caribbean starting to sail towards Africa in expectation of fully loaded ships travelling between Europe and Asia. These so-called roundsmen²⁸ marked the high era of piracy, sometimes referred to as the ‘golden age of piracy’ (Kempe, 2012). After this epoch, piracy declined but stayed a regional problem in different seas all over the world. In the Mediterranean piracy and privateering were present until the early 19th century, with the French conquest of Algeria in 1820 ending the 300 years reign in the Mediterranean by the Barbary States of northern Africa.²⁹ Barbary pirates attacked European ships and kidnapped their crews to sell them as slaves in Iran, Turkey or Algeria. Sometimes ransoms were paid to free the seafarers, especially by cities of the Hanseatic League that were lacking the military capabilities of Dutch or French navies to act against the privateers (Bohn, 2012).³⁰

In the waters off the Chinese coast piracy continued to exist as a major problem also during the 19th and 20th century, later shifting southwards into the South China Sea and the Strait of Malacca (Antony, 2010), with high numbers of acts of piracy following the end of the Cold War due to the decreased number of war ships in the region (Koburger, Jr., 2010). While in the 1990s almost all piracy incidents were concentrated in the South East Asian seas, beginning with the new millennium number of attacks rose in other regions as well. 2005 marked a turn in regional concentration, when Southeast Asian states began effectively combating piracy leading to a significant drop in attacks, while off the coast of Somalia piracy skyrocketed (Menkhaus & Dua, 2012). Today there are four main spots of maritime piracy in the world: the Horn of Africa, the Strait of

²⁷ Privateering means (legal) armed robbery on the high seas conducted by licensed ‘pirates’.

²⁸ Their name derived from the fact that they were sailing around the African continent in their search of possible targets.

²⁹ Barbary coast or Barbary States was a name used by Europeans in the 16th to 19th century to describe the coastal area of northern Africa including today’s Morocco, Algeria, Tunisia and Libya. The term “Barbary” derived from the ethnic group of Berber people.

³⁰ Ships of the Hanseatic League were targeted more frequently compared to Dutch and French ones that were protected by tributes paid by their respective country.

Malacca, the South China Sea and the Gulf of Guinea in the waters off Nigeria (Feldt, 2012), with most incidents by far occurring off the Horn of Africa.

Chapter 2: Political and economic situation in Somalia

2.1 Political History

The case of modern Somalia is often cited as the prototype of a failed state.³¹ In Somalia the classical theoretical variables of state failure are to be witnessed: Starting in the end of the 1980s, the Somali state successively started losing control over its territory and infrastructure and thereby its function as a provider of security and order (Straßner, 2011). The absence of a functioning government, the complete lack of reliable state structures and a virtually non-existent economy place Somalia in the very last spot in many rankings based on development-related factors, even worse than comparably war-torn countries like Afghanistan (Rice & Steward, 2008). This weakness of the Somali state has been a facilitating factor in the spreading of terrorist and criminal activities including piracy.

Somalia has been in this highly unstable condition since 1991 when the socialist government of Siad Barre collapsed after years of internal conflicts. The fall of the government was followed by a re-fragmentation of the country, with clans and warlords taking over and the north-western province of Somaliland unilaterally declaring its independence from the Somali state.

Ethnic groups in Somalia are divided into a complex set of main clan families with multiple sub-clans that have influenced Somali politics for centuries (Gebrewold, 2012). This clan structure has been a problem for a unified modern Somali state as early as with the gain of independence in 1960. Before the first parliamentary elections more than 70 parties based on clan lines had formed. This extreme particularism together with an exclusion of younger political elites led to a very low level of legitimacy of the elected government (Straßner, 2011). To overcome this fragmentation, in 1969 after a military coup d'état led by Mohamed Siad Barre a centralized socialist state was initiated. This state aimed to form a national identity to overcome clan-centred

³¹ A legal definition of the term “failed state” is not existent. The most common definition by The Fund for Peace is mentioning various attributes that indicate a failed state. These include a) the loss of physical control or the monopoly on the legitimate use of force, b) the erosion of legitimate authority to make collective decisions, c) the inability to provide public services or d) the inability to act as a full member of the international community. For the complete list of indicators see: The Fund for Peace, *Country Analysis Indicators and Their Measures* (2011).

structures by nationalising most of the industry and businesses and promoting education independent from clan affiliation. Unfortunately, the Barre government itself was not able to withstand the appeal of clan support, given that most of the international aid and development was received by his own clan (Straßner, 2011). After loosing the Ogaden War against Ethiopia in 1977-78, further delegitimizing his government, Barre abandoned the idea of a unified Somalia and resorted to clan clientelism (Gebrewold, 2012). From this point on clan-based politics was the major factor in Somalia again with several resistance groups emerging over the next years. In 1991 the regime of Siad Barre collapsed and gave way for the instable situation that is prevalent until today.

The United Nations launched three missions in the 1990's in Somalia to help counter the humanitarian crisis that was aggravated by the civil war and the disintegration of state institutions, but all with very limited success.³² In late 1992, about 80% of the food aid was being confiscated by local militias and warlords, making normal operating of the relief missions impossible (Talentino, 2006). The inability of the external forces to cope with the disastrous situation was infamously made visible for the broad public by the death of 18 American soldiers in Mogadishu in October 1993, an event that led to the final decision of complete withdrawal of the foreign forces from Somalia.

In 2000, for the first time since Siad Barre's ousting, a transitional government (TNG) was installed, but like numerous others that were to follow it failed. In 2006 the Union of the Islamic Courts gained control over Mogadishu and large parts of southern Somalia, establishing a Sharia-based legal order. The Islamists declared piracy *Haraam* (contrary to Islam) and launched attacks against pirate bases, having large success. The ICU's strict policy against piracy led to a near disappearance of the phenomenon, but it re-emerged as soon as the ICU was driven from power only a few months later. This fact demonstrates the critical impact that a centralized government can have on efforts countering piracy (Hansen, 2009). In December 2006 Ethiopia declared war on the ICU, because it was in fear of radicalization and mobilisation of the Islamic parts of its own population. Together with troops of the Transitional Federal Government (TFG), which,

³² The three missions in Somalia were UNOSOM I (1992), UNITAF (1992-1993) and UNOSOM II (1993-1995). UNITAF was an international mission led by the USA and supported by the United Nations, while the UNOSOM missions were led by the United Nations. UNITAF was installed as a transitional body and authorized by the UN Security Council (UNSCR 974) to use "*all necessary means*" to establish a secure environment for humanitarian relief operations. UNOSOM I was unable to perform its work because of the weak security situation. Contingents of UNOSOM I were authorized to reach 3,500 military personnel but this numbers were never reached due to the bad security situation. UNITAF (or Operation Restore Hope) contingents comprised of 37,000 military personnel, UNOSOM II of 28,000 and an additional 2,800 logistic and civilian staff.

with Ethiopian and US backing, had replaced the TNG in 2004 because of Islamist infiltration of the latter (Gebrewold, 2012), the Ethiopian troops drove the ICU out of Mogadishu. Afterwards the ICU disunited and its former radical youth organisation al-Shabaab aligned with jihadist networks,³³ while the more moderate wing of the ICU formed the Alliance for the Liberation of Somalia (ARLS) (Straßner, 2011).

As it was often the case in history, there was strong resentment among the Somali population against the foreign troops in Somalia that united radical groups against the external invader and helped them gain support. The internationalisation of the Somali conflict by the Ethiopian intervention is considered to be a direct cause for al-Shabaab's rise (Healy & Hill, 2010).³⁴ In 2009, Ethiopian troops withdrew from Somalia after signing the UN brokered Djibouti Agreement, leaving the TFG struggling to keep control over their territory. A ceasefire was signed between the transitional government and the ARLS in late 2008 and a new TFG was established with the ARLS participating in this government. Al-Shabaab and other radical Islamist groups rejected both peace agreements, declared war on the new government and forcefully took control over large parts of Mogadishu and Kismayo, Somalia's most important port (Mellingen, 2009). After the Ethiopian forces had left, the peacekeeping mission AMISOM of the African Union (AU) that was sent to Somalia already in 2007 to support the TFG was becoming the main target of al-Shabaab attacks (Healy & Hill, 2010).³⁵

The conflict between the radical Islamist movements including al-Shabaab and AU and Somali government forces prevails until today, with the Islamists controlling large parts of southern Somalia (Map 2). Mogadishu was site to fierce clashes between August 2010 and August 2011, which led to AU forces re-gaining control over all parts of the capital. Al-Shabaab retreated, but continued to launch guerrilla attacks and suicide bombings and the security status in the city remained highly unstable.³⁶ In September 2012 AU troops also re-captured Kismayo from al-Shabaab control, cutting off an important source of funding for the Islamists (Shadomsky, 2012). One month earlier, in

³³ Al-Shabaab itself is designated a terrorist group by six countries including the United States and the United Kingdom.

³⁴ Foreign jihadists at this point began supporting al-Shabaab in fighting the invading military.

³⁵ The EU has supported AMISOM financially to a large extent. At the time writing, the European Union already contributed €411 million to AMISOM through its African Peace Facility. EU contributions to AMISOM are used to cover costs for allowances, operational running costs, transportation, medical expenses, housing, fuel, and communication equipment.

³⁶ In October 2011 82 people were killed by a suicide attack claimed by al-Shabaab. See: <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/somalia/8806699/Massive-al-Shabaab-suicide-bomb-kills-over-80-in-Somali-capital-Mogadishu.html>. Retrieved: March 19th, 2013.

August 2012, the permanent Federal Government of Somalia was installed after the TFG's mandate had ended. It displays the first permanent government since 1991.

The heavy combats between anti-government and government forces that erupted in 2007 have led to an increase of civilians fleeing their homes in the southern regions of Somalia. According to the UNHCR (2012) more than one million Somali refugees have been registered in neighbouring countries so far. Additionally, there are between 1.1 and 1.38 million internally displaced persons (IPCs) in Somalia, most of them in the area around Mogadishu. Despite all efforts of stabilizing the country, in 2012 Somalia was ranked on the top spot of the Failed States Index for the fifth straight year (The Fund for Peace, 2012) and had the worst score on the Global Peace Index 2012 (Institute for Economics and Peace, 2012).

The semi-autonomous northern regions of Somaliland and Puntland display a different case from Central and South Somalia. The internationally unrecognized Somaliland is considered to be the most stable part of Somalia (Zimmer, 2009). Puntland declared its semi-independence in 1998, but unlike Somaliland is not aiming to reach complete independence. Both regions are comparably peaceful and hold relatively stable regional political structures and governments. While Somaliland officials have been accused of having ties with al-Shabaab and Somaliland ports are used by arms smugglers from Yemen for the radical groups, al-Shabaab hasn't been active in Puntland for a long time. Since late 2012 though, Puntland has repeatedly become target of attacks by the Islamists who are driven north due to territorial losses to AU troops in southern Somalia (Reuters, 2012). In January 2013 Al-Shabaab officially threatened to "*destroy Puntland government*" (Garowe Online, 2013), possibly shifting the epicentre of conflict northwards.³⁷

2.2 Somali Economy

Due to the lack of governmental statistics, reliable estimates about the Somali economy are hard to make. The CIA estimated the country's GDP to be at \$5.896 billion with a growing rate of 2.6% in 2010,³⁸ with livestock accounting for 40% of the GDP and 50% of export earnings (Central Intelligence Agency, 2013).³⁹ Almost 70% of Somali labour

³⁷ Al-Shabaab's movement into Puntland also fuel worries of security experts of enhanced cooperation of the radical Islamists with pirate groups and pirate attacks for terrorist purposes.

³⁸ GDP per capita is estimated at \$600, compared to \$1000 in Afghanistan and \$400 in the D.R. Congo.

³⁹ Other main export products from Somalia include fish, charcoal, hides and bananas.

force is working within the agricultural sector. Fishing, however, never was fully developed and only contributed little to Somali economy (Menkhaus & Dua, 2012).⁴⁰

The industrial sector in Somalia is barely existent, accounting for only 7% of the GDP. In the absence of a formal banking system in Somalia informal money transfer businesses, handling approximately \$1.6 billion in remittances per year, have advanced to be an important part of the service sector in the country (CIA, 2013). Additionally, telecommunication service is developed quite well, providing wireless service in most urban areas. The capital Mogadishu has enjoyed an economical boost after the retreat of al-Shabaab in 2011, but growth hasn't spread over the city's borders yet.

Adding to the struggle for the civilian population caused by the on-going military conflict, in 2011 Somalia was struck by a severe drought that further deteriorated the humanitarian crisis already in place. The region hit the hardest has been the South of Somalia, where farming was the prevailing source of food and income (Map 3). During the pique of the famine crisis about one third of population of nine million Somalis was in need of food aid.⁴¹

In economic terms the semi-independent northern region of Somaliland also differs from the southern part of Somalia. Somaliland, the richest region of Somalia, is profiting from its ties with landlocked Ethiopia earning the region high revenues from customs and taxes. Liberal economic policy has led to a flourishing private sector and foreign investments in local firms (Melling, 2009).

2.3 Socio-Economic conditions promoting piracy

Given the critical economic situation of Somalia described above, it is easy to imagine the appeal money made by pirates has on young Somalis. Already around 300 BC Greek Philosopher Aristotle recognized that piracy was just another way of acquiring goods just like fishing or hunting that occurred when one ran out of alternatives (Andersen, 2009). In Somalia there are various reasons mentioned to explain the rise of piracy to a real business in Somalia. The most important of these onshore push factors will be laid out in the following section.

The beginning of today's piracy industry at the Horn of Africa is considered to date

⁴⁰ According to an analysis by the World Bank, the EU and the FAO (2004), only 1% of the Somali population was working in this business, despite Somalia's 3,700 km coastline.

⁴¹ The UN declared famine in the southern regions of Somalia in July 2011, the first time the term was used by the UN in almost 30 years. See: <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/somalia/8648296/UN-declares-first-famine-in-Africa-for-three-decades-as-US-withholds-aid.html>. Retrieved: February 19th, 2013.

back to the early 1990s. With the meltdown of Somali state institutions including any type of coast guards, foreign trawlers started to enter unpatrolled Somali waters.⁴² While this fact is undisputed, the consequences illegal fishing had on piracy are doubted. As it is often claimed by Somali pirates themselves, this illegal fishing severely threatened Somali fishermen's business, so as a response they started to act as 'private coast guards' to deter foreign trawlers from exploiting Somali waters (Menkhaus, 2009). However, the claim that combating illegal fishing is the cause for the piracy off the HoA is contradicted by the fact that acts of piracy were largely directed against commercial ships already in the 1990s. This makes it quite evident that pirates were driven by the classic incentive of profit rather than by the will to protect their fishing grounds from being exploited (Hansen, 2011). In its Security Council Resolution 2077 (2012) the UN also states that they had received "*little evidence to date to justify claims that illegal fishing and dumping are factors responsible for forcing Somali youths to resort to piracy*" and that "*resources should not be allowed to mask the true nature of piracy [...] which is a transnational criminal enterprise driven primarily by the opportunity for financial gain*". While it is still possible that some pirate groups evolved from such 'coast guard' activities, today's pirates have little in common with these fishers. A former Somali ambassador to the US stated: "*I have visited the areas where these people are operating and the fishermen who first started it were not there at all. Now there are only renegades and radicals who want to benefit from it, whom I call merchants of death*" (Al Jazeera, 2012).⁴³ Nevertheless, illegal fishing has to be a topic of concern in counter-piracy concepts, because of the legitimization it offers to pirates. Acting as defenders of Somali waters not only gives acceptability to pirates among the local population, but also remains serving as a psychological self-legitimizing factor for pirates (Hansen, 2011). Ironically, it is piracy itself that has a negative effect on the Somali fishing industry, since many fishermen are attracted by possible revenues from piracy and therefore are changing businesses.

The tempting financial rewards from piracy are an important factor in the development of the piracy industry in Somalia. On average, the income in Somalia amounts to less than \$2 per day, making the possible earnings from piracy almost irresistible for many

⁴² It has to be noted, though, that also the pre-1991 state of Somalia was lacking adequate monitoring and surveillance institutions for its territorial waters.

⁴³ Interview with Yusuf Omar Al Azhari by Al Jazeera. For the complete interview visit: <http://www.aljazeera.com/programmes/insidestory/2012/03/20123261040397695.html>. Retrieved: February 11th, 2013.

Somali. Consequently, this poor economic situation in Somalia leads to a seemingly endless pool of recruits for pirates. The absence of alternatives increases the appeal of participating in lucrative pirate activities. In 2008 alone, Somali pirates received estimated ransom payments of more than \$30 million (U.S. National Security Council, 2008). In a cost-benefit analysis, balancing expected gains and expected loss from working as a pirate, piracy seems to be a very good option: Legal problems of prosecuting and transferring pirates, the safe bases onshore, low probability of being caught, shipping companies avoiding armed crews to lower the risk of damage to the ships and injured and death crew members and finally of course the high ransoms paid make piracy tempting choice.⁴⁴ Further, for shipping companies, paying ransom money is often by far more attractive financially than prolonging the hijacking. Still, Hansen (2009) notes, poverty doesn't causally explain why piracy is mainly based in the comparably richer regions of Puntland, where a major part of the Somali pirates is operating from, instead of the poorer regions in Southern Somalia.

One reason why pirates are well integrated in the coastal societies is the fact that they reinvest parts of the ransom money (approximately up to 20%) in the coastal regions and towns they are operating from (Chalk, Smallman, & Burger, 2009). This not only makes the pirates respected members of the society, but at the same time displays a vital, constant flow of financial support for the local infrastructure. Especially in the northern regions of Puntland, piracy has become a cornerstone of the coastal areas' economy, merging illegal and legal businesses.

Besides the economic appeal of piracy, there are additional factors that facilitated the growth of piracy in Somalia. Illegal dumping of toxic and nuclear waste, which developed into a serious business after the collapse of the Siad Barre regime and has been documented and acknowledged by the UN (Milton, 2009), is, similar to the illegal fishing argument, used to justify the eruption of piracy, but it doesn't serve as an explanation for piracy for the same reasons valid for illegal fishing. Still, it has to be addressed as part of the general problem in Somalia.

The absence of functioning state structures, security institutions in particular, is clearly easing the spread of piracy. In the case of Somalia, as mentioned before, it can be

⁴⁴ Geopolicity (2011) calculated that pirates earned \$33,000 to \$79,000 per year, an income 67 to 157 times higher than the next best legal alternative.

The problem of missing (or only worse) economic alternatives to piracy can in part be compared to the Afghan problem of poppy farming. For an extensive description of the situation in Afghanistan see: Rashid, 2008.

observed that piracy doesn't concentrate on the areas of the country with least control, but rather is situated mostly in the Puntland region where some regional state structures are existent. It can be concluded that pirate groups, like mafias, can work as well in the presence of weak, corrupt governments as they do in areas of complete absence of state structures, as it is the case in Central Somalia (Menkhaus & Dua, 2012). Some structures might even help pirate networks by assuring a minimum level of stability, keeping the endemic violence from Central Somalia out of the region, but at the same time not being strong enough to act against organized pirate networks. The entanglement of authorities in the piracy business further complicates effective counter measures on the judicial level.

According to McKay (2011), a major problem still remains the fact that right now there is no working deterrent for being involved in the piracy business for economic reasons. Even getting arrested by international forces is seen as desirable by some pirates, offering them a chance of asylum and getaway from Somalia (Menkhaus & Dua, 2012). Due to the unsolved legal situation, an estimated number of around 90% of pirates detained by naval forces are released without charge anyway (House of Commons: Foreign Affairs Committee, 2012).

It can be noted here, that while in the 1990's the aforementioned push-factors of illegal fishing, dumping of toxic waste, weak or non-existent state structures and poverty have aggravated the development of piracy, today's pirates clearly have a profit-gain motivation. The changes in driving motives for conducting piracy are compared to the 'grievance to greed' path described in theories of war economics (Menkhaus, 2009).⁴⁵

Chapter 3: Piracy in Somalia

In a report by Jack Lang (2011), the number of pirates in Somalia was estimated to be about 1500.⁴⁶ Some analysts assume that the number of pirates will increase by 200 to 400 annually, which might be leading to an even further expansion of the operational area of the pirates along the African East coast, into the Indian Ocean and to the Arabian Peninsula (Geopolicity, 2011). Over the years piracy has developed into an industrialized large-scale business with structures comparable to criminal drug trafficking cartels. These networks are characterized by "*durability, hierarchy, and*

⁴⁵ For an extensive explanation of this model see: Collier, 2011.

⁴⁶ Jack Lang was appointed 'UN Special Advisor on Legal Issues concerning Piracy off the Coast of Somalia' by UN Secretary-General Ban Ki-moon in August 2010.

involvement in a multiplicity of criminal activities” (Hill, 2006, p. 8), all of which apply to Somali pirates. The largest pirate syndicates in Somalia are the National Volunteer Coastguard operating from Kismayo, the Marka group, the Somali Marines (Hoboyo-Haradheere Cartel), operating from Central Somalia, and the Puntland group (Mellingen, 2009). According to Raymond Gilpin (2009), “[e]ach network is comprised of dozens of armed militia, a few conscripted fishermen and hundreds of unemployed young men loosely organized in gangs” (p. 7). These groups are affiliated to and integrated in local clans of which the Darood and the Hawiye clan are the ones linked the closest to piracy (Gilpin R. , 2009). By being part of the clan structures, pirates are supported and protected by their clan’s community, complicating on-shore actions against pirates by local authorities.

Pirates from Somalia often are military trained due to experience from fighting in the civil war and well armed.⁴⁷ Their weapons are acquired through illegal, unregulated flows of arms, mostly from Yemen, in breach of UN Resolution 733 (1992) that is still in effect.⁴⁸ Further, the UN Monitoring Group on Somalia and Eritrea (2011) criticises that “[d]espite AMISOM’s oversight and TFG efforts at self-policing, ammunition continues to leak from the custody of TFG and militia commanders to the illicit market” (p. 44). The level of additional technical equipment in general is quite low and usage of advanced technologies like night vision goggles or GPS systems is rather seldom (Hansen, 2009).⁴⁹ While until a few years ago pirates mostly targeted smaller ships, recently the size of ships attacked by pirates has reached the biggest classifications. The hijacking of the *M/V Maran Centaurus*, a Crude Oil Tanker with a deadweight tonnage of about 300,000 DWT and loaded with crude oil worth approximately \$150 million, in November 2009 made clear that the pure size of a ship is no deterring factor for piracy any more (EU NAVFOR, 2009).⁵⁰

Somali pirates also increased their area of operation drastically over the last years, attacking ships as far as 76° East longitude, close to the Seychelles and over 1000 nm⁵¹

⁴⁷ Arms used by Somali pirates generally include pistols, light machine guns, AK 47s or similar assault rifles and RPGs. See: UN Monitoring Group on Somalia and Eritrea, 2011.

⁴⁸ UNSCR 1744 (2007) limited the embargo to non-state actors to enable support of Somali security institutions of the TFG. For detailed information visit: http://www.sipri.org/databases/embargoes/un_arms_embargoes/somalia. Retrieved: November 21st, 2012.

⁴⁹ According to Chalk (2010) 93% of pirate attacks occur during daytime, backing the thesis of low-level technical equipment, night vision goggles in particular.

⁵⁰ Smaller ships below 30,000 DWT are still attacked most often, since they are more vulnerable to attacks due to lower freeboards and speed (Compass Risk Management, 2012a).

⁵¹ One nautical mile equates 1,852 metres.

off the Somali coast (ICC International Maritime Bureau, 2013) (Map 4). This expansion was enabled by the sophistication of piracy operations, no longer relying solely on their small skiffs with limited range, but using captured dhows or small cargo vessels as motherships to enlarge their operational radius (Feldt, 2012).⁵² At the same time it has to be mentioned that operating further off the Somali shore and using easier detectable motherships increases the risk-to-reward ratio for pirates, giving international naval military operations partial success (House of Lords: European Union Committee, 2010).

Pirate groups in Somalia are mostly operating from the northeast coast in Puntland and Central-South Somalia (Lang, 2011). Their main operational ports are located in Harardheere, Hobyo, Garad and Eyl.⁵³ Puntland's weak but functional government seems to provide a good environment for the pirates. Many officials are corrupt and suspected to be directly involved in the piracy business (Menkhaus & Dua, 2012). The trickle-down effects of piracy on the economy in the cities of Puntland, as well as the revenues from accepting bribe money make it unlikely for local governments to act against pirate groups (Shortland, 2012). Since Somaliland's and Puntland's governments are comparably weak, it is not completely clear why piracy is wide-spread in Puntland and virtually non-existent in Somaliland, despite its geographical situation that would even better be suiting piracy. Many analysts, like Menkhaus & Dua (2012), explain Somaliland's forceful counter-piracy efforts by its aspirations of gaining international diplomatic recognition, a motivation that is not given in Puntland. Since 2005, Somaliland is operating an own coastguard, but further expansion of these capacities with international support is hampered by Somaliland's unrecognized status (Healy & Hill, 2010). The new Puntland government, elected in 2009, promised to also take a tough stance against piracy, in 2011 establishing the Puntland Maritime Police Force (PMPF) with funding by the United Arab Emirates. The PMPF has reached some success in operating against pirates, in December 2012 freeing all crewmembers of the MV Iceberg 1 who had been in captivity for almost three years (Garowe Online, 2012).

Especially in the US analysts are worried about connections between pirate groups and radical Islamic networks, fearing pirates using hijacked ships for suicidal attacks. So far

⁵² The increased threat in the Indian Ocean has led some shipping companies to re-rout their ships hugging the Indian coastline rather than directly crossing the Indian Ocean.

⁵³ Piracy based in Eyl, once the main base of Somali pirates, has been significantly reduced recently due to anti-piracy campaigns pushed by the Puntland president who himself is originated from Eyl.

cooperation between these groups may only be for purpose of people trafficking or arms smuggling. There have been hints of increased cooperation though, which can be explained by al-Shabaab looking for additional sources of funding for their activities (Saul & Reed, 2011). It is also likely that parts of ransom money received by the pirates (in-) directly are ending up with al-Shabaab (Menkhaus, 2009).⁵⁴ Due to the use of informal money transfer systems until today structures and networks behind Somali piracy are not known in detail (Stepanova, 2010). It is assumed that the business is partly financed by the Somali diaspora in neighbouring African nations and the Gulf States (Feldt, 2012). Recent calculations estimate that around 70% of the revenues of piracy are returned to financiers and sponsors (Geopolicity, 2011).⁵⁵ To proceed against money laundering of these networks would be an important step to help countering the piracy problem by complicating financing and cutting of monetary supply to pirates (Jacobi, 2010).⁵⁶ It can be said that in the end is Somali piracy is a logical consequence of the onshore situation in Somalia in combination with the proximity to one of the world's busiest shipping lanes. It displays nothing else but the continuation of lucrative warlords and militia activities – roadblocks and kidnapping - offshore.

The central difference between piracy in the HoA and piracy in the Strait of Malacca is the fact that East Asian piracy was principally conducted as attacks to rob cargo or steal the ship to re-flag and sell it, whereas in the Horn of Africa hijackings and taking crews hostage have become the standard procedure (Johns, 2012).⁵⁷ According to Percy & Shortland (2011) the focus on the hijack and ransom method can also be explained by the lack of infrastructure onshore that makes it impossible for Somali pirates to unload cargo.

3.1 Development of attacks between 2008 and 2012

Even though already existent in the 1990's, Somali piracy remained at very low numbers for a longer period of time. In 2005 numbers of acts of piracy increased sharply for the first time, marking the start of today's large-scale piracy business in Somalia, but was concentrated on the waters off the Somali east coast rather than the

⁵⁴ Though at first sight contradicting, local collusion between the Islamic radicals and pirate groups are in place for monetary reasons, despite the religious rejection of piracy by al-Shabaab.

⁵⁵ To be able to monitor, identify and prosecute financing networks behind piracy groups, the UN on basis of UNSCR 2020 has urged the creation of the *Global Maritime Piracy Database* by INTERPOL (INTERPOL, 2009).

⁵⁶ Financial support is especially important when it comes to buying fuel or skiffs or for taking care of hostages and maintenance of ships to secure high ransoms.

⁵⁷ Hostages are held captive by Somali pirates for an average 178 days (Bowden & Basnet, 2011).

Gulf of Aden (35 attacks against 10 in 2005). The focus of Somali piracy shifted in the next years and in 2008 the second wave of growth of piracy incidents in the Horn of Africa occurred and finally led to international counter-piracy reactions. Acts of piracy in the GoA almost saw almost a ten-fold increase in 2008 (92, up from 13 in 2007) and attacks in waters off Central Somalia remained high (ICC International Maritime Bureau, 2009).

The Horn of Africa as the epicentre of piracy becomes clearly apparent when looking at the number of hijacked vessels. In 2009, all but two (47 out of 49) and in 2010 49 out of a total 53 hijackings worldwide were conducted by Somali pirates. From 2008 through 2011 numbers of attacks increased annually (Table 1), but successful hijackings were reduced due to the naval presence and the application of defensive measures and compliance with BMPs by commercial ships. The success rate of pirates in 2012 (18.6%) was less than half as high compared to 2008 (37.8%)(Table 1). Also, the number of hostages taken has decreased considerably over the last two years. For the first time since naval operations in the Horn of Africa began, in 2012 there has been a significant decrease in pirate activity. That year there have been 75 reported incidents attributed to Somali pirates, including 14 hijackings.

Table 1: Somali piracy

Type of attack	2008	2009	2010	2011	2012
Actual and attempted attacks	111	217	219	237	75
Hijackings	42	47	49	28	14
Success rate	37.8%	21.6%	22.4%	11.8%	18.6%
Seafarers taken hostage	815	867	1016	470	250
Crew fatalities	18	8	14	34	6

Data: IMB Annual Piracy Report, 2009-2013; Compass Risk Management, 2012b.

While these numbers alone give a very positive impression of counter-piracy efforts, splitting up data on basis of the location of attacks offers a different implication. When differentiating between the Gulf of Aden, including the IRTC, and waters off the eastern Somali coast it becomes apparent that the decline in acts of piracy isn't as linearly as expected. Data from Table 2 clearly shows that the international naval efforts did not lead to decreasing numbers of piracy in the first place, but rather forced pirates

to shift their area of operation away from the heavily controlled GoA to the vast Indian Ocean.

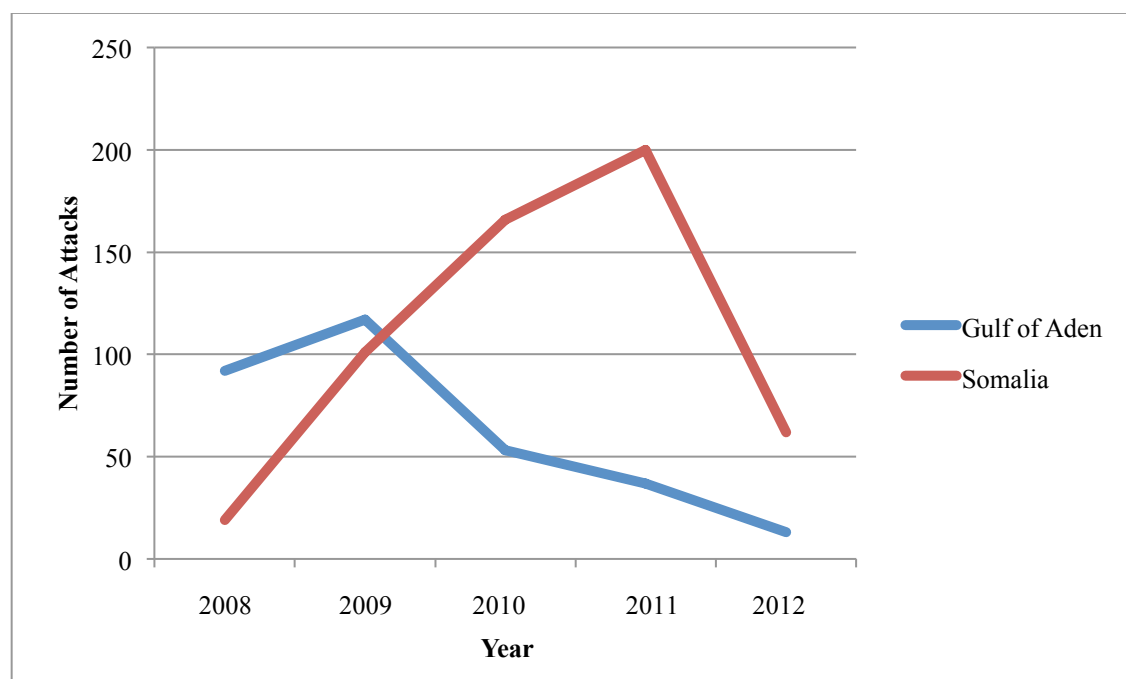
Table 2: Somali piracy

Area of attack	2008	2009	2010	2011	2012
Gulf of Aden	92	117	53	37	13
Somalia*	19	101	166	200	62

Data: IMB Annual Piracy Report, 2009-2013.

* Including incidents in the Arabian Sea, Oman, Indian Ocean, and Red Sea.

Graphic 1: Attacks by Somali pirates (2008-2012)



In 2012, though, acts of piracy also declined in waters off the Somali east coast (Graphic 1).

Chapter 4: Economic consequences of piracy

Piracy in the Horn of Africa is causing financial consequences on different levels. Due to the various aspects involved, estimations for costs caused by Somali piracy amounted to overall costs of almost \$7 billion in 2011 (Bowden & Basnet, 2011).⁵⁸ For better

⁵⁸ Estimated costs of Somali piracy in 2010 by Geopolicity (2011) span from \$4.9 to \$8.3 billion.

understanding of how this numbers are calculated, I will present occurring costs differentiating between the various actors affected.

4.1 Costs for the shipping industry

In May 2008, the biggest insurance company Lloyd's Market Association classified the GoA a 'war risk area', leading to a sharp increase in insurance premiums for transiting ships (Weber, 2009).⁵⁹ Insurance rates rose by 40 times from 2008 to 2009, going up from about \$500 to \$20,000 per passage (Gilpin R. , 2009). Additional costs for the shipping industry coming from these premiums were estimated to amount to \$635 million (Bowden & Basnet, 2011).

As a response to the growing threat of piracy, the IMO released guidelines for safe passage through the Gulf of Aden. Compliance of these Best Management Practices (BMP) adds further costs for shipping operators.⁶⁰ On the one hand expenses for security measures and equipment including razor wire, water hoses and safety citadels amount to around \$600 million (Bowden & Basnet, 2011). To complicate boarding by pirates, the IMO also advises vessels to travel with increased speed of at least 18 knots,⁶¹ which leads to significantly higher fuel consumption and extra costs totalling \$2.7 billion (Bowden & Basnet, 2011). The option of re-routing ships around the Cape of Good Hope to avoid the Gulf of Aden has been considered only by a small number of shipping companies. Estimations by Lang (2011) calculate that the longer route would add approximately 10 days and fuel costs of \$800,000 to \$2.7 million (depending on the size of the vessel) to the passage.

Because they are intensively affected and bear approximately 80% of the costs caused by Somali piracy (Bowden & Basnet, 2011), shipping operators are pushing for a greater military effort by the nation states, including deployment of military personnel on merchant ships (Hughes & Minio-Paluello, 2012). This is already occasionally put in

⁵⁹ The 'war risk area', as a consequence of larger area of operation of Somali pirates, has been expanded since. For exact coordinates and a complete list of areas listed as risk zones see: Joint War Committee, 2012.

⁶⁰ Given the statistically low probability of being attacked (less than 0.5% measured against the overall transits), some shipping companies still abstain from complying with the BMP. There are calls for the maritime insurance industry to more strongly press ship-owners to comply with the advices. As the British House of Lords' European Union Committee (2010) recommended, non-compliance for example should be punished by higher insurance rates. For the latest version of BMP (BMP4), visit: <http://www.imo.org/MediaCentre/HotTopics/piracy/Documents/1339.pdf>. Retrieved: March 4th, 2013.

⁶¹ The optimum economical speed for container ships for example is between 10 and 15 knots, according to *A.P. Moeller Maersk*.

practice by a number of European countries including the United Kingdom, Italy and France, but has aroused serious legal and diplomatic disputes.⁶²

The majority of ships transiting the GoA are employing Private Contracted Armed Security Personnel (PCASP) for protection. In late 2009, only about 10 to 20% of commercial vessels transiting waters home to Somali pirates carried PCASP, for 2012 some analyses guessed the percentage to be as high as 70% (West, 2012). Bowden & Basnet (2011) valued the additional costs of these deployed personnel to \$530 million.⁶³ While to date no vessels with PCASP on board have been attacked successfully (Smith & Chonghalla, 2012), still, the IMO does not explicitly recommend the deployment of PCASP and many analysts are opposed to the use of armed personnel on board vessels, pointing out to the risk of escalation due to an arms race with the pirates, possibly leading to more casualties among crews.⁶⁴ Further, through the use of heavy weapons the likelihood of an environmental disaster is increased if oil tankers are attacked and damaged or sunk (Middleton, 2008). The question whether PCASP can be deployed on a ship is up to the legal framework provided by the flag state of each ship. An international charter is not existent yet. States allowing PCASP deployments include the USA, the United Kingdom, Greece, Norway and Germany (Speckmann, 2012).

Another part of the overall costs of Somali piracy is ransoms paid for hijacked vessels and crews. It is estimated that in 2008 \$20 to \$40 million have been paid in ransom to Somali pirates (Menkhaus, 2009). These payments exploded due to the numbers and growing size of hijacked ships and in 2011 amounted to about \$160 million, an average \$5 million paid for every ship (Bowden & Basnet, 2011).⁶⁵ Calculations by Geopolicity (2011) see ransoms further boosting to between \$200-400 million in 2015. Nonetheless, some shipping companies consider payment of ransom money as a *“regrettable but tolerable cost of doing business, even if it encourages more piracy”* (Ploch, Blanchard, O'Rourke, Mason, & King, 2011, p. 14), because these payments are still lower than alternative costs arising from hijacking for shipping companies.⁶⁶ Bearing in mind the

⁶² For a detailed examination of these problems, see: Brown, 2012.

⁶³ Bowden & Basnet estimated that 25% of ships in the area used PCASP, so in 2012 the costs for armed guards are likely to have been significantly higher. On the other hand it has to be noted that PCASP on board of vessels decrease insurance premiums, so in the end can be economic for ship operators.

⁶⁴ Numbers of deaths of crewmembers are relatively low so far, with most casualties coming in naval confrontations with Somali pirates. See e.g.: http://www.nytimes.com/2012/02/29/world/africa/2-hostages-die-as-danish-navy-frees-ship-hijacked-by-pirates.html?_r=0. Retrieved: February 17th, 2013.

⁶⁵ According to Bowden (2010), in 2005 the average ransom paid was about \$150,000.

⁶⁶ Apart from the increasing risk of possible loss of cargo and vessel, for every day of delay of arrival the shipping company has to pay compensation to the clients and is experiencing losses due to inactivity of

annual budget of the semi-autonomous region of Puntland being valued at \$20 million, the influence of ransom money in the area should not be underestimated at all (Menkhaus & Dua, 2012), since a considerable share of the ransoms is reinvested in the pirate regions. This phenomenon was observed by an economic growth in towns within Puntland concurrent with the explosion of piracy, as reported in an analysis for Chatham House by Anja Shortland (2012). Besides the actual ransom, Johns (2012) notes, there are significant costs occurring for shipping companies in the process of negotiations for employing internal and external advisors and negotiation teams for a period that stretches over weeks, even months.

4.2 Counter-piracy operations

When looking at the total direct costs of Somali piracy, spending on counter-piracy operations has to be included as well. As mentioned in the beginning of this thesis, there are various countries operating naval assets in the HoA participating in different missions. Also when part of an international mission, costs for operating naval vessels are carried by the national states. Including operational expenditures on vessels, air surveillance and administrative costs, Bowden & Basnet (2011) estimated the costs of counter-piracy military operations off Somali to aggregate to \$1.27 billion at least.

4.3 Impact on regional states

Regional states are affected disproportionally by Somali piracy. Because of the very difficult task of calculating the macro-economic costs for these states, they were not included in the overall estimation of costs of piracy by Bowden (2010), Bowden & Basnet (2011) and Geopolicity (2011), but are mentioned here anyways.

Effects of piracy on the region are manifold. Pirates operating deep into the Indian Ocean growingly affect fishing and tourism in Mauritius and Seychelles. Losses related to piracy in these two fields alone accounted for a drop of GDP of 4% in Seychelles in 2009 (Mbekeani & Ncube, 2011). Markets in countries on the East Coast of Africa also suffer from rising insurance premiums directly affecting commodity prices (Lang, 2011). In 2010, the macroeconomic costs for Seychelles, Kenya and Egypt and Yemen together amounted to \$830 million (Bowden, 2010). Additionally, Mozambique is in fear of threats to offshore energy exploration by Somali pirates, hampering the country's economical development (Comolli, 2012).

the ship. Also the risk of damaging the ship or threatening the health and life of the crew by trying to free the ship forcefully is another pushing factor for the company to seek a peaceful settlement.

Somalia itself, as mentioned above, is affected positively as well as negatively by piracy off its coast. There might be some deterring effects by pirates on Somali fishermen and hampering of food aid deliveries, still, the investments by pirates onshore are outweighing this negative economic aspect for Somalia, especially with food shipments being secured now. Nonetheless, piracy is clearly slowing possible development of Somali economic activities, but this impact is not to be measured.

Considering that international maritime trade is presently generating revenues exceeding \$7 trillion per year, costs occurring because of Somali piracy (summing up only to a hundredth of this number) might seem somewhat insignificant from a straight economic perspective (Chalk, Smallman, & Burger, 2009). But besides these ‘hard’ costs of piracy, also ‘soft’ costs are occurring that are even harder to be measured. Apart from seafarers being killed or sincerely injured in any action related to acts of piracy, also to major concern in this part are the psychological effects of piracy on seafarers. Being held hostage or simply stress from transiting zones of piracy cause serious psychological diseases like post-traumatic stress disorders (Garfinkle, 2012).⁶⁷

Chapter 5: Military responses by the European Union

After the Transitional Federal Government of Somalia made a call to the UN Security Council in early 2008, asking for international support in countering piracy off the Somali coast, in June 2008 UNSCR 1816 was passed. This resolution authorized all states cooperating with the TFG to “[e]nter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea” and to “[u]se all necessary means to repress piracy and armed robbery” (United Nations Security Council, 2008).⁶⁸ On the basis of this resolution the European Union launched its naval mission EU NAVFOR Operation Atalanta.

5.1. EU NAVFOR Operation Atalanta

EU NAVFOR Operation Atalanta displays the first ever EU naval mission with the operation’s headquarter based in Northwood, UK. The Atalanta mission is part of the

⁶⁷ The Seamen’s Church Institute is raising awareness for the problem of psychological diseases, pushing for post-piracy care programmes to deal with the psychological impact of piracy on crews. See: Garfinkle, 2010. For an extensive work on the psychological component of maritime piracy, see also: Sedlaček, 2006.

⁶⁸ The mandate has been renewed several times since then. The current mandate was confirmed for another twelve months in UNSCR 2077 on November 21st 2012.

CSDP, initiated and pushed forward by the French government while chairing the EU council during the second half of 2008 (Istituto Affari Internazionali, 2011).

5.1.1 Objectives and performance

Official mission objectives of EU NAVFOR Operation Atalanta are A) the protection of WFP vessels delivering food aid to displaced persons in Somalia and the protection of AMISOM shipping, B) deterrence, prevention, and repression of acts of piracy and armed robbery off the Somali coast, C) the protection of vulnerable vessels cruising off the Somali coast on a case by case basis, and additionally D) contributing to the monitoring of fishing activities off the coast of Somalia (EEAS, 2012). Atalanta reached Initial Operational Capability and conducted its first escort on December 13th 2008. On March 13th 2012 the Council of the EU extended the mandate of EU NAVFOR Operation Atalanta until December 2014 (Council of the European Union, 2012a).

Deployed forces of EU NAVFOR Atalanta typically comprise of 4-7 Surface Combat Vessels and 2-4 Maritime Patrol and Reconnaissance Aircrafts with around 1,200 personnel (European Union Naval Force, 2013).⁶⁹ At the time of writing ships and aircrafts from Belgium, Finland, France, Germany, Greece, Italy, Luxemburg, the Netherlands, Portugal, Spain, Sweden, the UK and non-EU member Norway had participated in the operation (Germond, 2011).⁷⁰ Shipments of the WFP to Somalia are protected by direct naval escorts, a procedure that has proven to be very successful. So far none of the vessels escorted by a EU NAVFOR warship has been target of an attack by Somali pirates, a point often stressed by navy officials.

The protection of commercial ships is conducted through different means. Firstly, the Maritime Security Centre – Horn of Africa (MSCHOA)⁷¹ advises ship-owners about defensive measures. Further, MSCHOA is providing 24-hour surveillance of maritime traffic in the Gulf of Aden and is closely cooperating with the shipping industry. Secondly, the MSCHOA established the Internationally Recommended Transit Corridor (IRTC) in the Gulf of Aden, a certain corridor that is, thirdly, closely patrolled by

⁶⁹ The number and composition of deployed units change due to the rotation principle and the Monsoon season.

⁷⁰ Serbia, Ukraine, Montenegro and Croatia. Bulgaria, the Czech Republic, Cyprus, Hungary, Ireland, Lithuania, Malta, Poland, Romania and Slovenia have provided military staff to work at the operational headquarters in Northwood.

⁷¹ MSCHOA is a civil-military coordination centre with a web-based vessel registration service that allows the EU NAVFOR forces to communicate and liaise with shipping operators and further offers BMPs and updated information about piracy activity in the region. For more information visit: <http://www.mschoa.org/on-shore/home>. Retrieved: March 15th, 2013.

international naval forces directly securing maritime traffic (Percy & Shortland, 2011). Ships are also given specific times when they shall enter IRTC to enable closer protection by transiting in convoys.⁷² The IRTC has proven to be an effective measure, because of the sharply reduced numbers of attacks in the specific area of the corridor. Though, when taking into account the total numbers of pirate attacks in the HoA, as shown in Chapter 4, it has to be concluded that the naval counter-piracy effort by the European Union has been of limited success.

EU NAVFOR Atalanta is operating in an Area of Operation of about 2,000,000 square nautical miles (almost 3.5 million square kilometres), covering the Southern Red Sea, the Gulf of Aden and large parts of the Indian Ocean, including the Seychelles. This area, 1.5 times the size of mainland Europe, also includes the Somali coastal territory and its territorial and internal waters (EEAS, 2012). The initial Area of Operation has been expanded since 2008 as a response to the enlarged radius of operation of Somali pirates. Additionally, since 2012 the renewed mandate for Operation Atalanta allows EU NAVFOR forces to attack onshore targets – actions called Disruption of Pirate Logistic Dumps (DPLD) - but without sending ground troops (Council of the European Union, 2012a).⁷³ In May 2012 the first attack against pirates on mainland Somalia was launched by a helicopter targeting skiffs and fuel supplies on a beach near the city of Harardheere (Pflanz & Harding, 2012). The extension of the mandate to include onshore action is widely considered as an important step in disrupting pirate activity.

In a presentation by EU Military Staff on the implementation of measures following UNSCR 1816, besides protection of WFP shipments, the protection of the interests of EU ship owners was explicitly mentioned, allowing the conclusion that economic interests are the main driving motive for the mission.⁷⁴ EU NAVFOR clearly serves the core economic interests of individual EU member states (Germond, 2011).

⁷² To enable this practice, ships are recommended to register before entering the Gulf of Aden. Registration helps the international forces keep track of ship movement in the area. Proximity of naval forces to commercial ships is crucial to prevent successful attacks, since navies generally refrain from taking action against pirates once they boarded a ship to avoid endangering the lives of crews and damage to the vessel or cargo. German Navy Press Officer Christoph Kohlmorgen called the time needed by naval forces to reach an attacked vessel “*the golden 20 minutes*”, in which the vessel has to hold off the pirates until help arrives (Vanhulle, 2010).

⁷³ It has been explicitly stressed by EU officials that there will be ‘no boots on the ground’ in any counter-piracy operations on the Somali shore. The expanded mandate is backed by UNSCR 1851, which allows states to launch military actions against pirates on Somali territory.

⁷⁴ Presentation to be accessed on: <http://www.consilium.europa.eu/eeas/security-defence/eu-operations/eunavfor-somalia/factsheets?lang=en>. Retrieved: February 14th, 2013.

Because of the unsolved legal issues, participating naval ships are operating under their national legislation, leading to vastly differing operational competences that hamper a harmonized effort (Feldt, 2012). A large number of contained pirates are released without interrogation, because neither EU nor other states involved in the naval operations are willing to have the pirates taken to their country for trial.⁷⁵ To counter this, so far the EU signed agreements with Kenya and the Seychelles for the transfer and prosecution of suspected pirates and is in negotiation with other nations (House of Lords: European Union Committee, 2010). But still this isn't a long-term solution for the problem of legal prosecution of pirates.

5.1.2 Financing

The initial EU budget for common costs of Operation Atalanta was about EUR 8.3 million for 2009 and has been stable at around EUR 8 million annually since.⁷⁶ After the latest extension of the mandate in March 2012, however, the budget for 2013/14 is only totalling to EUR 14.9 million due to budget cuts by the European Union (EEAS, 2012). The common budget, covering costs for the Operational Headquarters, medical services and transport, is shared by EU Member states based on their GDP.

Expenses incurring from deployment of personnel and military assets are shared by the contributing states, with each state paying the costs of its deployed resources (EEAS, 2012). Germany alone calculated about EUR 50 million for additional costs through participation in Operation Atalanta, for 2009 only (Weber, 2009). Overall spending on the mission is estimated at around \$450 million annually (Gilpin R. , 2009). Deploying one frigate is generating cost of \$1.3 million each month, expenses that are not bearable in the long term for EU states given military budget cuts in most nations.⁷⁷

Apart from the economic interests at stake in the HoA, the fight against piracy is an important step for the EU in developing as a military actor and a display of its capabilities in the field of security (Kunertova, Faiyaz, Richter, & Trept, 2010). Deployment of forces through EU NAVFOR Operation Atalanta is a demonstration of both practical and military power by the EU and puts the Union on the same level as the

⁷⁵ Only in cases where citizens of the respective nations were directly involved or killed pirates were put on trial in western countries.

⁷⁶ Budgets were at €8.04 million in 2010, €8.05 million in 2011 and €8.6 million in 2012.

⁷⁷ According to a report by SIPRI (2013), military spending by the 26 European NATO members declined by a combined 7.5 % from 2008 to 2012. Further, for example, in the UK the defence budget will drop from GBP 34.36 for 2012-13 to GBP 32.96 for 2014-15 (De Larrinaga, 2013).

US, China and Russia, which are operating missions in the HoA as well. The strategic importance of the HoA further emphasises the European Union's statement of power (Germond, 2011).

5.2 'Strategic Framework for the Horn of Africa'

Operation Atalanta displays only one pillar of the EU's engagement in the Horn of Africa. In November 2011, the EU announced a 'Strategic Framework for the Horn of Africa' to coordinate its efforts in the HoA to more efficiently tackle the problems of piracy and the conflict in Somalia.⁷⁸ Two months later, in January 2012 the EU appointed a Special Representative for the Horn of Africa "*developing and implementing a coherent, effective and balanced EU approach to piracy, encompassing all strands of EU action*" (Council of the European Union, 2011b, p. 2) and activated the EU Operations Centre in early 2012 (EU Military Staff, 2012).

The different types of effort in the Horn of Africa embody the EU's „*new approach to external action, which goes beyond a predominantly military emphasis in CSDP to an approach where military operations support a broader civil agenda*" (Barry, 2012, p. 11), which is called *Comprehensive approach*.⁷⁹ This strategy seeks to combine military, political and humanitarian aspects of cooperation in the HoA.

The EU has pledged €43 million to support the UNDP Rule of Law program for security sector reforms including police training and in 2010 launched a new training mission for Somali armed forces (EUTM Somalia) to supplement this effort. Since then, EUTM Somalia has trained about 3,000 Somali soldiers and the mission's mandate has recently been extended until March 2015 (EEAS, 2013). Among the African states, Uganda is the main supporter of this initiative and the actual training of forces takes place there (Istituto Affari Internazionali, 2011). However, focus is sought to be shifted to Somalia as soon as the southern regions are stable enough to allow forces to be trained there. Similarly to the phenomenon occurring in Afghanistan, EUTM had initial troubles with trained forces entering Somalia and selling their weapons or defecting to militias and radicals that offer higher payments (Oksamytna, 2011).

Complementing the military efforts of EU NAFVOR Atalanta and EUTM, the EU in

⁷⁸ The European Union in this context defines the Horn of Africa as the countries belonging to the Inter-Governmental Authority for Development (IGAD), namely Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, South Sudan and Uganda.

⁷⁹ For the general concept of the EU's Comprehensive Approach see: Council of the European Union, 2008.

August 2012 started the civilian EUCAP NESTOR mission, which aims at enhancing maritime capacities of Somalia as well as its neighbouring countries Djibouti, Kenya and the Seychelles. Focus of the mission is on developing coastal police forces and the rule of law sector. For EUCAP NESTOR the EU is allocating a budget of €22.8 million until July 2014 (Council of the European Union, 2012b).

Conclusion

H1: The EU's naval Operation Atalanta has led to a decrease of acts of piracy in the HoA between 2008 and 2012.

It can be witnessed that in 2012 attacks by Somali pirates abated in waters off Somalia for the first time since EU NAVFOR Operation Atalanta is actively engaged in the HoA. Statistically it can be concluded that Operation Atalanta has shown to have a reducing impact on acts of piracy in the HoA.⁸⁰ The first hypothesis (H1) is hereby confirmed. Apart from general numbers of attacks, one specific goal of Operation Atalanta was clearly achieved: Since the beginning of the mission in 2008 no ship delivering WFP food aid to Somalia has been target of pirate attacks, thanks to military escorts by EU naval warships.

However, as shown by more detailed statistics, it has to be kept in mind that over the last years a “*balloon effect*” (Chalk, 2010, p. 99) has taken place, leading to a larger area of operation by pirates reaching deep into the Indian Ocean, moving away from the tightly patrolled Gulf of Aden. The positive effect of this phenomenon is that by being forced to expand their operational area into the deeper Indian Ocean pirates’ risk-to-reward ratio has been increased, because they have to use mother ships that can be more easily identified by surveillance than smaller skiffs (House of Lords: European Union Committee, 2010).

H2: The naval mission of the European Union is not able to eradicate piracy in the HoA, because it doesn't deal with its root causes.

Despite the statistical numbers, Percy & Shortland (2011) argued that “*navies have defined counter-piracy missions in such a way that ‘success’ is inevitable and significant change unlikely to result*” (p. 24). For example, Operation Atalanta’s goal of deterrence, prevention and repression of acts of piracy is factually reached as soon as numbers of piracy attacks drop. This means that navies, as Percy & Shortland critically note, can claim to be successful when they do “*hinder rather than end piracy. If piracy continues, navies will be able to say that they do not have the resources to end the*

⁸⁰As mentioned before, it has to be kept in mind that efforts by Operation Atalanta can’t be disconnected from other naval missions or security measures. As the IMB (2012) points out, lower numbers of incidents of piracy in the HoA are not only a consequence of the naval military presence, but also of measures taken by the shipping companies and compliance of IMO advices, use of private armed security teams and crews’ application of Best Management Practices. As explained earlier in this thesis, success can still to a big part be credited to the EU mission.

Somalia problem, and that the failure is then not the failure of naval missions, but the failure of broader policy.” (2011, pp. 24-25). This summarizes the validation of the second hypothesis (H2). Because of the fact that the EU’s Operation Atalanta does not deal with the land-based root causes of piracy listed in Chapter 2, together with the operation’s limited success, naval counter-piracy missions like Operation Atalanta can only be viewed as a transitional short-term measure. The sustainability of naval military efforts is highly questionable. Different experts like Hansen (2009) warn that lower numbers of pirate attacks simply result from some Somali pirates abstaining activities for a while. The decrease of piracy might lead to naval operations being reduced, which would leave the pirate structures on shore intact and thereby enable piracy to re-emerge as soon as the naval presence is cut back.⁸¹ With 0.5 % of ships transiting the GoA being actually attacked, many analysts further question the appropriateness of the deployment of international naval forces in the HoA in economic terms. Costs for maintaining the naval presence in the region are considered to be disproportionate to the costs caused by Somali piracy (Chalk, Smallman, & Burger, 2009).⁸²

Sub-question A) To what extend does the EU’s military effort through Operation Atalanta deter piracy in the HoA?

On the basis of these observations, sub-question A) can be answered. Operation Atalanta has shown some degree of success, but has not proven to be a real solution to the problem of piracy in the HoA. Solely it is and will not be able to completely bring Somali piracy to a lasting halt.

H3: Combating piracy through Operation Atalanta first of all serves economic rather than humanitarian interests of the European Union.

One argument in favour of neorealist explanation of the European Union’s engagement through EU NAVFOR Operation Atalanta is the observation that the naval mission to protect merchant vessels is conducted more intensely – also financially - than other means of state building or support of civil development, which could not directly be

⁸¹ Also the ICC’s International Maritime Bureau (2012) warns in its annual piracy report that this progress could easily be reversed if naval vessels were to be withdrawn from the area.

⁸² The rather impracticable but illustrative comparison made by Hansen (2009) shows that costs of deploying one frigate to the GoA could theoretically cover wages of 100,000 police officers in Somalia.

explained by neorealist motives.⁸³ The protection of WFP shipments and the humanitarian aspect of Operation Atalanta is often mentioned first by official sources (EEAS, 2012), but as shown earlier in this thesis, the economic interests of the European Union are clearly the main driving motive for the EU to act against piracy. This observation validates the third hypothesis (H3). By referring to the threat posed by piracy to the European states' (economic) power, neorealist theory, which was introduced in the beginning of this thesis, can explain the European Union's motivation for its counter-piracy effort in the Horn of Africa. As neorealist theory states, states are trying to maximise their security by expanding their (economic) capabilities. These capabilities are clearly endangered by Somali pirates, forcing the EU states to act against it to protect their economic strength. The negative impact of Somali piracy has been stated by the EU itself: „[A]n uncontrolled, politically neglected, economically marginalised and environmentally damaged Horn has the potential to undermine the region's and the EU's broad stability and development policy objectives and to pose a threat to European Union security“ (European Commission, 2006, p. 5). Cooperation and combining military capacities through the EU's Operation Atalanta is chosen by the European states only because unilateral (national) action against piracy in the HoA would be cost-ineffective and barely practicable.⁸⁴

Sub-question B) To what extent does the influence of Somali piracy on trade routes push the European Union to act militarily against it?

Validation of Hypothesis H3 can be used to answer research sub-question B). The importance of the HoA for European maritime trade and the influence Somalia piracy has on commercial shipping in the area has proven to work as a driving motive for the EU to act militarily in the HoA. This is because, from a neorealist perspective, one of the most important capabilities in order for states to survive (namely economic power) is severely threatened by Somali pirates.

⁸³ As Gilpin (2009) observes, annual spending on Operation Atalanta surmount development assistance pledged by the EU to Somalia from 2008-2013 (\$450 million in one year to €212 million for the five year period).

⁸⁴ From an economic theorist standpoint it can be noted that a concerted EU effort together with other nations is the most plausible solution. The financial costs for single countries for protecting the public good safe seas would be too high, thus causing the free-rider problem. A Public good is characterized by the fact that it is non exclusive – everyone can benefit from the good no matter if he paid for it or not – and that its use is non-rival, meaning that the benefit for the individual isn't affected by others using the same public good (Mankiw, 2011). The free-rider phenomenon would imply that other states abstained from conducting counter-piracy actions, since they profit from other states' missions even without acting themselves. To counter this, a multi-national effort with shared costs is the best way out (Bayer, 2012).

Main research question: What is the European Union's driving motive for its naval military commitment in the Horn of Africa since 2008?

The argument is further strengthened when considering that the approach of containment rather than eradicating piracy seems to be the preferred way for the international community (Bensassi & Martínez, 2011). Given the inability of the naval forces to completely prevent piracy due to the large area of operation by pirates, deterrence and containment are comparably the – by far – cheapest options to act against piracy. For the value maximising states, stronger efforts wouldn't be met with an equally stronger outcome. Until now, the economic impact of piracy has just not been pressing enough for the international community to step up its efforts against Somali piracy. Percy & Shortland (2011) even assume that neither of the players involved in the conflict - local institutions and governments, international navies and the insurance companies - have incentives to stop piracy with intensified efforts. They suppose that these groups have a stable relationship and *“some of them share a clear business interest in maintaining piracy at its current level”* (Percy & Shortland, 2011, p. 3).

These facts point out that the EU's counter piracy efforts are driven by economic interests rather than humanitarian aspects – despite the public statement of the latter being the overarching maxim of these operations. Apart from securing food deliveries, Operation Atalanta has not helped much to improve the situation of the Somali people. Findings of sub-question B) show that the threat of Somali piracy to trade routes is the real driving motive for EU military involvement in the HoA. If the humanitarian aspects were superior, those efforts would be conducted more intensively.

Therefore the main research question is answered by stating that the EU is acting out of interest to secure its (economic) power, as suggested by neorealist theory, rather than trying to improve the humanitarian situation in Somalia.

The EU abstains from intensified action, because, besides the increased economic costs, land-based military interventions would also bring with them possible repercussions that no state is willing to risk. Foreign troops in Somalia would most likely turn the economic problem of piracy into a politicized conflict and strengthen radical groups like al-Shabaab (Chalk, Smallman, & Burger, 2009). This is especially the case since pirates are mostly integrated and respected members of coastal societies. Possible military

actions ashore are considered to be hurting the pirates, but at the same time would increase the threat of civilian casualties and might lead to more brutal treatment of hostages. Further, pirates could start using villagers as human shields or simply move deeper into the mainland, thus just relocating the problems (Dempsey, 2012). This escalation of the conflict would not serve the neorealist goal of securing trade routes, but would likely cause more instability along them. Therefore, for neorealists containment is preferred over full-scale combat of Somali piracy.

The alternative to military interventions is an increased support of local structures, especially in Puntland and Somaliland. Still today clans and militias are not interested in a centralized state, leaving Somalia with a co-existence of a federal government and self-governed micro-units (Straßner, 2011). The fact that various internal factions are contradicting a unified state of Somalia is further hampering international efforts to stabilize the country. Therefore, as Hansen (2009) suggests, also an onshore solution to Somali piracy might not be based on the restoration of the Somali centralized state, but rather a local approach – known as the building-block approach - supporting local structures to overcome local problems. Incentives for coastal communities to act against piracy have to be provided. In Puntland entire villages have become dependent upon the piracy business (McKay, 2011). Inclusion of ‘soft’ socio-economic measures like protection and support of local fishing industries and small-scale businesses *“that do not rely on the piracy “financial lifeline” seem to be the most viable means of achieving this objective”* (Chalk, 2010, p. 102). The economic aspect is very important since weakening the pirates would simultaneously mean to lower financial revenues in coastal areas, making these regions more vulnerable to radical groups to gain support (Bensassi & Martínez, 2011). Providing boats or port infrastructure could be misused and integrated in the piracy business.⁸⁵ Therefore poverty alleviation strategies have to be supplemented by building strong local institutions (Hansen, 2009), as well as providing checks and balances to control strengthened law enforcement (McKay, 2011).

To counter piracy operated from Puntland, cooperation with the local Government of Puntland, which in contrast to a Central government already enjoys local support and

⁸⁵ This risk is also given when building up regional coast guard forces, which, despite its positive intention, could only work in stable surrounding structures that counter incentives to change sides for recruits after their training. As long as criminal activities like piracy are more lucrative and come with lower risks than law enforcement, efforts can have a contrary effect and strengthen piracy instead (Menkhaus, 2009). A very similar problem occurred for example in Afghanistan with soldier of the Afghan Army joining Taliban forces after completing training.

access to local knowledge and intelligence, would need to be included (Chalk, 2010). Somaliland's success in containing piracy should be seen as a working example where Somalis were involved in the development of institutions in contrast to the schemes for Central Somalia drawn up by foreign countries and institutions. According to Stepanova (2010), state building relies on sustainable internal power-sharing arrangements rather than on internationally dictated solutions.⁸⁶ If the current Puntland government can live up to its promises of acting firmly against pirates, it would signalize an important step forward in tackling the pirates' onshore basis. As Bensassi & Martínez note, supporting the Somali proto-states like Puntland might in the long run pose a cheaper solution than naval operations, which is able to create "*an area of stability in a strategic region for International trade*" (2011, p. 21).

Outlook

Naval counter-piracy actions have only been partially successful, since they complicated pirate activities, but did not achieve anything in combating the driving factors or incentives for pirates (Menkhaus & Dua, 2012). Piracy continues to be a very lucrative business and the unsolved legal issues restrain not only the EU effort's success. Additionally, after almost five years of counter-piracy engagement in the HoA non-harmonized legal agreements on prosecution and transferring of pirates are far from able to deter pirates. To change that, an international legal framework concerning detaining, transferring and prosecuting pirates is needed.

It can therefore be said that naval Counter piracy operations in Somalia are working like flu medicine suppressing the symptoms (piracy), but not tackling the causes of the disease (onshore situation in Somalia). The treatment makes you feel better (lower number of successful attacks), but if you stop taking the medicine (withdrawal of navies) the symptoms reappear, sometimes even stronger.

For a sustainable combat against piracy, the phenomenon's root causes need to be tackled onshore, but the international community is not going to risk a military intervention in Somalia.⁸⁷ The problem will only be solved through a slow process of

⁸⁶ Strengthening regional structures in Puntland might also play an important role in countering al-Shabaab's advance into the northern Somali region and the instability that accompanies this advance.

⁸⁷ Some scholars like Boot (2009) suggest that the long history of statelessness in Somalia leaves the option of an international regency similar to the UN administration in Kosovo as the only possibility for restoring order in the country. Given the aforementioned struggles of international forces in Somalia in the 1990's it is unlikely that either the UN or single states are willing to engage in such a project.

institution and state building in the country as well as offering economic incentives to piracy. As promoted by various experts, this institution building has to be focussed on regional structures in Puntland and Somaliland rather than on the central Somali state. The European Union's Comprehensive Approach is a step in the right direction, but as shown in this thesis, engagement is still less intense than necessary.⁸⁸ The EU should step up its efforts especially with military budgets being reduced and the expensive naval operations in risk of being decreased. Though, given the neorealist motivation of the European nations and the EU itself, it is unlikely that there will be a significantly increased effort in state building in Somalia in the near future. Somali piracy might be under control and contained now, but is far from defeated and will remain a problem until Somalia's overall situation will be changed. As risk analyst Tom Patterson warned: "*While the pirate business is undoubtedly suffering, reports of its demise are premature*" (2012, p. 4).

⁸⁸ Despite official statements pointing at the urgent need to tackle Somali piracy's root causes, as Strickmann (2009) notices, the EU still is preoccupied with dealing with the symptom of the crisis using short-term rather than long-term counter-piracy measures.

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Annex

United Nations Convention on the Law of the Seas (1982), Art. 101

Definition of piracy

Piracy consists of the following acts:

- (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).*

IMO Resolution 1025 (2009), Art. 2.2

Armed Robbery at Sea means:

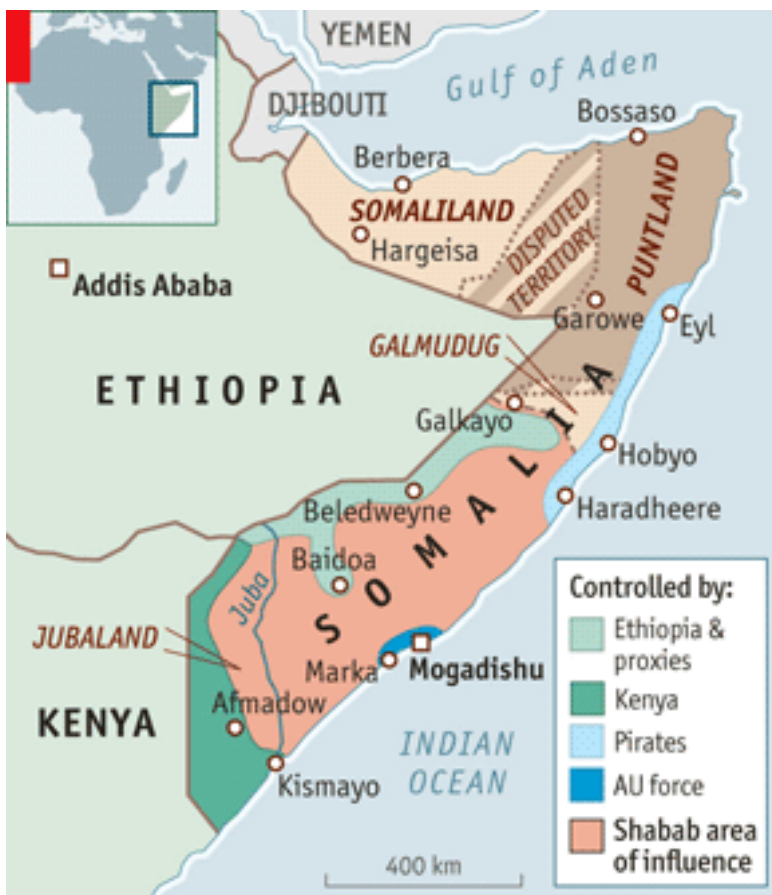
- 2.2.1 any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea;*
- 2.2.2 any act of inciting or intentionally facilitating an act described above.*

Map 1: Waters off the Horn of Africa



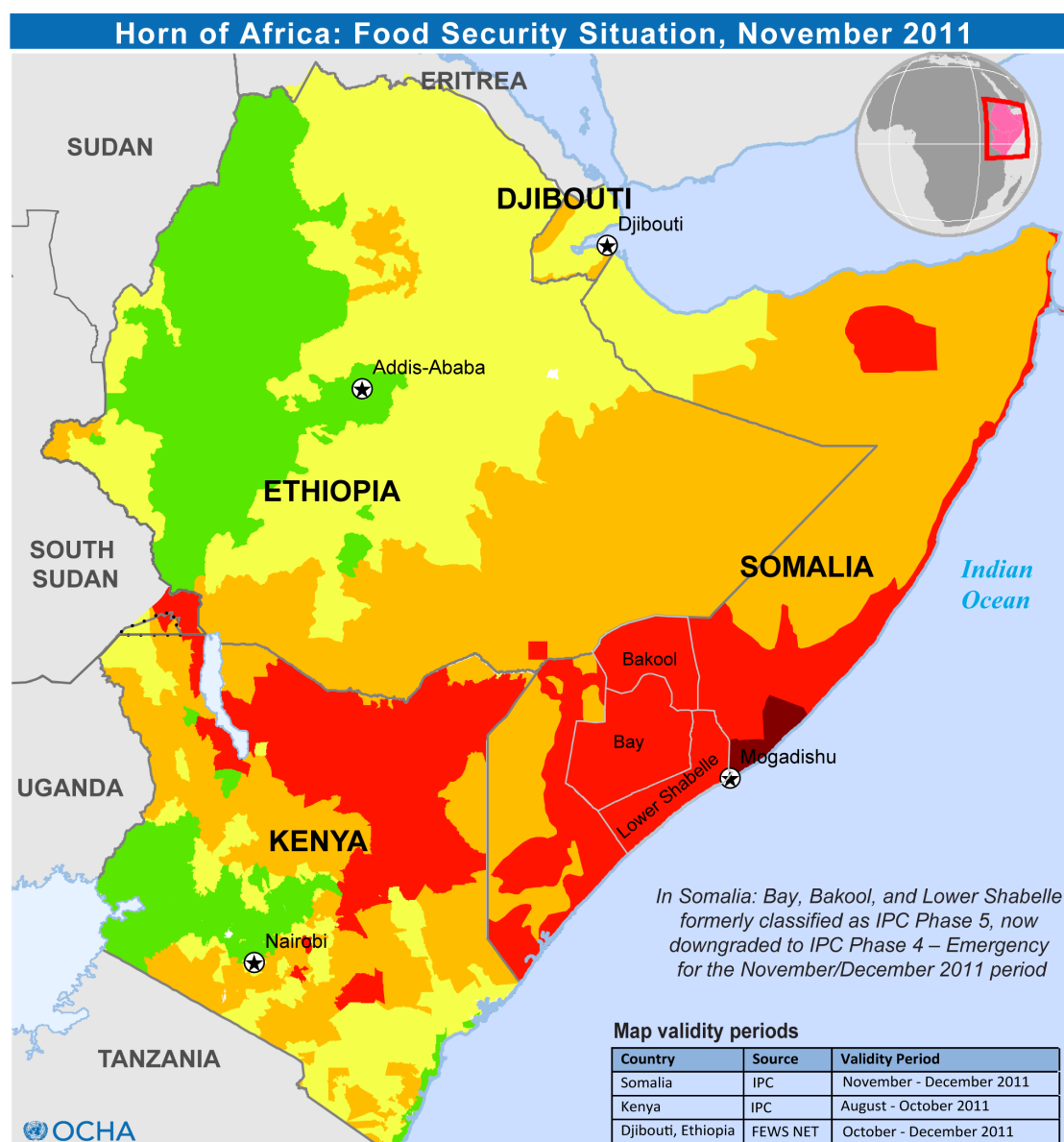
Source: http://www.globalresearch.ca/articlePictures/634px-arabian_sea_map.jpg. Retrieved: March 17th 2013.

Map 2: Areas of influence in Somalia, as of October 2012.



Source: Economist, visit: <http://www.economist.com/node/21564258>. Retrieved: February 19th 2013.

Map 3: Food Security Situation in the Horn of Africa, as of November 2011



Integrated Food Security Phase Classification (IPC)

Acute Food Insecurity Phase

1. None or Minimal 2. Stressed 3. Crisis 4. Emergency 5. Catastrophe / Famine

Map Sources: FAO-ROEA/FSNWG, FEWS NET, OCHA, UNCS

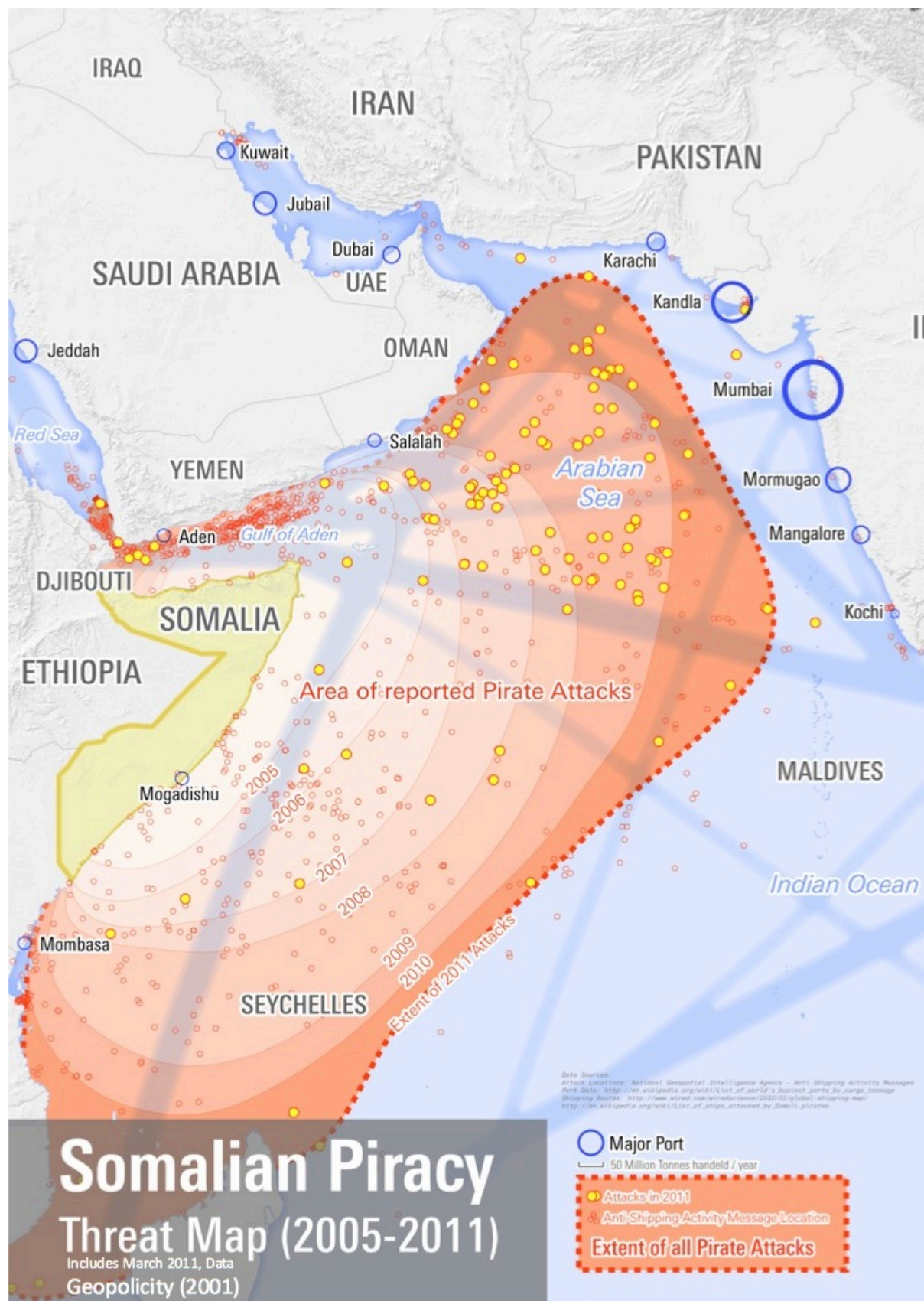
Map created 24 Nov 2011

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

Source: OCHA, visit:

http://www.undp.org/content/dam/undp/img/crisis%20prevention/Horn%20of%20Africa%20Map_OCHA_december%202011_.png/. Retrieved: 17th March 2013.

Map 4: Geographical expansion of piracy (2005-2011)



Source: Geopolicity, 2011.