The EU Comprehensive Approach on Somali Piracy

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Abstract: The Gulf of Aden represents a strategic issue for the international community, as its geographical position is fundamental as the major trade maritime route. About 50 percent of the world container ships pass through the Gulf of Aden each year, 80 percent of those cargos coming from Europe. For this reason, the piracy issue affecting Somalia is a problem affecting EU member states' security and economy. This paper is focused on the comprehensive approach acted by the European Union, with a special attention on proposing the implementation of programs against illegal fishing and waste dumping in order to fight Somali piracy. The evaluation of the military mission offers an overview on a solution for the near future, while the training missions and the development funds sustain the build-up of national tools and focus on the solving of the roots of the issue.

Keywords: EU; piracy; Somalia; missions; trade

1. Introduction

The Gulf of Aden is a strategic geographical area for the international community, due to its position at the core of great maritime trade routes. Through these waters sail up to 50 percent of the world's container ships (Holzer, 2012), with an average amount of 28,000 crossing the Gulf annually (Djama, 2011). Over 80 percent of this trade comes back and forth from Europe. This is one of the many reasons that took the European Union, along with the United Nations, the African Union and single States as China, Russia or the United States, to pragmatically care about the problem of Somali piracy.

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Piracy is addressed as a security issue by the actors involved in the operations off the coasts of Somalia. Following the predominant interpretation, in the international response narrative the piracy issue involves discourses based on the global war on terror (Wolff, 2013, p. 25). Even if a formal correlation between pirates and the extremist group al-Shabbab operating in the area has not been proven yet, the fear that the lucrative already present traffic of weapons can set the rules for a collaboration is high. The instability of the region is itself a possible source of haven for criminal organisations. Besides that point, the international community has a great economic interest in preventing piracy: ransoms to be paid to pirates for the freeing of the vessels amounted until a maximum of $3.5m for a Ukrainian ship carrying Russian tanks (Osei-Tutu, 2013, p. 3). To that, costs for the maintain of private security companies on board to prevent the hijacking must be added, without forgetting that changing the current route and passing by Cape of Good Hope costs, for example for an American vessel, an average of $3.5 million more annually for the additional fuel (US Department of Transportation 2009). However, in this paper, the focus of the analysis is, in particular, on the comprehensive approach acted by the European Union, with a special attention on proposing the implementation of programs against illegal fishing and waste dumping to fight the Somali piracy narrative based on the picture of them as being guardians of the seas.

2. Context of Somali Piracy Birth

The roots of the spread of piracy in Somalia date back to the beginning of the 90s, after the collapse of Siad Barre's government in 1991 (Schbley, 2013). After the disintegration of the state institutions, it followed a period of economic crisis, while tense internal conflict kept going on during the following years involving different clans independently controlling portions of the Somali territory. In this situation of lack of state effectiveness and credibility, the political authority ceased to provide for positive public goods to the population, such as the fulfil of basic needs and personal security (Osei-Tutu, 2013), resulting in a demanding humanitarian disaster, with almost 4 millions of people in need for food provisions (Holzer, 2012, p. 3).

The political internal confusion took the lead for other consequential problems, which, in this perspective, are not causes of the instability of the authority, but are indeed a result from it. This said, Somalia, as a failed state, became a natural

collector of negative behaviours impacting on its success to recover from the situation in which it fell. The connection between a weak or non-existent state and poverty has been proven as source of the upraise of the phenomenon of piracy (Wilson, 2009). The still on-going chaotic situation on the Somali territory, even if partially attenuated after the election of the new Federal Government of Somalia in 2012, offers the hint for several papers on the subject.

However, a question should be raised in relation to the new developments, after evaluating the current operational system already *mise en place*. There is a need to make an overview on the discourses claimed by Somali people to be at the roots of the piracy narrative and to analyse the action on the part of the European Union to fight internally the problem, emptying of meaning that legitimacy that has been postulated.

3. Somali Piracy Narrative

In the early 90s, taking advantages of the loss of control on the territory by the state, foreign vessels increased significantly their illegal presence and activity in the waters in front of the Somali coastline, moreover greatly profiting by the absence of a defined Exclusive Economic Zone under the Law of the Sea dictates. This rising problem was directly related to the anarchical political condition, where the crumbling down of the central authority left gaps in almost every field of state prerogative. Somali fishing grounds remained unprotected and vessels from foreign countries, like China, Japan, South Korea, easily started to profit from that ungoverned area. Besides, some European ships participated too to the pauperization of fish stocks, flying other convenient flags to skip the restrictions the European Union has on the subject.

Illegal, unreported and unregulated (IUU) fishing is commonly favoured in zones where sea policing and patrolling by the government is absent, for lack of will or means, and it impacts negatively not only on the direct revenues of the coastal state but also on the chain of production associated with the wider fishery industry: "The affected coastal state loses revenue that could have been accrued in the form of landing fees, licence fees, taxes and other levies which are payable by legal fishing operators. Other indirect impacts include the loss of income and employment in other industries and activities in the supply chain upstream and downstream from the fishing operation itself" (Hughes, 2011, p. 2).

The UN Food and Agriculture Organisation reported that around 700 foreign vessels were suspected to practise illegal fishing in Somali waters. On the other side, the 2005 tsunami brought light on the phenomenon of toxic waste dumping, including radioactive material, by Italian and Swiss companies during the years of Barre's government collapse. In this context, many Somali ex-fishermen claimed to have become pirates in order to re-establish what was felt as fairness, as a response to foreign depredation of their sovereignty and resources (Schbley, 2013, p. 6). The so called "moral economy of piracy" (Marchal, 2011) started with a demand of a sort of tax taken acting as substitute of the state role, quickly increasing into a highly remunerated and broadly criminal activity in the need of finding an answer to unemployment and lack of food in an unsecure economic background.

This narrative has found its follow also in the official context of some international organisations dealing with the Somali issue. For example, practises of illegal fishing and toxic waste dumping had been reported as root causes of piracy by a Somali government official during a May 2010 informal United Nations General Assembly meeting on piracy (UN 2010). Moreover, in 2005 a World Bank report highlighted the direct connection between over-fishing and poverty, which leads to the consideration of piracy as a socio-political problem linked to the need of Somali people to find an economic source of survival (Hughes, 2011, p. 1).

4. EU Current Approach

This issue is affecting in a profound way the European and international economy. Therefore, until today EU has developed a comprehensive approach regarding the situation in Somalia. On one side, the European Union Council adopted the Joint Action 2008/851/CFSP for the deployment of a military operation. The European Union Naval Force (EU NAVFOR) Somalia – Operation Atalanta has been launched in 2008 and its mandate was extended in 2012 until the end of 2014. On the other side, the Council adopted the decision 2011/819/CFSP for the deployment of EUCAP NESTOR – a regional capacity building mission aimed to enhance the maritime security and governance of three to five countries in Horn of Africa. At the same time, a training mission (EUTM Somalia) is provided by EU for military training to members of the Somali National Armed Force (Council Decision 2010/96/CFSP).

The military operation has two components. The first one consists of deployments of military capabilities as warships and surveillance planes. The second is represented by a web-based platform that has the aim to monitor registered vessels passing through the Gold of Aden, called the Maritime Security Centre: Horn of Africa (MSCHOA). The costs of the operation are supported by the member states and went from €8.4 million in 2010 to €8.05 million in 2011, €8.3 million in 2012 and 14.9 million until the end of 2014 (Maritime Security Centre of Africa 2014). 19 countries of the European Union and two third countries (Croatia and Norway) are participating with personnel and capabilities, as well as Serbia, Montenegro and Ukraine, who provided officers for headquarters (EU NAVFOR Somalia 2014).

The necessity of a comprehensive approach in the case of Somali piracy is determined by the fact that a military mission in Somalia's waters is only a short-term solution: it guarantees more safety to the ships while it is available, but when the mission ends the situation could return to its initial stage. A comprehensive approach offers the prospect to engage different tools which gives the possibility to fix the causes of the problem and to strengthen the country's tools required to fight the problem. In the Somali case, the training mission puts into practice the saying "Give a man a fish and you feed him for a day; teach a man to fish and you feed him for a lifetime". The training mission and the capacity building mission are explained as a long-term solution to the piracy issue by Zwolski and Kaunert (Zwolski & Kaunert, 2012, p. 7).

The EUCAP NESTOR mission has a budget on €12 million (2013-2014) and is supported by 16 member countries, as well as Norway. The mission is focused on training coastal police forces and judges involved in the maritime security (EU Committee – Third Report 2012: par.58).

The EUTM Somalia mission aims solely the soldiers, their number rising to 3600 since 2010 (EEAS 2013: EUTM Somalia). However, only in 2014 the training was set in Somalia. At the beginning, the Somali National Armed Forces were trained in Uganda due to the political instability of the first country, in collaboration with the Uganda People's Defence Forces. The mandate of this mission has been extended until 2015 on the 22th of January 2013 on the 3215th EU Council meeting and has an additional budget of € 11.6 million.

At the same time, the European Commission has allocated €212 million under the 10th European Development Fund to support reforms in education, governance, for

economic development and food security for the period 2008-2013 (Joint Strategy Paper for Somalia 2008: 34). In 2011 €200 million were added to the process.

4.1. Policies' Evaluation

The evaluation of the EU policies regarding Somali piracy shows positive results. The number of pirate attacks in Somalia's waters has decreased by 40% since 2011. The International Chamber of Commerce showed that only 15 incidents were reported in 2013, compared to 75 in 2012 and 237 in 2011 (The ICC Commercial Crime Service 2014). However, it is difficult to evaluate how much of these results is determined by EU's platform and presence in the region because simultaneously NATO and a Combined Task Force (a coalition committed to ensure regional maritime security including countries like Bahrain, Pakistan, Republic of Korea, Singapore, Turkey, United States etc.) have deployed naval missions too. Still, the web-platform put in place by the EU is highly used and exceeded the initial expectations. During a reunion within the House of Lords, Rear Admiral Philip Jones declared that the MSCHOA platform "has been one of the unexpected and very significant successes of the operation, where almost all of the shipping companies that transit through the Gulf of Aden register with this website and give us information about their transiting ships" (House of Lords, 2010, p. 3).

Likewise, a report presented in 2012 shows that the training mission "has produced useful results and should be continued" (EU Committee – Third Report 2012: par. 60). EUCAP NESTOR improved the capabilities of the coastal states and was evaluated as being a suitable long-term solution for the piracy issue because it offers to the state the possibility to develop individual security tools. The EU evaluation Committee stressed that the training mission is expected to be "one of the most significant developments in combating piracy from the land. It should be built up to strength as soon as possible and supported in its development. EUCAP Nestor could and should be the gateway to a permanent solution to Somali piracy" (EU Committee – Third Report 2012: par. 61). A similar assessment was drawn on the case of EUTM Somalia mission.

From an internal point of view, the EU's antidumping and illegal fishing regulations are vital to the resolution of the problem because they deal with part of the cause. However, their effectiveness is to be assed in the future since the projects are only at the beginning.

4.2. Suggestions

Until today, the international community approach has been mainly shaped by ideologies of traditional security. However, if we take into account the constructivist theory and we admit that discourses shape reality, in our opinion the European Union could implement in its politics some devices in order to empty of meaning Somali the main piracy narrative, increasing its legitimacy at the eyes of Somali people. Those would be support operations that could work comprehensively with the other military and civil programs already in place to fight the extreme underdevelopment, poverty and lack of strong institutions in Somalia. The major challenge for the Somali government is to develop tools that would allow a national control over the piracy issue. Training missions offer this possibility and should be continued until a certain level of preparedness is achieved for the personnel working in the maritime security domain.

At the same time, an efficient control system nowadays requires a certain technological level that Somalia does not have. The funding by the EU of new equipment for the supervision of fishing boats and border control, on the model of the ones adopted by EU itself, as well as policing and securing the shoreline would strengthen the state presence in the territory and simultaneously decrease the IUU fishing, waste dumping and piracy attempts.

The goal is to broadly demonstrate to be willing to go deeper into the piracy problem, answering to the recrimination that the Somali people is sending about the foreign negative interference we talked about previously. On its side, the European Union has already a set of policies suitable to combat against the IUU fishing (European Commission 2009), also involving the promotion of the Vessel Monitoring System, a compulsory technology for the EU ships above 12m that provides data to fisheries authorities about the location, course and speed of the vessels (European Commission 2011).

Moreover, the European External Action Service finances a platform for regional cooperation in the field of fishery, the Indian Ocean Commission (EEAS 2013: Indian Ocean Commission), where five States of the area share their knowledge and information in order to better achieve a strong control over maritime illegal activities: "The IOC's principal mission is to strengthen the ties of friendship between the countries and be a platform of solidarity for the entire population of the Indian-oceanic region. Its mission also includes development, through projects related to sustainability for the region, aimed at protecting the region, improving

living conditions of the populations and preserving the very natural resources that the countries depend on". A suggestion would be for Somalia to join in the project, although at the moment the IOC has only island member states. This would give the country its own tools and a place where making its assessments be heard and collected in an official context.

5. Conclusion

The recent developments at the international level, economically and environmentally, have deeply touched the situation of the Somali state. There is a state of poverty enhanced by local issues and an added value determined by the involvement of external actors as new fishing players or waste dumping companies. At the same time, the relevance of this geographical area has increased lately. The trade taking place in the Indian Ocean and the Aden Gulf offered opportunities to the old players.

The tackling of the piracy is therefore not simple. Different countries and organisations have tried to get involved through the deployment of military vessels. Although this approach has improved the situation, the problem itself is not only related to the combative aspect. As a consequence, the EU institutions opted for a comprehensive approach. This choice implies not only the development of a platform to monitor the vessels travelling in this area or the stationing of boats to prevent the takeover of cargos by pirates, but also providing institutional and financial help to the Somali government with the aim of strengthening their judicial system and their border protection personnel. The assistance provided through the European Development Fund is a long-term solution that can offer a choice to the future generation. By supporting the economic and the educational system, this approach provides further professional options for the local population decreasing the possibility for a choice of piracy.

However, the European countries should consider as well the role of the EU internal problems on its neighbours. There is a need to tackle the waste dumping issue because an ineffective policy at the EU level on this matter can have a considerable impact on countries as Somalia. And this is not only a problem that is transferred elsewhere, it is also a danger for the environment of an entire region.

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