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The EU and Somalia:
Counter-Piracy and the Question of a
Comprehensive Approach



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1 PiraT – Piracy and Maritime Terrorism as a Challenge for Maritime Trade Security – Indicators, Perceptions and Options for Action (<http://www.maritimesecurity.eu>).

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Executive Summary

Since 2005, violent attacks on maritime traffic off the Somali coast have been steadily increasing. Somali pirates have managed to establish a unique business model: vessels of all kinds are being hijacked with their crews on board for the sole purpose of gaining ransom. During the last few years, they have been improving their capabilities and skills to such a degree that Jack Lang, the United Nations Secretary-General's Special Adviser on Legal Issues related to Piracy off the Coast of Somalia, has confirmed an industrialization of the phenomenon.

Taking into account the plight of the Somali people after more than two decades of internal conflict, the implications of prolonged insecurity and instability for the country and the region, as well as the impact of terrorist activities and organized piracy for its citizens and the European Union's strategic and economic interests, the EU has tried to tackle the crisis from various angles by instigating what has been labelled a "comprehensive approach". In this, political dialogue as well as humanitarian and development aid have been complemented not only by efforts to prop up the Somali security sector but also by the first naval operation ever established within the framework of the Common Security and Defence Policy (CSDP): EU Naval Force (EUNAVFOR) Atalanta.

Despite all these efforts and despite close cooperation with many partners such as the United Nations (UN), the African Union (AU), and the United States (US), the Somali crisis is however not even close to being solved and Somali pirates continue to pose a risk to global maritime shipping. This clearly indicates that, although the need for coherence when tackling transnational risks is widely uncontested, the planning and implementation of a comprehensive approach is a difficult task, given the complexity of the challenge, the involvement of a multitude of partners and other players, as well as the diversity of the interests at stake. This is all the more true as the EU is itself an actor of composite nature.

Thus, despite the wide range of cooperative efforts that are ongoing in various sectors and some tactical successes, the EU now first and foremost urgently needs to thoroughly reconsider its own approach. The EU – being only one player amongst many in this international endeavour – has to "get its act together" in a more strategic approach in order to make best use of its various means and instruments: the assessment of this current study shows that, although it has placed its own engagement under the rhetorical umbrella of a comprehensive approach, a piecemeal approach by the European Union is still prevalent. This refers to both the institutional set-up as well as the actual engagement. However that the EU function well and coherently internally is only a necessary, but not a sufficient, condition for effective external security governance and for engagement with and in so-called failing or failed states like Somalia: even if the EU had a perfect comprehensive approach, this would not guarantee success given the manifold local, regional and international intricacies of the Somalia issue. Nonetheless, improving its own strategies and mechanisms of engagement will raise the odds for a more stable Somalia in a more stable region.

It is furthermore common sense that, because it is primarily rooted in Somalia's political and socio-economic conditions, the solution for the piracy challenge is to be found on land. Therefore the EU should follow an explicit "Somalia first" approach – in contrast to a possible "piracy first" point of departure – whereby the lead has to be in the hands of the Somali people themselves. In this regard, the EU should critically assess the practices and outcomes of its previous state-building efforts and use the insights gained from this for future sound strategy-building. It should consider supporting alternative approaches to centralized forms of governance and de-facto trusteeships such as decentralized systems of governance or non-state oligopolies of power if this better suits local power relations – because, in the end, it is up to the Somali people themselves to decide on the form of governance they wish to establish.

Introduction

It has become a truism that dealing effectively with today's transnational threats demands strong international cooperation and a functioning multi-level governance in the field of security. Failing states like Somalia and the scourge of piracy emanating from its coasts are a case in point. While the Somali political crisis has been lingering on for more than 20 years without sustained progress, the increasing attacks on merchant shipping throughout the past years have resulted in heightened attention around the globe. The international community has picked up and confronted the issue by adopting several United Nations Security Council Resolutions under Chapter VII, followed by unprecedented activities of a multitude of actors in the maritime sphere and beyond.

The EU and its Member States play a significant role in this endeavour. Being the first naval operation implemented within the framework of the Common Security and Defence Policy (CSDP), EU Naval Force (EUNAVFOR) Atalanta has been installed as one component of a so-called "comprehensive approach". It aims at strategically combining developmental, humanitarian, civilian, and military policies to deal with the Somali crisis in general and the threat of piracy in particular. The "Strategic Framework for the Horn of Africa", adopted by the Council in November 2011 as well as the appointment of a Special Representative for the Horn of Africa is furthermore to interlink the engagement in Somalia with the EU's policies in the Horn of Africa region. Despite all these efforts and despite close cooperation with many partners like the UN, the AU and the US, the Somali crisis is however not even close to being solved and Somali pirates continue to pose a risk to global maritime shipping.

Drought and floods have moreover massively increased the vulnerability of many Somalis throughout the last year: in July 2011, for the first time in two decades, the UN declared a famine in several South-Central Somali regions, one which killed uncounted numbers of people and forced tens of thousands to flee to neighbouring countries. At the beginning of 2012, more than 2 million Somalis are still estimated to be in need of food assistance according to the United Nations. In many parts of Somalia the basic needs of the population, such as access to healthcare, water, sanitation or education, can also hardly be met; violent conflict rages in these areas under dispute between the Transitional Federal Government and the militant Islamic group Al Shabaab as well as those targeted by the military intervention of Somalia's neighbours, namely Kenya and Ethiopia. Moreover whether the September 2011 Roadmap on ending the transition period, as well as the decisions recently taken at the Garowe Constitutional Conference, will be implemented purposefully still remains to be seen.

This clearly indicates that, although the need for coherence when tackling transnational risks is widely uncontested, the planning and implementation of a comprehensive approach is a difficult task given the complexity of the issues at stake, the involvement of a multitude of partners and other players, and the variety of interests involved.² This is all the more true as the EU is itself an actor of complex nature.

Based on this account, this study will illustrate the various different components of the EU's approach towards Somalia. The aim is to provide for an assessment of the EU's approach towards Somalia in general and piracy in particular and to identify opportunities, challenges and limitations of tackling such a complex crisis. In a first section, we briefly illustrate the EU's general efforts to build up a comprehensive approach in the area of foreign and security policy. In the next section we look at the EU's (internal) security governance setting by offering an insight into the EU's engagement with regard to humanitarian and development aid as well as political dialogue, peace and security. After that we turn to the external dimension of the EU approach towards Somalia by looking into the forms of multilateral cooperation it is involved with. In a fourth step we analyse operation EUNAVFOR Atalanta as the strongest effort to deal with one of the transnational challenges emanating from the Somali crisis. Based upon these illustrations, we will then assess the EU's engagement offshore and onshore.

2 On the general problem, see Ehrhart, Hans-Georg (2011): Security Governance as a Framework and Basis for Multi-Stakeholder Partnerships, in: Brzoska, Michael et al. (eds.): Multi-Stakeholder Security Partnerships (Baden-Baden, Nomos): 37-38.

It will hereby become clear that, despite the general rhetoric on implementing a comprehensive approach towards Somalia, the diverse components of the EU's engagement are not systematically interlinked and an overall strategy is missing. However, even if the EU had a perfect comprehensive approach, the Somali crisis might still not be solved, as building peace and states is a challenge that cannot be implemented by external actors but which must *imperatively* have its roots within the society concerned.

The Context: The Somali Crisis

Somalia is widely known as *the* example of modern state collapse: After the end of the two-decade-long dictatorial rule of Siad Barre, the country has been without a unifying government since 1991 and parts of its territory are torn apart by violent conflicts. While piracy and other forms of organized crime can be seen as symptoms of the unstable situation in the country, the main challenge in Somalia is the lack of an agreement on how to structure the political system in such a way that it is built on the prerequisites and ambitions of the Somali society and encompasses the claims to power of rival groups. Here, it is especially the clan system and the egalitarian structure of the primarily pastoral and agro-pastoral Somali communities that have been identified as one reason why it is so hard for the Somalis to come to terms with the predominantly western concept of a central government. Furthermore, interests and the engagement of external actors based thereon – regional and international alike – have impacted massively on the internal struggles and processes. The Somali crisis is thus embedded in and enfolds along different dimensions, not only within the country but also on the regional and international level.

Internally, one of the main – and still often overlooked – characteristics of the Somali predicament is its geographical variations: South-Central Somalia is bearing the brunt of the humanitarian crisis and suffers most from violent conflict between competing actors such as the internationally backed Transitional Federal Government (TFG) and the militant Islamic group Al Shabaab. Since 2004, the TFG has been the internationally recognized government for a recently extended transition period lasting up to August 2012. It is however not only hampered by infighting, but is also only capable of exerting limited control over the capital Mogadishu and a few provinces with major help from the African Union Mission in Somalia (AMISOM) and local allies such as the Ahlu Sunna Wal Jama'a (ASWJ). Al Shabaab, a militant group that started its insurgency against the TFG after a military intervention of Ethiopia to overthrow the Islamic Courts Union in 2006, controls the largest swath of South-Central Somalia yet rather surprisingly withdrew from the capital of Mogadishu after an offensive by AMISOM in summer 2011. With an estimated 5,000 to 10,000 fighters and links to Al Qaida, the group espouses a strict form of Islam, Salafi/Wahhabism, which is not traditionally common in Somalia. Added to this, its persistent refusal to allow aid agencies to operate in areas it controls, despite the devastating famine of 2011, and its enhanced practice of forced recruitment of fighters has made it increasingly unpopular with the Somali population. Although not a homogenous but rather a diversified movement as far as its goals are concerned, Al Shabaab has moreover declined to take part in peace negotiations so far.

In the north, the situation looks quite different: In the north-west, the Republic of Somaliland declared its independence as early as 1991. This however is opposed by the TFG as well as the African Union which both adhere to the principle of state-unity. Despite thus not being recognized as an independent state by the wider international community, too, Somaliland has nevertheless been quite successful in establishing viable governance structures which are partly based on traditional forms of governance and partly on western-style procedures. Several elections have taken place and have been recognized as peaceful, free, and fair with the opposition even winning the President's seat in the summer of 2010.³ While Somaliland's economy has become more stable over the last years – also based on large investments in its infrastructure (such as in the port in Berbera) and the oil industry specifically by China⁴ – occasional violent clashes between opposing armed groups often organized along clan lines pose a constant challenge to Somalilanders. Furthermore, Somaliland is involved in a persistent, frequently violent, conflict with its eastern neighbour, the Puntland State of Somalia over

3 Economist Intelligence Unit (2011): Country Report Somalia November 2011 (London: EIU).

4 Ibid.

the border regions of Sool, Sanag and Cayn that they have both laid claim to. The Puntland State of Somalia was established as a non-secessionist federal state in 1998. Even though it too did not receive sustained support from external actors for many years, it has also succeeded in setting up more or less stable political structures and has been able to slightly improve the economic situation, particularly but not only based on investments by the diaspora.⁵ Yet, not only has Puntland long been known as the epicentre of piracy; in addition criminal gangs, kidnappings, recurrent clashes between clans, particularly in the southern parts of Puntland and the neighbouring region of Galmudug, as well as occasional – and lately: increasing – attacks by Al Shabaab are a constant challenge.

While the process of finding a solution to the political crisis at the national level has been more or less stalled over the last years, a further process of bottom-up decentralization can be observed: whereas some parts of the country are already governed by locally armed grassroots movements such as ASWJ, several regions – specifically in South-Central Somalia – have established self-governing structures mostly along clan lines and have even declared themselves semi-autonomous following the example of Puntland, among them Galmudug State of Somalia, Heeb and Himan, Gal-Hiran and Haradheere, and Azania/Jubaland.

A roadmap, developed under the auspices of the United Nation Office for Somalia (UNPOS) at the beginning of September 2011, makes an effort to align the approaches by, and enhance the political settlement between the players recognized so far as being the most important for the peace process. In it the TFG, the Transitional Federal Parliament (TFP), the administrations of Puntland, Somaliland and Galmudug as well as ASWJ agreed on the steps necessary to end the transition period by August 2012. At a constitutional conference that took place in Garowe/Puntland in December 2011, the signatories agreed on the structure, size and the basis of representation of a new federal parliament as well as the process of adopting a new federal constitution through the convening of a constitutional assembly in May 2012. However, infighting not only within the TFG and the TFP but also within some regional administrations and especially ASWJ is already diminishing hopes of a successful outcome of the process.⁶

At the same time, the lingering Somali crisis is not only a problem for the Somali population; it also poses a severe challenge on its neighbours. On the one hand, a constant and – in times of drought and famine – massive flow of refugees has to be handled particularly in the bordering regions of Ethiopia, Kenya, and, to a lesser extent, Djibouti. On the other hand, Al Shabaab has repeatedly threatened African countries such as Ethiopia, Kenya, Djibouti, Burundi and Uganda that are in support of the TFG and are partly contributing troops to AMISOM. In the case of Uganda, it has already fulfilled its threats: Al Shabaab suicide bombers killed more than 60 people during a public viewing of a Soccer World Cup match in Kampala in 2010 while violent incursion into Kenya's northern, mostly Somali-inhabited, province has been a major concern of Somalia's southern neighbour.

Yet, Somalia's neighbours have also been deeply involved in the ongoing conflict because of their own interests. Ethiopia, for instance, is not only challenged by Somali rebels that live in its eastern region considered by many Somalis as being part of a Greater Somalia ever since the borders were drawn in the 1960s but is also not in favour of the establishment of an Islamic state next to its borders. Ethiopia's military intervention in 2006 evolved in this context and triggered the rise of Al Shabaab along with an upsurge of violent fighting particularly in Mogadishu. Moreover, Ethiopia and Eritrea, being entrenched in sustained conflict over their borders themselves, have been fighting a proxy war in Somalia by providing support for their respective allies to weaken their rival's position in the region. While Eritrea has allegedly 'restrained' itself to arming militias (including Al Shabaab) and offering them training and military advice⁷, Ethiopian troops have additionally been entering Somali territory

5 For the important role of the Somali diaspora, see Hammond, Laura et al. (2011): Cash and Compassion: The Role of the Somali Diaspora in Relief, Development and Peace-building. Report of a Study Commissioned by UNDP Somalia, <<http://www.prio.no/misc/Download.aspx?file=%2fadmin%2fPublication+Files%2fCash-and-Compassion-Draft-for-comments.pdf>>; See also Majid, Nisar (2010) Livestock Trade in the Djibouti, Somali and Ethiopian Borderlands (Chathamhouse Briefing paper 2010/01); SomaliaReport: 300 Million Barrels of Oil Expected in Puntland, 17 Jan. 2012, <<http://www.somaliareport.com/index.php/post/2558>>.

6 See Weinstein, Michael A.: Somalia's New Roadmap: The Garowe Principles, Garoweonline, 30 Dec. 2011, <<http://allafrica.com/stories/201112300980.html>>.

7 See UN (2011): Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council Resolution 1916 (2010), S/2011/433 (18 July 2011). Eritrea however continuously denies any support of Somali militias, see *ibid.* as well as Al Jazeera: Eritrea denies sending arms to al-Shabab, 2 Nov. 2011,

repeatedly throughout the last years to counter Al Shabaab and to support local allies such as ASWJ. At the end of 2011, it managed to gain control over some areas in Hiraan region in the eastern part of the country where responsibility is supposed to pass to AMISOM in the near future.⁸ Somalia's southern neighbour, Kenya, although originally attempting to act fairly neutral towards Somalia,⁹ has also been increasingly providing support for local militias, mainly in the southern Somali region of Azania/Jubaland. Here it was predominantly driven by its fear of the destabilizing effect of Al Shabaab's influence on its border regions. Moreover, Al Shabaab has repeatedly recruited fighters amongst the Somali diaspora specifically in Nairobi and along the predominantly Muslim-inhabited coastal lines north of Mombasa from where it also receives a large bulk of its funding.¹⁰ In October 2011, the Kenyan government – albeit initially even declining to deploy troops for AMISOM – finally launched a military offensive in southern Somalia called Linda Nchi (“Protect the Country”) to fight Al Shabaab and to create a buffer zone between the two countries. While there have been speculations on the existence of such plans before,¹¹ the alleged trigger for the intervention was the kidnapping of foreign nationals from Kenyan territory through criminal gangs said to be affiliated with Al Shabaab. Also due to the increasing costs and major setbacks of the operation, it was however decided to “re-hat” the Kenyan Defence Forces in Somalia to AMISOM in December 2011.¹²

Internationally, the Somali crisis has spurred attention from several angles: first of all, its impact on regional stability has been frequently recognized as threatening international peace and security.¹³ Furthermore the plight of Somali people was the catalyst for the first peacekeeping mission of the UN under a more robust mandate. However, the ragged effort to support rival warlord factions at that time led to diminishing engagement in Somalia in the mid-Nineties. It was not until the perception of the threat of international terrorists finding harbour in so-called failing states emerged after the 9/11 attacks that Somalia was lifted back onto the international agenda. The official announcement of Al Shabaab in 2010 that it would join Al Qaida's Jihad¹⁴ and the increasing numbers of foreign fighters joining the militia have heightened these concerns considerably and placed the country in the midst of international counter-terrorist activities.

In the last years, yet another group of Somali actors has gained attention at a global level: from 2005 onwards, pirate groups operating from the eastern coasts of Somalia have been increasingly launching violent attacks on maritime traffic in the Gulf of Aden, the Indian Ocean and the Red Sea. As the respective maritime area is one of the most important for international trade, this has led to unprecedented activities by states from all around the globe. While most of the attacks were originally launched from the coasts of Puntland, pirate activities shifted further southwards throughout 2011 and are now concentrated on the region of Galmudug. Today, Somali piracy outstrips piracy elsewhere in the world: of 439 reported attacks worldwide in 2011, 275 were attributed to Somali pirates who have managed to establish a unique business model: vessels of all kinds are being hijacked while underway and with their crews on board for the sole purpose of gaining ransom. In doing so, they have taken more than 3,000 people hostage and have made millions of US Dollars profit. During the last few years, Somali pirates have improved their capabilities and skills to such a degree that Jack Lang, the

<<http://www.aljazeera.com/news/africa/2011/11/201111220131334165.html>> and Reuters: Eritrea did not fly arms to al Shabaab last Oct: UN, 16 Jan. 2012,

<<http://af.reuters.com/article/topNews/idAFJOE80F0AM20120116?pageNumber=2&virtualBrandChannel=0>>.

8 BBC News: Ethiopian troops capture Beledweyne from Somalia militants, 31 Dec. 2011, <<http://www.bbc.co.uk/news/world-africa-16372453>>, Peace and Security Council of the African Union: Communiqué of its 306th meeting held on 5th January 2012, <<http://www.un.org/Docs/journal/asp/ws.asp?m=S/2012/19>>, SomaliaReport: AMISOM May Replace Ethiopians in Hiraan, 12 Feb. 2012, <http://www.somaliareport.com/index.php/post/2772/AMISOM_May_Replace_Ethiopians_in_Hiraan>.

9 See Menkhaus, Ken (2012): After the Kenyan Intervention in Somalia (Enough Project Report): 3.

10 Ibid: 2.

11 International Crisis Group: Somalia: the Transitional Government on Life Support, Nairobi/Brussels, 2011: 18.

12 See Business Daily: Soldiers Formally Join AU Forces in Somalia, 8 Jan. 2012, <<http://allafrica.com/stories/201201091206.html>> ; Peace and Security Council of the African Union: Communiqué of its 306th meeting held on 5 January 2012, <<http://www.un.org/Docs/journal/asp/ws.asp?m=S/2012/19>>

13 See, inter alia, UN Security Council Resolutions 794 (1992), 1474 (2003), 1558 (2004), 1630 (2005), 1725 (2006), 1853 (2008), 1872 (2009), 2010 (2011).

14 BBC: Somali Islamists al-Shabab 'join al-Qaeda fight', 1 Feb. 2010, <<http://news.bbc.co.uk/2/hi/8491329.stm>>.

United Nations Secretary-General's Special Adviser on Legal Issues related to Piracy off the Coast of Somalia, has confirmed an industrialization of the phenomenon.¹⁵

Although not a focal problem for the Somalis themselves, considering the generally challenging situation within the country, piracy is also increasingly contributing to the further decay of Somalia itself: it drags foremost young people away from legal economic activities, intensifies the corrosion of local social structures and authorities, accelerates corruption, has led to higher food prices and inflation in pirate strongholds and has contributed to local violence, particularly as pirate gangs have also increasingly been engaged in clashes between political factions. Moreover, it leads to considerable delays and restraints in the delivery of humanitarian assistance thus exacerbating the plight of many Somalis.

The EU's Struggle for a Comprehensive Approach

Somalia is only one of the challenges the EU has responded to in its effort to enhance its common approach to foreign and security policy over the last decades. The EU's emergence as an international security provider has propelled the need to increase coherence of internal and external action, in other words: the generation of a truly comprehensive approach. The historical roots of the Union's comprehensive approach in the sphere of foreign and security policy can be traced back to the emergence of the European Community's external relations and the intergovernmental-based European Political Cooperation in the 1970s. Already at that time, Member States struggled for greater coherence and closer coordination, particularly with regard to this existing twofold structure¹⁶ – a challenge that has continued until the present day.

New institutions, new Instruments, new Concepts

The build up of the European Security and Defence Policy since 1999 can be seen as the real starting point of the EU's role as a civil-military conflict manager. Before this, the EU still acted as a purely civilian power although the Maastricht Treaty of 1992 had already laid the juridical foundations for the Common Foreign and Security Policy (CFSP) which slowly evolved thereon. With the decision of the Cologne and the Helsinki Summits in 1999, international crisis management became a new area of competence, demanding even more coherence in this field. To this end, the EU had to build up a "capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and the readiness to do so (...)"¹⁷.

As EU institutions are path-dependent and evolve incrementally, the new crisis management structures such as the Political Security Committee (PSC), the Military Committee (EUMC) and the European Union Military Staff (EUMS) became part of the intergovernmental second pillar while the Commission adapted its own crisis response instruments and mechanisms and preserved its competencies in the realm of development cooperation and humanitarian aid. With the concept of Civil-Military Coordination (CMCO) the EU issued guidelines for a "comprehensive approach to crisis management" of the military and civilian agencies of the second pillar.¹⁸ The creation of a standing civilian operational headquarters – officially called Civilian Planning and Conduct Capability (CPCC) – and an ad-hoc military Operations Center (OpsCenter) in 2007 confirmed the civilian-military divide within the CSDP. Albeit envisaged, coherence with the Commission remained a problem due to the persistent pillar divide and the initial emphasis on military rather than civil capability development. Nevertheless the respective structures, concepts and procedures of crisis management were continuously adapted. By finally abandoning the pillar structure of the Union, the Lisbon Treaty of 2009 is the most recent effort to strengthen its internal structures in order to be better

15 On the history of Somali piracy and the piracy problem in general see Hansen, Stig J. (2009): Piracy in the Greater Gulf of Aden - Myths, Misconception and Remedies, Oslo: Norwegian Institute for Urban and Regional Research and Development; Petretto, Kerstin (2011): Diebstahl, Raub und erpresserische Geiselnahme im maritimen Raum: eine Analyse zeitgenössischer Piraterie, PiraT-Working Paper No.8.

16 Johannsen, Janina (2011): The EU's Comprehensive Approach to Crisis Management, Premises, Ambitions, Limits (Baden-Baden: Nomos).

17 European Council: Conclusions of the Presidency, Annex III: Declaration of the European Council on Strengthening the Common European Policy on Security and Defence, Cologne, 3-4 Jun. 1999.

18 Council of the European Union: Civil-Military Coordination (CMCO), 14457/03, Brussels, 8 Nov. 2003.

prepared to deal collectively with the security challenges throughout the world. The creation of the EU High Representative as Vice President of the Commission (HR/VP) and head of the External European Action Service (EEAS), which combines tasks, instruments and personnel of both pillars, can be considered the preliminary institutional climax of forging a comprehensive approach. The fact that the HR/VP is Chair of the External Relations Council and that the Commissioner for Development is the Representative of the Commission in this decision-making body can be interpreted as a further step towards more comprehensiveness.¹⁹

In this process, the European Security Strategy (ESS) adopted in 2003 and its review five years later play an important role as a conceptual framework that deals with both the internal and the external dimensions of the comprehensive approach. As to the former, the ESS states that “the challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from Member States and other instruments. All of these can have an impact on our security and on that of third countries.”²⁰ It emphasizes the security-development nexus by declaring that “Security is the first condition for development”²¹ and identifies “building security in our neighbourhood”²² as well as “international order based on effective multilateralism”²³ as two of three main objectives.²⁴ Both objectives relate to the necessity of working with key partners such as states and international organisations. The Implementation Report of 2008 confirms and widens the risk analysis made by the ESS. It emphasizes the fact that “for our full potential to be realised we need to be still more capable, more coherent and more active.”²⁵

Strategizing for Africa

One major challenge – as outlined in the ESS – is the existence of fragile states. The Implementation Report mentions Somalia as an example of the linkage between conflict and state fragility “caught in a vicious cycle of weak governance and recurrent conflict”.²⁶ It identifies piracy “as a new dimension of organized crime.”²⁷ The document also links piracy to state failure. However, piracy does not feature in the list of key threats, but rather as one consideration for EU efforts to build stability beyond its borders and mentions EUNAVFOR Atalanta as part of the EU response. Under the heading relating to the security and development nexus, the report hints at the EU engagement in Africa, the programmatic basis of which is emphasized inter alia in the “Common Position concerning conflict prevention, management and resolution in Africa”²⁸ of 2004, the EU Strategy for Africa of 2005²⁹ and particularly the Africa-EU Joint Strategy adopted by 80 Heads of State and Government from Africa and Europe in Lisbon in 2007.³⁰

In the first, the EU describes its objectives such as the strengthening of African crisis management capacities and means of action in the field, the improvement of its close cooperation with the UN and with regional and sub-regional organisations, and its willingness to remain prepared “to become involved, whenever necessary, in crisis management in Africa with its own capabilities”.³¹ Furthermore, the EU declared that it would “develop a proactive, comprehensive and integrated approach which shall also serve as a common framework for actions of individual Member States”.³² In its Africa Strategy of 2005, it tackles a broad agenda: among other things, peace and security;

19 Missiroli, Anton (2010): The New EU ‘Foreign Policy’ System after Lisbon: A Work in Progress, *European Foreign Affairs Review*, 15: 427-452: 433.

20 European Council: A Secure Europe in a Better World: European Security Strategy, Brussels, 12 Dec. 2003: 13.

21 Ibid.

22 Ibid.: 7.

23 Ibid.: 9.

24 The first mentioned objective is “addressing threats”, *ibid.*: 6.

25 European Council: Report on the Implementation of the European Security Strategy - Providing Security in a Changing World, S407/08, Brussels, 11 Dec. 2008: 2.

26 Ibid.: 8.

27 Ibid.

28 Council of the European Union: Council Common Position 2005/304/CFSP, Brussels, 12 Apr. 2005.

29 European Commission: EU Strategy for Africa: Towards a Euro-African pact to accelerate Africa’s development COM(2005) 489 final, Brussels 12 Oct. 2005.

30 Council of the European Union: The Africa-EU-Strategic Partnership. A Joint Africa-EU Strategy, Lisbon, 9 Dec. 2007.

31 Council of the European Union: Council Common Position 2005/304/CFSP, Brussels 12 Apr. 2005: 2.

32 Ibid.

human rights and governance; development assistance; sustainable growth, regional integration and trade; investing in people; and future partnership with Africa. As to peace and security, the Union confirmed its will to work with African partners and to “step up its efforts to promote peace and security at all stages of the conflict cycle, from conflict prevention, via conflict management to conflict resolution and post-conflict reconstruction”.³³ Finally, the Joint Africa EU Strategy aims at strengthening the partnership between the EU and African states based on commonly shared visions and principles such as “the unity of Africa, the interdependence between Africa and Europe, ownership and joint responsibility, and respect for human rights, democratic principles and the rule of law, as well as the right to development” in order to jointly address issues of common concern.³⁴

This broad approach is in line with the European Consensus on Development, a joint statement of the Council, the European Parliament and the Commission on European development policy, that stresses the need for greater coherence and the will of the Commission to develop its own comprehensive prevention approach to state fragility, conflict, natural disasters and other types of crisis within the competences of its institutions. At the same time the Commission declares its preparedness to work closely with the Council structures to improve joint analysis, monitoring and assessment of fragile states.³⁵

There is thus much talk about comprehensiveness and the need for greater coherence in various Council and Commission documents but this still does not end the institutional divide between the two “tribes” of EU external action. Against this background, the EEAS provides for a better institutional framework that is supposed to enhance CFSP, but the struggles about the meaning, the direction and the institutional prerequisites of a comprehensive approach still continue today. For this reason, the efforts by EUMS and the CPCC staff to draft concepts aimed at enhancing the comprehensive approach are still in limbo.³⁶ However, the decision of the Council on 23rd January 2012 to activate for the first time the OpsCenter and to task it with the coordination of all CSDP missions related to Somalia is a further step towards more comprehensiveness.³⁷

Practical Efforts – towards an Integrated Maritime Policy

Further practical efforts which could become part of a comprehensive approach can be observed in the maritime domain in general. The Commission has been pushing the concept of an Integrated Maritime Policy (IMP) since 2006, also touching on security issues such as organized crime and piracy.³⁸ The Council supports this approach and pleads for the elaboration of a maritime security strategy in order to tackle “the threats identified in the European Security Strategy, while ensuring coherence with EU internal policies, including the EU Integrated Maritime Policy”.³⁹ A task force with specialists from the EEAS, the Commission and Member States has started to work on this. The idea is to link the civilian and military capabilities of the EU and Member States. A concrete project is the “Common Information Sharing Environment for the surveillance of the EU maritime domain” (CISE) which aims “to generate a situational awareness of activities at sea, impacting on maritime safety and security, (...)”.⁴⁰

33 European Commission: EU Strategy for Africa: Towards a Euro-African pact to accelerate Africa’s development COM(2005) 489 final, Brussels 12 Oct. 2005: 3.

34 Council of the European Union: The Africa-EU-Strategic Partnership. A Joint Africa-EU Strategy, Lisbon, 9 Dec. 2007: 2; For an assessment of the Joint Africa-EU Strategy, see Europe Africa Policy Research Network (ed.) (2010): Beyond Development Aid. EU-Africa Political Dialogue on Global Issues of Common Concern, Portugal.

35 European Parliament, Council, Commission: The European Consensus on Development, Brussels 20 Dec. 2005: 14.

36 Interviews with EEAS on 1 Apr. 2011 and on 13 Sep. 2011. Another example is the enduring resistance of the UK regarding the establishment of a standing EU civil-military headquarters.

37 See Gros-Verheyde, Nicolas: L’OpsCenter sur les rails: les grands principes adoptés lundi, 20 Jan. 2012, <<http://www.bruxelles2.eu/defense-ue/defense-ue-droit-doctrine-politique/lopscenter-sur-les-rails-les-grands-principes-adoptes-lundi-et-quelques-details.html>>.

38 European Commission: Green Paper. A European Strategy for Sustainable, Competitive and Secure Energy, COM(2006) 105, Brussels 8 Mar. 2006: 44.

39 Council of the European Union: Council conclusions on Maritime security strategy, 3009th Foreign Affairs Council meeting, Luxembourg 26 Apr. 2010: 1.

40 European Commission: Communication to the Council and the European Parliament on a Draft Roadmap towards establishing the Common Information Sharing Environment for the surveillance of the EU maritime domain, COM(2010) 584 final, Brussels, 20 Oct. 2010: 2.

Piracy has been identified as a case in point by the EEAS and the Commission whose former Commissioner for Fisheries and Maritime Affairs, Joe Borg, stated: “The EU is committed to doing all it can to play its part in deterring and stamping out acts of piracy. We need an integrated civilian-military approach where all concerned work together. The European Commission contributes to this through improving maritime surveillance and by helping to set up a firm international legal framework for ensuring security at sea (...).”⁴¹ However, creating joint maritime awareness is still a work in progress. A Wise Men Panel mandated by the European Defence Agency EDA to compile a report on the EU efforts to integrate mechanisms to maritime surveillance within CSDP stated for instance that “Confusion and competition continue because of a lack of agreed definitions of even basic terms like safety and security. People are talking past each other”.⁴² Thus, the project to improve maritime surveillance has not yet been able to contribute to the comprehensive approach that the EU is pursuing with regard to Somalia and of which operation Atalanta is supposed to be a part. However, if realised, the project could be a major asset for dealing with the piracy issue.

“The EU is committed to doing all it can to play its part in deterring and stamping out acts of piracy. We need an integrated civilian-military approach where all concerned work together.”

EU Objectives and Activities in Somalia

The EU’s engagement towards Somalia is based on several pillars: humanitarian aid, development cooperation, political dialogue and crisis management including efforts to counter piracy. Albeit not integrated into one coherent strategy so far, these multi-pronged activities are all part of the EU’s declared comprehensive approach.⁴³ By recognizing the interdependence of the political, security, economic and societal spheres, this approach is in line with the main principles of the “Whole of Government” Approach as developed by the OECD Development Assistance Committee in 2006 which calls on donor countries to engage in fragile states by “involving departments responsible for security, and political and economic affairs, as well as those responsible for development aid and humanitarian assistance”.⁴⁴ The task is to work effectively across these domains and ensure the well-sequenced and coherent progress of the diverse EU agencies engaged in Somalia. Based upon this aspiration, the following section illustrates the activities of the EU agencies mostly involved in the organization’s comprehensive approach towards Somalia, their declared objectives, and their role within the EU system of security governance as well as their interlinkage with other actors engaged in Somalia. We proceed in a chronological way in order to better grasp the increasing involvement in Somalia by identifying the different phases of the engagement.

Humanitarian Assistance

Ever since its government collapsed in 1991, Somalia has emerged as one of the most conflict-prone and least developed countries in the world. Continuous fighting and the lack of efficient governance structures, foremost in the southern and central regions, not only pushed it into the position of being the world’s least peaceful nation in 2011 according to the Global Peace Index;⁴⁵ coupled with recurring droughts and floods, Somalia has also for many years now been host of one of the most devastating humanitarian crisis in the world. Accordingly, humanitarian aid has been the cornerstone of the EU’s engagement in Somalia. It dates back to 1994, when project activities were

41 European Commission Press Release: Maritime security: protecting maritime transport from piracy, Brussels 21 Jan. 2009.

42 The Wise Men Panel: Maritime Surveillance in Support of the CFSP. The Wise Men Team Final Report to EDA Steering Board, 26 Apr. 2010: 3.

43 European Union: EU Engagement in Somalia: Factsheet, Apr. 2011, <www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/110407_FACTSHEET_EU_ENGAGEMENT_SOMALIA_-_version_12_EN01.pdf>.

44 OECD (2006): Whole of Government Approaches to Fragile States, Paris: 7.

45 Global Peace Index: Key Findings 2011, <<http://www.visionofhumanity.org/info-center/global-peace-index-2011/>>.

slowly picked up again for the first time after Somalia's breakdown and two UN Peacekeeping Operations.⁴⁶

As one of the biggest donors of humanitarian aid towards Somalia and the Horn Region in general, the European Commission gradually stepped up its funding from EUR 9 million in 2005 and EUR 18 million in 2007 to EUR 46 million in 2008. Ever since, however, there has been a decline – down to EUR 35 million in 2010. Although originally only EUR 30 million had been allocated for 2011, the aid budget has grown to new heights (EUR 77 million) due to the massive drought affecting the country, as well as the Horn of Africa in general.⁴⁷

The main agency for humanitarian aid is the European Commission Directorate-General (DG) for Humanitarian Aid and Civil Protection (ECHO) which funds relief operations for victims of natural disasters and conflict in Somalia. In doing this, the focal points have been food security, health, nutrition, shelter, water sanitation, hygiene promotion, livelihoods support, protection and coordination of aid. Projects are being implemented and supported in most parts of the country; yet urgent relief support has mainly concentrated on the southern and central Somali regions where the need is most dire.⁴⁸

As elsewhere, the EU's humanitarian aid towards Somalia adheres to the fundamental humanitarian principles of humanity, neutrality, impartiality, and independence as laid out in the European Consensus on Humanitarian Aid jointly signed by the presidents of the Commission, the Council and the European Parliament in December 2007.⁴⁹ This necessity of unrestrained impartiality of humanitarian aid and its priority of being directed “first and foremost at the people”⁵⁰ has been one of the reasons why DG ECHO is not a direct part of the EU crisis management and has not been integrated into the structures of the EEAS. It can only be an integral part of a comprehensive approach if these principles are respected.⁵¹

However, owing to the persistently dire security situation, Somalia is known as the most dangerous place in the world for aid workers.⁵² For this reason, the EU operates mainly through the Somalia Unit and its EU representative to Somalia, based at the Delegation of the EU to Kenya in Nairobi. While most of the funding is channelled through local partners as well as NGOs and UN agencies via the so-called ‘remote control scheme’, three field offices in Mogadishu, Hargeisa (Somaliland), and Garowe (Puntland) manned with predominantly local but also supported by international staff are tasked with the implementation and monitoring of EU-funded programmes.

For enhancing coordination with other donors, ECHO is taking part in diverse informal and voluntary cooperation mechanisms, such as the Coordination of International Support to Somalis (CISS, former Somalia Aid Coordination Body), co-chaired by the UN and the World Bank, the Somali Donor Group, and the newly established Common Humanitarian Funding (CHF), in which DG ECHO participates as an observer on the Advisory Board.⁵³

Development Aid

The EU has been the largest donor of development aid to Somalia for years, specifically since the beginning of the new millennium. This enhancement of development aid can be ascribed to two main drivers: firstly, the increased efforts by regional actors such as the Intergovernmental Authority on Development (IGAD) to bring forward the peace process and, secondly, the rising concerns after 9/11

46 European Commission: Humanitarian Aid and Civil Protection: Somalia Factsheet, Nov. 2011, <<http://ec.europa.eu/echo/files/aid/countries/somalia-factsheet-2011.pdf>>.

47 Ibid.

48 European Commission: Aid in Action: Somalia, Aug. 2011, <http://ec.europa.eu/echo/aid/sub_saharian/somalia_en.htm>.

49 European Commission: The European Consensus on Humanitarian Aid. The humanitarian challenge, Brussels, 2007.

50 European Union: Instrument for Aid, <http://europa.eu/legislation_summaries/humanitarian_aid/r10001_en.htm>.

51 The responsible Commissioner for Humanitarian Aid and Civil Protection is part of the Standing Group of Members of the Commission on External Relations chaired by the HR/VP. The other group members are the Commissioners for economic and monetary affairs, for development and cooperation, for enlargement, and for trade. The task of the Group is to ensure coherence and consistency of the activities of the Commission, “in particular, to define strategic priorities and to plan activity in relation to its external relations, security, economic and development policy.” See European Union: Groups of Members of the Commission: 5, <http://ec.europa.eu/reform/pdf/groups_en.pdf>.

52 European Commission: Humanitarian Aid and Civil Protection Somalia, Nov. 2011, <<http://ec.europa.eu/echo/files/aid/countries/somalia-factsheet-2011.pdf>>.

53 Coordination of International Support to Somalis, <www.coordinate4somalis.info>.

that so-called failing states like Somalia could offer a safe haven for international terrorists. Earlier on, there were already a few development elements included but humanitarian aid was the main activity. At the beginning of the new decade, the European Commission enacted the “Strategy for the Implementation of Special Aid to Somalia 2002-2007” (SISAS). This strategy defined as its long-term objective “to contribute to the alleviation of poverty and to the promotion of a more peaceful, equitable and democratic society”.⁵⁴ In its follow-up “Joint Somalia Strategy Paper for the period 2008-2013” the Commission, together with EU Member States and Norway, furthermore defines three overarching strategic objectives: to encourage reconciliation, democracy and the development of governance structures; to contribute to the reconstruction of the country; and to restore the rule of law.⁵⁵

The Joint Paper not only underlines the nexus between security and development when it states that “without peace and security it is not possible to engage effectively in longer-term development. Priority will therefore be given to promoting a peaceful and secure environment (...)”.⁵⁶ It furthermore embraces the so-called governance dividend approach adopted in the Mid-Term Review of the SISAS that asks for identification and encouragement of “‘home grown’ governance initiatives in different parts of the country that are accepted and supported by the local population and do not exclude a possible future federal structure” in South-Central Somalia as well as in Somaliland and Puntland.⁵⁷

Between 2003 and 2007, the development aid from the Commission reached EUR 63 million while the EUR 215.4 million originally planned for 2008 to 2013 were augmented by EUR 175 million in August 2011.⁵⁸ Key areas have been governance and security (23 projects ongoing, amounting to EUR 52 million), education (13 projects ongoing, amounting to EUR 36 million), as well as economic development and food security (25 projects ongoing, amounting to EUR 48 million). The implementation of many projects has been hampered however by the critical security situation, particularly in South-Central Somalia, leading to a gradual shift towards more engagement in the northern regions.

Notwithstanding the Council’s tasks and those of the nascent EEAS, the Commission’s engagement has not been, and is not, restrained to development policy. It is an actor in external affairs and regards itself as a security provider by supporting conflict prevention, rehabilitation and stabilisation activities. Engagement in Somalia is one major component of its policies towards the Horn Region in general: In 2006 DG Development elaborated the blueprint for an EU strategy towards the Horn of Africa⁵⁹ based on the European Consensus and the EU Strategy for Africa where it set out “a comprehensive approach to conflict prevention in the Horn of Africa tackling the root causes of instability, and providing a political framework for concrete regional initiatives and for structured dialogue between partners”.⁶⁰ Stability of the region is stressed as being of major strategic importance to the EU, as cross border dynamics in particular (for example, illegal migration and trafficking in arms, drugs and refugee flows, terrorism and organized crime) can reach far beyond the immediate neighbourhood and can even pose a threat to European security. As the EU is not only the major trading partner but also the most important development partner for the countries in the region, the blueprint strategy points moreover towards the EU’s economic interests that underline its engagement. While recognizing the regional interconnectedness of most conflicts in the Horn, it particularly emphasizes the need to tackle the Somali crisis. It states that “containment cannot be seen as an option in Somalia; instead the underlying causes of instability in Somalia need to be addressed” – by specifically taking into account the concerns of its direct neighbours.⁶¹ As a matter of fact, Somalia is being seen as a test case for implementing a regional partnership as envisioned by the Strategy.

Since the creation of viable security in Somalia is viewed as a prerequisite for an environment conducive to longer-term development, the Commission has also been involved in contributing to

54 European Commission: Strategy for the Implementation of Special Aid to Somalia 2002-2007, Brussels, 2002: 3.

55 European Commission: Somalia: Joint Strategy Paper for the period 2008-2013, Brussels, 2007: 8.

56 Ibid., 6.

57 Ibid., 20. Excluded areas are those in conflict and those which are identified as being either warlord fiefs or controlled by other forms of predatory or imposed administrations.

58 See http://ec.europa.eu/commission_2010-2014/piebalgs/headlines/news/2011/08/20110805_en.htm, Brussels 5. Aug. 2011.

59 European Commission: Strategy for Africa: An EU regional political partnership for peace, security and development in the Horn of Africa, COM (2006) 601 final, Brussels, 20 Oct. 2006.

60 Ibid.: 5.

61 Ibid.: 10.

crisis management. The two most important instruments in this vein are the African Peace Facility (APF) and the Instrument for Stability (IfS). The APF, although part of the European Development Fund (EDF) administered by the Commission, is an extra-budgetary fund created specifically to finance African Peace Support Operations (PSOs).⁶² Accordingly, the funding of PSOs – EUR 600 of 740 million since 2004 – represents the main activity of the APF. Most of it is not ODA-eligible due to its security orientation.⁶³ With EUR 258 million since 2007, a considerable part of it is being allocated to the African Union Mission to Somalia.⁶⁴

The IfS is a tool to address security and development challenges. 72 percent of its budget of EUR 2 billion for 2007-2013⁶⁵ is allocated to short-term assistance, managed previously by the Commission's DG External Relations and meanwhile transferred to the EEAS, while the long-term assistance is mainly managed by the DG for Development and Cooperation (DG DevCo).⁶⁶ While the IfS generally supports regional organizations such as the AU to enhance their response to trans-regional threats,⁶⁷ with regard to Somalia IfS funding is focussed specifically on improving the regional response towards piracy via the Critical Maritimes Routes Programme under the so-called MARSIC Project (2010-2013). Having been originally designed with the critical maritime routes in South East Asia in mind, the evolving threat of Somali piracy led to a shift of its regional focus towards the maritime waters off Somalia. Hence, the programme now primarily supports the enhancement of national law enforcement agencies in the region (namely Seychelles, Kenya, and, potentially Somalia (Somaliland and Puntland)) "to combat maritime piracy and robbery on the high seas through effective pro-active investigations".⁶⁸ Here the implementing partner is Interpol which provides the regional partners with training and equipment to conduct investigations and to identify and dismantle piracy networks and their supporters.⁶⁹ Secondly, MARSIC supports the implementation of the Djibouti Code of Conduct (DCoC), set up by the International Maritime Organization (IMO) in January 2009. The aim of the DCoC is to establish a framework for information-sharing and cooperation among coastal and user states for the repression of piracy and armed robbery against ships. Having been funded with an initial budget of EUR 4 million for three years, the MARSIC team of EU Member States' Experts focuses on supporting the "Management and Operational Conduct" of the Regional Maritime Information Sharing Centre" in Sana'a and the "Documentation, Education and Training Centre" in Djibouti mainly via technical assistance.⁷⁰ To strengthen the regional response towards piracy further, the EU has also supported the development of a Regional Strategy by countries which are part of the Eastern and Southern Africa – Indian Ocean

62 APF is financed by the Member States and managed by a specific committee.

63 Assistance to development countries and to multilateral development institutions is only ODA-eligible when it is administered with the promotion of the economic development and welfare of developing countries as its main objective. See <<http://www.oecd.org/dataoecd/21/21/34086975.pdf>>.

64 European Commission: Annual report: The African Peace Facility 2010, Brussels, 2010; European Commission: AMISOM 2011, <http://ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/peace-support-operations/amisom_en.htm>; European Commission: The EU provides additional support to security and peace in Somalia, Press Release, Brussels 5 Dec. 2011.

65 European Commission: Instrument for Stability, <http://ec.europa.eu/europeaid/how/finance/ifs_en.htm>.

66 The DG DevCo is a merger of DG Development and DG EuropeAid that became reality with the creation of the EEAS. Nearly half of the staff, including all regional desks of the former DG Development, were incorporated into the EEAS which is responsible for strategic planning while the new DG is responsible for the substance of development policy and cross-cutting issues. This includes dealing with security and conflict issues. The Commission follows its approach of addressing the root causes by mediation, peace-support and peace -building. See <http://ec.europa.eu/europeaid/what/security-conflict/index_en.htm> .

67 European Commission: The Instrument for Stability – Multi-annual Indicative Programme 2009-2011, Brussels, 8 Apr. 2009.

68 European Commission: Commission Staff Working Paper, 2010 Annual Report on the Instrument for Stability PART II, SEC(2011) 1000 final (Brussels, 16 Aug. 2011): 8.

69 The project started in December 2010 and has been allocated a budget of EUR 1.6 million for the duration of 36 months. See *ibid.* as well as <<http://www.interpol.int/News-and-media/News-media-releases/2011/PR013>> and <<http://www.interpol.int/News-and-media/News-media-releases/2011/PR052>>.

70 See IFS Annual report from the European Commission on the Instrument for Stability in 2010, Annex 2 Commission Staff Working Paper; Parliamentary Questions E-006763/2011 - Answer given by High Representative/Vice President Ashton on behalf of the Commission (23.8.2011), <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2011-006763+0+DOC+XML+V0//EN>>; IMO Briefing: Piracy Information-Sharing Centre in Mombasa commissioned by IMO Secretary-General, 31 Mar. 2011, <<http://www.imo.org/MediaCentre/PressBriefings/Pages/15-mombasa-isc.aspx>>, Ninth Plenary Session of the Contact Group on Piracy off the Coast of Somalia, 14 Jul. 2011, <<http://www.state.gov/t/pm/rls/othr/misc/168732.htm>>.

(ESA-IO) Region via the Regional Maritime Security Programme. With EUR 25 million earmarked for its implementation under the 10th EDF, it is geared to fostering the establishment of a framework to “prevent and combat piracy, and promote maritime security through a three pillar approach”⁷¹ to firstly develop and implement a Somalia Inland Action Plan to counter and prevent piracy; secondly encourage states in the region to prosecute pirates with the financial and technical support of the international community; and, thirdly, strengthen regional states’ capacities to secure their maritime zones.⁷²

In addition, the IfS has also funded a joint programme with the United Nations Office on Drugs and Crime (UNODC) called “Support to the Trial and Related Treatment of Piracy Suspects” since 2009. Having originally been designed for targeted support to Kenyan prosecution, police, judicial and prison services,⁷³ it is now “supporting those states in the Indian Ocean that are prosecuting piracy cases”, including Somalia, Kenya, Seychelles, and Mauritius.⁷⁴ The project has been put in the direct context of EUNAVFOR Atalanta as it was set out to help “to achieve the overall objectives”⁷⁵ of this naval operation.

Political Dialogue, Peace, and Security

Next to its engagement with regard to humanitarian and development aid, the EU has been a firm supporter of the peace and reconciliation process initiated under the auspices of IGAD since the end of the 1990s, culminating in the Somali National Reconciliation Conference in Eldoret, Kenya in the autumn of 2002.⁷⁶ The conference was the starting point for a renewed engagement of the EU after the dictatorial government of Siad Barre had collapsed in 1991⁷⁷ as it was decisive for establishing the Transitional Federal Institutions (TFI), that is, the Federal Transitional Charter, the TFG, and a Transitional Parliament in 2004.

In its recognition of the territorial integrity and sovereignty of the Somali state, the main partner of the EU ever since has been the TFG it helped to set up. Engagement with other Somali regions and authorities has so far been on an operational (mainly via humanitarian and development aid projects) rather than on a political level. In 2006, the European Council and the TFG signed a Memorandum of Understanding which laid “the groundwork for partnership and mutually agreed goals of promoting peace, democracy, security and the eradication of poverty through the guiding principles enshrined in the Transitional Federal Charter”.⁷⁸ The Council promised to enhance its engagement with Somalia by providing support for the effective functioning of the TFI, encouraging reconciliation, democracy and governance at all levels, contributing to reconstruction and coordinated assistance, and restoring the rule of law.⁷⁹ The extremely fragile peace process made some progress in 2008 by means of the Djibouti Peace Agreement between the TFG and its main opponent at that time, the Alliance for the Re-Liberation of Somalia (ARS). This led to the setting up of the Joint Security Committee (JSC) which acts as a coordination forum for the international community – including the EU – and the TFG to support Somalia’s security institutions.

71 Joint Communiqué from the Eastern and Southern Africa – Indian Ocean Ministers and European Union High Representative at the 2nd Regional Ministerial Meeting on Piracy and Maritime Security in the Eastern and Southern Africa and Indian Ocean Region, Grand Bay/Republic of Mauritius, 7 Oct. 2010, <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/116942.pdf>.

72 The programme will be implemented by the Regional Organizations that have agreed upon the plan, i.e. the Indian Ocean Commission, IGAD, EAC, SADC, and COMESA. An Inter-Regional Coordination Committee (IRCC) embracing the EU as well shall serve as the secretariat of the regional coordination mechanism. See *ibid*, as well as interview with EEAS Staff, 9 Dec. 2011.

73 European Commission / UNODC Programme: EU Support to the Trial and Related Treatment of Piracy Suspects, May 2009: 1, <www.asil.org/files/AnnexE-ECAssistance.pdf>.

74 UNODC: Counter-Piracy Programme Support to the Trial and Related Treatment of Piracy Suspects Issue Seven: September/October 2011, <http://www.unodc.org/documents/Piracy/UNODC_Brochure_Issue_7_WV.pdf>.

75 European Commission/UNODC Programme: EU Support to the Trial and Related Treatment of Piracy Suspects, May 2009: 1, <www.asil.org/files/AnnexE-ECAssistance.pdf>.

76 See Delegation of the European Commission in Kenya: 2002 Annual Report, Cooperation between The People of Somalia and The European Community (February 2004); European Commission: Somalia: Joint Strategy Paper for the period 2008-2013, Brussels, 2007: 22.

77 See Delegation of the European Commission in Kenya, 2002 Annual Report, Cooperation between The People of Somalia and The European Community (February 2004).

78 European Commission: Somalia: Joint Strategy Paper for the period 2008-2013, Brussels, 2007: 9.

79 Council of the European Union: Press Release, 2718th Council Meeting General Affairs and External Relations General Affairs, Brussels, 20 Mar. 2006: 8.

Notwithstanding major inefficiencies and permanent internal power games within the TFI, the EU continues to support the Djibouti peace process as a framework for peace-building and eventually accepted the postponement of the end of the transition phase for one year to August 2012 which was enshrined in the Kampala Agreement between the President of the TFG and the Speaker of the Federal Parliament in June 2011.⁸⁰ At an international meeting facilitated by the UN Political Office for Somalia (UNPOS), attended by representatives from the EU, IGAD, the League of Arab States and the Organisation of the Islamic Conference, delegates of the TFI, Puntland, Galmudug, and ASWJ finally agreed on a Roadmap setting clear benchmarks for the rest of the envisaged transition period.⁸¹ Al Shabaab by contrast has neither been invited to the negotiations nor has it shown any interest so far in joining the political dialogue.

The Roadmap aims at advancing the performance of Somali TFI and their partners in the four issue areas of security; constitution drafting; political outreach and reconciliation; and good governance. Rather than providing for a roadmap towards a political solution, it contains a more technically induced time schedule for the tasks identified as most pressing. The EU is a member of a Technical Committee established to monitor the progress in the implementation of the Roadmap. Here the key is to reach out to regional authorities as well as to civil society and to enhance cooperation between the various Somali entities. Under Benchmark One “Security”, among other things, the roadmap explicitly calls for the setting up an “effective maritime security and counter piracy policy and legislation in conjunction with regional entities including Puntland State of Somalia and Somaliland”. Those processes are to be based on the Kampala Process, an international initiative from 2010 which has received strong support from the EU.⁸² It brings together the TFG and the regions of Puntland and Somaliland aiming at promoting internal coordination of their respective counter-piracy offices. It furthermore serves as focal point for the DCoC, thereby linking these initiatives for enhancing capacity-building and cooperation at a national and regional level.

Throughout the whole process, implementing a comprehensive approach and embedding it into the regional context has been given top priority by the EU. Starting with the Council conclusions of 20 July 2002, the EU has repeatedly emphasized “the strategic importance of peace, stability and prosperity in Somalia” and has promised to enhance its engagement “by following a comprehensive strategic framework”, particularly by supporting the general reconstruction of the country, creating structures of governance, encouraging reconciliation and restoring the rule of law.⁸³ In December 2009, the Council adopted “An EU Policy on the Horn of Africa - towards a comprehensive EU strategy”, complementing the Commission’s strategy of 2006. It was supposed to provide for “strategic guidance” and help “articulate EU action in response to regional challenges on the Horn”.⁸⁴ It stresses that crisis management activities such as the fight against piracy are also proof of the broad EU commitment.⁸⁵ The four principles guiding the EU response towards the region are a) “recognizing the need of a comprehensive approach”, b) “understanding the root causes and drivers of conflict”, c) “recognizing the imperative of a regional approach”, and d) “building on local ownership”.⁸⁶ The strategic guidance calls for the maximizing of the effectiveness of the EU response by aiming at consistency, strengthening synergies between EU instruments, and building on partnerships,

80 The Council and the ICG tried to put pressure on the quarrelling TFI to meet the date but to no avail. See Council of the European Union: Council Conclusions on Somalia, 3076th Foreign Affairs Council Meeting, 2011, Brussels, 21 Mar. 2011: 2.

81 Somalia End of Transition Roadmap, Mogadishu 6 Sep. 2011, <<http://unpos.unmissions.org/Portals/UNPOS/Repository%20UNPOS/110906%20-%20Initialled%20Roadmap.pdf>>; EEAS: Statement by EU High Representative Catherine Ashton on the adoption of Roadmap for Ending the Transition in Somalia, Brussels, 9 Sep. 2011.

82 See United Nations Security Council: Press Briefing of the 6417th Meeting, New York, 9 Nov. 2010, <<http://www.un.org/News/Press/docs/2010/sc10079.doc.htm>>; Council of the European Union: Council Conclusions on Somalia, 3076th Foreign Affairs Council Meeting, 2011, Brussels, 21 Mar. 2011: 3.

83 Council of the European Union: Press Release, 2718th Council Meeting General Affairs and External Relations General Affairs, Brussels, 20 Mar. 2006: 8.

84 Council of the European Union: An EU Policy on the Horn of Africa – towards a comprehensive EU strategy, 17383/09, Brussels, 10 Dec. 2009.

85 Council of the European Union: Council Conclusions on the Horn of Africa, 2985th Foreign Affairs Council, Brussels, 8 Dec. 2009: 2.

86 Council of the European Union: An EU Policy on the Horn of Africa – towards a comprehensive EU strategy, 17383/09, Brussels, 10 Dec. 2009: 6-8.

specifically at a regional level, that is, with organizations like AU and IGAD.⁸⁷ Piracy off the coast of Somalia is seen as a threat to international maritime security, economic activities and the security of countries in the region calling for an enduring solution that “can only be reached by building on Somali ownership and addressing the underlying security and development challenges in Somalia”.⁸⁸

In an effort to drive the process further, the Council finally adopted a “Strategic Framework for the Horn of Africa” in November 2011.⁸⁹ While the drafting and implementing of concrete policies are conceded to the Commission, the Council and the Member States, the framework identifies five focal areas of engagement: building democratic and accountable state structures; contributing to peace, security, conflict prevention and resolution; mitigating the effects of insecurity in the region; reducing poverty/promoting economic growth; and fostering regional cooperation. Somalia and the issue of piracy are regarded as major impediments to peace to the region and are thus one of the priorities of the newly appointed Special Representative for the Horn of Africa. The Council Conclusions on Somalia of November 2011 underline again the importance of implementing a comprehensive approach and the necessity to “streamline and strengthen the coordination of all actors and international donors to Somalia”. To improve its own performance and specifically to “facilitate support to the Somali peace process”, the EU is furthermore considering establishing a sustained presence in the national capital of Mogadishu.⁹⁰

Along with its humanitarian, developmental and political engagement, the EU has steadily been placing more and more emphasis on engagement by military means, directly and indirectly:: Firstly, in 2007 it decided to support AMISOM whose task is to provide support to the TFI, to facilitate the provision of humanitarian assistance and to create conditions for reconstruction, reconciliation and the sustainable development of Somalia.⁹¹ In addition to this AMISOM contributes to the training, mentoring and monitoring of the Somali Police Force (SPF) in Kenya, Djibouti and Mogadishu, also supported by the EU.⁹² Between 2007 and July 2011 the EU spent EUR 208 million on AMISOM under the AFP, financing the strategic planning and management unit in particular as well as allowances, medical costs, housing, fuel, and communication equipment.⁹³ In December 2011, the Commission decided to provide a further EUR 50 million to AMISOM to support it in better fulfilling its mandate and reaching its authorized strength of 12,000 soldiers.⁹⁴ The overall implementation is jointly managed by the AU Commission and the EU Commission while the EU Delegation to the AU is responsible for day-to-day monitoring. Coordination with other donors is effectuated by monthly meetings of the African Union Partners Group in Addis Ababa, Somalia Donor Meetings in Nairobi, and coordination meetings in Brussels.⁹⁵

Secondly, in May 2008 the increasing challenge of piracy off the coast of Somalia entered the Council’s agenda because of its negative effects on humanitarian efforts and maritime traffic in the region.⁹⁶ Under its French Presidency, the EU initially decided to establish a military coordination action under the CSDP called “EU NAVCO”,⁹⁷ one of the main triggers being the hijack of the French

87 Ibid. 15-18.

88 Council of the European Union: Council conclusions on piracy off the coast of Somalia, 3023rd Foreign Affairs Council meeting, Luxembourg, 14 Jun. 2010: 2.

89 Council of the European Union: Horn of Africa - Council Conclusions, 16858/11 COAFR 315, Brussels, 14 Nov. 2011.

90 Council of the European Union: Council conclusions on Somalia, 3124th Foreign Affairs Council, Brussels, 14 Nov. 2011.

91 See African Union: AMISOM, <http://www.africa-union.org/root/AU/AUC/Departments/PSC/AMISOM/AMISOM_Mandat.htm>.

92 See AMISOM News: Police training – Officers graduate AMISOM course, 27 Nov. 2011, <<http://amisom-au.org/2011/09/police-training-officers-graduate-amisom-course/?lang=so>>; see also SomaliaReport: Somalia Police Receive Training, Funding, 4 Aug. 2011, <<http://www.somaliareport.com/index.php/post/1292>>.

93 See European Commission: Annual Report The African Peace Facility 2010, Luxembourg 2011.

94 European Commission: Press Release: The EU provides additional support to security and peace in Somalia, Brussels, 5 Dec. 2011, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1503&format=HTML&aged=0&language=EN&guiLanguage=en>.

95 European Commission, AMISOM, FED 2010/258-251: 3, <http://ec.europa.eu/europeaid/documents/aap/2011/af_aap-spe_2011_som.pdf>.

96 Council of the European Union: Press Release, 2870th General Affairs and External Relations Council Meeting, Brussels, 26-27 May 2008: 13.

97 Council of the European Union: Council Conclusions on Somalia, 2888th General Affairs Council meeting, Brussels, 15 Sep. 2008; see also Council of the European Union: Council Joint Action 2008/749/CFSP, Brussels, 19 Sep. 2008.

yacht “Le Ponant” in February 2008.⁹⁸ Shortly afterwards, the Council decided to launch the EU anti-piracy operation Atalanta and therewith closed down the coordination cell.⁹⁹ As with all EU military operations, responsibility lies with the Council while the Political and Security Committee (PSC) exercises political control and strategic direction. The mission is funded via the Athena mechanism with a budget of EUR 8.4 million for 2010 and EUR 8.05 million for 2011 covering the costs for the Operational and the Force Headquarters, as well as medical services and transport. Contributing Member States bear the cost of the resources they deploy themselves.¹⁰⁰ The internal coherence of these operations was set to be ensured by close coordination of the Presidency, the High Representative, the EU Operation Commander and the EU Force Commander respectively.¹⁰¹ Potential coordinating efforts with the Commission are not envisaged explicitly in the Joint Action as in most other joint actions dealing with military operations.¹⁰² However, just like the one establishing EU NAVCO, the action has been based on a joint options paper written by the Secretariat General of the Council and the Commission which is part of the Crisis Management Concept.¹⁰³

The third component of the EU’s engagement in the area of peace and security is the European Union Training Mission Somalia (EUTM): The objective of this military mission is to contribute to the reform of the Somali security sector through the provision of specific training and support to the training provided by Uganda of 2,000 recruits. The mission is part of a wider international effort comprising the vetting of trainees, the training, the monitoring of the forces once back in Somalia as well as the funding and payment of salaries. It is executed in close coordination with the TFG, Uganda, the AU, the UN and the US. Uganda provides basic training, European instructors teach special skills such as infantry techniques (Ireland), urban warfare (Portugal), and communications (Germany) while the US adds to financial assistance, logistical and technical support and supports the recruitment process of the TFG in Mogadishu, and AMISOM soldiers carry the responsibility for reintegrating them into the Somali National Security Force over a period of three months.¹⁰⁴ For AMISOM, EUTM is of major importance as the mission also has the function to “ease AMISOM’s training burden and free resources for its counter-insurgency efforts”.¹⁰⁵ EUTM is thus a further step in upgrading the EU’s engagement in Somalia. Its mandate has recently been extended to provide for two more six-month training periods.¹⁰⁶

In December 2011, the EU Council decided to complement EUTM and the technical cooperation projects in the maritime sphere with a civilian CSDP mission on Regional Maritime Capacity Building in the Horn of Africa and Western Indian Ocean States (RMCB).¹⁰⁷ The mission which at the time writing was still under preparation is intended to strengthening the maritime (sea-going) capacities of selected countries, i.e. Djibouti, Kenya, the Seychelles, and Tanzania. In Somalia, the program is intended to focus on supporting the development of Coastal Police Forces, specifically in the regions of Puntland, Somaliland and Galmudug. Furthermore, consideration is being given to the training and protection of judges in the Somali region of Puntland to enable them to implement their duties more effectively.¹⁰⁸

The EU support for AMISOM, as well as its military missions Atalanta and EUTM, can so far be regarded as decisive components in the effort of the EU to develop a comprehensive approach towards Somalia: not only is this stated in all of the military mission fact sheets provided for by the respective

98 Germond, Basil and Smith, Michael E. (2009): Re-Thinking European Security Interests and the ESDP: Explaining the EU’s Anti-Piracy Operation, in: *Contemporary Security Policy*, 30: 3, 573-593: 583f.

99 Council of the European Union: Council Joint Action 2008/851/CFSP, Brussels, 10 Nov. 2008.

100 In the case of Germany this amounted to EUR 59,1 million in 2009 and EUR 65 million in 2010, see Deutscher Bundestag: Antwort der Bundesregierung vom 01.08.2011 auf die Kleine Anfrage von Abgeordneten und der Fraktion der SPD, Drucksache 17/6715: 12.

101 Council of the European Union: Council Joint Action 2008/851/CFSP, Brussels, 10 Nov. 2008.

102 The only two exceptions are the joint actions establishing EU military operations Artemis (Council Joint Action 2003/319/CFSP, 8 May 2003) and Althea (Council Joint Action 2004/570/CFSP, 12 Jul. 2004), both of which contain an article noting the Commission’s intention to direct its actions towards achieving the objectives of the Joint Action.

103 Joint Council SG and Commission Services Options Paper on Somalia, Doc 11628/08, Brussels 2008.

104 International Crisis Group: Somalia: the Transitional Government on Life Support, Nairobi/Brussels, 2011: 15.

105 Ibid.

106 Council of the European Union, 13303/11 PRESSE 264, 28. Jul. 2011.

107 Council of the European Union: Press Release, Fight against piracy: Council launches EU action to strengthen maritime capacities in the Horn of Africa, 18321/11 PRESSE 480, Brussels, 12 Dec. 2011.

108 EEAS: Factsheet: Regional Maritime Capacity Building for the Horn of Africa and the Western Indian Ocean, 29 Jan. 2012, <http://www.consilium.europa.eu/media/1410086/120129_fact_sheet_rmcb_final_clean.pdf>.

EU websites, Atalanta has also been deliberately designed to ensure the delivery of humanitarian aid. That is why its main task is “the protection of vessels of WFP delivering food aid to displaced persons in Somalia, in accordance with the mandate laid down in UNSC Resolution 1814 (2008)”.¹⁰⁹ With regard to EUTM, the Council Decision of 31st March 2010 to launch the mission contained the provision that the HR is responsible for the consistency with the EU’s “external action as a whole, including the Union’s development programmes”.¹¹⁰ This is the first time that the security-development nexus is mentioned in a mandate for a military CSDP mission. The Union’s comprehensive approach is set to further being improved by the appointment of Alexander Rondos as Special Representative (EUSR) to the Horn of Africa on 8th December 2011 whose task is among others “to contribute to the implementation of the EU’s policy towards the Horn of Africa, in close cooperation with European External Action Service (EEAS), Union delegations in the region and the Commission”.¹¹¹

International and Regional Environment for EU Action – Major External Partners

To enfold the full potential of any given comprehensive approach, coordination and cooperation with external partners is of major importance. Accordingly, building partnerships and strengthening existing ones is a crucial aspect in the EU’s approach to effective multilateralism in general and to Somalia and the region in particular. The logic of the EU’s approach is as follows: if combating piracy calls for more than containment at sea, then the root causes of piracy have to be tackled. This can only be done in an international framework and in cooperation with international, regional and local partners. This logic was already propagated with regard to internal strife in Somalia before the issue of piracy came up. Recognizing the interests, strategies and actions of the EU’s major partners can thus be regarded as key for the envisioned comprehensive approach. Accordingly, the following section will provide an overview of the main external partners of the EU and illustrate how their approaches are interconnected.¹¹²

Intergovernmental Authority on Development

Comprising all states considered to be part of the greater Horn of Africa, IGAD is the main interlocutor for the EU in the region.¹¹³ Ever since the creation of IGAD’s predecessor IGADD (Intergovernmental Authority on Drought and Development) in the 1980s, the EU has been one of its major partners. In 1997, one year after IGAD was set up, formal relationships of the EU were established within the “Friends of IGAD” called the IGAD Partners Forum (IPF). IPF convenes three UN bodies, 16 OECD states, among them 11 EU Member States, and the European Commission with organs at the ministerial, ambassadorial and technical level.

Although persistently hampered by internal conflict, weak structures and a lack of capacities, IGAD has been an important actor with regard to brokering the Somali peace process in the new millennium after several unilateral initiatives by some of its Member States, particularly Ethiopia and Djibouti. A “strategic breakthrough”¹¹⁴ was the Somali National Reconciliation Conference led by the Kenyan Government in 2002, also known as the 14th attempt¹¹⁵ to reconstitute Somali government

109 Council of the European Union: Council Joint Action 2008/851/CFSP, Brussels, 10 Nov. 2008: 34.

110 Council of the European Union: Council Decision 2010/96/CFSP, Brussels, 15 Feb. 2010.

111 Council of the European Union: Council Decision 2011/819/CFSP, Brussels, 8 December 2011, L 327/63. Alexander Rondos will not combine his post with that of EU delegation in one of the HoA countries. He also has to liaise with the EUSR for Sudan and South-Sudan.

112 Other strategic EU partners from the region are the League of Arab States (LAS) and Egypt but both only play a minor role in the EU approach to Somalia.

113 IGAD Member States are Kenya, Uganda, Djibouti, Ethiopia, Sudan, South Sudan, and Somalia. Eritrea suspended its membership in 2007, has however recently applied to rejoin the organization, see East African: IGAD’s New Dilemma Over Eritrea’s Return, 27 Aug. 2011, <<http://allafrica.com/stories/201108292344.html>>.

114 Apuuli, Kasaija P. (2011): IGAD’s peace and security strategy A panacea for long-term stability in the Horn of Africa region? In: Regional Security in the post-Cold War Horn of Africa, eds. Roba Sharamo and Berouk Mesfin. Pretoria: Institute for Security Studies: 347-375: 365.

115 See European Commission: Somalia: Joint Strategy Paper for the period 2008-2013, Brussels, 2007: 9.

structures since 1991.¹¹⁶ Despite strong international backing, also from the EU, the IGAD process suffered a major setback in 2006 after Ethiopia intervened on behalf of the TFG to fight back the Union of Islamic Courts (UIC) that had gained control in much of South-Central Somalia the same year. The Ethiopian intervention was based on its longstanding fear of the generation of an Islamic state in its direct neighbourhood – which had been exacerbated by the call of the UIC to establish a Greater Somalia – including the so-called Ogaden, the eastern region of Ethiopia which is home to many Somali people. Furthermore the war between Eritrea and Ethiopia (1998-2000) had led to a strategy on the part of both rivals to support each other's adversaries within Somalia, thus exacerbating the violent conflict within the country.

Being backed by an IGAD decision, the intervention of Ethiopia enforced the perception within Somalia that the engagement of the organization was heavily biased by the interests of its Member States.¹¹⁷ Coupled with opposition from some of its Member States – particularly Eritrea which subsequently even retracted its membership – this also contributed to the non-deployment of the IGAD Peace Support Mission in Somalia (IGASOM) that was supposed to support the TFI as of September 2007 and finally led to a shift in the peace process to the international level, namely that of the African Union and the UN.¹¹⁸ The recent military incursions of Kenya and Ethiopia support this stance once more. Their efforts to counter Al Shabaab and to establish buffer zones to secure their own borders have underlined the dilemma of close (geographical) proximity: on the one hand it generates a vested interest in solving a neighbour's crisis which actors based further away do not have in such urgency; on the other, however, military interventions of neighbours are very much driven by their own interests and can thus even be counterproductive.

Nonetheless IGAD still remains an essential actor in the process and is recognized as the forum where most negotiations should take place, specifically with regard to balancing the contradicting interests among its Member States.¹¹⁹ The EU, together with the AU and the League of Arabic States (LAS), has been in strong support for the IGAD-led reconciliation process despite its inner conflicts and still regards the organization as the strategic partner for the EU.¹²⁰ This position is based on the recognition of that fact that one key for solving the Somalis' protracted crisis is its embedding in a regional framework that acknowledges and tackles the interests not only of Somali actors but also those of its closest neighbours, as envisaged by IGAD itself.¹²¹ IGAD's engagement in Somalia is linked to UN and EU activities via the Office of the IGAD Facilitator for Somalia Peace and National Reconciliation in Addis Ababa (Ethiopia)¹²² which is being funded by the EU via the AFP under the umbrella of the Early Response Mechanism.¹²³ While IGAD commends the EU engagement to curb piracy in the region, especially through EUNAVFOR Atalanta, the EU supports the efforts to revitalise and reform IGAD.¹²⁴

116 For the multiple efforts to restore peace and governance within Somalia since 1991, see Apuuli, Kasajja P. (2011): IGAD's peace and security strategy. A panacea for long-term stability in the Horn of Africa region? In: *Regional Security in the post-Cold War Horn of Africa*, eds. Roba Sharamo and Berouk Mesfin. Pretoria: Institute for Security Studies: 347-375; Bradbury, Marc/Healy, Sally (eds., 2010): *Whose peace is it anyway? Connecting Somali and international peacemaking* (London: Conciliation Resources); Weber, Annette (2008): *State building in Somalia: Challenges in a zone of crisis*. In *Hot spot Horn of Africa revisited: Approaches to make sense of conflict*, (eds.) E. Bruchhaus & M. Sommer (Berlin: Lit Verlag): 14-27.

117 International Crisis Group (2009): *Can the Somali crisis be contained?* Nairobi/Brussels; Healy, Sally (2011): *Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development*. In: *International Affairs* (Oxford), 87 (January 2011) 1: 105-120.

118 Bryden, Matt: *Storm Clouds Over Somalia As Rivals Prepare For Battle*. In: *The Nation*, Nairobi 8. Dec. 2006, <<http://www.crisisgroup.org/en/regions/africa/horn-of-africa/somalia/op-eds/storm-clouds-over-somalia-as-rivals-prepare-for-battle.aspx>>.

119 See African Union: *Report of the Chairperson of the Commission on the Situation in Somalia*, 13 Sep. 2011: 3.

120 See Council of the European Union: 2718th General Affairs Council meeting. Brussels, 20 Mar. 2006; European Commission: *Somalia: Joint Strategy Paper for the period 2008-2013*, Brussels, 2007: 22; Council of the European Union: *An EU Policy on the Horn of Africa – towards a comprehensive EU strategy*, 17383/09, Brussels, 10 Dec. 2009:17.

121 See IGAD: *Communiqué of the 19th Extra-Ordinary Session of the IGAD Assembly*, Addis Ababa 25 Nov. 2011.

122 See IGAD: *IGAD Office of the Facilitator for Somalia Peace and National Reconciliation*, <http://igad.int/index.php?option=com_content&view=category&layout=blog&id=66&Itemid=179>; European Commission: *Annual report: The African Peace Facility 2010*, Brussels, 2010: 8.

123 Ibid.

124 Council of the European Union: *EU-IGAD Ministerial meeting*, 8328/09, 1 Apr. 2009: 2 and 4.

African Union

Founded in 2002 as the successor to the Organisation of African Unity and taking the EU as role model, the AU is both the main continent-wide partner for the EU in Africa and the main addressee of financial and technical support related to capacity-building. The latter is especially relevant in the field of peace and security where the EU encourages the build-up of new administrative and security structures. EU support is supposed to “increasingly work towards Africa-led and -owned approaches, strengthening the primary responsibility of African governments for the issues in question”.¹²⁵ According to the Joint Africa-EU Strategy adopted in 2007, one main objective of both partners is “to strengthen and promote peace, security, democratic governance and human rights (...)”.¹²⁶ The largest share of the EUR 1 billion that the EU has made available for the partnership so far has gone to the AFP which provides funds for the implementation of the African Peace and Security Structure and for African-led interventions. In total, the EU has supported four African peacekeeping missions so far, the latest of which is AMISOM established in 2007.¹²⁷

The African Union had been in strong support of the IGAD-led peace process. However when the endeavour reached its limits due to the opposing interests of its Member States, the continental organization, in close cooperation with the UN, stepped in, with AMISOM being its major contribution. AMISOM was launched at the beginning of 2007.¹²⁸ Initially designed to be a short-term engagement to be replaced by a UN peacekeeping force, the mandate has been extended several times, the latest mandate having been in effect since 17th January 2012 and lasting for another 12 months.¹²⁹

AMISOM has an authorized military strength of 12,000 soldiers, of whom currently about 10,000 are deployed.¹³⁰ It is mandated to conduct Peace Support Operations in Somalia to stabilize the situation in the country under Chapter VII UN Charter. So far, the only troop-contributing countries are Uganda and Burundi, and, since December 2011, Djibouti.¹³¹ Sierra Leone has also confirmed its intention to contribute an additional battalion of 850 soldiers, while Uganda has pledged to increase its troops by 2,000 and Burundi by 1,000 men.¹³² Also due to its limited troop strength, AMISOM’s soldiers are so far all deployed in the capital of Mogadishu where they are focusing their operations on securing key installations such as the seaport, the airport and buildings of the TFI, and on combating Al Shabaab in a counter-insurgency effort, mostly using clan militias as proxies while at the same time asking for better military equipment such as attack helicopters.¹³³ Following the recent enforced withdrawal of Al Shabaab forces from Mogadishu, AMISOM forces, together with Somalia TFG forces, now control all districts of the capital. On the basis of this success, the AU is also considering expanding AMISOM operations beyond Mogadishu into South and Central Somalia within the next 5 to 12 months.¹³⁴ In doing so, it is aiming at creating conditions for the deployment “of a UN peace keeping operation, to take over AMISOM and assist in the long-term reconstruction and stabilization of Somalia”.¹³⁵

Up to now, however, such a deployment seems extremely unlikely: according to a recent EU estimate “the AU will probably have to run AMISOM for a longer period than planned and restructure

125 Africa and Europe in Partnership: Role of the EU delegation to the African Union, 2011, <<http://www.africa-eu-partnership.org/partners/role-eu-delegation-african-union>>.

126 Council of the European Union: The Africa-EU-Strategic Partnership. A Joint Africa-EU Strategy, Lisbon 9 Dec. 2007: 2.

127 The other three missions were MICOPAX in Central Africa, AMISEC in the Comoros and AMIS in Sudan. See <http://ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/index_en.htm>.

128 African Union: 69th Communiqué of the AU Peace and Security Council, Addis Ababa, 19 Jan. 2007.

129 See Peace and Security Council of the African Union: Communiqué of its 306th meeting held on 5 January 2012, <<http://www.un.org/Docs/journal/asp/ws.asp?m=S/2012/19>>.

130 UN Security Council Resolution 1964 (2010); AMISOM has repeatedly been asking the UN Security Council to increase the troop strength to 20,000, see African Union: Report of the Chairperson of the Commission on the Situation in Somalia, 13 Sep. 2011.

131 Garowe Online: Djibouti Peacekeepers Arrive in Mogadishu to Join Amisom, 21 Dec. 2011, <<http://allafrica.com/stories/201112211223.html>>.

132 African Union: Report of the Chairperson of the Commission on the Situation in Somalia, 13 Sep. 2011.

133 Menkhaus, Ken (2011): Conflict Analysis: Somalia, produced for the UN Political Office for Somalia (UNPOS), Nairobi 2011: 20-22, <<http://www.scribd.com/doc/78162215/MENKHAUS-Somalia-Conflict-Analysis-UNPOS-Updated-and-Final-December-2011>>.

134 Ibid: 13.

135 Ibid.

the operation in the light of a multi-annual commitment”.¹³⁶ As the TFI still have hardly any own forces at their disposal, their survival is dependent on the activities of AMISOM troops – and is therefore regarded as an essential component of the international state-building approach towards Somalia.

Accordingly, at its January 2012 meeting, the AU Peace and Security Council endorsed a strategic concept for the Mission’s future operations calling for the increase in AMISOM troop strength to 17,731 including 5,700 from a Djiboutian contingent ready to be deployed and the “re-hatted” Kenyan troops, as well as an AMISOM police component, the expansion of AMISOM’s areas of responsibility and the increase in the UN logistical support.

United Nations

The UN provides the main international framework for EU activities that deal with the crisis in Somalia. Having been engaged actively in the country ever since the breakdown of formal government structures on a national level in 1991, the UN thus serves both as a formal partner and as a venue for formal and informal groupings.

After the three bungled military interventions (UNOSOM I and II, UNITAF), the UN supported the diverse peace processes and delivered humanitarian assistance, and implemented recovery and development programmes directly via its country team made up of 24 UN agencies as well as through non-governmental organizations.¹³⁷ In January 2012, the UN for the first time since 1995 established a representative office in Mogadishu.¹³⁸ Over the last few years, the UN, similar to the EU, has put a lot of effort into improving the comprehensiveness of its own approach and those of its major partners. Together with the World Bank, it has been the driving force behind the Joint Needs Assessment (JNA) for South-Central Somalia, Puntland and Somaliland carried out in 2005/06 that also laid the ground for the Joint Somalia Strategy of the EU. The JNA, together with the Somali-owned Reconstruction and Development Programme (RDP), also served as a base for the UN Somali Assistance Strategy (2011-2015). In addition, an Integrated Strategic Framework for Somalia has recently been developed to streamline the diverse approaches. The focal areas that have been identified therein for the UN are social services, poverty reduction and livelihoods as well as good governance and human security. At a regional level, the UN (via its Political Office for Somalia UNPOS together with AMISOM and IGAD) signed a Joint Regional Strategy in February 2011 that aims at supporting the TFG in its efforts to successfully end the transitional period.¹³⁹

UN Special Adviser Jack Lang calls for an urgent “Somalization” of solutions to counter piracy

With regard to piracy, the UN has been engaged on several fronts: first, via the joint UNODC-EU project to enhance the prosecution capacities of regional states. Secondly, the UN has put an effort into boosting regional capacities to counter piracy via the IMO-led DCoC also supported by the EU.¹⁴⁰ Thirdly, the UN has conducted an EU-supported and multi-donor-funded rule of law project implemented by UNDP that targets more professional civilian police services.¹⁴¹ Based on the request of the Security Council,¹⁴² the Secretary-General of the UN has in addition put a great deal of effort into enhancing the international response to tackle problems with regard to prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia. In January 2011, the Special Adviser on Legal Issues related to Piracy off the Coast of Somalia, Jack

136 European Commission, AMISOM, FED 2010/258-251: 6, <http://ec.europa.eu/europeaid/documents/aap/2011/af_aap_spe_2011_som.pdf>.

137 See United Nations in Somalia, <<http://www.unctsom.org/>>.

138 See UNPOS Press Release: UN Special Representative moves to Mogadishu - first time in 17 years, 24 Jan. 2012, <<http://unpos.unmissions.org/Default.aspx?tabid=9705&ctl=Details&mid=12667&ItemID=11579&language=en-US>>.

139 See UN News Service: UN and African partners adopt joint strategy on Somalia crisis, 23 Feb. 2011, <<http://www.un.org/apps/news/story.asp?NewsID=37605&Cr=somali&Cr1>>.

140 Three sub-regional Information Sharing Centres have been set up in Sana’a, Mombasa and Dar es Salaam and are linked to a 21-country network with the aim of sharing information on pirate activities. Furthermore, legal workshops have been conducted in conjunction with UNODC as have training courses, for example via the Regional Training Centre in Djibouti, also supported by the EU. See IMO: Djibouti Code of Conduct, 2011, <<http://www.imo.org/OurWork/Security/PIU/Pages/DCoC.aspx>>.

141 See UNDP: Rule of Law & Security, <<http://www.so.undp.org/index.php/Rule-of-Law-Security.html>>.

142 UN Security Council Resolution 1918 (2010).

Lang, whom he had thereupon appointed, provided the Security Council with 25 proposals covering all aspects of how to counter Somali piracy efficiently and cooperatively. The report not only calls for the enhancement of the existing international and national legal frameworks with regard to prosecution and encourages all states to criminalize piracy as a universal crime as defined by the United Nations Convention on the Law of the Sea and try suspects accordingly; it also proposes a “Somalization” of all ongoing efforts to counter piracy. This includes on the one hand enhancing efforts to improve the Somali legal framework and the capacities of its various political entities, including Somaliland and Puntland, to try and incarcerate suspects. On the other hand the report also calls for considerable investment in augmenting security onshore as well as employment opportunities for the Somali population, particularly along, but not restricted to, the coastal lines. The overall recommendation is thus “to implement, on an extremely urgent basis, a comprehensive multidimensional plan targeting Puntland and Somaliland and comprising three components – economic, security and jurisdictional/correctional – that would be brought to bear simultaneously.”¹⁴³ In a follow-up report presented to the Security Council in June 2011, the Special Adviser laid out several modalities on how to implement his proposals which are now under further consideration.¹⁴⁴

United States

The US is an actor of supreme importance in Somalia and the region of the Horn. The main reason for this is Al Qaeda’s bombing of the US embassies in Kenya and Tanzania in 1998, the 9/11 attacks, and the so-called “Global War on Terror” (GWOT) initiated thereafter. Bearing in mind the disaster of the US-led and UN-backed intervention in Somalia in the early 1990s, the US engagement follows a proxy approach when pursuing its main political interests of combating terrorism and piracy off the coast of Somalia. With an ailing TFG under pressure from opposing Islamist forces, the US has been looking for regional and sub-regional actors as potential supporters. In 2002 Washington started to provide security assistance to Ethiopia and in 2005 to the AU. Ethiopia was perceived as the key contributor to counterterrorism efforts because of its military capabilities and its former incursions in Somalia.¹⁴⁵ The US backed the Ethiopian intervention in 2006 in order to bring down the UIC – politically by giving the green light, and militarily by providing intelligence, special operation forces, and limited air strikes. In the same year, the UNSC passed the US-sponsored Resolution 1744 authorizing AMISOM to provide support and protection to the TFG. However the US efforts to garner regional support were not very successful with only Uganda and Burundi volunteering for the mission which in any case did not start until 2008. As a trade-off, the troop-contributing countries received substantial US security assistance.¹⁴⁶

Piracy became an issue in 2008 when the US Combined Task Force (CTF) 150 operating in the Indian Ocean in an anti-terrorism mission was also given the task to combat piracy. The mission of combating piracy shifted to CTF 151 in 2009. The US is also participating in NATO’s anti-piracy operation that started in 2008. Moreover, Washington initiated the creation of the Contact Group on Piracy off the Coast of Somalia CGPCS in 2009 (see below). This is in line with the general effort to heighten international collaboration among state and non-state partners when dealing with the piracy issue.¹⁴⁷ The US government stated that it does not intend to use ground forces to protect commercial shipping. As the State Department put it: “It’s better to work with security forces in Somalia”.¹⁴⁸ It prefers the indirect method of organizing “counter-piracy operations exploring expanded military options which do not place under risk our forces”¹⁴⁹ and by relying more heavily on non-military solutions such as building regional capacities to prosecute pirates, to target financial flows, and to continue diplomatic efforts to address the root causes of piracy.¹⁵⁰

143 UN Security Council S/2011/30, 25 Jan. 2011: 3.

144 UN Security Council S/2011/360, 15 Jun. 2011.

145 See Shawn T. Cochran (2011): Security Assistance, Surrogate Armies, and the Pursuit of US Interests in Sub-Saharan Africa. In: Air and Space Power Journal (ASPJ), 2/2011: 4-47.

146 *Ibid.*: 27.

147 See US Accountability Office: Maritime Security. Action Needed to Assess and Update Plan and Enhance Collaboration among Partners Involved in Counter Piracy off the Horn of Africa, GOA-10-856, Sep. 2010.

148 Rianovosti: U.S. will not use ground troops to fight Somali piracy says State Dept., 31 Mar. 2011, <<http://en.rian.ru/world/20110331/163296793.html>>.

149 *Ibid.*

150 U.S. Department of State, U.S. Approaches to Counter Piracy, 31 Mar. 2011, <<http://www.state.gov/r/pa/prs/ps/2011/03/159503.htm>>.

It is obvious that the US approach towards the Somalia issue follows a different model from the direct engagement in Afghanistan and Iraq. Nevertheless, the Obama Administration has been intensifying its anti-terrorism campaign by supporting proxy forces and expanding drone operations. The US has spent 500 million USD since 2007 in training and equipping East African forces, half of which was provided for AMISOM. In addition, the private US security company Bancroft Global Development has been indirectly funded by the State Department to train AMISOM troops in urban warfare.¹⁵¹ In 2011, the Pentagon authorized 30 million USD to upgrade helicopters and surveillance aircraft for Kenya and Djibouti. In the former country, the US has a small presence at the Kenyan naval base at Manda Bay. In the latter, 3,000 US troops are stationed at Camp Lemonnier which is also “home to a fleet of unmanned Predator drones and Special Operations units that conduct Somalia related missions”.¹⁵² This Combined Joint Task Force Horn of Africa (CJTF HoA) acts under AFRICOM which is a strategic command based in Germany. Its mission is to train the region’s security forces in counterterrorism, serve as advisors for peacekeeping operations, and to support humanitarian assistance. It also provides security assistance to several regional maritime security forces, and conducts civil-military operations “as part of an effort to ‘win hearts and minds’ and enhance long-term stability in the region”.¹⁵³ Finally, the CIA is supporting the Somali National Security Agency – which is the intelligence service answerable to the TFG – with funds and training.¹⁵⁴

International Contact Groups

Two informal groups – both initiated by the US and with the EU as Founding Member – have been established in New York to coordinate the international community’s response towards Somalia in general and piracy in particular. The International Somalia Contact Group (ICG) chaired by the UN Special Representative of the Secretary-General (SRSG) for Somalia is dealing with peace and security issues and acts as a kind of informal high-level oversight institution regarding the Transitional Federal Government. It was created in 2006 and meanwhile comprises more than 20 states, including ten EU Member States, and eight international, regional and sub-regional organisations.¹⁵⁵

The second informal group not formally endorsed yet officially supported by the UN is the CGPCS, established in 2009 pursuant to UNSC Resolution 1851. Being a unique international forum for civil-military and public-private actors with an interest in combating piracy, the Group brings together more than 60 countries, international organizations, and industry groups. While not supported by any formal structures or funding, its five working groups deal with military and operational questions (WG 1), legal issues (WG 2), shipping self-awareness (WG 3), public information (WG 4) and the identification and disruption of the financial networks of pirate leaders and their financiers (WG 5).¹⁵⁶ Formerly meeting on an ad-hoc basis, it was decided in November 2010 to meet three times a year at the plenary level while the working groups meet more frequently. Rather than trying to come up with clearly outlined strategies, the self-set aim of the CGPCS is to discuss and subsequently align perceptions and positions concerning how best to counter Somali piracy in a comprehensive manner. Meetings are kept deliberately short and focus on substance rather on the production of any specific documents.¹⁵⁷ A trust fund has been set up to “help defray the expenses associated with prosecution of suspected pirates, as well as other activities related to implementing the Contact

151 Uganda and Burundi asked Bancroft to provide the services for 7 million and was reimbursed by the State Department. See Gettleman, Jeffrey et al: U.S. Relies on Contractors in Somalia Conflict, New York Times, 10 Aug. 2011, <<http://www.nytimes.com/2011/08/11/world/africa/11somalia.html?pagewanted=all>>.

152 Whitlock, Craig: U.S. boosts proxy fight against Somali militants, The Washington Post, 25 Nov. 2011, <<http://www.post-gazette.com/pg/11329/1192348-82-0.stm?cmpid=nationworld.xml>>.

153 Lauren Ploch, Africa Command: U.S. Strategic Interests and the Role of the U.S. Military in Africa, CRS Report for Congress, 22 Jul. 2011: 21.

154 See Jeffrey Gettleman et al.: U.S. Relies on Contractors in Somalia Conflict, New York Times, 10 Aug. 2011, <<http://www.nytimes.com/2011/08/11/world/africa/11somalia.html?pagewanted=all>>.

155 See the Communiqué of the 19th meeting, Kampala, 2-3 Jun. 2011, <[http://unpos.unmissions.org/Portals/UNPOS/Repository%20UNPOS/110603%20-%20ICG%20Communiqué%20\(Kampala\).pdf](http://unpos.unmissions.org/Portals/UNPOS/Repository%20UNPOS/110603%20-%20ICG%20Communiqué%20(Kampala).pdf)>; for all communiqués of the Contact Group on Somalia, see <<http://unpos.unmissions.org/Default.aspx?tabid=4618>>.

156 See <<http://www.thecgpcs.org>>.

157 Discussions with Members of CGPCS, London, 14 as well as 18-20 Oct. 2011.

Group's objectives regarding combating piracy in all its aspects.¹⁵⁸ Managed by UNODC, the trust fund's contributions have so far been rather limited, amounting to a mere USD 5,080,918 from a total of 10 Member States.¹⁵⁹ While some of its Member States are assigned to chairing the working groups (namely the United Kingdom (WG1), Denmark (WG2), and Italy (WG5)), the EU takes part in all of the working group and plenary meetings.

Atalanta as part of the Comprehensive Approach

After having mapped the EU's approach to Somalia we will now in this section explore Operation Atalanta in greater detail in order to expand the understanding of the mission and its contributions to the comprehensive approach. We proceed in three steps: First, we examine the mandate with regard to purpose and objectives. Then we will look into the military-to-military, civil-military, and public-private partnerships on the strategic, operational and tactical levels. Finally activities and practices will be scrutinised.

An Evolving Mandate

The mandate of Atalanta developed in various steps. At the beginning, EU Member States such as France (since November 2007), Denmark (since February 2008) and the Netherlands (since October 2008) along with two further NATO warships already provided protection to World Food Programme vessels.¹⁶⁰ After having expressed concern about the upsurge of piracy off the Somali coast in May 2008¹⁶¹ and the deliberate request of the TFG for the International Community to support them in tackling the problem of piracy,¹⁶² the EU decided to follow a sequenced approach: the first thing it did was to create the Brussels-based European Union Naval Coordination Cell – EU NAVCO, tasked with “supporting surveillance and protection operations led by certain EU Member States in Somalia and off the Somali coast”.¹⁶³ EU NAVCO did not control any military assets: rather it was intended to be a point of contact between military vessels of certain Member States already patrolling the western Indian Ocean in diverse missions (such as Operation Enduring Freedom) and civilian vessels transiting the high-risk area as well as with ship-owners' organisations, the relevant departments of the UN Secretariat, the World Food Programme, and the International Maritime Organisation.¹⁶⁴

Two months later, the Council adopted the Joint Action of Operation Atalanta. According to its original mission statement of 2008, Atalanta was to contribute to “the protection of vessels of the WFP delivering food aid to displaced persons in Somalia” as well as to “the protection of vulnerable vessels cruising off the Somali coast, and the deterrence, prevention and repression of acts of piracy and armed robbers off the Somali coast”.¹⁶⁵ Furthermore, Atalanta forces were to arrest, detain and transfer persons who had committed, or were suspected of having committed, acts of piracy as well as to seize the vessels of pirates. The Joint Action plan has been amended several times to include the task of monitoring fishing activities,¹⁶⁶ to extend the area of operation from 500 nautical miles off the coast of Somalia to the whole Indian Ocean,¹⁶⁷ to allow for the collection of physical characteristics and the transmission of personal data, and to extend the mission up to December 2012.¹⁶⁸ Moreover, an extension of the current operational plan to include the task of destroying pirate equipment such as

158 See CGPCS: Trust Fund, <<http://www.thecgpcs.org/trustfund.do?action=trustFund>>.

159 See UNODC: Trust Fund to Support the Initiatives of States to Counter Piracy off the Coast of Somalia, <<http://www.unodc.org/easternafrika/en/piracy/trust-fund.html>>.

160 See WFP: French naval escorts assure WFP food supplies to Somalia; Denmark takes over, 2 Feb. 2008, <<http://www.wfp.org/node/225>> and WFP: EU Provides Long-Term Protection for WFP Lifeline to Somalia, 15 Dec. 2008, <<http://www.wfp.org/content/eu-provides-long-term-protection-wfp-lifeline-somalia>>.

161 Council of the European Union: Press Release 9868/08 (Presse 141), 26-27 May 2008.

162 See United Nations Security Council Resolutions 1816 (2 Jun. 2008) and 1846 (2 Dec. 2008).

163 See European Union: Factsheet: European Union military coordination of action against piracy in Somalia (EU NAVCO), Brussels 19 Sep. 2008, <http://www.consilium.europa.eu/uedocs/cmsUpload/080919factsheetEUNAVCO_EN22092008.pdf>.

164 See Council of the European Union: Council Joint Action 2008/749/CFSP, Brussels, 19 Sep. 2008.

165 Council of the European Union: Council Joint Action 2008/851/CFSP, Brussels, 10 Nov. 2008.

166 Council of the European Union: Council Decision 2009/907/CFSP, Brussels, 8 Dec. 2009.

167 Council of the European Union: Council Decision 2010/437/CFSP, Brussels, 30 Jul. 2010.

168 Council of the European Union: Council Decision 2010/766/CFSP, Brussels, 7 Dec. 2010.

skiffs and fuel storage facilities stored on shore is currently under consideration in the Political and Security Committee.¹⁶⁹ In this, the extension aims at interrupting, at least temporarily, the logistic chain of the pirates and heightening the cost of their operations.

At the same time, the overall political objective, as defined in the 2008 Crisis Management Concept (CMC), has not been amended so far.¹⁷⁰ Referring to UNSCR 1816, the EU's political objective is to contribute to improved maritime security in the region. Further considerations include the advice to take initiatives to encourage countries in the region to engage in the prevention and deterrence of piracy in order to promote a more lasting solution; the emphasis of the strategic importance of the area to international trade, including the transport of oil; and the interconnection between piracy and the overall situation in Somalia.

As the suppression of piracy as an end state is not realistic, the Council preferred to define an end-date. Thus, the exit strategy is the termination of the defined period. Nevertheless the CMC contains further end-state considerations by stressing that a lasting reduction of piracy can only be achieved by the development of an appropriate level of law and order, economic development and the stabilisation of security in Somalia proper. Accordingly Operation Atalanta is seen as only one element of the EU's wider approach to Somalia.

Partnerships and Coordination Mechanisms

The Council Joint Action 2008/851/CFSP asks for close coordination with the UN, AU, TFG and neighbouring countries at the strategic level and with ship-owners' organisations and relevant UN departments and the WFP at operational level. Next to "organisations and entities in the region", the mandate explicitly mentions the US-led "Combined Task Force 150" with which Atalanta shall liaise and – according to the amended version of 8th December 2009 – cooperate. CTF 150 is a multinational naval task force established in 2002 to support anti-terrorism Operation Enduring Freedom which also became engaged in anti-piracy operations in 2008. More generally, it is engaged in maritime security operations in the Gulf of Aden, Gulf of Oman, the Arabian Sea, the Red Sea and the Indian Ocean. In January 2009, the anti-piracy mission shifted to US-led CTF 151. This multinational task force was established to actively deter, disrupt and suppress piracy in order to protect global maritime security and secure freedom of navigation. In contrast to Operation Atalanta, CTF 151 also acts on the legal basis of UNSCR 1851 that allows actions against pirates on land. The US-led Combined Maritime Forces (CMF) operates under the operational command of US Navy Forces Central Command (NAVCENT) whereas tactical command is sometimes executed by partner nations.¹⁷¹

Another privileged partner in the fight against piracy is NATO. It has run three maritime operations in the region since 2008. A first short-term mission was Operation Allied Provider in the last quarter of 2008 that escorted vessels of the WFP. In March 2009, NATO launched Operation Allied Protector with the object of contributing to the safety of commercial maritime routes followed by currently ongoing Operation Ocean Shield in August 2009.¹⁷² Contrary to Atalanta, its primary focus is the active prevention and countering of pirate activities, while escorts for vessels of the WFP are only conducted occasionally. A further assignment is to assist regional states in developing their own capabilities to conduct anti-piracy activities. The Operation Ocean Shield mandate ends – as in the case of Atalanta – in December 2012.¹⁷³

In addition to these, three multilateral maritime missions under the respective leadership of the EU, US and NATO and other states have deployed military vessels under their own national command to counter piracy in the region, including Australia, Bahrain, China, Egypt, India, Iran, Japan, Jordan, Pakistan, Russia, Saudi Arabia, Seychelles, Singapore, South Korea, Thailand, Ukraine, and Yemen.

169 See for example Frankfurter Allgemeine Zeitung: Piraten sollen auch an Land bekämpft werden können, 28 Dec. 2011.

170 Conseil de l'Union Européenne: Projet de concept de gestion de crise (CMC) pour une action de l'Union Européenne en vue d'une contribution à la mise en œuvre de la résolution 1816 (2008) du Conseil de sécurité des Nations Unies, 12335/08, Brussels, 12 Nov. 2008.

171 But most of the force commanders are from the US. See ><http://www.cusnc.navy.mil/taskforces.html><.

172 See Strickmann, Eva: EU and NATO Efforts to Counter Piracy off the Coast of Somalia: A Drop in the Ocean? In: ISIS Europe, Oct. 2009: 3.

173 See NATO: Operation Ocean Shield, <<http://www.aco.nato.int/page208433730.aspx>>.

While exact numbers are not available, overall between 20 and 40 warships can be estimated to operate in the Gulf of Aden, the Somali Basin and the Indian Ocean at any given time.¹⁷⁴

As EUNAVFOR is hence integrated into a complex international endeavour, a variety of coordination mechanisms are needed. These have been installed on various levels. At the global scale, the Contact Group on Piracy off the Coast of Somalia mentioned above is the most important setting with regard to the political-strategic level. Its first Working Group deals specifically with military and operational issues and aspires to boost cooperation between the deployers of military naval assets off Somalia and to enlarge the international anti-piracy coalition.

Internationally Recommended Transit Corridor

To improve the protection of vessels transiting the Gulf of Aden, the EU set up a 480-mile-long Internationally Recommended Transit Corridor (IRTC) in December 2008.¹⁷⁵ It is being patrolled by coalition forces of the three multilateral operations. Although the corridor is not marked or defined by visual navigational means, a close coordination of surface units, maritime patrol aircraft and helicopters is provided within its range. In 2009, the recommended transit route has been adjusted based on recommendations of the maritime industry, foremost to reduce the risk of collisions.

Shared Awareness and Deconfliction Mechanism

At the operational level, the Shared Awareness and Deconfliction (SHADE) Mechanism was established in 2008. Designed to “de-conflict” the activities of the various navies in the Gulf of Aden and the Western Indian Ocean it discusses successes and challenges of the ongoing military engagement off Somalia, the coordination of naval activities in general and group transits and convoys in particular, as well as questions of force generation and best practices. Meetings take place once a month in Bahrain, at the U.S. Naval Forces Central Command (NAVCENT), under the rotational (co-) chairmanship of EUNAVFOR, NATO and CMF. Next to representatives of the three multilateral forces at the level of Tactical and Operational commanders, it is comprised of representatives of the independent deployers¹⁷⁶ as well as those of international law-enforcement bodies and the shipping industry. At the last meeting documented from 12th to 13th December 2011, this amounted to 115 military and civilian representatives from 27 countries, law enforcement agencies, the shipping industry, and various governments.¹⁷⁷ To improve the impact of SHADE meetings, several sub-working groups have been established throughout 2011. Furthermore, due to the increased deployment of private security personnel on board commercial vessels, a newly founded association for security providers in the maritime sphere was invited to take part in the meetings by the EUNAVFOR Chief of Staff.¹⁷⁸

In addition to the SHADE meetings, there are bi-weekly military-to-military meetings of the representatives of EUNAVFOR, NATO and CMF. A network of liaison officers – EU officers stationed in Mombasa, on the Seychelles and with CMF; NATO officers with the CMF, in Djibouti and in Bahrain – facilitate day-to-day coordination. Cooperation at the operational-tactical level includes some initial task-sharing. The EU for instance runs a logistics centre in Djibouti (ATALANTA Support Area, ASA) which provides a maritime reconnaissance component, NATO coordinates aircraft movements and analyses reconnaissance data, and the CMF facilitates access to the US tanker fleet.¹⁷⁹ As EUNAVFOR and NATO headquarters are both located in Northwood/UK, there is additional room for informal communication and coordination.¹⁸⁰

174 See for example Intermanager: Naval Support For Anti-Piracy Fight In Gulf Of Aden To Fall, 11 Oct. 2011, <<http://www.intermanager.org/2011/10/naval-support-for-anti-piracy-fight-in-gulf-of-aden-to-fall/>>.

175 As it relied particularly on the assets of the UK Maritime Trade Operations (UKMTO), the corridor was originally named UKMTO Transit Corridor (UTC). See <<http://www.icc-ccs.org/news/322-eu-initiative-for-the-gulf-of-aden>>. It was enlarged and, in the process, renamed the IRTC, see IMO: Circular, SN.1/Circ.281, 3 Aug. 2009.

176 According to NATO, these so far include Australia, Bahrain, China, Egypt, India, Jordan, Pakistan, Russia, Saudi Arabia, Seychelles, Singapore, South Korea, Ukraine and Yemen, see <<http://www.aco.nato.int/page208433730.aspx>>

177 See CMF: CMF hosts 22st SHADE Meeting, 23 Dec. 2011, <<http://combinedmaritimeforces.com/2011/12/23/cmf-host-22nd-shade-meeting/>>.

178 EUNAVFOR Chief of Staff Blount at ‘Combating Piracy Week’, London, 18 Oct. 2011.

179 Kupferschmidt, Frank (2011): Multinational Military Engagement. In: Piracy and maritime security: regional characteristics and political, military, legal and economic implications, ed. S. Mair (Berlin: SWP Research Paper 3, 2011): 62-70: 66.

180 Discussions with EUNAVFOR and NATO staff in Northwood, 6 Jun. 2011.

Maritime Security Centre Horn of Africa

Since the diverse military operations are tasked with protecting other so-called vulnerable vessels along with those of the WFP, the operational challenge in an area of operations as large as the European Union in addition requires efficient civil-military coordination. For this purpose, EUNAVFOR, with the support of the shipping industry, established the Maritime Security Centre Horn of Africa (MSCHOA) based at Atalanta's Headquarters in Northwood. MSCHOA acts as a coordination centre for mariners transiting the high-risk area off the Somali coast. It provides several kinds of services such as 24-hour-manned monitoring of vessels transiting the Gulf of Aden, an interactive website to communicate the latest anti-piracy guidance to industry and shipping companies. Along with this, it helps to identify particularly vulnerable vessels and supports the respective arrangement of the appropriate protection measures, and also offers guidelines for yachts cruising in the area, the latter jointly issued with the International Sailing Federation (ISAF) under the auspices of the ISAF International Regulation Commission.¹⁸¹ MSCHOA additionally offers group transits based on passage speed and serves as a contact point for the organization of convoys offered by national deployers such as Russia, Thailand, China, Japan, and South Korea.

Most importantly, vessels are asked to register with MSCHOA prior to entering the High Risk Area. This registration enables private and merchant ships to provide the naval forces operating off Somalia with a vulnerability profile of the vessel specific to the transit which includes the dimensions of the ship, cargo, crew numbers and nationalities, and whether armed or unarmed security personnel are on board. This information is disseminated on a daily basis to Task Force Partners and independent deployers across the High Risk Area. In this regard, MSCHOA has been launched to complement the already existing structures of the UK Maritime Trade Operations (UKMTO) office in Dubai established in the aftermath of the attacks on the World Trade Centre in 2001 with the aim of protecting UK interests in the maritime sphere of the wider Middle East region.¹⁸² While MSCHOA registration is only needed once – before transiting the high-risk area – UKMTO acts as a so-called “Position Reporting and Emergency Incident Response Interface” with the merchant ships at sea. It hereby has the responsibility of coordinating and implementing all verbal communications with the bridge, and is the primary point of contact in the case of an emergency, namely during an attack.

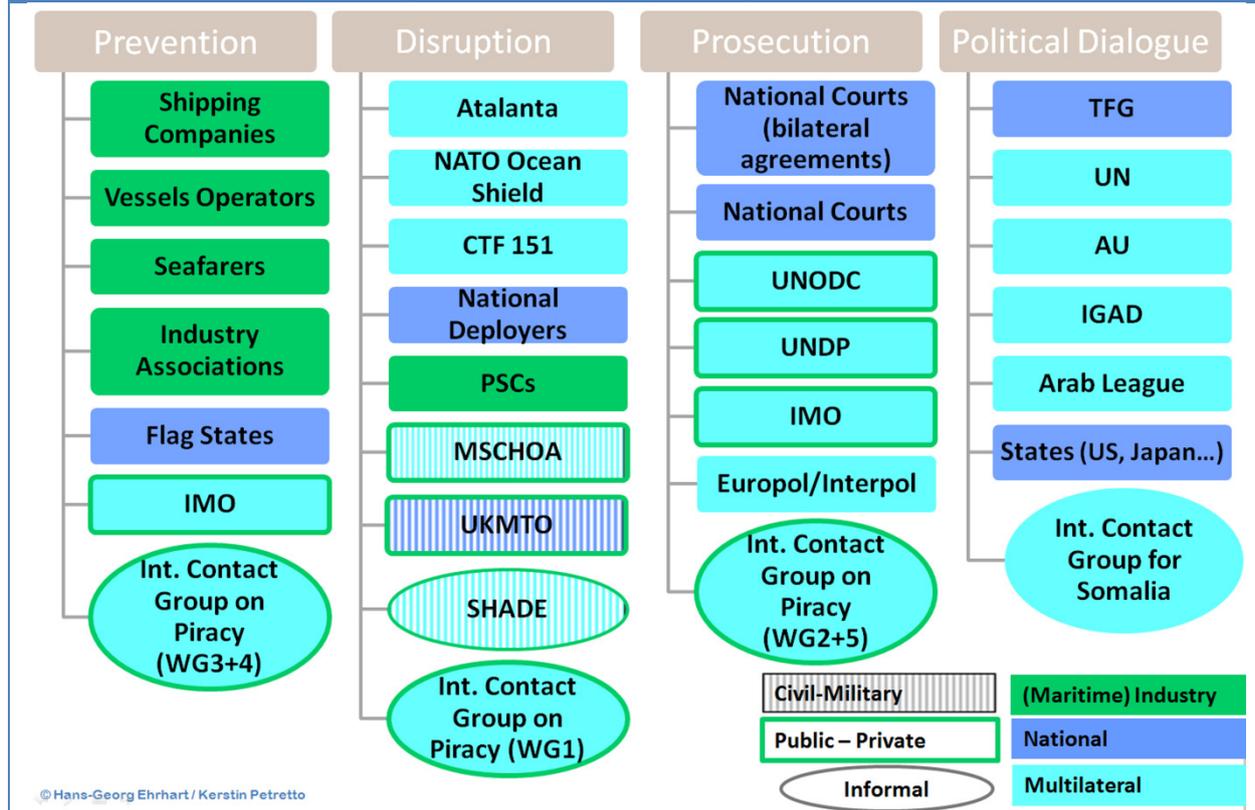
Communication between the various forces (multilateral missions as well as independent deployers) and the private/commercial vessels is provided for by Mercury Chat, an internet-based communication system established solely for this high-risk area by MSCHOA. Via this system, vessels transiting the area can be in instant contact with UKMTO as well as MSCHOA and the naval forces and aircraft patrolling the area.¹⁸³

181 See <<http://www.mschoa.org/Pages/About.aspx>>.

182 See Company of Master Mariners of Australia: UKMTO and Counter Piracy, 1 Sep. 2011, <<http://www.mastermariners.org.au/index.php/news-international/ukmto-and-counter-piracy>>.

183 Discussions with EUNAVFOR and NATO staff in Northwood, 6 Jun. 2011 as well as with UKMTO staff in London, 18 Oct. 2011.

EU Partners Involved in Tackling the Somali Crisis and Piracy



Activities and Practices

To accomplish its tasks, Atalanta usually consists of 5 to 10 surface combat vessels, at least one auxiliary ship and up to three maritime patrol aircraft. The composition changes constantly and also varies according to the Monsoon seasons in the Indian Ocean. The Member States that have contributed most to the naval deployment and air patrol services have been Germany, the United Kingdom, the Netherlands, Belgium, Spain, France, Greece, and Portugal. Other Members such as Cyprus, Finland, Ireland, Malta, the Czech Republic and Sweden provide military personnel at Northwood Operation Headquarters. Even non-member states such as Norway have repeatedly been contributing warships since 2009, others such as Ukraine, Croatia, Montenegro, and, recently, Serbia support EUNAVFOR with staff and naval officers. Due to the limited aircraft assets within the Union, the Luxembourg government provides Atalanta with aircraft operated by the private company CAE Aviation.¹⁸⁴ Tasked with searching and scanning the maritime surface to identify suspected as well as already designated pirate vessels, motherships and skiffs, the aircraft are based in Mahe (Seychelles); they are integrated into the chain of command by being subordinated to the EU Force Commander.

Protection of the WFP and other Vulnerable Vessels

In fulfilling their mandate, the main activities of the Atalanta forces are threefold: firstly, they protect vessels chartered by the WFP and AMISOM. In doing so, warships escort the vessels across the high-risk area. In some cases, vessel protection detachments (VPD) teams are deployed on board the vessels themselves. As most of these escorted vessels are fairly slow, they usually tie up considerable EUNAVFOR capacities. The increasing willingness of independent deployers such as Russia and China to escort humanitarian or AMISOM deliveries has meant a considerable

184 See EUNAVFOR: EUNAVFOR Luxembourg aircraft reaches 2,500 flight hours milestone, 20 Jun. 2011, <<http://www.eunavfor.eu/2011/06/eu-navfor-luxemburg-aircraft-reaches-2500-flight-hours-milestone/>>; EU Security and Defence news (Issue 49), 27 Jun. 2011, <<http://consilium.europa.eu/press/press-releases/latest-press-releases/newsroomloaddocument.aspx?id=&lang=en&directory=en/esdp/&fileName=123145.pdf>>.

improvement in this regard.¹⁸⁵ Secondly, Atalanta forces patrol throughout their designated maritime patrol area as well as within the IRTC where they also provide for group transits, particularly at night. For vulnerable vessels, VPD Teams can be dispatched but so far they have only been provided for WFP vessels under explicit EU mandate. Several Member States do however offer VPD teams for vessels flying their national flag, among them Spain, France, Italy, and the Netherlands.¹⁸⁶ Thirdly, Atalanta forces, mandated also with the repression acts of piracy, have been actively engaged in encountering these. This includes the identification of suspicious vessels and boarding them for verification purposes – also without the consent of the respective captain. Vessels that have been engaged in piracy may be disabled as long as security of hostages who may still be on board is not jeopardized. Some EUNAVFOR assets have been engaged in freeing hostages, have targeted pirate motherships in several instances, and have destroyed pirate equipment off-shore.

Atalanta and the Prosecution of Pirates

The latter task is intrinsically linked with the effort of the EU to provide for efficient prosecution of pirates: according to their mandate, Atalanta military personnel are allowed to arrest, detain and transfer persons who are suspected of having committed, or who have committed, acts of piracy. As the Somali state lacks sufficient structures and capabilities to put pirates (as well as other criminals) on trial and into prison, other nations need to take over this responsibility. When suspects are caught by Atalanta forces, they are thus either transferred to an EU Member State, or to third states willing to prosecute them. To this end, the EU has signed agreements with neighbouring states such as Seychelles,¹⁸⁷ Mauritius,¹⁸⁸ and Kenya¹⁸⁹ which allow for such transfers. The EU's efforts to increase regional capabilities with regard to prosecution and law-enforcement, also in cooperation with UNODC and IMO, can be regarded as complementary to this task of EUNAVFOR.

Based on perceived strains in capacities, Kenya terminated its arrangement in September 2010 but continues to consider accepting transfers of suspects on a case-by-case basis.¹⁹⁰ In contrast, Seychelles has even enhanced its cooperation with the EU by signing a Status of Forces Agreement (SOFA) enabling Atalanta forces to conduct operations in the coastal waters of the archipelago and facilitating their freedom of movement on shore.¹⁹¹ The EU's efforts to increase regional capabilities with regard to prosecution and law enforcement can be regarded as complementary to this task of EUNAVFOR and are also in line with similar efforts by UNODC and IMO.

Monitoring of Fishing Activities

Moreover, since 2009, EUNAVFOR has also been expected to monitor fishing activities off the Somali coast. This is based primarily on the claim of Somali fishers as well as Somali society and politicians in general that illegal fishing activities particularly by European and Asian states has diminished their potential to generate a sustainable economic livelihood – and has therefore driven many Somalis into the pirate business. Although the direct nexus between pirates and illegal fishing has been questioned from many sides (particularly the fact that, ever since the early 1990s, Somali pirates have predominantly targeted cargo vessels far away from the Somali coast and only in rare instances fishing vessels within 200 nautical sea miles off Somalia) it is, despite a persistent lack of reliable data, widely known that illegal fishing is rampant and does indeed pose a serious challenge to

185 See EUNAVFOR: Coordination between EUNAVFOR and Chinese Navy produces successful results, 28 Mar. 2011, <<http://www.eunavfor.eu/2011/03/coordination-between-eu-navfor-and-chinese-navy-produces-successful-results/>>; EUNAVFOR: WFP ship escort in the Red Sea by the Russian Federation ASW warship RFS SEVEROMORSK, 9 Sep. 2011, <<http://www.eunavfor.eu/2011/09/wfp-ship-escort-in-the-red-sea-by-the-russian-federation-asw-warship-rfs-severomorsk/>>.

186 House of Commons (2012): Foreign Affairs Committee Piracy off the coast of Somalia Tenth Report of Session 2010–12, London: 20.

187 See EEAS: Seychelles & the EU, http://eeas.europa.eu/delegations/mauritius/eu_seychelles/index_en.htm

188 See Official Journal of the European Union L 254/3, 30 Sep. 2011, <<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2011:254:SOM:EN:HTML>>.

189 Council of the European Union: Council Decision 2009/293/CFSP, Brussels, 26 Feb. 2009.

190 See Daily Nation: Country Cancels Piracy Trial Deals, 30 Sep. 2010, <<http://allafrica.com/stories/201010010009.html>>.

191 See Seychelles Nation: Seychelles and EU sign status of forces accord, 11 Nov. 2009, <<http://www.nation.sc/index.php?art=17640>>.

Somali coastal communities.¹⁹² Hence, as Somali authorities do not have the capabilities to establish oversight over fishing activities, EUNAVFOR has been mandated with this task.

Assessing the EU's Engagement in and off Somalia

An assessment of EUNAVFOR as part of the EU's comprehensive approach needs to be carried out from two angles: firstly the performance of the mission has to be weighed up against the mandate and tasks it has been equipped with. And secondly, it has to be put into context with the overall problem the EU wants to tackle through its engagement, namely: the Somali crisis in general and the activities of Somali pirates in particular. In doing so, special attention is given to the aspect of how far the cost-benefit calculations of the actors involved are being impinged on. The following section will begin by giving insight into the self-assessment of the EU according to official statements. Based on external assessments by analysts, interviews, and discussions with stakeholders of the EU and its partners as well as quantitative data derived from the Piracy Reporting Centre of the International Maritime Bureau of the International Chamber of Commerce (IMB) and the International Maritime Organisation, we will then provide an analysis of successes achieved, as well as the most pressing challenges of and pitfalls to the operation. In a second step we will shift the focus to the EU engagement on shore concentrating on the efforts to deliver humanitarian and development aid, support the peace process, rebuild the Somali state, and enhance security.

Engagement off-shore

According to the Foreign Affairs Council, Operation Atalanta is a success because it contributes to deterring, preventing and disrupting pirates' activities "especially in protecting World Food Programme and AMISOM shipments".¹⁹³ High Representative/Vice President (HR/VP) Ashton also applauds EUNAVFOR as being "a highly successful mission, proving a great success in security and defence cooperation in both the EU and with our partner maritime coalitions. The operation continues to be a significant force for good in the region and is making a significant impact on the fight against piracy."¹⁹⁴ EUNAVFOR confirms this general declaration by specifying that "not a single WFP vessel has been attacked by pirates" since the operation began adding that, by 17th January 2012, 139 WFP escorts with 809,493 tons of food and 124 escorts of AMISOM had been carried out.¹⁹⁵ Both figures suggest the operation has been successful which is certainly true for the WFP escorts but not necessarily for the distribution of food to starving Somalis – also due to organized theft by militias, criminals, and by TFG security forces.¹⁹⁶ Regarding the most challenging task of protecting other vulnerable vessels, EUNAVFOR's self-assessment sounds more sober when Operational Commander Buster Howes states: "There is no getting away from the fact that strategically, a naval presence is not deterring the pirates. The business model that they have adopted is too productive and the rewards simply too huge for them to be deterred."¹⁹⁷

Operational Commander Buster Howes:
"There is no getting away from the fact that strategically, a naval presence is not deterring the pirates. The business model that they have adopted is too productive and the rewards simply too huge for them to be deterred."

192 See United Nations Security Council (2011): Report of the Secretary-General on the protection of Somali natural resources and waters, S/2011/661, 25 Oct. 2011.

193 Council Conclusions on Piracy off the Coast of Somalia, 3023rd Foreign Policy Council, 14 Jun. 2010: 1.

194 EUNAVFOR: Visit by Baroness Ashton, High Representative of the European Union for Foreign Affairs and Security Policy, to the EUNAVFOR OHQ, 22 Aug. 2011, <www.eunavfor.eu/2011/08/visit-by-baroness-ashton-high-representative-of-the-union-for-foreign-affairs-and-security-policy-to-the-eunavfor-ohq/>.

195 EUNAVFOR: Media Brochure, 17 Jan. 2012, <www.eunavfor.eu/press-2/downloads/>.

196 New York Times: Contractors Are Accused in Large-Scale Theft of Food Aid in Somalia, 17 Aug. 2011.

197 EUNAVFOR: European Union's Naval Force counter-piracy operation enters its 3rd year as an extension to 2012 is confirmed, 15 Dec. 2010, <www.eunavfor.eu/2010/12/european-union%E2%80%99s-naval-force-counter-piracy-operation-enters-its-3rd-year-as-an-extension-to-2012-is-confirmed/>.

Success Rate of the Pirates down but...

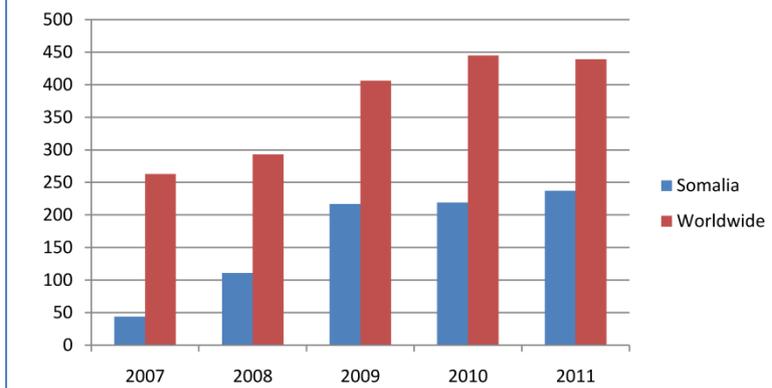
It is clear that the establishment of the IRTC by EUNAVFOR and its partners has led to a significant reduction in the number of attacks, particularly within the Gulf of Aden. Moreover, it has been possible to reduce the success rate of Somali pirates in general to a considerable degree from about 50% in 2008 to a mere 12% throughout 2011.¹⁹⁸ This applies in particular to the last quarter of 2011, during which pirate activity off the Somali coast sharply declined with only 31 vessels being attacked and 4 hijacked – compared to 90 attacks and 19 hijackings in 2010.¹⁹⁹

However, the overall number of actual and attempted attacks off Somalia still rose persistently, showing not only the unbroken will of pirates but also their capabilities to maintain and increase their incomes. Since 2008, Somali pirates have managed to take more than 3,000 seafarers hostage. The latter are either forced to remain on the hijacked vessels or are kidnapped to land. While the average time of negotiations is now up to six months, some of them have been in captivity for almost two years.²⁰⁰

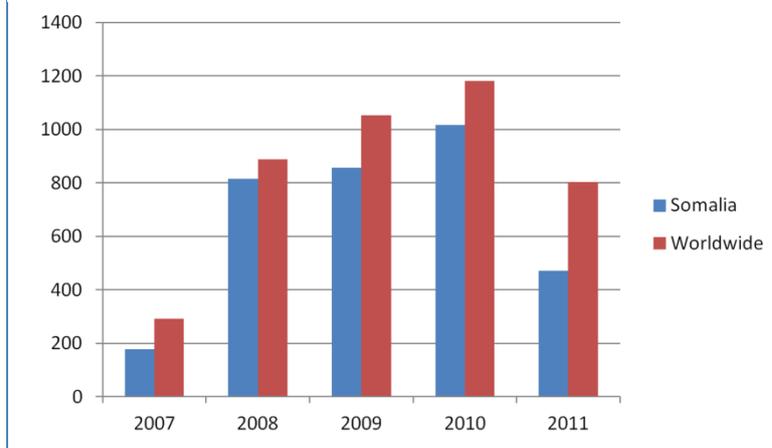
Somali pirates have simply adapted to countermeasures to maintain their business model: Firstly, via the use of (often previously hijacked) ocean-going vessels, so called motherships, they have shifted their activities away from the closely patrolled Gulf of Aden and the Somali coastal lines all across the Indian Ocean almost to India in the east, the Red Sea in the west, the Arabian Sea in the north and to the Seychelles and the Madagascar Channel in the south: While 2008 saw 111 attacks off Somalia of which the majority (92) took place in the Gulf of Aden, the total numbers rose to 217 in 2009 with 117 still in the Gulf of Aden. In 2010, 219 attacks were attributed to Somali pirates with only 53 in the Gulf of Aden and the rest taking place in the Somali Basin and the wider Indian Ocean as well as the Arabian Sea.²⁰¹ This development has been confirmed in 2011, during which only 37 attacks were registered in the Gulf, yet 160 east and south of Somalia and the Arabian Sea as well as 39 in the Red Sea.²⁰²

Moreover the trend of shifting the geographical range has been extended in another direction: Somali pirates have allegedly been responsible for the kidnapping of people (particularly from western Europe or the US which are both regarded as so-called high-value targets) from on-shore bases, either tourist sites and refugee camps in neighbouring Kenya, or from within Somalia (specifically: Puntland

Pirate Attacks 2007-2011 (Source: IMB)



Hostages Captured by Pirates 2007-2011 (Source: IMB)



198 International Maritime Bureau (2011): Piracy and Armed Robbery Against Ships, Report for the period 1 January-30 September 2011, London; Bloomberg: Libya Conflict Diverts Navies From Piracy, IMO Says, 22 Jul. 2011.

199 International Maritime Bureau (2012): Piracy and Armed Robbery Against Ships, Annual Report 2011, London: 24.

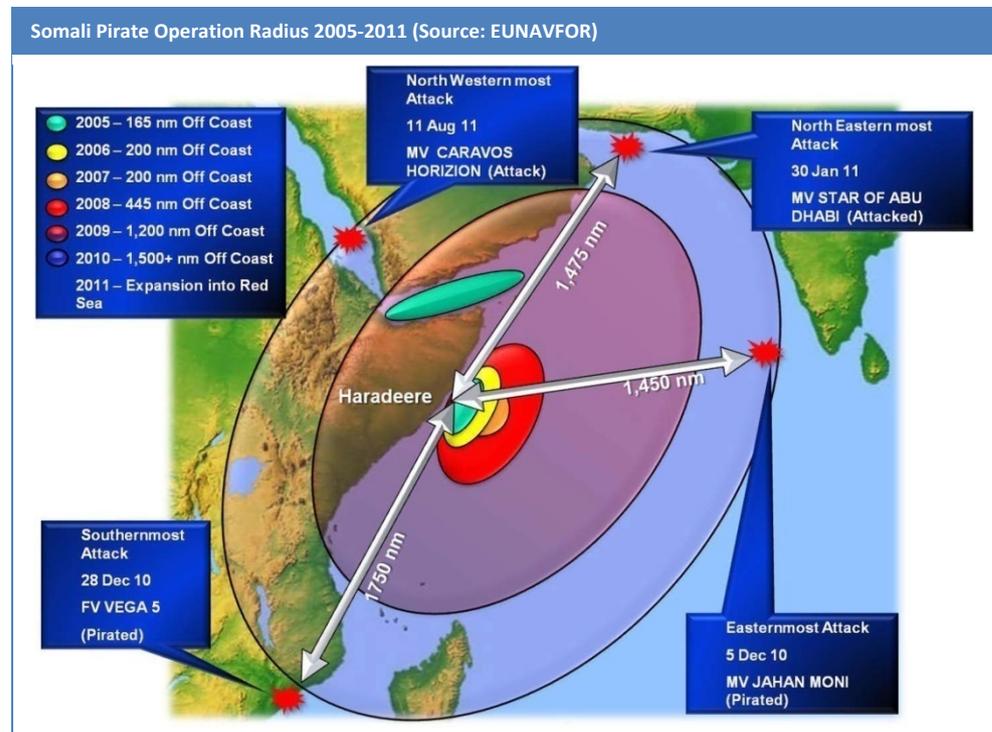
200 See Ibid; EUNAVFOR: Stateboard of currently pirated vessels and where the pirating took place, 16 Jan. 2012, <<http://www.eunavfor.eu/press-2/downloads/>>.

201 For reports on pirate activities worldwide see <www.icc-ccs.org/piracy-reporting-centre> and <www.imo.org/OurWork/Security/PiracyArmedRobbery/Pages/PirateReports.aspx>.

202 See International Maritime Bureau (2012): Piracy and Armed Robbery Against Ships, Annual Report 2011, London.

and Galmudug) itself.²⁰³ Furthermore, they have recently and for the first time bought hostages who had been kidnapped by Al Shabaab.²⁰⁴ Secondly, Somali pirates have increased the use of lethal force, both during the attack as well as during the hostage situation in order to put pressure on the negotiations.²⁰⁵ And thirdly, although being less successful with regard to the overall numbers of hijackings, they are constantly demanding and receiving more ransom money by increasing their capacities and skills to negotiate.²⁰⁶ According to the Financial Action Task Force, the average ransom paid rose from USD 150,000 per vessel/crew in 2005 to an estimated USD 5.2 million per vessel/crew in 2010.²⁰⁷ And throughout 2011, Somali pirates have actually earned more money than ever before: as

Rear Admiral Christian Canova, former deputy commander of EUNAVFOR Somalia stated in December 2011, they have collected more than USD 135 million in ransoms – versus 80 USD million within the same period in 2010.²⁰⁸ Hence the decline in attacks that has



been documented over the last months of 2011 should not necessarily be interpreted as leading to the conclusion that the pirates have been given up in the face of increased countermeasures: they may simply have taken a break while preparing for new ways to circumvent countermeasures by naval forces and private armed guards and thereupon based new earnings, as recent reports already suggest.²⁰⁹

... Failed Deterrence

Despite the fact that EUNAVFOR has indeed been successful to a certain degree, particularly with regard to protecting vessels of WFP and AMISOM and establishing a more secure passage through the Gulf of Aden via the IRTC, group transits and the convoy system, the more sober assessment made by some EU officials needs to be confirmed: EUNAVFOR has not been able to fulfil its mandate with respect to deterring pirates and to countering the threat on a both sufficient and sustainable basis. Although it has been possible to reduce the pirates' success rate, pirate activity has not diminished. Considering the immense cost of the military mission, which amounts to several billion dollars when

203 The Guardian: Kenya kidnap: Somali pirates may be seeking easier pickings, 4 Oct. 2011, <<http://www.guardian.co.uk/world/2011/oct/04/somali-pirates-tourist-abductions>>.

204 SomaliaReport: Pirates Buy MSF Hostages from Al-Shabaab, 9 Jan. 2012, <http://www.somaliareport.com/index.php/post/2485/Pirates_Buy_MSF_Hostages_from_Al-Shabaab>.

205 Hurlburt, Kaija (2011): The Human Cost of Somali Piracy (Louisville: One Earth Future Foundation); International Maritime Bureau (2011): Piracy and Armed Robbery Against Ships, Annual Report 2010, London.

206 See Bowden, Anna (2010): The Economic Cost of Piracy (Louisville: One Earth Future Foundation).

207 FATF: Organised Maritime Piracy and Related Kidnapping for Ransom, Paris 2011: 8.

208 Gros-Verheyde, Nicolas/Bruxelles2: Contre-amiral Canova: piraterie en baisse, rançons en hausse, action offensive, 7 Dec. 2011, <<http://www.bruxelles2.eu/piraterie-maritime/entretien-avec-le-contre-amiral-canova.html>>.

209 SomaliaReport: Piracy Attacks Persist Amid Navy Crackdown, 16 Jan. 2012, <http://www.somaliareport.com/index.php/post/2546/Piracy_Attacks_Persist_Amid_Navy_Crackdown>.

one includes not only the EU's direct costs of a few million Euros but also those expenses covered by the deploying member states, this finding is rather bleak.²¹⁰

Two reasons can be pinned down for the partial failure of EUNAVFOR: Firstly, its mandate is too demanding in comparison to the resources made available for its fulfilment. Secondly, the impact of the military forces off-shore is hampered by insufficient land-based support: Somali pirates will not be deterred as long as the benefits outweigh their risks, that is, as long as naval forces are either ill-equipped or not adequately complemented by targeted and thoroughly implemented preventive as well as juridical measures. This assessment illustrates that the comprehensive approach, of which Atalanta is being regarded as major component by the EU itself, has not yet been implemented full-heartedly or successfully.

While the naval assets deployed to the region have been trying to fulfil their mandate to the best of their ability, it is impossible for them to accomplish their tasks one-hundred percent. This particularly applies to EUNAVFOR's task of protecting vulnerable shipping besides vessels being chartered by WFP and AMISOM: The area of operation has been extended continuously, from 1,400,000 square nautical miles in 2008 to 2,000,000 square nautical miles in 2010 which is equivalent to 10 times the size of Germany. This extension was regarded as necessity in face of the continued geographical extension of pirate operations – however, at the same time, EU Member States have not increased the deployment of naval forces. Quite the contrary: in the face of the sobering financial and economic crisis – particularly in some of the EU coastal states that have been the main contributors so far – they have shown increasing reluctance to send naval forces or patrol aircraft to the region.²¹¹ Hence, the broadening tasks and range of EUNAVFOR have not been in sufficient balance with the actual political will and resources available to carry out such a mission. With an average of five military vessels and one to two patrol aircrafts having actually been deployed at a time, EUNAVFOR cannot realistically provide for sufficient protection of vulnerable vessels transiting the high-risk area, however efficiently the naval forces might be performing their duties. This is all the more prevalent as resources are being persistently tied down through the escorting of WFP and AMISOM vessels.

Hardly any Monitoring of Fishing Activities

The same assessment applies to the third part of the mandate: the monitoring of fishing activities off the coast of Somalia. Monitoring fishing activities means that EUNAVFOR personnel, preferably via a boarding team, would need to investigate whether fishing vessels operating off the Somali coast were licensed to do so and were acting in accordance with international rules and regulations. This would hence demand a broad spectrum of capabilities, from air surveillance, naval vessels, and patrol boats to boarding teams which so far have not been made available in sufficient numbers. It thus comes to no surprise that EUNAVFOR has not been adequately able to address this last part of its mandate up to now.²¹²

Yet monitoring fishing activities off Somalia is also hampered from another side: from a legal point of view, illegal fishing can only (formally) take place if coastal states have announced their Exclusive Economic Zone (EEZ) and their territorial waters and have provided for laws that regulate activities within them. Somalia has not done so – or rather: only in an insufficient way, at least from the perspective of many in the international community:²¹³ contrary to common state practice and the United Nations Convention on the Law of the Seas (UNCLOS)²¹⁴ Somalia has declared that its

210 Military Expenditures make up the largest share of the costs states invest in countering piracy worldwide; See: Bowden, Anna (2012): *The Economic Cost of Piracy 2011* (Louisville: One Earth Future Foundation).

211 This applies particularly to 2011, during which force generation seems to have become a pressing problem, not only within the EU but also for other missions in the region and individual deploying nations. Discussions with persons associated with the diverse missions and with insight on proceedings of recent SHADE meetings, London, October 2011. See also: ISIS Europe: CSDP Mission Update on EUNAVFOR Atalanta, 19 Oct. 2011 as well as Reuters: EU faces warship shortage for Somali piracy mission, 23. Nov. 2011, <<http://in.reuters.com/article/2011/11/22/eu-somalia-warships-idINL5E7MM62T20111122>>.

212 Interviews with EEAS and EUNAVFOR Staff, 10 Nov. 2011 and 12 Dec. 2011.

213 See United Nations Security Council (2011): Report of the Secretary-General on the protection of Somali natural resources and waters, S/2011/661, 25 Oct. 2011: 8f.

214 See Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements as at 3 Jun. 2011,

<http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm#The%20United%20Nations%20Convention%20on%20the%20Law%20of%20the%20Sea>.

territorial waters reach out to 200 nautical miles, although coastal waters according to UNCLOS Section 2, Article 3 are not to exceed 12 nautical miles. Despite efforts by the UN and the CGPCS, Somali politicians, particularly Members of the Transitional Parliament, persistently oppose changing their current stance as they fear that declaring the EEZ instead of territorial waters “will in some way give away Somali sovereignty”.²¹⁵ This leads to the awkward situation where anyone can actually fish legally within the EEZ off Somalia without being officially licensed to do so – and EUNAVFOR cannot counter potential illegal fishing as, according to the prevailing discourse, there is no illegal fishing within 200 nautical miles off Somalia.²¹⁶

At the same time however, fishing activities by foreign trawlers are regarded as illegal and harmful by the Somali coastal population as well as Somali authorities leading to increased mistrust towards external involvement and particularly the military vessels patrolling the area – which are viewed by many as a means of protecting “illegal” fishers. And so far, no action has been taken either by the EU or its major partners to address and respond to these serious concerns of Somali coastal communities. On the contrary in fact, their perception is even enforced by the deployment of national VPDs for fishing fleets of certain EU Member States, namely France, Portugal and Spain, as well as repeated – albeit unverified – reports of Somali fishers being washed up on shore after having been killed by unknown persons.²¹⁷

Excellent Multilateral Cooperation

In the light of restrained capabilities, EUNAVFOR has already put a great deal of effort into improving its efficiency in several areas. Specifically the coordination with other military missions, independent deploying nations as well as the maritime industry has been improved considerably via the CGPCS, SHADE and MSCHOA. Actors both from within and outside the EU have been impressed by the close-knit cooperation of military forces which is said to be unprecedented in maritime history.²¹⁸ Of particular interest is the diversity of nations that are cooperating, such as China and Russia as well as South Korea. Especially China has shown increasing willingness for closer cooperation, particularly with regard to also providing patrolling forces within the IRTC.²¹⁹ Moreover, information-sharing was enhanced considerably via constant efforts to build trust and overcome cultural as well as linguistic barriers particularly, but not only, within SHADE meetings. Here it is the informality of the meetings in particular that has been seen as a key to success.

The same can be said with regard to the meetings of the CGPCS during which representatives of states, naval forces and the maritime industry have been constantly attempting to align their perceptions and positions without the requirement of coming up with a common position or strategy – that would, in light of the vast diversity of participants, be a compromise on a rather low level. Instead, exchanging views and trying to coordinate military deployment as much as possible has taken centre stage, specifically in WG 1. Although non-EU and non-NATO states have so far not been taking part in the patrolling scheme within the IRTC despite being invited to do so by the EU, NATO and CMF

215 UN Secretary General Statement on Piracy to the CGPCS, Copenhagen, 29 Sep. 2011, <<http://www.thecgpcs.org/download.do?path=document/99/SRSG%20STATEMENT%20ON%20PIRACY%20TO%20Copenhagen%20ICG%20-%20draft.docx>>; See also Garowe Online: The Roadmap Gets a Tear On the EEZ, 18 Oct. 2011, <<http://allafrica.com/stories/201110190837.html>>. According to Article 56 Section a) of UNCLOS, coastal states in the exclusive economic zone enjoy “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds”.

216 For a critical juridical perspective on the international discourse regarding Somalia's maritime zones see: Neumann, Thilo / Salomon, Tim René (2012): Fishing in Troubled Waters - Somalia's Maritime Zones and the Case for Reinterpretation. In: AmSocInt'l Insights 16 (2012), <<http://www.asil.org/insights.cfm>>.

217 Conversations with representatives of the UN and maritime industry, London, 18 Oct. 2011. See also SomaliaReport: More Somali Fishermen go missing, 31 Aug. 2011, <http://www.somaliareport.com/index.php/post/1485/More_Somali_Fishermen_Go_Missing>; United Nations Security Council (2011): Report of the Secretary-General on the protection of Somali natural resources and waters, S/2011/661, 25 Oct. 2011: 12 FN 45.

218 EUNAVFOR Chief of Staff Captain Keith Blount, Combating Piracy Week, 18 Oct. 2011, London; NATO Chief of Staff Hank Ort, Northwood, 6 Jun. 2011.

219 Xinhua: Principled Consensus On Escort Missions Reached Between China, EU, NATO, CMF, 30 Jan. 2010, <http://eng.mod.gov.cn/Press/2010-01/30/content_4121900.htm>; Council of the European Union: Council conclusions on CSDP 3009th FOREIGN AFFAIRS Council meeting, Luxembourg, 26 Apr. 2010.

Forces, cooperation in respect to the convoy scheme for the most vulnerable vessels, for example, has been improved continuously: the latest convoy schedules by national (non-EU) deployers are posted on the MSCHOA website, accessible to both seafarers and ship-owners. Furthermore, cooperating partners have decided on an enhanced mechanism for more balanced and concerted scheduling of the convoys: starting in 2012, one nation will be appointed as lead nation for three months. It will distribute its timetable to other convoy providers so that they can adjust their schedule accordingly. The first lead nation will be China, followed by India in March 2012.²²⁰ In addition, discussions are on their way on how to deal with the two procedures of registry via UKMTO and MSCHOA based on complaints by ship-owners and captains that, despite slight improvements, two lines of communications in the high-risk area are one too many.²²¹

Flexible Force – Improved Tactics and the Role of Private Security Companies

In face of the failed deterrence over the first two years of the mission, the rules of engagement as laid out in the Operational Plan have been adjusted continuously to provide EUNAVFOR with sufficient room to manoeuvre so as to counter pirate activities off the Somali coast. Efforts have been increasingly aimed at observing pirate bases and activities on the coast and deploying military vessels accordingly to prevent them from launching attacks in the open waters.²²² This approach is in line with the main partners in the operation, namely NATO and CTF 151, who shifted towards this more robust and focused approach at a slightly earlier stage.²²³ In this vein, Atalanta forces have been increasingly engaged in destroying both alleged pirate-motherships as well as operating attack skiffs throughout 2011. The current discussions on changing the Operational Plan to target well-known pirate bases along the shores are a logical extension of these up to now successful procedures. However, any military operation on shore is risky and has to take into account the potential unintended consequences, especially as it can never be ruled out that civilians may be injured or killed.

Moreover, to make the best of its limited resources, EUNAVFOR has turned to deploying VPDs on vessels of the WFP and AMISOM, which allows the military vessels to patrol risk areas elsewhere and to engage in countering pirate action groups in more targeted ways. However, deployment of VPDs is dependent on the consent of flag states – and some of them have not yet provided EUNAVFOR with sufficient permits. Furthermore, EU Member States are reluctant to deploy VPDs due to budget reasons and concerns for their safety and medical care. EUNAVFOR has thus recently turned to training soldiers from AMISOM as VPDs.²²⁴

Another approach chosen to enhance security besides the patrolling and enforced targeted action of naval assets has been to improve the self-protection of commercial vessels via drafting, constantly reviewing and implementing Best Management Practices (BMP) via Working Groups 1 and 3 of the CGPSC.²²⁵ In this way it has been possible to increase best practices in the MSCHOA reporting zone considerably throughout 2011, with only about 20% of vessels still considered as non-compliant.²²⁶ As it is widely acknowledged that military deployment will not be available in adequate numbers throughout the high-risk areas, and more and more seafarers are refusing to transit them without armed personal, ship-owners and flag states are increasingly supporting the deployment of private security personal on board merchant vessels. Although a complete overview is not yet available, it can be stated that most EU Member States do permit private armed guards on board their vessels, albeit some have laid out certain requirements or are, as in the case of Germany, in the process of developing

220 EUNAVFOR Chief of Staff Captain Keith Blount, Combating Piracy Week, 18 Oct. 2011, London.

221 Ibid. as well as conversations with Representatives from UKMTO at the same conference.

222 See Helly, Damien (2011): Lessons from Atalanta and EU counter-piracy policies, ISIS Seminar Report, Brussels; Rear Admiral T. Jugel, Force Commander EUNAVFOR at Augengeradeaus,; Die “Köln” gegen Piraten – direkt vor der Küste (neu: Commander’s Update), <<http://augengeradeaus.net/2011/09/die-koln-gegen-piraten-direkt-vor-der-kueste/>>, 30 Sep. 2011.

223 EUNAVFOR Chief of Staff Blount at ‘Combating Piracy Week’, London, 18 Oct. 2011.

224 Interview with EUNAVFOR Staff, Brussels, 9 Dec. 2011; See also EUNAVFOR trains AMISOM Vessel Protection Detachment troops, 12 Dec. 2011, <<http://www.eunavfor.eu/2011/12/eu-navfor-trains-amisom-vessel-protection-detachment-troops/>>.

225 Eighth Plenary Session of the Contact Group on Piracy off the Coast of Somalia (New York, 21 Mar. 2011), <<http://www.mfa.gov.tr/cgpcs-8th-meeting-communicue.en.mfa/>>.

226 EUNAVFOR Chief of Staff Blount at ‘Combating Piracy Week’, London, 18 Oct. 2011; According to naval forces, about 75% of attacks were repelled by military force. Throughout the first nine months of 2011, merchant ships were able to attain the same success rate by taking more robust counter measures. See United Nations: Report of the Secretary-General pursuant to Security Council Resolution 1950 (2010), S/2011/662, 25 Oct. 2011: 2.

them. Only a few Member States such as France have either prohibited or, like the Netherlands, are explicitly not supporting the deployment of private armed guards.²²⁷ Most of the larger international registries like Panama, Liberia, and the Marshall Islands do allow the use of private armed guards although not recommending this specifically.²²⁸

It is estimated, that currently about 15 to 25% of all vessels transiting the High Risk area have armed personal on board.²²⁹ So far, this measure is regarded as a success, as pirates have not been able to hijack even one vessel with armed personal on board. At the same time, however, it cannot be ruled out that pirates will adapt and will find ways and means of overwhelming even armed guards. This reinforces fears that the side-effects of privatising security on the high seas may be tremendous, especially with regard to a potential "arms race" between pirates and (armed) merchant vessels which might not only lead to an escalation of violence but also to an expansion of illegal arms trade in a region already gripped by armed conflict. Furthermore, oversight of private armed personal on the high seas is so far only ensured through the companies themselves while international quality standards and control mechanisms are yet to be developed.

In this regard, discussions are ongoing within the EU and its Member States as well as the wider maritime community, particularly within IMO, on how to assure a high quality of private security companies operating in the maritime sphere.²³⁰ Up to now, however, no common position has been evolved within the EU on this question.

Lamentable Catch & Release Practice

Along with the limited capabilities of EUNAVFOR in comparison to its vast mandate, a major problem is that a large number – according to General Howes about 87% – of the suspected pirates arrested by European naval forces are released due to capacity problems to prosecute them.²³¹ In his report presented in January 2011, Special Adviser to the United Nations Secretary-General on Legal Issues related to Piracy off Coast of Somalia, Jack Lang, illustrated clearly that set-backs with regard to prosecution are severely hampering efforts to contain piracy.²³² This applies particularly to those cases, where naval forces have caught suspects after detecting and searching suspected vessels.

There are two main reasons for this course of action: the first is the concern about pirates applying for asylum in the country they are convicted in and, secondly, legal shortcomings. The latter are of major importance with regard to suspects who are not caught in an immediate attack: Pirates are usually taken to a court when they are actually caught by naval forces after having attacked and boarded a vessel. They are then either transferred to the flag state of the vessel or to one of the countries that the EU has an agreement with. Most releases take place, however, when persons are only suspected of being pirates but have not been caught in the act of an attack. Even if they carry ladders, crippling hooks and other equipment that has no other purpose on the high seas than to illegally board another vessel (and have not thrown these overboard before they could be seized as evidence), prosecution is not possible in most states around the world. The main reason is that in most states the mere *intent* to commit an act of piracy is not liable to prosecution. The only exception in this regard is Seychelles that has adopted a respective law in 2010. In most other states, a so-called conspiracy clause so far only applies to political motivated, that is, terrorist attacks. While discussions are ongoing particularly within the CGPSC (Working Group 2) on how to improve legislation, there is considerable reluctance – particularly by EU Member States – to incorporate such a clause in their national legislations.

227 See *ibid.* as well as Oceans Beyond Piracy: Examination of Private Maritime Security Industry, December 2011 <<http://oceansbeyondpiracy.org/content/obp-examines-private-maritime-security-industry>>.

228 See *ibid.* as well as ICS Reference Document: Flag State Rules and Requirements on arms and private armed guards on board vessels, 27 Jul. 2011 <<http://www.maritime-executive.com/article/flag-state-rules-and-requirements-on-arms-and-private-armed-guards-on-board-vessels>>; See also the Websites of the respective flag registries mentioned.

229 House of Commons (2012): Foreign Affairs Committee Piracy off the coast of Somalia Tenth Report of Session 2010–12, London: 20.

230 See the diverse guidelines by IMO on the subject at <<http://www.imo.org/OurWork/Security/news/Pages/default.aspx>>.

231 House of Commons (2012): Foreign Affairs Committee Piracy off the coast of Somalia Tenth Report of Session 2010–12, London: 96.

232 United Nations Security Council (2011): Report of the Special Adviser to the Secretary-General on Legal Issues related to Piracy off the Coast of Somalia, S/2011/30, 24 Jan. 2011.

Another factor is that although universal jurisdiction applies to piracy, meaning that every state can prosecute any pirate around the world, most states do regard it as necessary that there is a connection between the alleged attack and the respective state, be it via the vessel's flag, owner or crew. This complicates the situation for the naval forces as they have to find a nation willing to take over the suspects. For as long as they cannot hand them over to a prosecuting state, the respective naval asset is not able to fulfil its tasks within Atalanta as it has suspects on board and cannot engage in other activities – or has to bring them to a port where the handover can take place. If no state is willing to try the suspects, they have to be freed.

A major problem has also been imprisonment after the trial. While trials are already expensive, imprisoning pirates is even more so as they are usually convicted from 5 to 25 years. As European states are reluctant to try them back home even after being caught by EU

Naval forces, states in the region are so far bearing the brunt of convicted pirates, with more than 100 pirates having been convicted in Yemen and Kenya, more than 50 in the Seychelles and at least 300 serving a sentence in Puntland prisons alone. The capacities of these states and administrations are however still restricted – despite ongoing efforts specifically by UNODC, supported by the EU, to build prisons in the region and foremost in Somalia itself, whereby Puntland is the focal point of attention as most pirates have been brought to justice and imprisoned there up to now.

Hence, EU naval forces are often obliged to release suspects back to Somali shores where they came from. In doing this the pirates are usually provided with enough water and food as well as petrol and sometimes even life rafts with outboard engines to reach the shore safely.²³³ This procedure has a major effect on the overall perception of the mission with regard to deterrence: pirates – and potential future pirates – in Somalia gain the impression that they will not be pursued by naval forces and will therefore not be deterred at all in engaging in their illicit activities. What is more is that a lot of today's pirates are subcontractors of pirate bosses: to fulfil their contract, they need to hijack a vessel; otherwise they may face severe penalties. The price of not fulfilling the contract is therefore higher than the price of being caught by (most) international navies, including those of EUNAVFOR.²³⁴

While recognizing the need of all states to prosecute pirates on the basis of the principle of universal jurisdiction, efforts have been intensified by the international community to boost what Special Adviser Jack Lang has called the “Somalization” of the juridical response: His January 2011 report suggested several options on how to improve prosecution of Somali pirates in the light of restricted capabilities from the Somali side. While some of the proposals, such as setting up an international piracy tribunal or establishing an extraterritorial Somali court (for instance, in Arusha/Tanzania), have been refused by a majority of representatives from diverse states (including Somalia via the TFG, along with the regional administrations of Puntland, Galmudug, and Somaliland) and international organizations, efforts focus on strengthening the rule of law of Somalia as well as capacities of neighbouring states.²³⁵

Global Piracy Prosecutions (UNODOC, updated 12 Oct. 2011)			
Country	No Held	Notes	
Belgium	1	1 convicted, final appeal expected next week	
Comoros	6		
France	15		
Germany	10		
India	121		
Japan	4		
Kenya	143	50 convicted	
Madagascar	12		
Malaysia	7		
Maldives	34	Awaiting deportation in absence of law under which to prosecute	
Netherlands	29	10 convicted	
Oman	12	All convicted	
Seychelles	64	52 convicted	
Somalia	Puntland	290	App. 240 convicted
	Somaliland	94	68 convicted (app. 60 released)
	South Central	18	Status of trial unclear
Republic of Korea	5	5 convicted, appeal pending before Supr. Court	
Spain	2	Both convicted	
Tanzania	12	6 convicted	
United Arab Emirates	10		
United States	28	17 convicted	
Yemen	129	123 convicted, 6 acquitted	
Total States: 20	1046		

233 Conversations with EUMS staff, Brussels, September 2011 as well as representatives from EU Member States and NATO officials, Sep./Oct. 2011.

234 Conversation with UN staff in London, 19 Oct. 2011.

235 United Nations Security Council (2011): Report of the Secretary-General on the modalities for the establishment of specialized Somali anti-piracy courts, S/2011/360, 15 Jun. 2011.

The EU has supported efforts to improve prosecution via the UNODC programme financed by the IfS. This is supposed to complement Atalanta's off-shore efforts and can be regarded as a necessary engagement. However so far, contributions have been fairly limited. While UNODC has proved to be capable of implementing the programme in an ongoing manner, the programme still lacks sustained funding. Also, although the efforts to strengthen the regional response by establishing a regional action plan can be commended, they have not yet been sufficiently linked to the ongoing efforts by other actors. This is particularly true of the DCoC initiated by the IMO: in the first instance, EC-funding dedicated specifically to the Yemen Information Sharing Center and the Regional Training Centre in Djibouti established under the DCoC is not being channelled via the Trust Fund of the IMO established to do so whereby risking a duplication of efforts and hampering coordinated implementation of already assessed needs. Secondly, most states that signed the ESA-IO declaration in Mauritius are already part of the Djibouti Code leading to the fragmenting of the already restricted capacities of the respective states into two separate initiatives. And thirdly, the ESA-IO Strategy wishes to establish a regional information-sharing network, something that has already been put in place successfully by the Djibouti Code and which the EU is supporting under its MARSIC project, risking hence another duplication of already existing activities.

Assessing the EU Approach Ashore

The recent enhancement of pirate activities off the Somali coast as well as the lingering humanitarian and political crisis reveal that, despite lofty rhetoric in this regard, efforts to tackle the problems in a comprehensive manner have not been sufficient up to now. While it is obvious that all of the sectors in which the EU is engaged are dealing with different challenges and can thus only be interconnected to a certain degree, they are hampered by the lack of sustained political guidance: what is missing overall is a clear, well-designed strategy on how the EU wants to implement its envisaged comprehensive approach. On the contrary, the diverse investments of the Union resemble a piecemeal approach which has not been coordinated thoroughly within the Union itself, with its Member States or with other actors engaged in the Somali context. Although long-awaited, the Strategic Framework on the Horn of Africa recently decided upon is not an improvement in this regard: it neither embraces a clear strategic approach towards the region and its interwoven conflict systems in general, nor is it complemented by a strategy on how to adequately interlink the diverse lines of action and the actors and missions, therewith entangled and engaged, in and off the coast of Somalia in particular. As the European Union is one of the rare actors engaged in Somalia that has all the necessary instruments at its disposal to not only deter pirates by military might but also to bring the peace process forward and to invest in sustainable development to prevent people turning to illicit activities, this is the most pressing issue to be addressed in the near future.

Humanitarian and Development Aid

Although the devastating drought and the resulting death of thousands of Somalis with their seeking of refuge in neighbouring countries is partly directly caused by missing rainfalls and poor harvests, this has also shown the inability of Somali TFI, as well as its major partners, to deal coherently and anticipatorily with the problems of the country. The drought did not come "out of the blue"; official reports clearly indicated as early as the autumn of 2010 that it was approaching.²³⁶ However, the EU along with the other donors only reacted decisively when the humanitarian disaster had already reached its height during the summer of 2011. This is all the worse because Somalia is one of the target countries of the EU's food security programme – and as the Union acts as the major protector of the WFP vessels that transport humanitarian aid into Somalia. Although it has increased its funding in response to the famine throughout 2011 this cannot belie the fact that oversight of the general situation was lacking, as was the political will to implement a clear strategy on how to cope with the persistent humanitarian challenges within the country.

This finding, however imperative, has to be balanced with the room to manoeuvre available to external actors and their chosen Somali partners in this regard: The TFI hardly control any parts of the country. Only with the military support of AMISOM have they been able to regain control over the

236 See USAID-FEWSNET: Executive Brief: La Niña and Food Security in East Africa, September 2010, <<http://www.fews.net/docs/Publications/LaNinaBriefEast%20AfricaSept2010final.pdf>>; The Economist: Chronicle of a famine foretold, 30 Jul. 2011, <<http://www.economist.com/node/21524864>>.

capital Mogadishu during the summer months of 2011, yet it still remains to be seen if this success is sustainable. Most parts of South-Central Somalia which has been most strongly hit by the drought is under the control of the militant group Al Shabaab. Al Shabaab has not only restricted access of international staff to this area, the group is actually prohibiting the delivery of humanitarian aid to the areas worst affected. Hence international actors, including the European Union, have been and are severely restrained in their scope of engagement in large parts of Somalia. This assessment underlines the importance of finding ways of how to improve the general response towards the Somali crisis and on gauging potential new paths after twenty years of crisis.

The same applies to development aid. The EU itself states that “non-aid EU policies currently have a limited impact in Somalia”.²³⁷ Accomplishing joint assessments and designing reconstruction and development programmes with a variety of partners, notably the UN, is certainly useful. Nonetheless, the difficulties in implementing them remain enormous.

It is particularly the running of projects via remote control from Nairobi that has not delivered the desired results, both with regard to aligning priorities to local needs and achieving ownership as well as oversight. This illustrates the need to enhance cooperation with local actors willing to and capable of fulfilling rudimentary governing functions. However, this can only be done with sufficient manpower within the country which is able to identify potential partners for the EU.

Peace Process and State-building

To improve the impact of EU Humanitarian and Development Assistance in Somalia, progress in the peace process and in solving the political crisis is key. However, for more than one decade there has been only very limited progress in this regard. Three factors can be outlined in this respect: Firstly, the unbroken vision of the EU to establish *a centralized system of governance* in Somalia despite its unsuitability to Somali social structures; secondly, the *failure of the TFI* to enhance inclusiveness of the peace process and to fulfil its mandate; and thirdly, the reluctance of the EU and most of its main partners *to cope with the ineffectiveness of the TFI*.

By recognizing the territorial integrity of Somalia, the European Union as well as the wider international community including UN and AU has put tremendous efforts into setting up a centralized system of government in the country for more than a decade. Although they increasingly recognize the need to embrace regional authorities, the prevailing discourse does not leave room for other forms of governance. This restriction undoubtedly derives from the logics of the modern international system: it is built upon states that are defined by a clearly demarcated territory and a population over which a government exercises sovereignty internally, defends it against outside threats and represents the state in international fora. This system therefore requires clear structures within states themselves that are built primarily around national governments. However, a plenitude of experts from within Somalia as well as from around the world have been claiming repeatedly that efforts that concentrate mainly on establishing one unified Somali government via a top down approach will never bring peace to the country. It is precisely the opposite path that would work and that should be pursued, even if it might not match with expectations and structures that are prevalent elsewhere:

First of all, many Somalis are very distrustful of the so-called modern state. Their experience with national governments ever since the 1960s has taught them the clear lesson that state institutions are a tool for a few to enrich themselves on the back of many, based on the rules of a zero-sum game.²³⁸ Efforts at “state-building” are therefore viewed with great reluctance and mistrust by many Somalis and are not equated by them with “peace-building”. Secondly, socio-political structures in Somalia do not easily match the expectations of such a system. Somali structures in the social and political sphere are formed along clan lines which do not enfold along hierarchical tracks as a central system of government presupposes. They are much more fluid and permeable than the system of governance that has been established over centuries in many other regions of the world. Authority and respect are not applied towards national institutions per se but have to be gained by persons in the course of action. Furthermore Somali society is strongly based on a tradition in which decisions are taken based upon public discussions at a low level of community and then spread upwards towards the clan level. Also

237 European Commission: Somalia: Joint Strategy Paper for the period 2008-2013, Brussels, 2007: 23.

238 Menkhaus, Ken (2010): Diplomacy in a failed state international mediation in Somalia. In: Whose peace is it anyway? Connecting Somali and international peacemaking, eds. M. Bradbury & S. Healy (London: Conciliation Resources): 16.

due to the nomadic lifestyle of many Somalis, power structures that enfold in this way are not necessarily aligned firstly with geographical limitations and, secondly, with institutions set up by processes and decisions taken in the capital. Hence, trying to build up a system of governance from the top and having it reach down to the bottom will simply not work in Somalia. Giving support to local forms of governance and having them in due course reach out to the regional and national level to generate a stable political system with and for the Somali people seems much more promising.

Keeping this in mind, propping up a national government with EU-backing has been flawed from the outset: on the one hand, the process of establishing the TFI has not been inclusive and has not sufficiently taken into account the informal multilevel system of governance in Somalia. TFI members of parliament and of the government have predominantly been selected from a pool of persons who are already known in the political scene: people who have the “means or connection”²³⁹ to participate in internationally sponsored conferences. Many of them are highly qualified of course, as they have been educated at high-ranking universities around the world. However what is missing are links to the grass root level, to the local constituencies that not only bear the brunt of the conflict but are also a major component when it comes to actually implementing peace.²⁴⁰ So far, political actors in the capital tend to have concentrated on improving their own positions than on working on a more conclusive decentralized system of governance and reaching out towards the people. Without establishing reliable connections to the Somali population however, state- and peace-building at the national level will not proceed. It remains to be seen if the TFI will be able to fulfil the task outlined in the Mogadishu Roadmap to “visit all regions under the TFG and allied regional entities by 19th November 2011; and/or establish the modalities for supporting and working/establishing local administrations”.²⁴¹

Moreover, while the necessity of inclusiveness is a major factor if the peace process is to enfold further, the current TFG – just like its predecessor from 2004 – has not been able to accomplish any of the tasks it was allotted. It was supposed to draft a new constitution and, according to the Transitional Charter of 2004, a “decentralised system of administration based on federalism”. Yet so far the process of drafting a federal constitution has been stalling, as have attempts to reach out to civil society and local communities – let alone coming to agreements on how to approach Somaliland’s request for independence. The TFI have also not been able to enhance the delivery of basic services in their constituencies as they have taken no steps to improve oversight over international aid flows, regulate economic activities, and to set up a tax system.²⁴²

In conjunction with its main international partners, the EU has however been more than reluctant to confront the TFIs with their shortcomings. This reluctance is firstly based on the assessment that a great deal of investments have been taken to establish those institutions. Letting them down hence does not seem to be an option that has been seriously discussed up to now. What is more, there is considerable worry that Al Shabaab might take over all of South-Central Somalia, if not a greater area.

However, this should not lead donors to turn a blind eye to inefficiencies of its hitherto chosen partners but should rather encourage them to elaborate options that may thus far have been neglected. The September Roadmap for ending the Transition in Somalia could be regarded as important step towards actuating further progress. It not only includes clear assignments of how to bring forward the constitutional and electoral timetable; it also assigns the signatories with establishing viable structures on how to improve good governance and to come up with legislative and institutional initiatives to tackle the challenge of piracy. However, as it is a rather technical timetable of assignments to be delivered by the TFI and its main partners, it is questionable if the Roadmap will bring about a sustainable solution of the political challenges. It thus remains to be seen if the deliverables agreed therein really reflect ownership – and the dedicated will of the Somali people. The EU as a major donor of Somalia has welcomed the agreement decisively²⁴³ – yet also needs to prepare itself for what

239 International Crisis Group (2011): *Somalia: the Transitional Government on Life Support*, Nairobi/Brussels: 14.

240 Ibid. as well as Menkhaus, Ken (2010): *Diplomacy in a failed state international mediation in Somalia*. In: *Whose peace is it anyway? Connecting Somali and international peacemaking*, eds. M. Bradbury & S. Healy (London: Conciliation Resources).

241 *Somalia End of Transition Roadmap*, Mogadishu 6 Sep. 2011, Benchmark 3, e: 10, <<http://unpos.unmissions.org/Portals/UNPOS/Repository%20UNPOS/110906%20-%20Initialled%20Roadmap.pdf>>.

242 Hemmer, Jort/Uzelac, Ana (2011): *When the Centre Doesn't Hold: Imagining a Different Somalia* (CRU Policy Brief). The Hague: Clingendael Conflict Research Unit.

243 EEAS: *Statement by EU High Representative Catherine Ashton on the adoption of Roadmap for Ending the Transition in Somalia*, Brussels, 9 Sep. 2011.

steps to take if the benchmarks are not met by their chosen Somali partners and if the agreement does not prove to be viable.

Security Provision – EUTM

EU support of the TFI has not only been limited to the political level. Via EUTM, the EU has also put effort into improving the transitional government's effectiveness in providing for security on land. An assessment of EUTM therefore has to be put into the context of state-building and support of the TFI.

At first sight, EUTM can be regarded as success. One of its aims was to integrate the efforts of a diverse set of actors to train security forces of the TFG, amongst them Ethiopia, Uganda, Djibouti, the United States, France, and Germany. It has fulfilled this task firstly by improving the already existing training site in Bihanga/Uganda in close cooperation with Uganda, the United Nations, the United States, and the AU quite rapidly after the decision to launch EUTM had been taken by the Council. Secondly, cooperation with these main partners has been applauded on many sides.²⁴⁴ The training of forces has proceeded with great efficiency whereby trainers from EU Member States work closely together with those from Uganda and the United States.

Nonetheless, EUTM faces three major problems: Firstly, as Somalia needs a totally new set up of security provision structures, the training of soldiers should be considered the last step to be taken. These structures cannot be established however, as long as there is no agreement on how governance should be provided for and how the political system of Somalia ought to be set up. As long as Somali actors have not decided on these issues and as long as the government is not a duly respected authority within its own country, but rather regarded with mistrust by many, the support for security forces does not seem a viable approach. On the contrary, it shifts attention away from the main challenge and might even hamper it in the long term, namely the finding of a political solution.

Another major problem is that the security forces are selected by and trained for the TFG. This enforces the perception that they are only trained for the purpose of supporting the TFG and not to serve the population throughout the country. Accordingly, many Somalis regard the mission with great suspicion. This is also based on the social structures explained above which have their main nucleus at the local level: Setting up a Somali national force needs to take account of the differentiated social structures and align the envisioned forces accordingly. The successes of regional administrations like Puntland to intensify the crackdown on piracy as well as other actors such as ASWJ in countering Al Shabaab seem to support this notion. Just as building a central state in Somalia will not work, centralized military structures seem everything but viable within the Somali context.

The third challenge concerns the oversight of the mission. As EUTM is not present within Somalia, it is hardly possible to examine the performance of the trained soldiers and their integration into the nascent Somali Security Forces. AMISOM soldiers have been tasked with this responsibility yet the EU itself has no means to validate the information given. Accordingly, numbers of defections vary considerably: while unofficial sources state that about 80% of the trained soldiers have gone missing,²⁴⁵ official AMISOM sources put the defection rate at a low of 10%.²⁴⁶ This wide range shows that it is a risky endeavour to train soldiers without functioning and legitimate oversight structures on the ground. This applies particularly to the Somali context, as loyalties are based more on clan affiliation than institutions. Furthermore, regular and sufficient payment is of major importance: while some soldiers have reportedly turned to Al Shabaab as they pay more for their recruits, others have looted humanitarian aid deliveries and allegedly robbed civilians after not having been paid for several months in the course of 2011.²⁴⁷

However the EU is aware of the deficiencies of the current mission and has therefore focused the next round of training on “developing the command and control structures, specialised capabilities and self-training capacities of the Somali NSF, with a view to transferring EU training expertise to local

244 Oksamytna, Kseniya (2011): The European Union training mission in Somalia: lessons learnt for EU security sector reform (Roma: Istituto Affari Internazionali); International Crisis Group (2011): Somalia: the Transitional Government on Life Support, Nairobi/Brussels.

245 Ibid.: 7; Discussions with EEAS Staff, Jun. 2011.

246 ISIS Europe: European Security Review. Briefing EUTM, 8 Oct. 2011: 1.

247 Reuters: One dead as Somali troops, residents loot famine aid, 5 Aug. 2011, <<http://af.reuters.com/article/commoditiesNews/idAFL6E7J50GO20110805>>; SomaliaReport: TFG Soldiers go four month without pay, 8 Nov. 2011, <<http://www.somaliareport.com/index.php/post/1981>>.

actors.”²⁴⁸ Nevertheless, the further renewal of the mandate of EUTM should be decided by taking the overall context of the mission and its side-effects into account very rationally. Investing in the training of soldiers should be considered a last step rather than a first one when trying to enhance security in a conflict-ridden country like Somalia. Of more importance is the setting up of efficient structures to mediate between the differentiated authorities at the various levels of governance given in Somali society and to have them develop their own structures that are in line with their socio-political system and design a security sector accordingly.

Conclusions

In this study we have analysed Operation Atalanta as part of the EU’s comprehensive approach to Somalia. Given the complexity of the problem it is obvious that the Somalia issue is, if at all, only solvable by collective activities coordinated between a variety of stakeholders and sectors.

However, the analysis has shown that – despite cooperative efforts in the various sectors of humanitarian and development aid, political dialogue, peace and security, and counter-piracy – the Somali crisis is far from being resolved giving rise to the need for the EU to thoroughly reconsider its own approach.

As the EU is only one player among many in this international endeavour, it has to get its act together in a more strategic approach in order to make best use of its various means and instruments: although it has placed its own engagement under the rhetorical umbrella of a comprehensive approach, a piecemeal approach of the European Union is still prevalent. This refers to both the institutional set-up as well as the actual engagement. The internal functioning and coherence of the EU is however a necessary condition for effective external security governance and first and foremost for engagement with and in conflictive and so-called failing states like Somalia. But – and this is a very big “but” – even if the EU did have a perfect comprehensive approach, this would not guarantee success given the manifold local, regional and international intricacies of the Somalia issue. However, improving internal and external security governance will raise the odds for a more stable Somalia in a more stable region. This study shows that there are opportunities, challenges and limits to a more effective comprehensive approach with regard to Somalia and the Horn of Africa:

The EU’s engagement in Somalia is actually an opportunity for consolidating the functioning of the EEAS in a concrete area of operation and for improving the methodology of a comprehensive approach. It has already considerably heightened the visibility of the EU as a security provider in the region: With its first maritime CSDP operation the EU has demonstrated its capabilities as a sea power able to engage with other maritime players in order to combat piracy and to secure the sea lanes of communication in a strategically important region. In this regard, the followed approach has led to hitherto unknown levels of civil-military as well as public-private coordination and cooperation internally as well as externally. Yet better and more intensive joint planning and strategy-building within the Union is still called for, as well as with the major partners in the Contact Groups on the strategic as well as on the various operational and tactical levels. The EU can and should also more committedly demonstrate its ability to perform a leading coordinating role with regard to political engagement in Somalia and the region.

The newly adopted strategic framework for the Horn Region and the appointment of a Special Representative can be considered right steps in this direction particularly as this puts a special focus on Somalia. However what is still missing is a concept on how to actually align the diverse lines of engagement of all branches that make up the EU’s Humanitarian Aid, Development Aid, and Common Foreign, Security and Defence Policy towards Somalia. The major challenge is that it can only have an impact, if drafting and implementing of projects in the various areas of engagement are coordinated across the different departments of the commission as well as the EEAS – and not least: with the Member States. Furthermore, it calls for horizontal (Brussels) and vertical (field level) inputs as well as for active Member States supporting this process. Therefore it is of utmost importance that responsibilities are clearly lined out and that cooperation rather than competition between the various actors involved is the connecting element to ensure the consistency of the overall EU approach towards Somalia and the region. Here, the further build-up of an effective EEAS and the establishment

248 Council of the European Union: EUTM Extended, 13303/11 PRESSE 264, Brussels, 28 Jul. 2011.

of a sound working relationship with the Commission is key. However, this is a work in progress that will take considerable time. With the separation of geographic and operational DGs there is still the risk of setting up new barriers that could impinge on the well-functioning of a comprehensive approach. Hence it is important that the departments do not become stove pipes but remain open for flexible horizontal coordination. The various rationales and bureaucratic interests inevitably pose problems which can only be overcome in a process of socialisation leading to a new culture of cooperation and a certain “corps d’esprit”.

Looking at the host of external challenges of the Somali crisis in general and the problem of piracy in particular, we confine our conclusions to a few aspects: At the international level, the main coordination fora (ICPCS, ICGS) bring together a growing number of stakeholders the sheer number of which might challenge the effectiveness of those bodies. Another challenge is the international commitment to the AU for a UN follow-on mission taking over from AMISOM. The political will to “send boots on the ground” is doubtful in the international community and nearly non-existent in the EU and the US. Thus a regional approach should be supported, mainly by capacity-building, institution-building and development aid. In doing so, the EU must bear in mind however that the countries concerned have their own internal problems and external interests. Somalia is a showcase for this when looking at the country’s history: more than once it has served as arena for power games and the national interests of external forces. Thus, although a solution to the Somali crisis will also need to embrace its closest neighbours, a proxy approach, namely the political and financial investment in the neighbouring countries so as to improve their engagement in the region, has to be undertaken with a lot of care. A further challenge is the looming strategic competition taking place in the Indian Ocean under the disguise of the anti-piracy operation. The various powers present at sea have different strategic objectives and not all of them have a genuine interest in Somalia. With regard to Somalia proper, it is obvious that any solution has to come from the Somalis themselves.

This last remark brings us to the limitations of the EU’s engagement in Somalia and in combating piracy off the Somali coast. The internal limits are defined by the political will of the Member States to remain engaged, their cost-benefit calculus, and the legitimacy of the purpose of the engagement.

The former might change if the peace process does not unfold and Somali actors do not deliver what they have committed themselves to. In times of financial austerity, the public might question whether the costs for Operation Atalanta carried predominantly by the Member States are well invested and given the possibility of hiring private security companies to do the job of protecting commercial vessels. The whole Somalia engagement could lose acceptance in EU Member Countries either because the public is loath to support the military endeavour off- and onshore or does not accept the underlying rationale of the whole engagement for a country that has existed as a failed state since the early 1990s.

Regarding the external limits, it must suffice to mention the regional and local dynamics that can be possibly influenced but not controlled or even steered by external players. Hence, due to the complexity of the issue, the European objectives should be modest. As the engagement in Afghanistan and in Congo has shown, even if many resources and much political leverage are being put into solving other countries’ crises, the results may nevertheless be more than meagre or, in the worst case, even draw external actors into a violent conflict. Only if the Somali people do get the room of manoeuvre for genuine Somali solutions to Somali problems and also do get their act together in a bottom-up political process for finding a solution acceptable to all sides, can the Somalia challenge be solved. Building states – that is, building up systems of self-governance that provide for the well-being and security of the people living within them – is primarily a task for the society concerned. In supporting those processes from the outside, ownership should not be just a catch word used in strategies and action plans; it needs to be implemented by putting local actors in the lead.

One cannot stress the fact enough that having a real “comprehensive approach” is a necessary precondition for success – but it is not a sufficient one in itself alone; it is no panacea for handling either the Somalia conflict or the piracy challenge. Nevertheless the EU must continue to strive for a more coherent and comprehensive approach in its dealing with the Somali (and other) crises.

Hence, weighing up the aforementioned opportunities, challenges and limits and bearing in mind the state of the EU’s internal and external activities, the following recommendations should be considered.

Recommendations to the European Union

General

- The EU should improve its nascent comprehensive approach towards Somalia while at the same time bearing in mind that even a perfect comprehensive approach cannot guarantee success given the manifold local, regional and international intricacies of the Somalia and piracy issue.
- State-building in Somalia and in every other conflict-prone or affected country is a very complex endeavour that, on the one hand, calls for long-term and coherent multi-actor, multi-level and multi-sector engagement while, on the other, entails potentially high risks and costs, especially if “boots on the ground” and the use of lethal force are part of the strategy (as in the case in Somalia). Thus, the EU should act very cautiously and selectively if it decides to become engaged in state-building in such countries.
- The EU should critically assess the practices and outcomes of its prior state-building efforts and use the insights gained for future sound strategy-building. It should consider supporting alternative approaches to centralized governments and de-facto trusteeships such as decentralized governance or non-state oligopolies of power if this better suits local power relations because, in the end, it is up to the (Somali) people to decide on the form of governance they wish to have.

EU

- The EU should develop a truly comprehensive strategic approach to Somalia bearing in mind the regional interlinkages of the crisis. For this it should
 - a) establish a thorough assessment of all ongoing activities of its agencies and Member States
 - b) clarify the purpose of the engagement as a whole,
 - c) identify the concrete objectives,
 - d) prioritize these objectives, and
 - d) break them down in terms of means and instruments available and needed.
- The planning of Operation Atalanta would have been alleviated by the existence of a standing OHQ. Hence, the thorny issue of a standing military or, even better, civil-military OHQ should be solved in this sense.
- The EU should enhance its ability to form a joint situational awareness for Somalia and the region by improving its ISR²⁴⁹ capabilities at all levels (tactical, operational, strategic). In this context, the realistic assessment of the internal situation and dynamics in Somalia is of utmost importance for pro-active and effective engagement.
- Moreover, the EU should develop a maritime strategy, including the maritime aspects of piracy, and widen its CISE project in order to generate joint situational awareness of activities at sea impacting on maritime safety and security.
- The European Commission should issue a mandatory regulation on the minimum security measures for self-protection based on the Best Management Practices to be observed by a shipping company and jointly monitored by the Commission and Member States.

EUNAVFOR Atalanta

- Atalanta should be freed of the time-consuming task of escorting WFP vessels. Instead, the WFP should hire faster vessels with a higher free-board, and engage private security companies if VPD teams are deemed necessary yet cannot be provided for by Member States or AMISOM.
- Atalanta’s operational approach (escorting vulnerable vessels through a transit corridor) should be adapted to the fact that piracy rooted in Somalia is still a growth business despite all

249 Intelligence, surveillance, reconnaissance.

tactical successes of the maritime forces. It would be operationally more effective to act as a kind of “coast guard” by surveying and patrolling the Somali coast lines.

- Atalanta should be enhanced and supported in order to have a better effect on the cost-benefit-calculus of the pirates. This could be done inter alia by forgoing the catch and release practice, putting more emphasis on tracking financial flows, prosecuting the investors in Somalia and elsewhere, especially by supporting the judicial capacities of local administrations, and by disabling the pirates’ capacities on-shore provided that no person is harmed.
- At the same time the EU should actively address concerns of Somali coastal communities with regard to illegal fishing and react towards their fears that their livelihoods may be endangered by naval forces and private armed guards patrolling off their coast.
- The EU Operation Centre should be used to command and to coordinate all civil and military CSPD activities related to the Somalia issue. It should act as a precursor of a standing civil-military headquarters at the strategic level.

EUTM

- Maintenance of EUTM should be dependent upon progress of the TFI in fulfilling the Mogadishu Roadmap whereby enhancing cooperation with local administrations and civil society is key.
- If maintained, the EU should broaden the scope of EUTM tasks that currently deal primarily with military policing and counterinsurgency towards civilian policing skills.
- The EUTM should also offer to train security forces of other entities without obliging them to be trained in Mogadishu.
- “Train-the-trainers” should be expanded.

International Community/United Nations

- The EU should speak with one voice – represented for example by the EU Special Representative for the Horn of Africa – in the informal international Contact Groups based on both a joint EU strategy and the intensive coordination of Member States prior to each meeting.
- As the budget for EU engagement in and for Somalia is limited, Brussels should encourage other actors to become engaged in conflict resolution. Therefore it should develop “partnership strategy” based on the principles of “do-no-harm”, starting with the analysis of potential regional partners such as South Africa while at the same time empowering regional partners.

AU

- The EU should continue, and strengthen its efforts, to support the build-up and functioning of the AU’s strategic planning, command and control structures.
- After so many years of support, AMISOM should be subjected to a formal evaluation as to how effective EU funds have been managed, including qualitative assessment of AMISOM’s performance.

Horn of Africa Region/IGAD

- In addition to the envisaged civilian Regional Maritime Capacity-Building mission, the EU should coordinate all Member States programmes and activities related to maritime capacity-building in the region in order to empower the states with access to the sea to protect their coastal and their exclusive economic zone.
- The EU should enhance its support – in close coordination with UNODC – for developing judicial capacities of the states of the region dealing with the fight against criminality in general and against piracy in particular. In this context it should also augment its support for the build-up of courts within Somalia and in neighbouring countries.
- The EU should support the reform process of IGAD and contribute to the organization’s efforts to develop SSR programmes.
- The EU should consider taking on the co-chairmanship of the IGAD Partners Forum so as to better coordinate the activities of the IPF.

Somalia

- It is common sense that the solution for the piracy challenge is to be found on land. Therefore the EU should follow an explicit “Somalia first” approach – in contrast to a possible “piracy first” departure – because piracy off the coast of Somalia is primarily rooted in the country’s political and socio-economic conditions. Piracy as a general phenomenon calls for a different strategy.
- As piracy does not take place in the areas under control of the TFG, the EU needs to enhance its cooperation with the coastal communities and regional authorities in the areas affected in order to counter – and prevent piracy.
- The EU should rethink its TFG-oriented concept of ownership. It should become more engaged with local partners and strengthen its multi-track approach in Somalia, that is, by furthering cooperation with other political players than the TFG, notably local civil society actors, clans and local and regional administrations. Support has to be pegged to clear criteria and transparent benchmarks, though.
- The EU should make it absolutely clear that it will withdraw its support if the TFG and other partners do not comply with the latest political agreement, including outreach to the public, credible reconciliation efforts, far-reaching power-sharing with other regions and administrations, restructuring of the government, administrative reform, and reform of the security sector.
- The EU should support the formation of land-based local coast guards in Somalia. These guards should be recruited and organized on a local basis and act on shore in terms of crime prevention.
- The EU should support the emergence of a Somali judicial system while at the same time respecting and cultivating traditional ways of legal practices. In the end, laws based on the Islamic, traditional and modern laws will coexist and influence each other.
- The EU should support reforms leading to a post-TFG period based on an inclusive political process with a more decentralized political system in which significant sections of power and resources are channelled to local administrations.
- The EU should develop options for how to deal with Somalia after the end of the transition phase in 2012. Of these, it has three:
 - In the case of a positive end to the transition and an inclusive peace process, the EU should step up its presence, inter alia, by setting up a fully-fledged delegation in Mogadishu and strengthening the regional field offices.
 - If the TFIs do not deliver and there are no signs of improvement and of further reaching out, the EU should “pull the plug” on the TFI and cooperate with local actors.
 - If there is no achievement on any side, the EU should, for the time being, restrain itself to humanitarian aid while offering its diplomatic support for conflict resolution to the conflict parties.

Abbreviations

AFP	African Peace Facility
AMISOM	African Union Mission in Somalia
ARS	Alliance for the Re-Liberation of Somalia
ASWJ	Ahlu Sunna Wal Jama'a
AU	African Union
BMP	Best Management Practices
CFSP	Common Foreign and Security Policy
CGPCS	Contact Group on Piracy off the Coast of Somalia
CHF	Common Humanitarian Funding
CISE	Common Information Sharing Environment for the surveillance of the EU Maritime Domain
CISS	Coordination of International Support to Somalis
CMC	Crisis Management Concept
CMF	Combined Maritime Forces
CMCO	Civil-military Coordination
CPCC	Civilian Planning and Conduct Capability
CSDP	Common Security and Defence Policy
CTF	Combined Task Force
DCoC	Djibouti Code of Conduct
DG DevCo	Directorate General for Development and Cooperation
ECHO	European Commission Directorate-General for Humanitarian Aid and Civil Protection
EDF	European Development Fund
EDS	European Defence Agency
EEAS	External European Action Service
EEZ	Exclusive Economic Zone
ESA-IO	Eastern and Southern Africa – Indian Ocean
ESS	European Security Strategy
EUMC	European Union Military Committee
EUMS	European Union Military Staff
EUNAVCO	European Union Naval Coordination Cell
EUNAVFOR	European Union Naval Force
EUSR	European Union Special Representative
EUTM	European Union Training Mission Somalia
HoA	Horn of Africa
HR/VP	High Representative as Vice President of the Commission
ICG	International Somalia Contact Group
IFS	Instrument for Stability
IGAD	Intergovernmental Authority on Development
IGADSOM	IGAD Peace Support Mission in Somalia
IMB	International Maritime Bureau of the International Chamber of Commerce
IMO	International Maritime Organization
IMP	Integrated Maritime Policy

IPF	IGAD Partners Forum
IRTC	Internationally Recommended Transit Corridor
ISAF	International Sailing Federation
JNA	Joint Needs Assessment
JSC	Joint Security Committee
LAS	League of Arab States
MSCHOA	Maritime Security Centre Horn of Africa
ODA	Official Development Assistance
OECD	Organization for Economic Cooperation and Development
PSC	Political Security Committee
RDP	Reconstruction and Development Programme
RMCB	Regional Maritime Capacity Building
SHADE	Shared Awareness and Deconfliction
SISAS	Strategy for the Implementation of Special Aid to Somalia 2002-2007
SOFA	Status of Forces Agreement
SPF	Somali Police Force
SRSG	Special Representative of the Secretary-General
TFG	Transitional Federal Government
TFI	Transitional Federal Institutions
UIC	Union of Islamic Courts
UKMTO	UK Maritime Trade Operations
UNCLOS	United Nations Convention on the Law of the Sea
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
UNPOS	UN Political Office for Somalia
USNAVCENT	US Navy Forces Central Command
VPD	Vessel Protection Detachment
WFP	World Food Programme
WG	Working Group