The EU fight against piracy in the Horn of Africa

Piracy in the Western Indian Ocean has been a growing threat to security, international shipping and development since the mid-2000s. While bearing all aspects of organised crime, piracy is a complex issue that can only be overcome by combining political and diplomatic efforts with military and legal action, development assistance and strong international coordination. With all these tools at its disposal, the European Union (EU) is in a unique position to contribute to international efforts, and addresses that challenge through a "**comprehensive approach**" tackling both current symptoms and root causes of the problem.

The EU's engagement in the Horn of Africa is defined by the region's geo-strategic importance, the longstanding EU engagement with countries of the region, the EU's desire to help lift the people from poverty into self-sustaining economic growth, and the need for the EU to protect its own citizens from security threats. The EU Council of Ministers adopted on 14 November 2011 a **"[Strategic Framework for the Horn of Africa](#)[1]"** to guide the EU's multi-sectoral engagement in the region. This document sets out the way in which the EU will pursue its strategic approach, working in partnership with the region itself, in particular the African Union, and key international partners. It defines five priorities for EU action: building robust and accountable political structures; contributing to conflict resolution and prevention; mitigating security threats emanating from the region; promoting economic growth, and supporting regional economic cooperation.

To coordinate these efforts, since 1 January 2012, the EU has a **Special Representative to the Horn of Africa**. A Greek national with extensive diplomatic experience in Eastern Africa, Alexander Rondos was tasked to initially focus on Somalia and the regional dimensions of the conflict there, as well as on piracy, which has its root causes in the instability of Somalia.

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[1]   In this document, the Horn of Africa is defined as the countries belonging to the Inter-Governmental Authority for Development (IGAD) – Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, South Sudan and Uganda.

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The EU is also active in international initiatives within **the United Nations** (UN) framework as set out by its Security Council Resolutions on piracy off Somalia. **The Contact Group on Piracy off the Coast of Somalia** is an international cooperation mechanism created in 2009, which serves as a point of contact among affected and contributing states, international organisations, and industries concerned, on all relevant aspects of combating piracy. The EU and its Member States participate actively in the plenary sessions and all working groups: military coordination and regional capability development; legal aspects; self protection measures; public outreach policy; and financial issues. The **Djibouti Code of Conduct**, signed in 2009 under the auspices of the International Maritime Organization (IMO), and the **Regional Strategy and Action Plan** of the Eastern and Southern Africa – Indian Ocean Region endorsed in October 2010 in Mauritius, ensure regional ownership of the EU's actions.

Below is an overview of the current main areas of action under the EU umbrella. These do not include the substantial contribution to counter-piracy which is also provided directly by EU Member States.

Containing piracy: EU NAVFOR – Operation Atalanta

The EU launched [European Naval Force Somalia - Operation Atalanta](#) (EU NAVFOR - ATALANTA) in December 2008 under the European Common Security and Defence Policy (CSDP) and in accordance with relevant UN Security Council Resolutions, in response to the rising levels of piracy in the Western Indian Ocean. Its main objectives are:
-	the protection of vessels of the [World Food Programme](#) (WFP) delivering food aid to displaced persons in Somalia and the protection of [African Union Mission in Somalia](#) (AMISOM) shipping;
-	the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast;
-	the protection of vulnerable shipping off the Somali coast on a case by case basis;
-	the monitoring of fishing activities off the coast of Somalia.

Political guidance, staff and assets are provided by the EU Member States, with a common budget of €8 million for the year 2011. Typically, EU NAVFOR – Atalanta consists of 4 to 7 surface combat vessels, 1 to 2 auxiliary ships and 2 to 3 Military Patrol and Reconnaissance Aircraft deployed in the area of operation that covers about the size of the European Union: it comprises the South of the Red Sea, the Gulf of Aden and the Western Indian Ocean, including the Seychelles. The current mandate extends until December 2012 but discussions are on-going to prolong it by another two years. The Operation Headquarters are in Northwood (United Kingdom) and since 1 August 2011 the Operation Commander is Rear Admiral Duncan Potts, UK Royal Navy.

Since its launch, EU NAVFOR has had a 100% success rate in protection of WFP Vessels. It has provided protection to other shipping, in particular of AMISOM. To date, 117 suspected pirates have been arrested and transferred for prosecution and, in 2011 alone, 27 pirate action groups were disrupted, thus preventing potential pirate action on merchant shipping and vulnerable vessels in the area.

Judicial international cooperation to end impunity

a) Prosecution, trial and detention of piracy suspects

Prosecution and detention of piracy suspects is a key component of the overall fight against piracy. There would be little effectiveness of military actions if arrested suspects had to be released without a trial. Over 1,000 suspects are currently being prosecuted in 20 countries, including EU Member States.

The EU is assisting the United Nations Development Programme (UNDP) and the United Nations Office for Drugs and Crime (UNODC) in their work to establish sufficient conditions to allow fair and efficient piracy trials in Somalia. However, this is only a medium and long term approach. In the short term, transfers for trial from EU NAVFOR ships to countries suffering from piracy remain necessary to put an end to impunity in the Indian Ocean.

The EU has therefore signed transfer agreements with countries in the region – the Seychelles (2009), Mauritius (2011) – and is negotiating another one with Tanzania. At the moment, transfers to Kenya are possible on a case by case basis. The judicial systems of these countries were not fully prepared to cope with the additional complexities and workload of transferred piracy suspects. A joint EU/UNODC programme of support for the justice system in Kenya was launched in May 2009 to provide Kenya with practical assistance to cope with the extra demands associated with the prosecution and detention of piracy suspects (€1.75 million). Similar support programmes are available to the Seychelles (€0.78 million) and Mauritius (€1.08 million). The EU and its Member States are thus the largest contributor to the UNODC counter-piracy programme.

b) Coordinated criminal investigation against instigators

Piracy has to be understood as organised crime that is happening on land and at sea, with kidnapping crews and ships for ransom as the business model. The piracy network leaders, financiers and instigators go largely unpunished even if some of their "foot soldiers" are less lucky and end up in prison or do not come back from sea.

It is therefore vital to increase the "risk/reward" ratio for those who benefit most from piracy and to damage the underlying business model - including by tracking and disrupting the financial flows. Investigations on piracy suspects are on-going in a number of EU Member States and prosecutors and law enforcement staff have already shown encouraging examples where coordination has led to success.

The EU is actively supporting the establishment of a cooperation mechanism among the prosecutors of the countries concerned in order to bring together admissible evidence for legal action against major piracy financiers, negotiators and organisers. Hosted by Europol, in The Hague, a Dutch-German "Joint Investigation Team" started its work in January 2012 under the legal framework of Eurojust and provides a unique model for transnational police cooperation. Europol and Interpol are closely cooperating in collecting and analysing data on piracy cases and modalities are in place to allow them to receive relevant information from EU NAVFOR – Operation Atalanta.

Building regional maritime capacities

Coastal countries in the region suffer immensely from the economic impact of piracy: ports like Mombasa and Dar el Salaam are threatened and import costs go up due to increased transport costs, higher insurance premiums, etc. It is therefore in their strategic interest to engage in the fight against piracy, in addition to receiving suspects transferred for prosecution. In the long run, the waters of the Indian Ocean should be secured by the region itself, not international forces. The EU is therefore keen to assist in developing local capacities to ensure maritime security.

a) Regional Maritime Capacity Building (RMCB) mission

A new CSDP mission in support of Regional Maritime Capacity Building (RMCB) is currently under preparation. It will aim at enhancing the maritime capacities of initially five countries in the Horn of Africa and the Western Indian Ocean. RMCB would be a civilian mission carried out under the Common Security and Defence Policy (CSDP), augmented with military expertise. Its objective would be to strengthen the capacity of states in the region to effectively govern their territorial waters and to reinforce their ability to fight piracy.

The new mission would have two main tasks:
- Strengthening the sea-going maritime capacities of Djibouti, Kenya, Tanzania, and the Seychelles;
- Strengthening the rule of law sector, initially in the Somali regions of Puntland and Somaliland, notably by supporting the development of a Coastal Police Force as well as by training and protecting judges in Puntland. Activities will include expert advice on legal, policy and operational matters concerning maritime security; coast guard training to develop the ability to enforce law on the sea; and procurement of the necessary equipment. The mission would have no executive functions.

Training is to take place both in the Djibouti Regional Training Centre as well as in the countries concerned. Ultimately, the RMCB mission would offer an exit strategy of operation Atalanta through a gradual take over of the responsibilities for maritime security by regional states themselves.

b) Critical Maritime Routes Programme

Funded under the EU's Instrument for Stability, the Critical Maritime Routes Programme has focused since 2009 on the security and safety of essential maritime routes in areas affected by piracy to help to secure shipping and trading lines of communication. Its long term goal is to improve maritime governance.

An ongoing €6 million project, **MARSIC** supports maritime security and safety in the Western Indian Ocean region by enhancing information sharing and training capacities. It contributes to the implementation of the regional Djibouti Code of Conduct targeted at fighting piracy and armed robbery against ships. The project focuses on capacity building and training of maritime administration staff, officials and coast guards from the region, i.a. Somalia, including Puntland and Somaliland. This includes assistance to setting up the Djibouti Regional Training Centre for maritime affairs. It also reinforces the capacity of states' coast guards and administrations, starting with Yemen and Djibouti, to ensure the surveillance and security of territorial waters by supporting the operations of the Regional Maritime Information Sharing Centre (ReMISC) in Sana'a (Yemen). ReMISC was officially inaugurated in March 2011 and is now producing regular reports on piracy incidents.

Another project is implemented by Interpol and supports **national law enforcement capacities** (€1.6 million) to combat maritime piracy by providing necessary training and equipment to perform effective and pro-active investigations including on piracy financiers and organisers.

c) Regional Maritime Security Programme

The regional Maritime Security Programme (MASE) is in the making to support the Eastern and Southern Africa – Indian Ocean Regional Strategy and Action Plan, which was adopted in October 2010 in Mauritius to fight piracy and promote maritime security. A first estimate identified needs for approximately €40 million, and detailed identification and assessment of needs is ongoing. This support will mainly contribute to developing a strategy to tackle piracy on land in Somalia; enhance judicial capabilities to arrest, transfer, detain and prosecute piracy suspects; address economic impact and financial flows related to piracy; and improve national and regional capacities in maritime security functions, including surveillance and coastguard functions.
A **start-up project** (€2 million) is now preparing the ground for a rapid mobilisation of immediate counter-piracy activities in the region and to bridge the time until the main MASE comes into stream in 2012 or early 2013.

d) Pilot project on piracy, maritime awareness and risks

Another key issue identified in the region is lack of maritime situational awareness. In response, the EU is conducting a **Pilot Project on Piracy, Maritime Awareness and Risks** implemented by the European Commission's Joint Research Centre (€1 million). The project stems from the 2008 resolution of the European Parliament on piracy at sea; it is scientific in nature and has been running since 2010. It explores the potential use of civilian technical and affordable tools – such as satellite technologies – to develop an approach to obtain real-time maritime situational awareness. This could in time help countries to improve their capabilities to recognise threats in the Western Indian Ocean Basin.

e) Fight against Illegal, Unreported and Unregulated (IUU) fishing in the Indian Ocean

While not directly focused on counter-piracy, actions to suppress illegal fishing have positive effects in improving regional maritime security capacities at large. The EU is actively supporting the fisheries sector national policies, including surveillance through the fisheries partnership agreements in the Indian Ocean, as well as contributing with technical assistance through ACP FISH II and Environment and Sustainable Management of Natural Resources including Energy (ENRTP) programmes.

The European Commission funded with €10 million a Regional Surveillance Plan for fisheries in the South West of the Indian Ocean from 2007 to 2011. The aim was to reduce the number of vessels fishing illegally in the area and to contribute to the conservation and sustainable management of tuna resources.

Currently underway, the SmartFish Programme aims to increase the level of social, economic and environmental development and deeper regional integration in the Indian Ocean region through improved capacities for the sustainable exploitation of fisheries resources. The programme is worth €21 million for the first of two implementation phases, and includes specific action in support of the Somali fishing industry.

The way out: Stabilisation in Somalia through assistance and dialogue

The EU is convinced that only the establishment of the rule of law and economic development will undermine the breeding ground for organised crime in Somalia. The EU is committed to a lasting settlement of the Somali crisis, covering its political, security, development and humanitarian aspects.

At the development level, the EU is to date the **biggest donor to Somalia**, having **committed €215.4 million since 2008** for governance, security, and economic growth. **An additional €175 million for 2011-2013** will allow the EU to strengthen its engagement and to support new activities in these fields.

A part of these new funds will be directed to support the fishing industry and help coastal communities, thus tackling some of the root causes of piracy. It will also increase EU support to enabling the Somali rule of law and justice sector to better deal with crimes like piracy and armed robbery. Our current assistance is implemented in all parts of Somalia via the UNDP Rule of Law and Security Programme (ROLS) and benefits police forces, courts and prison services.

The EU is also supporting the development of Somali security capacities with a view to allow the Transitional Federal Government (TFG) to exert its responsibility to provide security to its population. This includes: training and payment of police officers; strong financial support – €258 million since 2007 – to the African Union peacekeeping mission in Somalia (AMISOM); as well as training of security forces through the EU Training Mission (EUTM Somalia), another CSDP operation. EUTM Somalia has supported so far the training of more than 1,800 Somali soldiers, including officers, and has extended its training mission until the end of 2012.

This assistance to Somalia is closely coordinated with the EU's on-going political dialogue with the TFG and other administrations in Somalia. Piracy is an increasingly important part of our regular discussions with the TFG and the Puntland authorities.

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