Piracy in Somalia: A Changing European Approach

An analysis of the changing Somali modus operandi and the possible change in the mandate of Operation EUNAVFOR Atalanta

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Executive Summary

The objective of this research is to find out whether the mandate of the European Union Naval Force (EUNAVFOR) Atalanta needs to be altered in order to respond to the changing business model of Somali piracy. This business model has changed from one determined on receiving high revenues through ransom payments, into one that is now focussing on protecting companies that conduct illegal fishing operations in Somali territorial waters and thereby exploiting local Somali resources. In order to assess whether the mandate needs to be altered, secondary data like official reports from the United Nations, Operation Atalanta itself, and different institutions that are closely related to the issue of Somali piracy, were analysed and combined with the views of actors that were directly involved in this operation.

Authorities from the Royal Dutch Navy were interviewed and requested to give their opinion on whether Operation Atalanta fully executes its mandate, and how Atalanta was performing its mandate. Also, these authorities gave relevant information on how piracy operations were conducted and how the naval operations were countering these activities. Similarly, an official report from the Federal Ministry of Fishery and Marine Resources of Somalia was consulted in order to gain a thorough view of how the Somali government thinks Operation Atalanta can be improved and to what extent they are satisfied with the help they receive from Atalanta, who supports Somali locals in fighting against illegal fisheries.

Since the start of Operation Atalanta in 2008, it has, in conjunction with Operation Ocean Shield of the North Atlantic Treaty Organization (NATO), and Combined Task Force 151(CTF-151) of the United States, been very successful in reducing the acts of Somali piracy. In response to the mandate of Operation Atalanta, it is believed that the latter part of the mandate, which includes the monitoring of fishing activities off the Somali coast, is not being fully executed.

Despite the fact that piracy off the Somali coast has been reduced to a minimum, several government officials suggest that the business model has only been fractured and not broken, and that piracy might return to the region. Therefore, it is recommended that Operation Atalanta should remain cooperating in conjunction with the other naval operations in order to maintain the repression, prevention and deterring of Somali piracy acts. Furthermore, Operation Atalanta should take a more active stance towards the limitation of illegal fishing in the Exclusive Economic Zone of Somalia, and should cooperate with Somali authorities in controlling and monitoring foreign fishing vessels in order to transmit sightings and control information of fisheries activities in the area. Overall, the operation has been a success, but the international community must remain vigilant about the Somali piracy issue.

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List of Abbreviations

AMISOM	African Union Mission in Somalia
AU	African Union
BMP	Best Management Practices
CGPCS	Contact Group on Piracy off the Coast of Somalia
CMF	Combined Maritime Forces
CPP	Counter Piracy Programme
CSDP	EU Common Security and Defence Policy
CTF 150 / CTF 151	Combined Task Force 150 / 151
EEAS	European External Action Service
EEZ	Exclusive Economic Zone
ESDP	European Security and Defence Policy
EU	European Union
EUMC	European Union Military Committee
EUNAVFOR Atalanta	European Union Naval Force Atalanta
EUTM	EU Trainings Mission Somalia
FGS	Federal Government of Somalia
FHQ	Functional Headquarters
GDP	Gross Domestic Product
HRA	High Risk Area
ICC	International Chamber of Commerce
IMB	International Maritime Bureau
IMO	International Maritime Organization
IRTC	Internationally Recommended Transit Corridor
IUU fishing	Illegal, Unreported, and Unregulated fishing
MCP	Maritime Crime Programme
MPRA	Maritime Patrol and Reconnaissance Aircraft
MSCHOA	Maritime Security Centre Horn of Africa
NATO	North Atlantic Treaty Organization
OHQ	Operational Headquarters
PSC	Political and Security Committee
SHADE	Shared Awareness and Deconfliction meetings
SNAF	Somali National Armed Forces
SOFAs	Status of Forces Agreements
TFG	Somali Transitional Federal Government

UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
USA	United States of America
VPD	Vessel Protection Detachment
WFP	World Food Programme

Introduction

Introduction to the topic

"I want to take a moment to say how pleased I am about the rescue of Captain Phillips and his safe return to the US, but I want to be very clear that we are resolved to halt the rise of piracy in that region, and to achieve that goal, we are going to have to continue to work with our partners to prevent future attacks, we have to continue to be prepared to confront them when they arise, and we have to ensure that those who commit acts of piracy are held accountable for their crimes (Obama, 2009).*"*

In his statement, President Barack Obama gave his first comments on the hijacking of the *Maersk Alabama* by Somali pirates on 8 April 2009. This event marked the first successful pirate seizure of a ship registered under the American flag ever since the 19th century, where Capt. Richard Phillips was taken hostage for a ransom amount for millions of dollars, and was rescued only three days later by the American Naval Combined Task Force 151 (CTF-151) (McFadden & Shane, 2009).

At this time of writing, Somalia is currently one of the most corrupt and failed states in the world according to the Fragile State Index. Being at the second place in 2014 means there has been a slight improvement in the wellbeing of Somalia, because from 2008 until 2013 the Federal Republic of Somalia has consistently been at the first place (The Fund For Peace, 2014).

Piracy seems like an everlasting problem in this country and it remains an obstacle to the improvement of Somalia. Since 2008, Somali piracy in the Horn of Africa has drawn the attention of the international community, because the European Union, the North Atlantic Treaty Organization and the United States, and several independent States have decided to intervene in order to deter and prevent Somali piracy. Since 95% of EU Member States' trade is passing through the Gulf of Aden, the European Union has shown its concern in the matter by creating Operation European Naval Force (EUNAVFOR) Atalanta in 2008. By deploying ships and sending aid to the affected region, the international response seems to have been effective and pirates have fled the region. Although piracy attacks have been reduced, the interest of Somali pirates seem to have changed or returned into other activities such as illegal fishing, private security operations and weapons smuggling (United Nations, 2013).

It can be argued that the global response on Somali piracy has been effective, but it is important for the international community to maintain the focus on the matter in order for pirates not to return to the region. Therefore, the main research question will be the following: *"How do the changes in modus operandi of Somali Pirates call for a change within the mandate of the European Union Naval Force (EUNAVFOR) ATALANTA?"*

Aim and sub-questions

This dissertation will give insights into Operation EUNAVFOR Atalanta and its connection to the changing business model of Somali piracy. In more detail, piracy and its root causes, causing the international intervention of the NATO, the United States, and in particular: the European Union will be discussed. Furthermore, the evolution of the business model of Somali piracy will be analysed, and attention will be given to what extent the current mandate of Operation Atalanta needs to be altered in order to respond to the changing organisation of Somali piracy. In order to give an answer to the earlier mentioned central question, the following sub-questions are addressed:

1. *What were the root causes that caused Somali piracy to flourish?* – In order to create a valuable understanding of the evolution of the business model of Somali pirates, the emergence of piracy in Somalia must be analysed first. The root causes, that caused piracy to flourish in the country, are important to mention in order to understand the roots of piracy and the causes of the international intervention, and in specific the involvement of the European Union.

2. *What is Operation EUNAVFOR ATALANTA and why was it created?* – Operation EUNAVFOR Atalanta is another aspect of the research question that needs to be described. It is important to understand the mission and its mandate in order to know what might be changed later in order to adapt to the changing modus operandi of Somali pirates.

3. *What was the original modus operandi of Somali piracy?* – In order to recognise changes in the organisation of Somali piracy, the original way of operating must be defined first.

4. *What is the main cause for Somali pirates to change their modus operandi and what has currently changed?* – This question will focus on how the international intervention led to the change within the business model of Somali pirates.

5. *Did EUNAVFOR adapt to the changes within the modus operandi of Somali pirates and is this effective?* – The final question will focus on the success of Operation Atalanta and to what extend this operation is adapting to the changing business model of Somali pirates.

Outline of chapters

The *first chapter* seeks to explain the root causes of Somali piracy and at what stage the international community started to respond to the matter.

The *second chapter* will concentrate on the European Union Naval Force and Operation Atalanta. It will focus on the history of EUNAVFOR Atalanta and on its current mandate in order to further deepen the scope on how piracy is being tackled by the European Union.

Chapter three concentrates on the evolution of the business model of Somali piracy. Within this chapter, the organisational mission, objectives and means of Somali piracy will be clarified, and so will be the changes within their business model.

The *fourth and final chapter* will focus on how successful operation EUNAVFOR has been in deterring Somali piracy. This chapter will try to analyse to what extent the current mandate of the European Union Naval Force needs to be altered due to the evolution of the business model of Somali pirates.

Methodology

The main objective of this research is to provide an understanding of Operation EUNAVFOR Atalanta and to what extent the evolution of Somali piracy is calling for a change in the mandate of this operation. This dissertation and its descriptive research are based upon desk research in order to fulfil the earlier stated objectives. Furthermore, a wide range of secondary literature sources have been reviewed, which include research reports of various international organisations, such as the International Maritime Bureau, North Atlantic Treaty Organization, European Union, United Nations High Commissioner for Refugees, United Nations, United Nations Office of Drugs and Crime, World Food Programme and the World Bank. In addition, books, annual reports, official websites, online journals, articles in magazines and newspapers were consulted. Furthermore, information was retrieved from the studies of Dr. Ursula Daxecker and Professor Brandon Prins, who are currently involved in a study on the political reach, state fragility, and the incidence of maritime piracy and pirate organisations in the period of 1995-2016.

In addition to the use of secondary sources, primary sources have been consulted as well. Firstly, an interview was conducted with a Marine of the Royal Dutch Navy, who was aboard on the Zr. Ms. Johan de Witt in the period of January until May 2015. This vessel assisted Operation Atalanta from January until May 2015.
Also, an interview was conducted with another authority from the Royal Dutch Navy, who is currently a staff officer of a Vessel Protection Detachment cell of the Royal Netherlands Navy. These interviews were conducted via e-mail responses and both interviews can be found in appendix nine.

Furthermore, several official documents and statements from EU authorities on EUNAVFOR and Somali piracy have been consulted. An example of this includes the lecture on "What is the role of the European Union in the world?" by the High Representative for Foreign Policy and Security of the European Union, and the Vice-President of the EU; Ms. Federica Mogherini, that was attended on 16 April 2015. Also, the "Marine Museum" in Den Helder was visited on 12 May 2015 to retrieve valuable first-hand information on Somali Piracy.
Finally, official documents of the United Nations, such as United Nations Security Council Resolutions, were consulted to retrieve first-hand information on the work of the United Nations in Somalia.

Chapter 1. State failure in Somalia and the root causes for Somali piracy

As was stated in the introduction, Somalia has been in a state of conflict and has been recognised as a failed state by the international community. State failure has created the unique opportunity for pirate businesses to flourish in the country. By delving into the history of Somalia, this chapter aims at answering the first sub-question, *'what were the root causes that caused piracy to flourish?'* By looking at the root causes of Somali piracy, it becomes clear what the main reasons have been for international intervention by the European Union.

1.1 What is a failed state?

In order to understand the narrative of how piracy was able to flourish in Somalia, it is important to look for the definition of state failure and to analyse the characteristics that define state failure, because these characteristics are important when applying them to the situation of the Federal Republic of Somalia.

According to several studies[1], a state can be regarded as 'failed' when it has lost all power to control and exercise power over its institutions. Basically, it means that a state has lost control over the security for its residents, control over its borders, and possesses no functional government authority (Silva, Somalia: State Failure, Piracy, and the Challenge to International Law, 2010).

The *1933 Montevideo Convention on the Rights and Duties of States* identified the legal rights of the fundamental legal characteristics of a state, where each state has the right to deal with its domestic affairs without the inference from other states. Article 1 of the *Montevideo Convention* states that:

> 'The state as a person of international law should possess the
> following qualifications: a) a permanent population; b) a defined
> territory; c) government; and d) capacity to enter into relations
> with the other states (Silva, Failed and Failing States: Causes and
> Conditions, 2012).'

When the qualifications of the Montevideo Convention are not present in a country, it can be argued that the state is regarded as failed. In addition to the qualifications of the Montevideo Convention, according to international scholar Mario Silva, the next ten categories define state

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1 (Aas, 2007) (Bueger, 2015) (Prins, Daxecker, & Sanford, 2014) (Geiss & Petric, 2011) (Hastings, 2009) (Menkhaus, 2009) (Silva, 2010) (Silva, 2012)

failure: 1) absence of rule of law; 2) political instability and lack or legitimacy; 3) poverty resulting from economic and social instability; 4) presence of internal conflict and/or the lack of security; 5) authoritarian rule and clan loyalty; 6) ineffective justice system and impunity; 7) loss of internal territorial control; 8) gross and systematic violations of human rights; 9) loss of social cohesion and development; 10) corruption and weak institutions (Silva, Failed and Failing States: Causes and Conditions, 2012).

When all these characteristics are present within a country, that particular country is a failed state. At this stage, the international community is not able to legally recognise the country as a 'state', and failed states are not capable of representing themselves on the international level or lack the capacity to accept foreign intervention (Silva, Somalia: State Failure, Piracy, and the Challenge to International Law, 2010).

1.2 The failed state of Somalia

Ever since the fall of the regime of dictator Said Barre in 1991, Somalia has been in a state of decay and perpetual conflict and it has been showing slow signs of improvement. After six years at the number one position in the "Fragile State Index", Somalia has moved to number two in 2014 (The Fund For Peace, 2014). This means that Somalia is still at a very critical stage.

Table 1. Total amount of displaced persons in Somalia

UNHCR 2015 planning figures for Somalia					
		January 2015		December 2015	
Type of population	Origin	Total in country	Of whom assisted by UNHCR	Total in country	Of whom assisted by UNHCR
Refugees	Eritrea	60	60	60	60
	Ethiopia	2,940	2,940	3,500	3,500
	United Rep. of Tanzania	70	70	80	80
	Various	30	30	30	30
Asylum-seekers	Eritrea	70	70	80	80
	Ethiopia	15,880	15,880	7,000	7,000
	United Rep. of Tanzania	10	10	10	10
	Various	40	40	40	40
Returnee arrivals during year (ex-refugees)	Somalia	40,000	40,000	40,000	20,000
Internally displaced	Somalia	1,012,960	380,000	892,960	380,000
Returnee arrivals during year (ex-IDPs)	Somalia	120,000	120,000	80,000	20,000
Total		1,192,060	559,100	1,023,770	430,810

(UNHCR, 2015)

As shown in table one, a total of approximately 1.2 million internally displaced persons are currently living in Somalia, which is 10% of its total population. Following twenty-two years of conflict, anarchy, and the collapse of formal government, Somalia has also experienced five major droughts since 2000. These conditions hardened the harvest of crops and Somalis were not able to have a reasonable living (World Food Programme, 2015). In addition, the decades of fights between warlords caused half a million people to die in the Somali famines of 1992 and 2010-12, because the country was too ill-equipped to deal with natural disasters and these fights (BBC News, 2015).

Government reconstruction

After the ouster of president Barre in 1991, several attempts have been made to restore a formal government structure. Until now, the creation of the Transitional Federal Government (TFG) in 2004 is the most successful. The Federal Government of Somalia was inaugurated on 20 august 2012, because the interim-mandate of the TFG ended on that day. This small, but really important progress, has shown that Somalia is slowly restoring its political structures (Bryden, 2013).

Beyond the creation of the Somali Transitional Federal Government in 2004, the state has been separated in several distinct autonomous provinces: Puntland and Somaliland, which have separated themselves from the mainland. The province of Somaliland declared independence from 1991 onwards, and Puntland in 1998. However, both are not internationally recognised as separated states. (Geiss & Petric, 2011, p. 71) As shown in appendix one, the state of Somalia is separated in different political entities, where the interest of clan-based policy making and the influence of Islamic influence, mostly by the terrorist group of Al-Shabaab, has made Somalia prone to becoming a breeding ground for terrorist activities (Silva, Somalia: State Failure, Piracy, and the Challenge to International Law, 2010).

1.3 Understanding the emergence of Somali piracy

Piracy off the coast of Somalia did not just occur out of nothing and in response to the ten listed categories that characterise state failure in paragraph 1.1, there are five categories that state why Somalia is vulnerable to piracy: geographical position, weak law enforcement, maritime uncertainty, economic disorder, and cultural acceptability and skills.

Geographical position

Somalia is positioned along the Gulf of Aden, which is one of the waterways with the highest number of maritime traffic in the world, where almost 42,500 vessels transit the area each year

(UNODC, 2013, p.5, "Piracy" section, para. 1). The Gulf of Aden is of strategic significance, because it is part of the important Suez Canal[2] shipping route between the Indian Ocean, the Arabian Sea, the Red Sea and the Mediterranean Sea. Approximately 95% of EU Member States' trade and 20% of global trade are passing through this high-risk area each year (UNODC, 2013, p.5, "Piracy" section, para. 1).

Between Europe and the Far East, 12% of the total volume of oil is transported by sea, and in specific, through the Gulf of Aden. This forms an essential oil transport route between Europe and the Far East. In particular, the Bab el-Mandeb passage between the Red Sea and the Gulf of Aden is a small passage and, is thus very prone to piracy attacks (Geiss & Petric, 2011, p. 59).

In general, when looking at Somalia, it can be stated that piracy has flourished under its geographical circumstances and the fact that it is mostly surrounded by water. With an impressive coastline of 3,025 km and the proximity to the most important shipping lanes and major ports in the world, pirates have an extreme lucrative market and piracy activities are able to increase under these circumstances (Bueger, 2015, "Geography" section, para. 1).

Another important geographical issue that makes piracy acts easier to conduct are the innumerable shelters and hideouts that pirates use to prepare a piracy operation and to conceal their boats and kidnapped persons for ransom. When looking at appendix two, a significant number of distant coastal villages provide ideal opportunities for pirates. These opportunities consist of dens and sufficient infrastructure that ensure good logistics in order to conduct a piracy operation (Prins, Daxecker, & Sanford, 2014).

Weak law enforcement

Despite the fact that the international community has recognised the Federal Government of Somalia, the Somali history full of conflict still caused its maritime, coastal, and territorial law enforcement to be weak. One of the main reasons there is still a weak Somali law enforcement in the country, is because of corruption within the government, notably the government of Puntland. Since pirates are not always operating outside of the law, but often in collaboration with law enforcement agencies, the prevalence of piracy is likely to be higher (Bueger, 2015, "Weak law enforcement" section, para. 1). Due to corruption, weak governments tend to facilitate extensive criminal activity, and government soldiers, bureaucrats, and police officers tend to ignore or close the eyes to illicit activities at ports or to fail to arrest pirates, when they are promised to receive a share of the loot (Prins, Daxecker, & Sanford, 2014).

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2 The Suez Canal is a waterway which connects the Red Sea to the Mediterranean Sea

In other words, the lack of government control and the political support of warlords, who control the territories where pirates base themselves, are creating safer places for pirates to conduct their business without having to worry to be detained (Hastings, 2009). This is an example where illicit private authority becomes the norm and where power can be used to create spaces that welcome illicit activities (Aas, 2007, p. 126). These spaces are being protected by state sovereignty and thus stresses that the lower the risk of being captured, the higher the chance piracy is occurring in the region.

Maritime uncertainty

The degree to which the maritime environment of a region is prone to violence and insecurity is an aspect that is closely related to weak law enforcement. When other illicit activities occur in an area or region, such as illegal fishing, smuggling and trafficking, piracy is more likely to be present in this region. Mainly illegal fishing can be regarded as a key trigger point for the flourishing of piracy in the early years of the 21st century, which will be further explained in the section 1.4. Under de regime of Siad Barre, the coastal waters of Somalia were inadequately governed, and maritime security in Somali waters has constantly increased (Bueger, 2015, "Maritime insecurity" section, para. 1).

Maritime insecurity is not only related to the trafficking and smuggling in arms, but is also related to the weakly regulated fishing, where the practice of selling fishing licences and the offering of armed protection services to fishing companies by warlords has caused the Somali waters to become an increasingly securitised and militarised space (Bueger, 2015, "Maritime insecurity" section, para. 2). Furthermore, the state of Somalia resisted resource limitations that prevented the effective monitoring of the territorial waters, which means that the government spent more money on combatting the problem by making money available for the coast guard, instead of making money available for reducing poverty and disease, which are believed to be the core problems that are present in Somalia (Prins, Daxecker, & Sanford, 2014). The lack of capacity to guard the Somali coastline, the absence of law enforcement to deter and arrest pirates, and the securitisation of the maritime environment caused piracy to prosper off the Somali coast.

Economic disorder

The growth of illegal economic opportunities has been an essential part of globalisation and the deregulation of national economies. When a state is weakened, its regulatory controls 'open the way for wild competition to grab state property by whatever means' (Aas, 2007, p. 11). In the case of Somalia, after the collapse of central government structures, the lack of economic development reinforced demobilisation and criminality and armed conflict contributing to massive unemployment and poverty in the country (Menkhaus, 2009). Counter-piracy efforts are

challenged by poverty and joblessness, because the inability to find employment in a lawful economy increases the interest for alternative sources of income. Also, the decrease of the price of fish and the low incomes per capita also increases piracy in its territorial waters (Prins, Daxecker, & Sanford, 2014)

Furthermore, according to Ryan Jablonski, a professor from the London School of Economics, the income of Somalis has become dependent on the ransom payments of pirates (Rider, 2015). When pirates hijack a ship and its crew, the crew is taken hostage in order to receive a hostage payment. It is estimated that pirates produced US$150 million in ransom payments in 2011, which is comparable to 15% of Somalia's GDP (UNODC, 2013, p.35, "Piracy off the Coast of Somalia" section, para. 2). It can be mentioned that piracy has become the largest source of foreign exchange in the country. The huge amount of money that was injected into the economy in a very short period caused an overvaluation of the Somali currency, which leads to the undermining of Somalia's trade competitiveness and its export of cattle, camels, sheep and goats to markets in the Arabian Peninsula. Eventually, these people were encouraged to find employment in the piracy business. Local residents became reliant on ransom income, and pirates were regarded as heroes rather than criminals. This so called 'Robin Hood-like effect' (Rider, 2015, "The Price of piracy in Somalia" section, para. 8) caused piracy to be understood as a profitable and creative attempt to develop an economic area within places that have been marginalised from the world economy (Rider, 2015). This marginalisation of parts of the Somali country took place in the coastal communities, where pirates spent a lot of the ransom money on imported goods, such as equipment, weapons, engines, which perpetuated a negative economic cycle. Within these coastal territories, such as Eyl, pirate groups lack state protection for the ransom transactions, and were forced to finance their own militias, opposing them directly to the state, often leaving the affected region in a deteriorated economy and territory (Bueger, 2015, "Economic dislocation" section, para. 4).

Cultural acceptability and skills
Piracy has become deeply engrained in the consciousness of the Somali people, and has allowed piracy to be illustrated as a legitimate activity. In order for piracy actions to be successful, it must have considerable public support, because pirates are reliant on provided shelter, food and other supplies from the mainland during the long negotiation process (UNODC, 2013, p.36, "Piracy off the Coast of Somalia" section, para. 5).
Piracy has been able to be legitimised by the Somali people because piracy actions are justified among the population as a legitimate response to the maritime insecurity. Rather to be projected as the 'coast guard narrative' (Bueger, 2015, "Cultural acceptability and skills" section, para. 1), it is projected as a legitimate and almost state-like practice in protecting the coastal waters against

outside threats such the illegal exploitation of its resources and environmental crime. This narrative with a strong protective character is easing the recruitment of foot soldiers and also is a crucial factor in ensuring the support of local community (Bueger, 2015, "Cultural acceptability and skills" section, para.1).

Furthermore, the availability of skills required for piracy among the population is another reason why piracy is culturally embedded in the Somali culture. The skills that are required to conduct a piracy attack include the use navigation, boarding, weapon handling and negotiation skills. All skills have been required or learned as part of a traditional cultural routine, where navigation skills are learned by fishermen and dhow[3] traders, the handling of weapons has been studied during the years of civil war, and boarding skills were acquired in attempts of developing coast guards in the past (Bueger, 2015, "Cultural acceptability and skills" section, para. 2).

1.4 Illegal fishing and toxic waste dumping as a trigger

'*Life has turned for the worst, first our central government collapsed, then the sea got polluted by foreigners using it as dump site that killed most of the fish* (Mohamed, 2015).'

According to the local narrative in Somalia, piracy flourished under profiting from the hazardous circumstances Somalia was in. The absence of a stable coast guard had created ideal circumstances for foreign vessels to loot the country's 3,025 km of coastline. Somali waters have become an international free zone where illegal fishing fleets from France, Spain, Japan, South Korea, Taiwan, Egypt, Kenya, Pakistan, Saudi Arabia, Sri Lanka, Yemen, Belize and Honduras exploit the fish stock and control Somalia's own fishermen (Scofield, 2008). In response to the $300 million worth of seafood being stolen from the country's coastline every year, the deprived Somalis living by the sea have been forced to defend their own fishing undertakings out of ports such as Harardheere, Eyl and Kismayo, which are now considered to be pirate hideouts. The industry of Somali fishermen has always been a small-scale industry, which eventually lacked the advantaged technology and boats to be combatting against their competitors (Tharoor, 2009).

The local narrative also tells us that the practice of piracy started after the 26 December 2004 tsunami off Indonesia washed toxic waste containers onto local Somali beaches in 2005. This confirmed the rumour that other countries have been using the unguarded waters of Somalia as a dumping site. According to a former UN official Ahmedou Ould-Abdallah, European companies dumped chemical waste such as uranium, lead, and other industrial toxins in northern Somalia.

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3. A dhow is a traditional sailing vessel used in the Red Sea and Indian Ocean region

Only after the abdication of Siad Barre in 1991, this trend rapidly increased (Aljazeera, 2005).

By taking matters into their own hands, fishermen seized foreign ships and demanded compensation such as fines. In some of these cases, the United Nations Office on Drugs and Crime reported that local authorities approved and supported these actions. Also, it is stated that local authorities and private security companies were training militiamen to act as 'coast guards' in order to further increase the skills of seizing foreign ships (UNODC, 2013, p.35, "Piracy off the Coast of Somalia section, para. 4).

1.5 The upsurge of Somali piracy

Having stated that piracy in Somalia is merely a reflection of the anarchy that is happening onshore, and that the root causes behind the increased piracy off the coast of Somalia revolve around state collapse, illicit economic activities, and the ongoing exploitation of the Somali waters, it is important that the increase of piracy attacks is also analysed.

The narrowness of the Gulf of Aden, which separates Somalia and Yemen by around 170 nautical miles[4] at its widest point, creates ideal situations for Somali pirates because all traffic is forced to pass within the small distance of the Somali coast (Geiss & Petric, 2011, p. 60). As shown in figure

Figure 1. Yearly statistics of piracy incidents occurred since 1984 (worldwide)
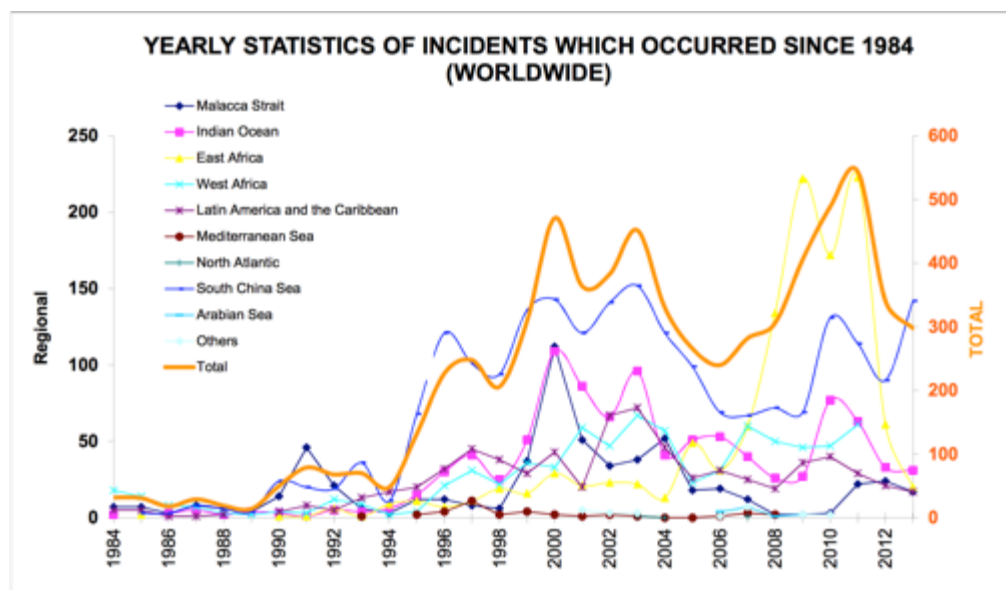
(International Maritime Organization, 2013)

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4 One nautical mile equals 1.8 kilometres; so 170 nautical miles equal approximately 315 kilometres

one, pirate attacks in the Gulf of Aden reached extraordinary numbers. The yellow line is corresponding to piracy attack in the region of East Africa, which is mainly dominated by Somali piracy.

Exponential growth

According to the International Maritime Organization[5] (IMO), the number of piracy incidents started to increase ever since pirates started with their operations in 2003. With only 21 attacks in 2003 and 217 reported attacks in 2009, the Somali pirate business evolved into a successful business (ICC International Maritime Bureau, 2009). When looking at table two below, one can also recognise a dramatic change between the numbers of piracy attacks in 2008 and 2009. With only 111 attacks in total in 2008 and with 217 attacks in 2009, the attacks committed by Somali pirates nearly doubled.

Table 2. Number of attacks executed by Somali pirates in the period of 2003-2009

Areas of pirate attacks → Year of attacks ↓	Somalia	Gulf of Aden	Red Sea	Arabian Sea	Indian Ocean	Oman	Total attacks per year
2003	3	18	-	-	-	-	21
2004	2	8	-	-	-	-	10
2005	35	10	-	2	1	-	48
2006	10	10	-	2	-	-	22
2007	31	13	-	4	-	3	51
2008	19	92	-	-	-	-	111
2009	80	116	15	1	1	4	217
Total attacks per region, 2003-2009	180	267	15	9	2	7	480

(ICC International Maritime Bureau, 2009)

The explanation that can be given to describe this enormous increase of piracy attacks by Somali pirates is the extension of their territory. According to the International Maritime Bureau, Somali pirates extended their piracy operations to the Red Sea and further into the Indian Ocean in the year of 2009 (ICC International Maritime Bureau, 2009).

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5 The international Maritime Organization is a specialised agency of the United Nations and the International Maritime Bureau, which is a specialised division of the International Chamber of Commerce

1.6 Chapter conclusion

Within the country of Somalia, the instability and lawlessness has created perfect circumstances for piracy to develop and flourish into an extremely lucrative business. The root causes of piracy lie in the absence of a stable and effective government in Somalia and additional conditions are worsening the situation. The concept of state failure can be applied in terms of how piracy was able to flourish within the country, and that the geographical position, weak law enforcement, maritime uncertainty, economic disorder and cultural acceptability and skills, clearl, indicate how piracy has been able to prosper within and around the country.

The illegal fishing and dumping of toxic waste are believed to be of great importance when looking at the trigger for Somali piracy, because both include the exploitation of the Somali waters and its fishermen, resulting in fishermen taking the matters into their own hands by defending the coastline of Somalia. Furthermore, the enormous amount of attacks of Somali piracy happening around the world from 1984 until 2012, show that there is a wide range of dangers and consequences for the international world, and that the need for international intervention is present.

Chapter 2. Operation EUNAVFOR Atalanta

In response to chapter one, where the concept of state failure was described to be of significant importance when looking at the root causes of Somali piracy, this chapter will try to answer the second sub question, '*what is Operation EUNAVFOR ATALANTA and why was it created?*' It will look at the reasons why the international community came into contact with Somali piracy, and it will analyse the different naval enforcement missions that are operating in the area. Furthermore, this chapter will analyse Operation EUNAVFOR in particular, and how all the international counter-piracy mechanisms are being governed.

2.1 How piracy drew the attention of the International community

Piracy has shown itself to pose an imminent threat to the reestablishment of the formal government structures and economy within Somalia. In this respect, piracy off the Horn of Africa had been able to rapidly develop into a strong and lucrative business. In addressing the increase of piracy attacks in chapter one, the amount of piracy attacks rapidly increased as Somali pirates extended their operations away from their original territory: the Somali waters and the Gulf of Aden. In 2009, the amount of attacks almost doubled when piracy attacks were reported to also originate from the Red Sea, the Arabian Sea, the Indian Ocean, and in the Gulf of Oman.

Figure 2. The Amount of Trade Share via the Suez Canal in relation to the increase of piracy.
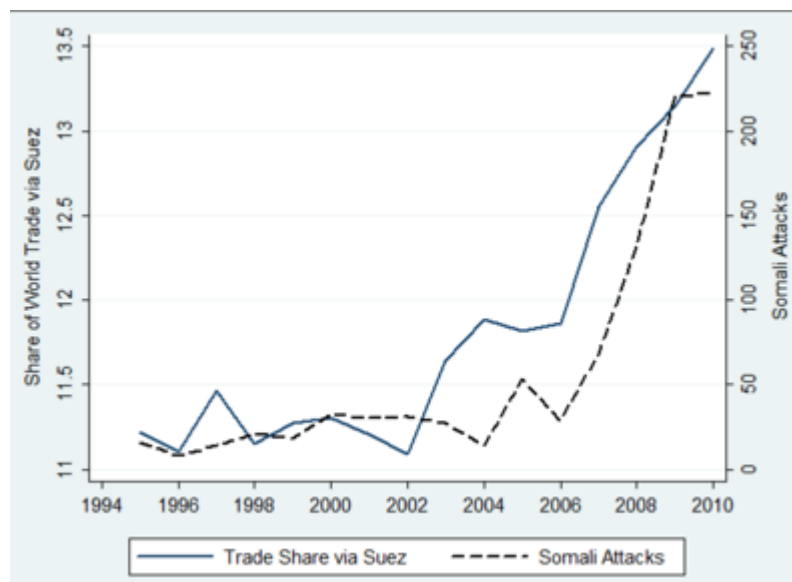

(Burlando, Cristea, & Lee, 2014)

When looking at figure two, it can be stated that from 2009 onwards the amount of piracy attacks rapidly increased after piracy attacks were reported from the Suez Canal. This canal is a very important shipping route for the European Union and 7.5% of worldwide transport passes through this canal each year. Also, it is considered to be saving enormous costs for the shipping industry as the Suez Canal is providing a short link between the eastern and the western world (Suez Canal Authority, n.d.).

Costs to the shipping industry

With more than US$163 million in ransom payments in 2011, Somali piracy has increased the cost of the shipping industry ever since Somali pirates entered the seas (Rider, 2015). However, the cost of ransom payments is not the only negative stimulus that increases the cost for the shipping industry. According to a study that was issued by the International Growth Centre, the costs to the shipping industry can be divided into five categories: 1) damage to vessels; 2) loss of hire and delay to cargo delivery while a ship is held to ransom; 3) costs of defensive measures; 4) cost of ransom paid when a crew is kidnapped or a vessels is held; 5) rerouting of vessels to avoid areas at risk (Besley, Fetzer, & Mueller, 2012). As shown in figure 3, the total cost of the shipping industry was between $3 billion - $3.2 billion in 2013, and with a cost of $5.7 – $6.1 billion in 2012, the total cost for Somali piracy was reduced by 50%. The cost reduction is mainly reduced by the costs that were originally made due to ship transit patterns when ships are crossing the High Risk Area[6]. This includes the reduced speeds and less rerouting of an alternative route when crossing the HRA (Madsen, Seyle, Brandt, Purser, Randall, & Roy, 2014).

Figure 3. Total Cost of Somali piracy in 2013
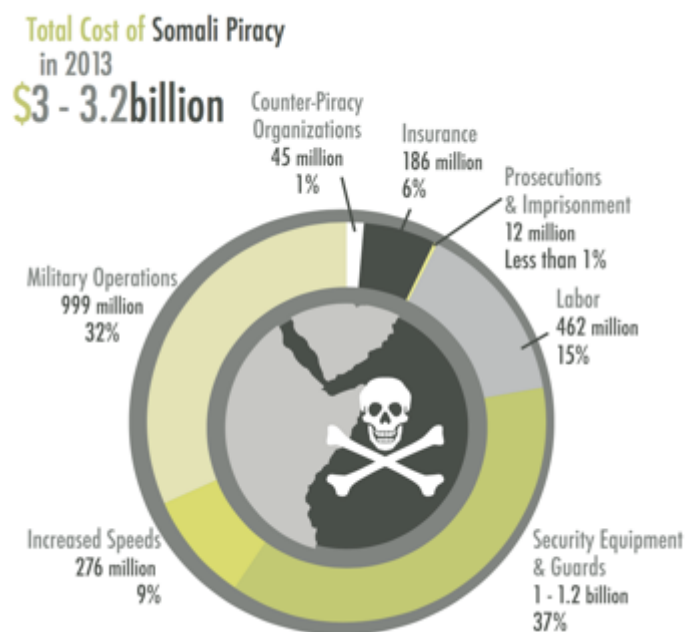
(Madsen, Seyle, Brandt, Purser, Randall, & Roy, 2014)

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6 The High Risk Area (hereinafter referred to as 'HRA') can be defined as the area where pirate activity and pirate attacks have taken place. The HRA is an area which is bounded by Suez and the Strait of Hormuz to the North, 10°S and 78°E (MSCHOA, 2011).

Threatening UN lifeline support

Another important aspect explaining why the international community wanted to intervene in the matter of Somali piracy is the fact that Somali piracy was posing a direct threat to commercial shipping, fishing, and the delivery of humanitarian aid and assistance to thousands of displaced Somali men, women and children. The former World Food Programme (hereinafter referred to as 'WFP') executive, Josette Sheeran, mentioned that the actions of Somali pirates are threatening the sea lanes in the Horn of Africa and are posing a high risk to the fragile supply line for food assistance to Somalia. In addition, humanitarian aid that is provided by sea should be cheaper and also safer, but due to the high amount of attacks by Somali pirates, the shipping costs that provide aid to Somalia have increased dramatically, leading to a reduction of 50% of WFP ships willing to provide food to Somalia (World Food Programme, 2007).

2.2 Start of intervention of the international community in the piracy matter

Even before the fall of the formal government structures in Somalia in 1991, the United Nations had been present in supporting the country to restore itself since the 1960s. In engaging against the threat of Somali piracy, the United Nations has been supporting the internationally recognised Federal Government of Somalia, which was formerly mentioned as the Transitional Federal Government. Despite the fact that the TFG was recognised on an international level and it is representing Somalia within the United Nations, the African Union and the Organization of Islamic Conference, it seems that the capacity of the TFG to act on an international level was much better than its ability to act on a national level. It is stated that the TFG was unable to maintain order within the country (Geiss & Petric, 2011, p. 72).

With the TFG being unable to ensure progression within Somalia, the United Nations adopted Resolution 1744 on 20 February 2007 that authorised the establishment of an African Union Mission in Somalia (AMISOM) for an initial period of six months. The tasks of AMISOM included the protection of the TFG and to help it execute its governmental functions and to assist in the creation of security conditions that were necessary for the provision of humanitarian assistance (Geiss & Petric, 2011, p. 74). Being unable to restore the situation by itself, the TFG requested the United Nations several times in 2008 to authorise willing states to join forces together with the TFG to combat against the treat of Somali piracy. In response to United Nations Security Council Resolutions 1816, 1838, 1844, 1846 and 1851, the United Nations issued through these resolutions that worldwide involvement in the matter would be of great significance in repressing acts of Somali piracy.

In **UNSCR 1816** S/RES/1816 (2008) Article 7, which was adopted on 2 June 2008, the United Nations states the following:

> "7. Decides that for a period of six months from the date of this resolution, States cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:
>
> > (a) Enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and
> >
> > (b) Use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery; (United Nations Security Council, 2008, "Resolution 1816, Article 7" section, para. 32)"

This paragraph encouraged and permitted the deployed ships to capture Somali pirates when encountering them in the territorial waters of Somalia. Furthermore, UNSC Resolution 1816 was the first resolution that was only concentrating on piracy and armed robbery at sea.

The second resolution, **UNSCR 1838,** was a call to all nation states that were able to deploy ships to the region, to actively take part in the fight against piracy off the coast of Somalia. As is mentioned in Article 2 of Resolution 1838:

> "2. Calls upon States interested in the security of maritime activities to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft, in accordance with international law, as reflected in the Convention; (United Nations Security Council , 2008, "Resolution 1838, Article 2" section, para. 23)"

Resolution 1844, adopted on 20 November 2008, is not directly connected to Somali piracy as it gives a description on the violation of the arms embargo that was violated by Somali pirates in importing arms from foreign countries. The role Somali piracy plays within the violation of the arms embargo is that piracy is financing armed groups who in their turn violate the arms embargo (Stockholm International Peach Research Institute , 2014). The United Nations Security Council mentioned the following:

> "Expressing its grave concern over the recent increase in acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and noting the role piracy may play in financing embargo violations by armed groups, as described in the statement of 9 October 2008 by the Chairman of the Committee established pursuant to resolution 751 (1992) (hereinafter "the Committee") to the Security Council, (United Nations Security Council , 2008, "Resolution 1844" section, para. 9)"

In addition, **S/RES/1846 (2008)** mentioned the continuous concern of the United Nations in the matter where piracy and armed robbery at sea continued to pose a threat to the safe delivery of humanitarian assistance to Somalia, the international navigation, and the safety of merchant shipping routes (United Nations Security Council , 2008, "Resolution 1846" section, para. 2). In more depth, the resolution extended the period of engagement by another twelve months and so; states and regional organisations, that were assisting the TFG, were authorised to enter regional Somali waters for the purpose of repressing acts of piracy and armed robbery at sea (United Nations Security Council , 2008, "Resolution 1846" section, para. 6) Also, states were allowed to conduct their operation onland to counter piracy (van Ginkel, 2014). Furthermore, Article 6 welcomed the initiative of the several independent states and in particular the European Union in drafting legislation of the creation of a EU-based naval operation:

> "6. Welcomes initiatives by Canada, Denmark, France, India, the Netherlands, the Russian Federation, Spain, the United Kingdom, the United States of America, and by regional and international organizations to counter piracy off the coast of Somalia pursuant to resolutions 1814 (2008), 1816 (2008) and 1838 (2008), the decision by the North Atlantic Treaty Organization (NATO) to counter piracy off the Somalia coast, including by escorting vessels of the WFP, and in particular the decision by the EU on 10 November 2008 to launch, for a period of 12 months from December 2008, a naval operation to protect WFP maritime convoys bringing humanitarian assistance to Somalia and other vulnerable ships, and to repress acts of piracy and armed robbery at sea off the coast of Somalia; (United Nations Security Council , 2008, "Resolution 1846, Article 6" section, para. 20)"

For the complete resolution 1846, please refer to appendix three.

Resolution 1851 was the final resolution in 2008 that authorised the use of force to counter piracy off the coast of Somalia. This resolution stressed the need for the use of criminal law in repressing piracy in Somalia. As was stated in Article 3 of Resolution 1851:

> 3. Invites all States and regional organizations fighting piracy off the coast of Somalia to conclude special

agreements or arrangements with countries willing to take
custody of pirates in order to embark law enforcement
officials ("shipriders") from the latter countries, in particular
countries in the region, to facilitate the investigation and
prosecution of persons detained as a result of operations
conducted under this resolution for acts of piracy and armed
robbery at sea off the coast of Somalia, provided that the
advance consent of the TFG is obtained for the exercise of
third state jurisdiction by shipriders in Somali territorial
waters and that such agreements or arrangements do not
prejudice the effective implementation of the SUA
Convention; (United Nations Security Council, 2008,
"Resolution 1851, Article 3" section, para. 14)"

2.3 Operation EUNAVFOR Atalanta

On 10 November 2008, the Council of the European Union adopted Joint Action 851 that created
the first EU military operation within the legal framework of the Common Security and Defence
Policy (CSDP). In accordance with relevant UN Security Council Resolutions and International
Law, the European Union Naval Force Atalanta (EUNAVFOR) would assist in the protection of
shipping of the WFP, who is delivering food to the approximately 1.200.000 internally displaced
persons in Somalia. Furthermore, Operation Atalanta would contribute to deterring, preventing and
repressing acts of piracy and armed robbery off the coast of Somalia (European Union Naval
Force, 2008).

With the growing concern of piracy threats in the period of 2008 and with the TFG and IMO
recommending the United Nations to take action in deterring the acts of piracy off the coast of
Somalia, the European Union also showed its great concern on the effect that Somali-based piracy
and armed robbery in the Horn of Africa was posing a direct threat to ships who were transiting the
HRA (European Union Naval Force, 2015, "Mission" section, para. 1).

Mandate

Under Joint Action 851, in relation to United Nations Security Council Resolutions 1814, 1816 and
1838, Article 2 of the Joint Action describes the mandate of Operation Atalanta as follows:

Article 2

Mandate

"Under the conditions set by the relevant international law
and by UNSC Resolutions 1814 (2008), 1816 (2008) and
1838 (2008), Atalanta shall, as far as available capabilities
allow:

(a) provide protection to vessels chartered by the WFP, including by means of the presence on board those vessels of armed units of Atalanta, in particular when cruising in Somali territorial   waters;

(b) provide protection, based on a case-by-case evaluation of needs, to merchant vessels cruising in the areas where it is deployed;

(c) keep watch over areas off the Somali coast, including Somalia's territorial waters, in which there are dangers to maritime activities, in particular to maritime traffic;

(d) take the necessary measures, including the use of force, to deter, prevent and intervene in order to bring to an end acts of piracy and armed robbery which may be committed in the areas where it is present;

(e) in view of prosecutions potentially being brought by the relevant States under the conditions in Article 12, arrest, detain and transfer persons who have committed, or are suspected of having committed, acts of piracy or armed robbery in the areas where it is present and seize the vessels of the pirates or armed robbers or the vessels caught following an act of piracy or an armed robbery and which are in the hands of the pirates, as well as the goods on board;

(f) liaise with organisations and entities, as well as States, working in the region to combat acts of piracy and armed robbery off the Somali coast, in particular the 'Combined Task Force 150' maritime force which operates within the framework of 'Operation Enduring Freedom'. (Council of the European Union, 2008)"

The mandate states that an important part of the operation intends to protect the vessels of the WFP. In addition to the protection of WFP shipping, Atalanta also protects shipping of AMISOM, which is mainly supporting the TFG in Somalia. Furthermore, it provides protection to commercial vessels that are in the Area of Operations, and also to keep watch over the HRA, which also include the territorial waters of Somalia. Finally, it must also cooperate with other operations that are operating in the same area as Atalanta in order to actively counter piracy activity.

In an amendment to Council Joint Action 851, on 8 December 2009, Joint Action 907 extended the mandate of Operation Atalanta with the monitoring of fishing activities off the coast of Somalia (Council of the European Union, 2009). At the moment of writing, the mandate of Operation Atalanta was extended until December 2016.

Area of Operations

Operation Atalanta is active in a very broad Area of Operations. The operation assists in countering maritime Somali piracy in the Somali coastal, territorial, and internal waters: the Southern Red Sea, the Gulf of Aden and a very large part of the Indian Ocean. In appendix five, one can find a map showing the Area of Operations of all the naval operations including Operation Atalanta. This area covers 2,000,000 square nautical miles, which is approximately 3,700,000 kilometres, which is equal to 1.5 times the size of the mainland of Europe (European Union Naval Force, 2015, "Where and how does EU Naval Force operate?" secion, para. 1). Within this Area of Operations, Operation Atalanta executes its mandate in protecting commercial vessels and assisting the safe transit of other merchant vessels that are passing through the HRA. In order for vessels to successfully support and safely transit the HRA, the International Recommended Transit Corridor (IRTC) was established on 1 February 2009. This corridor is supported by all the active counter-piracy operations in the area. It was approved by the IMO and it enables commercial shipping to pass the HRA under support of the operations at the registered times using the Maritime Security Centre – Horn of Africa (MSCHOA), which will be explained later in this chapter (Geiss & Petric, 2011, p. 80).

In addition to aiding a safe transfer of merchant ships, the operation also conducts surveillance and reconnaissance operations by Maritime Patrol and Reconnaissance Aircrafts (MPRAs), which are mainly military planes that control the Area of Operations. Furthermore, surface vessels also conduct visual or physical checks of vessels that are crossing the HRA.

Best Management Practices

By making seafarers aware of the Best Management Practices (BMP) for protection against Somali-based piracy, Operation Atalanta hopes to gather a better understanding of maritime piracy. The BMP's are in other words self-protection measures, that seafarers can use to protect themselves from being captured or hijacked by Somali pirates (MSCHOA, 2011, p. 1). It is important for ships, before entering the HRA, to register with the UK Maritime Trade Operations (UKMTO) office in Dubai, which is the primary contact person in case of an attack. When being engaged by pirates, it is important that the ship: (a) controls its lowest point of entry, as this is the main point where pirates are entering the vessel; (b) proceed at full sea speed, which increases the chance that the vessel can outrun the pirates or it hardens the entry for pirates; (c) to use physical barriers around the ship, because pirates normally use long lightweight hooked ladders to board a vessel. These physical barriers could make it difficult to enter, because the physical barriers often include the use of electrified razor wire; (d) use of fire hoses, water cannons and foam to harden the entry and approach to the ship; (e) set the alarms of the ship to warn the crew, and to inform the

pirates that they have been noticed by the crew; (f) to manoeuver as much as possible to harden the entry for pirates (MSCHOA, 2011, pp. 23-35).

Vessel Protection Detachments

By using Vessel Protection Detachment cells, Operation Atalanta is able to protect vessels of both the WFP and AMISOM. These VPD cells consist of eleven marines that embark the commercial vessels in Egypt, Singapore, Dubai and La Reunion. These commercial vessels transit the HRA under the protection of those VPD cells. The Dutch commercial vessels that transit the area are obliged to use the VPD's due to insurance policies and are not allowed to use private security details out of the region, because there are no official private security details in the area. Operation Atalanta and the other naval operations are the only authorities in the region to provide onboard protection. In this way, the naval operations will remain involved in counter-piracy operations (Marine 2, personal communication, June 3, 2015).

Moreover, the other missions that Operation Atalanta executes are the locating and further investigation of suspicious vessels. In case where pirates are on board, they will be disrupted and the group will be made incapable of executing other pirate operations. In case the suspected pirates are being detained, their equipment will be seized and used as evidence during the trial period. Subsequently, the pirates will be transferred to adequate national authorities for their further trial (European Union Naval Force, 2015, "Where and how does EU Naval Force operate?" section, para. 7).

Contributing Countries

Under Council Joint Action 851, the European Union also welcomed 'third states' or non-EU members to cooperate together with Operation Atlanta to counter piracy off the Somali coast. As it is stated in Article 10, paragraph 1 of the Joint Action:

> "1. Without prejudice to the decision-making autonomy of the EU or to the single institutional framework, and in accordance with the relevant guidelines of the European Council, third States may be invited to participate in the operation (Council of the European Union, 2008). (Council of the European Union, 2008)"

The first non-EU country that contributed to Operation Atalanta was Norway. Later Montenegro, Serbia, Ukraine and New Zealand provided both warships and operational officers to the Operational Headquarters (OHQ) in Northwood, United Kingdom (European Union Naval Force, 2015, "Who contributes to Operation Atalanta?" section, para. 1). There are different ways how EU-Member States and non-EU States can provide assistance to the Operation: surface vessels,

MPRA's, VPD's and the provision of military and civilian staff to work at the OHQ. On 16 April 2015, the following countries were deployed in the Area of Operations: the Netherlands, Germany, Spain, Italy and France; with Germany deploying three surface vessels and one MPRA, Spain deploying two surface vessels and one MPRA, The Netherlands, Italia and France all deployed one surface vessel (European Union Naval Force , 2015, "Deployed Units" section para. 1, 2, 3, 4).

In the period of January to May 2015, the Royal Dutch Navy also contributed a surface vessel to the mission: Zr. Ms. Johan de Witt – L801.

Operation Atalanta is not the only operation that is contributing to the fight against piracy, as other international organisations also deploy ships to the area.[7]

Financing

The budget that Operation EUNAVFOR uses is agreed and monitored by the Athena Committee, which is set on an annual basis. For both 2015 and 2016 the budget for the operation will be €7.350.000 Euros. Furthermore, states that are contributing to the operation also provide military equipment and personnel (European Union Naval Force, 2015, "How is the EU Naval Operation financed?" section, para. 2).

Figure 4. Command Structure of Operation Atalanta

Operation Atalanta Political Control and Strategic Direction

Operation EUNAVFOR Atalanta is based on a unified European command structure that operates from the European Union Political and Security Committee (PSC), which is under the responsibility of the Council of the European Union and the High Representative of the Union for Foreign Affairs & Security Policy / Vice President of the European Commission (HR/VP), Federica Mogherini (Geiss & Petric, 2011, p. 285). When looking at figure four, the PSC is in control of both the Operation Commander and the Force Commander. Both the Operation Commander and the Force Commander
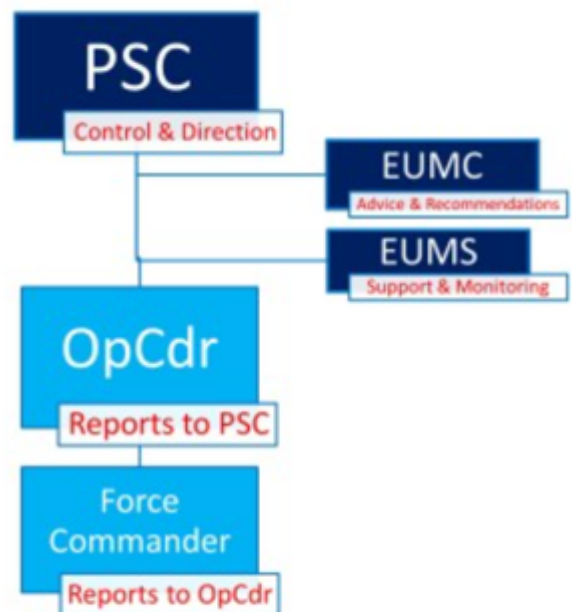
(European Union Naval Force, 2015, "Political control, strategic direction and command structure" section, para. 1)

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7 For information on the other operative missions in the Horn of Africa please refer to section 2.3.1

are directly operative in the operation. However, the Operation Commander is operative at the OHQ in Northwood and he plans and conducts the operation from there, and the Force Commander is operative at the Force Headquarters (FHQ), which is situated in the Area of Operations in the Horn of Africa. His responsibilities include the planning, composition and execution of all the military activities in the area. Also, the European Union Military Committee (EUMC) and the European Union Military Staff (EUMS) are present in the operational structure. The EUMC is the platform for cooperation between the EU Member States, and is also able to be consulted on military issues. Furthermore, the EUMS, which is part of the European External Action Service, is the direct advising body to HR and implements the strategic planning and situation assessment supporting the operation (European Union Naval Force, 2015, "Political control, strategic direction and command structure" section, para. 1, 2, 3, 4, 5).

Legal Basis

As mentioned before, all relevant operations that are active in the area off the Somali coast are operating in accordance with the relevant UNSCRs[8] and International Law. Under these relevant UNSCRs, Operation Atalanta is able to arrest, detain, and transfer suspected pirates to adequate EU member states in order to be prosecuted for their actions. Also, EUNAVFOR has the authority to confiscate all the property of Somali pirates and armed robbers (European Union Naval Force, 2015, "What is Operation Atalanta's legal basis?" section, para. 1, 2, 3, 4).

Part of a "Comprehensive Approach"

In combating against the threat of piracy off the coast of Somalia, Operation Atalanta is one part of a wider European approach that is called the 'Comprehensive Approach' to overcome the multi-faceted issue of Somali-based piracy. The comprehensive approach on the countering of Somalia includes both offland and onland solutions. A study, issued by the Greens of the European Parliament, identified that in order to solve the issue of Somalia-based piracy, the problem also needs to be solved by onland missions (Ehrhart & Petretto, 2012). Furthermore, other missions that have been issued by the CSDP that fall under this approach are:

EUCAP Nestor - This civilian mission will enhance the regional maritime capacity building by providing military competence to the coast guard of Somalia. By developing the coastal policing capacity in Somalia, Djibouti, Kenya, the Seychelles and Tanzania, these countries will be much more resistant to piracy attacks (European Union Naval Force, 2015, "The EU Comprehensive Approach against piracy in the Horn of Africa" section, para. 3).

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8 SC Resolutions 1816 (2008), 1838 (2008, 1846 (2008), 1851 (2008), 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), 2015 (2011), 2020 (2011), and 2077 (2012)

EUTM – Somalia: The EU Training Mission in Somalia is a military training mission that is hosted by the European Union in order to strengthen the Federal Government of Somalia and its institutions by providing military training to the Somali National Armed Forces (SNAF) (European Union Naval Force, 2015, "The EU Comprehensive Approach against piracy in the Horn of Africa" section, para. 4 & 5).

Together with Operation Atalanta, these two missions are part of the EU's Strategic Framework for the Horn of Africa, which guides all these operations that are being part of the fight against piracy. The Operation EUNAVFOR states that:

> "The Strategic Framework for the Horn of Africa has 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;
> -   Supporting regional economic co-operation (European
>   Union Naval Force, 2015, "Strategic Framework" section,
>   para. 1, 2, 3)"

In conclusion, the comprehensive approach is combining the developmental, humanitarian, civilian and military policies to cope with the Somali crisis and in particular the threat of Somali-based piracy.

2.3.1 other enforcement operations

At the time of writing, there are three military operations that are currently involved in the fight against piracy. Although these military operations operate all under different command structures, they operate in accordance with respective United Nations Security Council Resolutions and International Law. In securing the safe delivery of humanitarian aid to Somalia, which includes the shipments of the WFP and logistical support to AMISOM, and aiding safe navigation for all commercial shipping, these enforcement operations all share the common objectives of combating Somali piracy off the Somali coastline.

Operation Ocean Shield

Operation Ocean Shield is the third operation of the North Atlantic Treaty Organization (NATO) that is currently active in helping the deterrence and disruption of pirate attacks off the Somali coast and in the Indian Ocean since 2009. In succession to the previous two NATO operations: Operation Allied Protector and Allied Provider, the NATO is currently embarked in this mission

until December 2016. In cooperation with the other international initiatives, NATO is contributing to the protection of vessels providing aid to Somalia and helps to increase the level of security off the coast of Somalia. By having a "focussed presence" (North Atlantic Treaty Organization, 2015, "Operatation Ocean Shield – Ongoing" section, para. 7) in the area, meaning that ships will mainly be deployed between the monsoon periods (spring or autumn), other piracy partners will remain at an operating basis (North Atlantic Treaty Organization, 2015).

Combined Taskforce 151

Another operation that is operating in the area off the coast of Somalia is Combined Taskforce 151 (CTF-151). This operation is part of the wider Combined Maritime Forces (CMF) that is led by the United States of America, and in accordance with the relevant United Nations Security Council Resolutions operates to disrupt piracy and armed robbery at sea (Combined Maritime Forces, 2015). Before CTF-151 was established in 2009, CTF-150 was operating in the area mainly focusing on counter-terrorism and maritime security as part of Operation Enduring Freedom issued by the United States. However, as piracy is considered to have no connection to terrorism, CTF-150 was not able to successfully execute its mandate resulting in the establishment of CTF-151 in 2009, which mandate was based on UNSCR 1816,1838,1846, 1851 and 1897 (van Ginkel, 2014).

Independent Nations

In addition to the present naval operations, there are also several independent States that act unilateral in order to combat against the threat of Somali piracy. In coordination with the abovementioned operations, Japan, China, India, Malaysia, Russia, Saudi Arabia, South Korea and Yemen, have deployed ships to the region in order to reduce the threat of Somali piracy (Koutrakos & Skordas, 2014).

2.3.2 the significance of Operation Atalanta in relation to NATO operations

Prosecuting Somali pirates

In comparison to the operations that NATO has conducted, Operation EUNAVFOR seems to have a more extended mandate under which it has the authorisation to also arrest, detain and transfer pirates to competent national authorities within the European Union. Notwithstanding the fact that there is a large presence of naval ships in the Area of Operations, NATO seems to have been contributing to the high numbers of piracy being released after they had been comprehended by its operation. Over 90% of the pirates that were apprehended by states that were patrolling the area in 2011, were released without being prosecuted, due to the lack of interest or lack of ability of states to prosecute (van Ginkel, 2014).

Despite the fact that there is universal legislation to prosecute suspected pirates, there is no universal obligation to actually prosecute them. NATO's lack of capacity and willingness to prosecute pirates led to the understanding of the so-called 'Catch and Release practice' (van Ginkel, 2014). This led to the false understanding of states, which were contributing to the operations of NATO, that after pirates had been captured, there was no other option to release them. This awakened the awareness under pirates that they could return to their practices without being prosecuted for it, as states were reluctant in that matter (Koutrakos & Skordas, 2014).

Another reason why states in general are not willing to prosecute pirates is when a case has gone to trial and the pirate is facing a serious penalty, but there is insufficient evidence to support the charge, pirates will be released. At this moment, the possibility will occur that pirates apply for asylum and eventually will be granted access to the European Union, which is the fear of several politicians in the Netherlands (Willems, 2014).

Monitoring of fishing activities

An additional point that extends the mandate of Operation Atalanta is the monitoring of fishing activities, an activity that Operation Shield of NATO does not have within its mandate. The monitoring of fishing activities was later added to the mandate of Operation Atalanta. The local narrative clearly stresses that illegal fishing has been a persistent problem off the Somali coast, but there are no official statistics to confirm that narrative. However, illegal fishing has proved to be a trigger point for Somalis to start engaging in the piracy business. Operation Atalanta started to monitor the fishing practices, because Somalia has no formal authorities to execute the controls to monitor the illegal fishing that is conducted by several European and Asian countries (Ehrhart & Petretto, 2012).

2.4 National and multinational coordination mechanisms to counter piracy

In order to coordinate all the operative missions in the Horn of Africa, several coordination mechanisms were created in order to harmonise both the operational and political efforts that were emerging to combat Somali piracy and to strengthen the Somali society. It is stated in the first part of Article 4 of UN Security Resolution 1851, that the UN calls for all states to engage in the creation for an international cooperation mechanism to counter piracy acts off the coast of Somalia:

> "4. Encourages all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and

> armed robbery at sea off Somalia's coast (United Nations Security
> Council , 2008, "Resolution 1851, Article 4" section, para. 15)"

For the full article, please refer to the appendix four, where UNSCR 1851 is mentioned in full. In response to the mentioned article, the following cooperation mechanisms have been created in order to simplify the coordination of all operations:

MSCHOA

The Maritime Security Centre – Horn of Africa (MSCHOA) is an initiative that was established by Operation EUNAVFOR and is a 24-hour monitoring station that is monitoring vessels that transit the HRA. Also, it provides the shipping industry with the earlier mentioned BMP's to safeguard the trade that is crossing the area (MSCHOA, 2015).

SHADE

The Shared Awareness and Deconfliction (SHADE) initiative was established in 2008 in order to coordinate different deployments that are involved in military counter-piracy operations in the Gulf of Aden and the western Indian Ocean. The operations of the EU, NATO, CMF and several regional actors are being coordinated by this mechanism (van Ginkel, 2014). In SHADE meetings, representatives from 33 countries, fourteen international organisations, the shipping industry, and nations, come together in Bahrain to make arrangements on the communication between these operations, the sharing of information, and on the coordination of these operations. The earlier mentioned IRTC was also established during SHADE meetings (Oceans Beyond Piracy, n.d.).

CGPCS

The Contact Group on Piracy off the Coast of Somalia (CGPCS) was created on 14 January 2009 in relation to Security Council Resolution 1851. The CGPCS aims to coordinate political and military efforts in order to stop the threat of Somali piracy. Around 80 countries and several international organisations, such as the AU, the EU, the IMO, NATO, the Arab League and several departments of the United Nations are participating in this Contact Group (Tardy, 2014).

Djibouti Code of Conduct

The Djibouti Code of Conduct Concerning the Repression of Piracy and Armed Robbery Against Ships in the Western Indian Ocean and the Gulf of Aden; shortly mentioned, the Djibouti Code of Conduct, is a land-based approach that was established by the IMO to assist in the regional training of armed forces in repressing of Somali piracy, to update national legislation and build a legal framework to create agreements on the conduct of shared operations, and to provide for information exchange through the regional Information Sharing Centres in Kenya, Tanzania and Yemen to create awareness on the topic of piracy and armed robbery at sea. In addition to the

regional training and the creation of awareness on maritime piracy, these trainings also involve the rescue of hijacked ships and crew, the seizure of pirate vessels and the arrest and prosecution of pirates. The Djibouti Code was also created in order to assist in the custodial capacity building for suspected and trialled Somali pirates, and together with the United Nations Office on Drugs and Crime (UNODC), who mainly funds the operation, and the United Nations Development Programme, who develops policies, there will be improved legal representation and security at local level (van Ginkel, 2014).

UNODC Maritime Crime Programme

The UNODC Maritime Crime Programme (MCP) was created in 2009 as part of the UNODC "Counter Piracy Programme" (CPP) to help states increase their capacity to fight against maritime crime. This program was established according to the relevant Security Council Resolutions requesting for a united international response to the problems of piracy in the Horn of Africa. Furthermore, it has established a criminal justice response to piracy in the Indian Ocean. As a result, the regional piracy prosecution model was created in order for Somali pirates to be prosecuted when arrested by the naval operations (UNODC, 2015). An important part of the criminal justice response is the Piracy Prisoner Transfer Programme, which transfers consenting sentenced pirates from the prosecuting states back to their country of origin in order to serve their sentence closer to their families and in their own cultural habitat. This program requires a strong coordination between international naval operations that apprehend the pirates (UNODC, 2015).

2.5 Chapter conclusion

In response to the widespread pirate attacks that had been reported off the coast of Somalia in 2008, and further into the Red Sea, the Indian Ocean, and even up in the Suez Canal in 2009, the international community and in particular the United Nations started to draft legislation in order for several operations to be established to counter piracy acts off the Somali coast. Furthermore, a call for help from both the shipping industry and the WFP also intensified the need for a response from the international community. Under the respective resolutions, the naval operations had the authority to act in the regional and territorial waters of Somalia to combat against the threat of Somali piracy. From 2008 onwards, operation EUNAVFOR Atalanta, NATO operation Ocean Shield and US-regulated operation CTF-151 have been present in the area and are assisting WFP shipping to safely transit the HRA. In an Area of Operations extending from the West of the Gulf of Aden far into the Indian Ocean, these operations have been part of the counter-piracy operations in order to deter, prevent and repress the acts of piracy off the Somali coast.

In coordinating all the different operations, several international coordination mechanisms have been created: MSCHOA, which is an initiative of Operation Atalanta that helps to safeguard commercial shipping transiting the Gulf of Aden; SHADE, the Shared Awareness and Deconfliction meetings have as a primary goal to generate agreements on the communication between the operations of the EU, NATO and US; the Djibouti Code of Conduct is an onland approach in countering piracy by training regional armed forced, update legislation and build a legal framework to create agreements on the information exchange between countries active in countering piracy acts; CGPCS, which is an initiative that was drafted by UNSCR 1851 in order to coordinate political and military efforts on an international level. Finally, the UNODC Maritime Crime Programme created the opportunity for the international community to transfer and prosecute Somali pirates. This program also helped states to increase their capacity to combat Somali piracy.

With respect to all these measures and operations countering Somali piracy, the next chapter will try to analyse who these Somali pirates are and to what extent their business model posed a threat to the international community and why it continues to pose a threat to the international community despite the international intervention.

Chapter 3. The evolution of the Somali piracy business model

Within this chapter the original method of operation by Somali pirates will be analysed in order to create a better understanding of who the Somali pirates are and why they operate in the way they do. This chapter will try to answer sub questions three and four of the introduction: *'what was the original modus operandi of Somali piracy?'* and *'what is the main cause for Somali pirates to change their modus operandi and what has currently changed?* Within this chapter, the organisational mission, objectives and means of Somali piracy will be clarified. Subsequently, this chapter will identify the changing business model of Somali pirates and will be focusing on the current situation within the Gulf of Aden and the way the changed business model of Somali piracy is still posing a threat to the international community.

3.1 Somali pirates, who are they?

Offshore piracy

Within Somali piracy, the tactics and capabilities of Somali pirates divide the group of Somali pirates into four different kinds of pirates. Despite the fact that all these groups have different and unique structures, these Somali pirate groups all share the same objective – profit. According to Andrew Mwangura, the project coordinator for the East African Seafarers' Assistance Programme, the (1) Somali Marines are the most sophisticated of all the pirate groups in the area. The Somali Marines, operating from central Somalia, use the mother ship[9] model as their operational plan to gain high revenue during their operation (Ross & Ben-David, 2009, "Who are Somalia's pirates?" section, para.1). These pirates use, mostly hijacked, fishing vessels, which will function as a mother ship. These fishing vessels are able to launch smaller crafts, such as skiffs or fiberglass speedboats that are equipped with powerful outboard engines. When using the mother ship model, pirates are able to reach far distances, and the skiffs are used to approach and board the cargo vessels that sail far away from the Somali coast. It has been reported by the International Chamber of Commerce – International Maritime Bureau (hereinafter referred to as 'ICC-IMB') that pirate attacks as distant as 1000 to 1200 nautical miles off the Somali shore took place in 2010 (Geiss & Petric, 2011, p. 66).

Other pirate groups include: (2) the Puntland pirates, who operate from Bossasso; (3) scattered factions based in Marka in the southern coastal region; and (4) the National Volunteer Coast Guard who operate mainly from Kismayo. In comparison to the three other groups, the Somali Marines have executed more than 80% of the piracy attacks off the Somali coast, due to their ability to launch attacks further off the Somali coastline (Ross & Ben-David, 2009, "Who are Somalia's

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9 An image of a mother ship can be found in the appendices.

pirates?" section, para. 1). Where the Somali Marines use the mother ship model, the three latter mentioned pirate groups use modified and often stolen fishing boats with mounted weapons (Ross & Ben-David, 2009, "Who are Somalia's pirates?" section, para. 1).

In relation to chapter 1.4 that discussed the triggers for Somali piracy, many of the Somali pirates are former fishermen who attack foreign fishing vessels in order to protect their territorial waters. Most of the pirates are claiming that they are 'protecting' their territorial waters against illegal fishing, and dumping of toxic waste by European and Asian companies in Somali waters. Mainly the Somali Coast Guard sees itself as the protector of its fishing industry, '…we don't consider ourselves sea bandits […], we consider sea bandits as those who illegally fish in our seas and dump waste in our seas and carry weapons in our seas. We are simply patrolling our seas (Ross & Ben-David, 2009, "Who are Somalia's pirates?" section, para. 2).'

By acquiring the navigational, boarding, weapon handling and negotiating skills that were mentioned in chapter 1.3, pirates have dramatically increased the efficiency of their operations. An operation that is conducted by pirates consists of the three following types of persons: (1) ex-fishermen who have gained good knowledge of the sea; (2) ex-militiamen who have been trained in order to "guard" the coastline, and who have the required strength, manpower and skills to use during combat; (3) technical experts who are able to operate GPS systems and military hardware to help with the navigation and detection of shipping targets. In addition, these groups have acquired an intelligence network that is based in certain ports of Somalia who provide them with the necessary information of possible targets and threats (Ross & Ben-David, 2009, "Who are Somalia's pirates?" section, para. 3).

Onshore piracy

In addition to piracy that is happening offshore, Somali piracy is also taking place onshore, and the following actors that take part in onshore piracy have an important role during an operation: financiers; seamen, chandlers and other suppliers; shore-based security structures; negotiators (UNODC, 2013, "Who is conducting piracy" section, para. 1, 2, 3). An operation is reliant on all those actors, because all the parties involved invest something in the mission.

When a piracy operation is planned beforehand, some investors may buy shares, which are sold in parts of US$10,000. The investors are primarily former pirates who have sufficient resources to risk $10,000 on an operation (World Bank, 2013). These investors are willing to take the risk because usually they receive one-third of the ransom payment that can rise up to millions of dollars. Important aspects that these investments also include are the protection details or security structures that are required to guard hostages when the negotiation process is happening. It is stated that some of these ransom negotiations may exceed the period of one year, so supplies are needed to feed the hostages and the guards.

The business model of Somali pirates relies heavily on support that is coming from the mainland. Good infrastructure on the mainland is needed to gain access to markets for the stolen goods, and to gain access to other goods, services and manpower. Suppliers support the onshore operation by providing sources of food, water, energy, and khat[10] for the militiamen who are in charge of guarding the ships and the hostages during the negotiation process (UNODC 2013, "Who is conducting the piracy?" section, para. 3)

3.2 Original business model of Somali pirates

An extremely lucrative business

As unemployment rose and an illicit economy developed over the years, Somalis were looking for another source of income. This, together with the local narrative that Somalis were protecting their local fishing industry, piracy has evolved into a more lucrative business under the dire economic circumstances. By hijacking a ship and its crew, a poor Somali pirate can receive up to $50,000 – $75,000, which is an enormous amount when comparing that to the average income of a 'regular' Somali, who earns approximately $140, - per year (van Ginkel, 2014). With a total of 790 crew members taken hostage in 2010, the amount of ransoms that were paid in that year are equal to $110 million, which is an average of $4.85 million per hijacking (UNODC, 2011). As a result, this kind of employment has become extremely attractive to the poor Somalis (Nourhussen, 2009).

Before the intervention of the international community, commercial vessels did not arm their vessels in protection against pirate attacks. With the shipping industry having a strong preference for paying the ransom demands, Somali pirates took advantage of this situation and increased their ransom demands. It is important to mention that the piracy business is fully committed to gaining money and securing ransoms is the primary target of an operation (Menkhaus, 2009).

Initially, piracy groups were loosely organised with poor quality equipment and limited members. However, due to the extremely lucrative nature of piracy, these underdeveloped "rag-tag, ocean going militias" transformed into heavily armed, efficient, and well resourced pirates that employ hundreds of people in Somalia (Geiss & Petric, 2011, p. 103).

The nature of the market of piracy

As already seen in appendix one, Somalia is clearly divided into several areas where the local government is more powerful than the national government. These three sub areas have emerged in Somalia: Somaliland, Puntland and South-Central Somalia.

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10 Khat is a flowering plant that is considered as a drug native to the Horn of Africa and the Arabian Peninsula.

Although Somaliland is the closest area to the Gulf of Aden, the piracy centres are based in southern Puntland and South-Central Somalia, where the coastal cities of Eyl, Hobyo, Harardheere and Galguduud have been reported to anchor most of the hijacked ships (World Bank, 2013). Due to the fact that these anchorage locations are widely separated along the Somali coastline, pirates have been able to win support from government officials, businessmen, clan elders and members, militia and religious leaders, and the members of local communities. It has appeared that pirates are using their money to pay warlords who are controlling the Islamist controlled areas in appendix one (Hastings, 2009). By providing financial aid and using physical force towards these supporters, pirates have been able to obtain access to these coastal towns and use them as anchorage points for their vessels.

How is a piracy operation conducted?

A piracy operation requires a minimum of eight to twelve militia. The recruitment of these pirates is very simple: if you have something to contribute to the operation, like firearms, skiffs, food, khat, or the provision and movement of laundering ransom money, pirates are eligible to become employed on the mission. Furthermore, an operation will mainly involve two or three skiffs with four to seven crewmembers each. By using multiple attack skiffs, pirates are able to attack and close in on the vessel from multiple directions if it attempts to flee (UNODC, 2013, "How is the piracy conducted?" section, para. 9). Another dozen of militia are required to protect the vessel if it is hijacked and later anchored at the shoreline.

Until now, there is no official record that there is a central piracy command authority in Somalia that is authorising whether an attack will be executed or not. As there exist several piracy groups within Somalia, they all act on the basis whether the sponsors, or other sources of finance, are willing to contribute money or goods to support the operation. Most of the pirates are continuously willing to execute attacks, however, to conduct an operation requires a decent amount of planning and operations are dealt with on a project basis (UNODC, 2013, "How is the piracy conducted?" section, para. 1). Despite the fact that some of these piracy attacks are clearly structured and executed on a project basis, several sources suggest that pirate vessels are 'fishing' for targets in the major shipping lanes and sometimes even attack naval patrol ships. This clearly indicates a lack of advance planning.

When pirates have decided to attack a vessel, they initially will attempt to board unnoticed. However, when detected by the crew of the ship, they will use force. It has been reported by the ICC-IMB that the kind of violence used by pirates reached its highest point in 2010, and reached its lowest point in 2013. When looking at table three, the amount of attacks slightly increased in the first half of 2014. In particular, the amount of persons taken hostage increased from 266 in

2013 to 369 in 2014 (ICC International Maritime Bureau, 2014). This clearly states that pirates still believe that hijacking the crew and its ship is still a valuable source of income.

Table 3. Types of violence against crew from 2009 – 2014

Types of violence	2009	2010	2011	2012	2013	2014
Assaulted	4	3	6	2	-	1
Hostage	661	773	619	458	266	369
Injured	23	27	41	18	20	10
Kidnap	12	17	6	7	34	5
Killed	6	1	8	6	1	3
Missing	8	-	-	-	1	1
Threatened	12	13	23	12	8	8
Total: Jan – Sept	**726**	**834**	**703**	**503**	**330**	**397**

(ICC International Maritime Bureau, 2014)

As previously mentioned, the pirates use a mother ship to move to deeper waters and then release small skiffs with outboard motors to approach a large vessel. These skiffs carry narrow homemade ladders and grappling hooks for engaging and boarding the targeted vessels. In some cases, these skiffs also contain extra fuel, but according to the local pirate narrative, the skiffs carry enough fuel to conduct just one operation and rely on the successful hijacking to return home alive (UNODC, 2013, "How is the piracy conducted?" section, para. 6).

It is stated that some of the fishermen were armed in protecting their territory, however, the use of some heavy artillery shows clear signs of criminal intent. The average Somali pirates carry AK-47 assault rifles or PKM light machine guns, of which some are left overs from lootings after the collapse of the Barre regime in 1991 (UNODC, 2013, "How is the piracy conducted?" section, para. 7). If the pirates are more serious about their threat towards the ship and its crew, they will use rocket propelled grenade launchers. In addition to the weapons that were acquired after the fall of the Barre regime, it is also strongly believed that the pirates are in strict violation of the arms embargo that was imposed on Somalia by the UNSC on 23 January 1992 (Geiss & Petric, 2011, p. 108).

Once a ship is successfully hijacked and brought to anchor, depending on what the pirates did for the mission, the payments that pirates receive after a ransom demand has been paid, can be classified into a Class A-share or a Class B-share. To receive a Class A-share, the volunteer should already possess a firearm to use in the operation. In providing a skiff or heavier firearms, such as RPG or machine guns, pirates may also receive an additional A-share. In addition, the pirate that is boarding a vessel first, and thus has the highest risk of being shot, can also be entitled to an extra A-share (United Nations Security Council, 2010). The soldiers that are providing the main security for the hostages are receiving a Class-B share, which is often a fixed part of the total ransom

(approximately $15,000 each). Furthermore, suppliers receive a reimbursement for their provided supplies, financiers and/or investors receive 30% of the ransom, and local elders receive 5-10 % of the ransom (UNODC, 2013, "Who is conducting the piracy?" section, para. 9). These elders receive a share because they are providing the anchorage rights to pirates so that vessels can be anchored at the shores that are possessed by those elders.

3.3 The decline of Somali piracy

In light of the analysis of all operations and measures taken to counter Somali piracy off the Somali coast, it can be concluded that Somali piracy has reached an enormous downturn following its peak attained in 2008. Several initiatives, that have been analysed in chapter two of this report, such as the international naval operations, the self-defensive measures of the shipping industry such as the BMP's and the deployment of VPD's on commercial vessels, several security reform and infrastructure projects such as the UNODC's counter-piracy program, the European Union's EUCAP Nestor, and the Djibouti Code of Conduct process, have led to the decline of Somali piracy.

Figure 5. Piracy incidents in the period of 2009 - 2014.
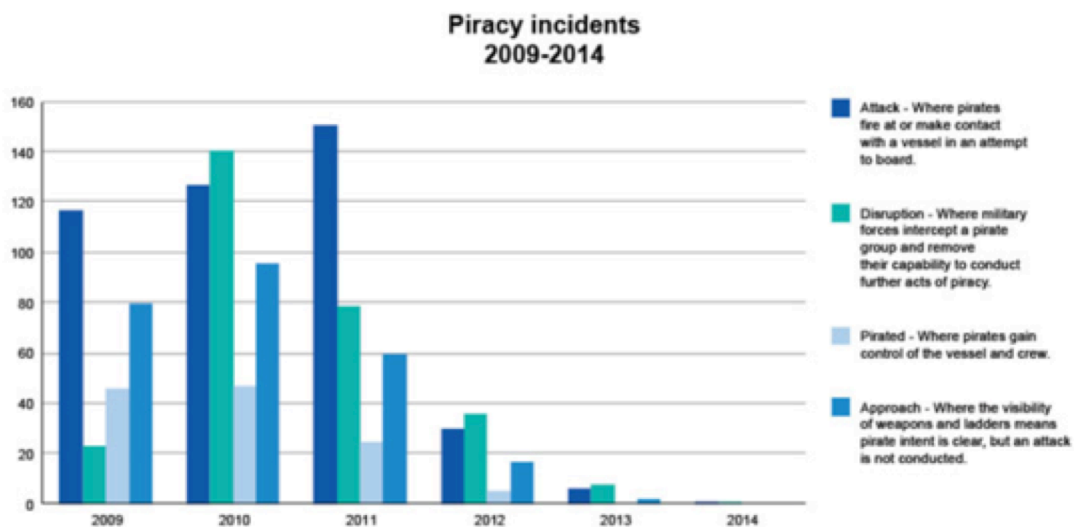
(Stoltenberg, 2015)

According to Donna Hopkins, the US counter-piracy coordinator, there are four reasons that could explain the decline in Somali piracy. The first reason is the willingness of private shipping companies and commercial maritime companies to adopt BMP's and to arm those vessels with VPD's in order to prevent the boarding of Somali pirates in the first place.

Secondly, the close and intertwined cooperation between so many nations and their naval operations have caused a great disruption and repression of piracy acts in the Horn of Africa

(Bueger, 2015, "Understanding the decline of Somalia piracy" section, para. 3). When looking at figure five, it becomes clear that piracy off the cost of Somalia has almost disappeared from the region.

The third reason why piracy has been in a decline is the willingness of countries to contribute to the prosecution of pirates in their national courts. As was stated in chapter 2.3.2 that supported the fact that some European Member States are not willing to prosecute Somali pirates, the greater part of countries that are supporting the counter-piracy operations, are willing to support prosecutions.

The fourth reason is that the local narrative, which was once so supportive towards Somali piracy, seems to have reached its end. Locals believed pirates were protecting the local fishing waters in order to protect them against international shipping countries to illegally fish in local waters. However, when ships are attacked thousands of miles from the Somali coast, and when innocent pleasure sailors are being attacked near the Seychelles, the justification wears thin in this local narrative (UNODC, 2013, "Piracy off the coast of Somalia" section, para. 5).

Additional reasons include the reluctance of investors to further invest in piracy operations due to the success rate of piracy operations going down in a rapid pace. In addition, the abstinence of shipping companies to pay the ransom has also increased the reluctance of investors or suppliers to rely on an investment, which would probably not be earned back (World Bank, 2013). Also, the ransom negotiation periods have become extended, which required those investors to support pirates and the hostages for many months before seeing any money in return. An example of this was the hijacking of the *MV Iceberg* on 29 March 2010. The Puntland authorities liberated this vessel on 23 December 2012, which accounts for more than two years of investment. In general, hostages were held for 38 days in 2005, but by 2010, this period was extended to 152 days. Despite the fact that the growth of ransom payments increased over the years, the average ransom payments declined by 20% in 2012 (UNODC, 2013, "Piracy off the coast of Somalia" section, para. 7).

3.4 A changing modus operandi

The primary intention of the original business model of Somali pirates focused gaining high incomes through hijackings and ransom payments. However, this way of operating has proved to be rather impossible since the intervention of the international community. As the main intention of the Somali pirates was to guard their territorial fishing waters, that later extended into the chase of commercial vessels for their crew to gain a high ransom, it now seems that the illegal fishing has returned to the region.

Since Somali piracy acts have reduced to a minimum number by the intervention of the international community, several sources reported that illegal fishing within the Somali territorial waters has returned. A report on presumed Illegal, Unreported, and Unregulated (IUU) fishing activities in the Exclusive Economic Zone (EEZ) of Somalia, that was issued by several government authorities of Somalia[11], has discovered that several fishing vessels are again entering and operating in the Somali EEZ without any official licence and/or documentation. Despite the fact that relevant international laws and the new Federal Somali Fisheries Law was adopted in December 2014 to prohibit illegal fishing activities in the EEZ, the capacity to monitor the illegal fishing still remains very limited (Federal Ministry of Fisheries and Marine Resources, 2015). As was described in Article 15 of this law:

Article 15 Fishing and Entre in Somali waters

1. No foreign fishing vessel shall fish, attempt to fish or participate in fishing operations in Somali waters without a valid license issued under this Law.

2. Any fishing vessel that enters Somali waters without having a valid license shall be presented to the Courts and subjected to Somalia fisheries law.

3. Any fishing vessel that enters Somali waters and found in breach of Article 11 of this Law shall be considered offenders and will be prosecuted under this law

4. All foreign fishing vessels seeking fishing rights in Somali waters will require entry permits from the Ministry of Natural Resources (Federal Ministry of Fisheries and Marine Resources, 2015).

A diversification of piracy interests

Furthermore, according to the United Nations, there is a diversification of pirate interests taking place within the Somali business model. On the first hand it seems that piracy has disappeared from the region, however, the organised criminal networks and individuals that were successful in the business of piracy, seemed to have diversified their interests (United Nations, 2013, "Diversification of pirate interests" section, para. 1). These interests lie closely with the previously stated issue on illegal fishing and its return to the Somali region.

However, this time, pirates are starting to operate as private security operations to provide protection aboard trade and/or fishing vessels. Although the official Mogadishu Port Authority is,

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11 The Federal Ministry of Fisheries and Marine Resources of the Federal Government of Somalia, Ministry of Fisheries and Marine Resources of the State of Puntland, Ministry of Ministry Of Fishery Resource and Ports of the State of Galdumug, the Ministry of Agriculture, Livestock and Fishery of the State of Jubbaland.

together with the police, in control of this business where guards are provided with weapons and licences, those official shipping companies cost US$500 per armed guard per month and are provided with a one-year licence. These licences and guards cost a considerable amount of money for shipping companies and this is why the enterprise is prone to illegal contributions. In Puntland, the enterprise is controlled by private businessmen who operate on an illegal basis together with illegal maritime activities such as smuggling, illegal fishing and piracy (United Nations, 2013, "Diversification of pirate interests" section, para. 2).

The Somali pirates and their leaders are in charge of all these unlicensed fishing operations. It has been stated by Puntland officials that thousands of tonnes of illegal catch have been fished from Puntland's coastline between 2012 and 2013 by hundreds of illegal fishing vessels (United Nations, 2013, "Annex 3.1, illegal fishing, private security operations and weapons smuggling" section, para. 2). These vessels are mostly Iranian and Yemeni and all use Somali armed security personnel to protect their operation. The local fishermen, originating from the communities in Puntland, have confirmed that mainly former Somali pirates are operating as these security details. Their pirate leaders have connections to businessmen operating in Puntland, Somaliland, the United Arab Emirates, Oman, Yemen and Iran (United Nations, 2013, "Annex 3.1, illegal fishing, private security operations and weapons smuggling" section, para. 2). These teams assist the vessel to cast nets that are several kilometres long and often open fire on unprotected fishermen in order to eliminate competition. As these catches often include tuna, anchovies, sharks, rays, lobsters, shrimps, and sometimes coral reefs too, the business is also really lucrative and thus very attractive to former Somali pirates (Abdirahman, 2015). In addition to these vessels only being used for illegal fishing, there is also reason to believe that these illegal fishing organisations are engaging with Al-Shabaab, who is mainly involved in the illegal arms trade. (United Nations, 2013, "Annex 3.1, illegal fishing, private security operations and weapons smuggling" section, para. 3).

3.5 Chapter conclusion

Piracy has evolved into a well organised operation with resourceful pirates who are conducting their operations in an effective way. In the first instance, Somali piracy acts were ill-equipped and badly organised as they were mainly conducted on an ad-hoc basis defending their coastal waters from illegal fishing and dumping of toxic waste. However, with increasing involvement of the international community in the period of 2008 until 2012, pirates rapidly transformed their operations into a sophisticated model mainly focusing on hijackings and gaining ransom money.

With the further extensive involvement of the several naval operations in the Horn of Africa after 2012, Somali piracy significantly decreased. This, together with the willingness of the shipping industry to deploy VPD's and to adopt the BMP's has further helped the commercial shipping industry to be better protected against Somali pirates. Furthermore, the willingness of countries and states to further prosecute Somali pirates in their own national courts, and the steady decrease in support from the local Somali people, has caused Somali piracy to be almost eradicated from the Horn of Africa.

When looking at the business model of Somali pirates, it can be stated that is has evolved from a business model solely focusing on hijacking commercial vessels in order to receive ransoms for its crew and cargo, into a model where pirates are using their experiences and know-how to engage themselves into illegal fishing, protecting international illegal vessels, who are conducting illegal fishing operations within Somali waters. By joining a private security detail, these pirates use their weapons, often provided by Al-Shabaab to guard these operations and to gain a good share of money from the catches of illegal fishing operations. However, the primary objective still remains money.

In response to the changing business model of Somali piracy, chapter four will analyse the success of Operation Atalanta and whether it has been effective in adapting its mandate to the practice of illegal fishing in the coastal waters of Somalia.

Chapter 4. Operation EUNAVFOR: a continuous success?

This chapter will analyse the success of Operation EUNAVFOR Atlanta and to what extent it has been successful in adapting to the changing business model of Somali pirates. By answering the final sub question, *'did EUNAVFOR adapt to the changes within the modus operandi of Somali pirates, and is this effective?'* it will become clear whether Operation Atalanta needs to have a more active stance towards the changing business model of Somali piracy. Eventually, by analysing the success and threats towards the operation this chapter will discover whether there is a change needed in their mandate.

4.1 Success of Operation Atalanta

The data that has been collected, since the start of naval operations in the Horn of Africa, illustrate that Operation Atalanta has been successful in cooperating with Operation Ocean Shield and CTF-151. When looking at figure six, in 2008, piracy operations were mainly situated in the Gulf of Aden, and after the intervention of the previously stated operations, the piracy operations extended further into the Red Sea, and eventually, these attacks decreased

Figure 6. Location of pirate attacks attributed to Somali pirates and anchorage points in 2008, 2010 and 2012
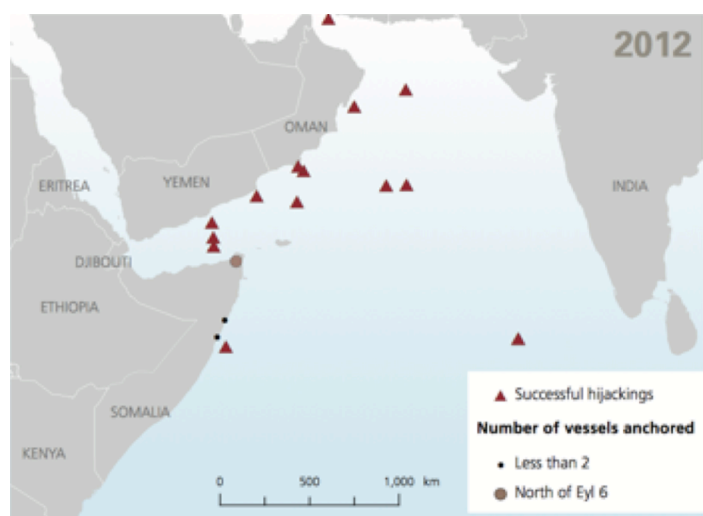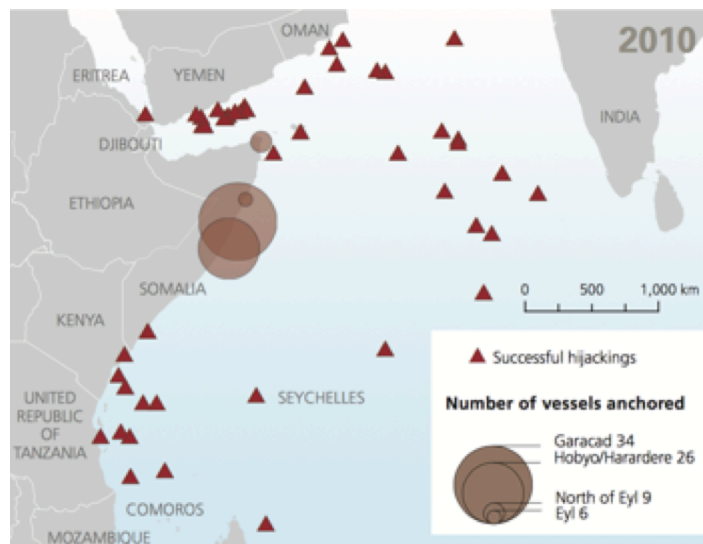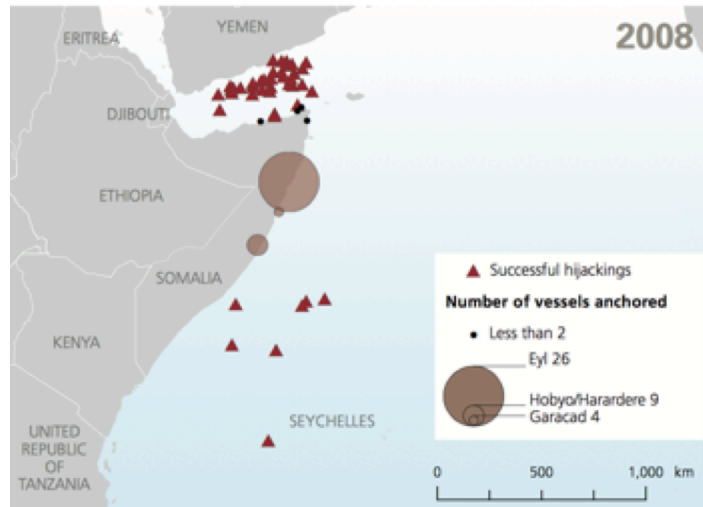
(UNODC, 2013)

steadily as these naval operations started to operate in a wider Area of Operations.

At its highest point in 2011, Somali pirates held 736 persons hostage and 32 ships captive. Currently, at the moment of writing, there are still 26 hostages being held in captivity by Somali pirates (European Union Naval Force, 2015, "Key Facts and Figures" section, para. 3). This clearly illustrates that some pirates are still being active and this pose a threat to foreign shipping.

Overall, EUNAVFOR has had a '100% success rate' (European Union Naval Force, 2015, "Achievements" section, para. 4) in supporting the shipping of the WFP and AMISOM in providing aid and delivering food to the displaced Somalis. Furthermore, Operation Atalanta has protected 311 vessels of the WFP and 126 vessels for AMISOM. The protection of 311 vessels of the WFP is equal to almost a million metric tons of food the organisation has been able to provide to displaced Somalis via several important ports of Somalia (European Union Naval Force, 2015, "Key Facts and Figures" section, para. 3).

Moreover, by deploying VPD cells, Atalanta has protected both vulnerable and commercial shipping that were passing through the IRTC and the HRA. Also, Operation Atalanta has been successful in transferring convicted and suspected Somali pirates to adequate local authorities that are able to execute a formal prosecution, as this is not the case in Somalia (European Union Naval Force, 2015, "Achievements" section, para. 4).

4.2 Monitoring fishing activities

As was mentioned before in chapter 3.4 that discussed the changing business model of Somali piracy, the changing modus operandi of Somali pirates has resulted in the resurgence of illegal fishing and the assisting of illegal fisheries through private security details. The mandate of Operation EUNAVOR clearly states that it is monitoring fishing activities off the Somali coast. However, some authorities question whether Operation Atalanta is executing this mandate with full dedication.

An example of this is The Federal Ministry of Fishery and Marine Resources of Somalia who clearly state in their report that until now, the ministry has received no official information or statistics on the illegal fishing activities in the EEZ from Operation Atalanta (Federal Ministry of Fisheries and Marine Resources, 2015).

Furthermore, according to many Somali people and even some government officials, Operation Atalanta is not properly monitoring illegal fishing activities. Some Somali locals are frustrated with the fact that despite the drop in Somali piracy, the naval operations have not detained illegal

fishing vessels. Abdiwahid Mohamed Hersi, chief executive of Global Sea Food International, a Somali company exporting fish to Oman, said, 'If they have a mandate to protect the (shipping) lanes from the pirates, they have to protect the resources of these poor people against illegal fishing' (Jorgic, 2015).

According to an authority within the Royal Dutch Navy that was interviewed on June 5, 2015, it is stated that there is not much effort dedicated to the clear and actual control of illegal fishing activities in the area. Rather, Operation Atalanta and the Royal Dutch Navy are paying more attention to obtaining relevant information on the structure, regularity and the way of operation of these illegal fisheries and how the Somali locals are responding to the matter (Marine 1, personal communication, June 5, 2015).

Furthermore, another authority within the Royal Dutch Navy that was interviewed on June 3, 2015, suggested that the neighbouring countries, which also suffer from illegal fishing, have to protect their own territorial waters against illegal fishing. The international community is only allowed to intervene when really worse conditions are occurring within a country. In the case of Somalia, as previously described in chapter one that looked at the root causes of Somali piracy, the country is in desperate need of help from Operation Atalanta, because it has no official coast guard apparatus. In response to this problem, the Royal Dutch Navy has, in cooperation with Operation Atalanta, been providing several training missions to train the local coast guards of Berberra and Bossasso (Marine 2, personal communication, June 3, 2015).

In addition, the monitoring of illegal fishing activities requires a broad area of capabilities that Operation Atalanta will need to provide. This includes air surveillance, naval vessels, and patrol boats with boarding teams that have to investigate whether fishing vessels are licenced and authorised to fish in the local waters (Ehrhart & Petretto, 2012). Despite the fact that Atalanta has sufficient capabilities in order to monitor the illegal fishing, the execution of that part of the mandate still remains weak.

4.3 Maintaining focus

In order for piracy to be completely eradicated in the area, the international focus on the region must be maintained. Maciej Popowski, Deputy-Secretary General of the European External Action Service, states that although piracy has almost been removed from the region, he also states that the piracy business model has been fractured. This means that the modus operandi of Somali pirates has been affected by all the counter measures, but that these pirates are still present in the

area, because statistics found on the website of Operation Atalanta suggest that currently 26 hostages are still being held by pirates. If all the counter-piracy operations will be removed from the region, there is a big chance that piracy may return to the region (Popowski, 2014). Popowski encourages all the naval operations to remain present in the area to maintain the containment of Somali piracy.

Furthermore, Brandon Prins and Ursula Daxecker stated that as Somali piracy has known a steady decline, there seems to be a rapid increase of piracy in West Africa and Indonesia. This does not imply that Somali piracy has extended to these regions, but these researchers are referring to the fact that the conditions driving piracy in general have not yet been eliminated. As West Africa and Indonesia too have governments that are struggling to control their geographical space, it seems that the lucrative business of piracy is luring locals into the business (Prins & Daxecker, 2015).

Also, during a lecture given on 12 April 2015 by Federica Mogherini, she stated in her speech at the Leiden University that 'if we want lasting solutions, we need to stay engaged even after the eyes of international media turn away from any given crisis spot' (Mogherini, 2015).

4.4 Chapter conclusion

As Operation Atalanta already has an extensive mandate that has proven to be successful, there still remains the question whether the last part of the mandate, the monitoring of illegal fishing activities, is executed properly. On 8 December 2009, Council Joint Action 907 added this part to the original mandate in response to the local narrative that Somali piracy was mainly caused by the foreign illegal fishing in the local territorial waters of Somalia.

Several actors mentioned that despite the fact that these operations have been successful in reducing the acts of piracy, they have not been successful in handling the problem of illegal fishing. Furthermore, government authorities of the Royal Dutch Navy mention that operation Atalanta is busier with the gathering of information on these illegal fisheries, rather than on the protection of the local Somalis who are legally fishing in their local territory.

In order for piracy not to return to the area, several sources suggest that the naval operations have to remain present in that area. Official statements from both Popowski and Mogherini suggest that the engagement of these operations is vital.

Conclusions & Recommendations

Somali piracy continues to pose a major threat to both the international community and the local communities within Somalia. In addition, this country is classified as a failed state, which means that the actors that classify state failure are greatly present within Somalia. Under various actors, piracy has been able to grow within the country. Firstly, despite the fact that there is a stable government within Somalia, the political divisions within the country remain widespread, as Puntland and Somaliland remain semi-autonomous states that are not recognised by any international state. Furthermore, Somalia shows slow signs of improving the combat against the threat of piracy or any kind of criminal activity in the country, because there is almost no law enforcement within the country. Also, the presence of illicit economic activities has led to the development of criminal activities and armed conflict, which in turn caused massive unemployment in the country.

Besides all the characteristics of state failure, the geographical position of Somalia is also an important aspect contributing to piracy growth, because sea and important trading routes mainly surround the country. The Gulf of Aden is an important sea lane where 95% of European trade and 20% of the world trade are transiting this area every year, and, thus, this region is prone to piracy actions. Additionally, the cultural acceptability and skills have legitimised piracy under the Somali locals, due to the fact that illegal fishing and illegal dumping of toxic waste have damaged the Somali waters. By taking matters into their own hands, the local fishermen started to defend the coastline of Somalia. Under all these circumstances and the support of locals: Somali piracy was born.

In response to the widespread pirate attacks that had been reported in the Horn of Africa since 2008, the United Nations started to draft legislation and created various resolutions in order to request the international community to support Somalia in restoring the country and help it to combat piracy that is hardening economic and political development. Furthermore, a call for help from both the shipping industry and the World Food Programme also intensified the need for a response from the international community. In this respect, several piracy operations were created and among these operations, several independent nations also supported the deterrence, prevention and repression of piracy acts off the Somali coastline. In 2008, Operation EUNAVFOR Atalanta was created under Council Joint Action 851. Under its mandate that was formed according to the relevant UNSCR, Atalanta is authorised to assist the Federal Government of Somalia in monitoring and protecting the shipping of the WFP and AMISOM that is passing through the HRA. Furthermore, Operation Atalanta cooperates closely with the other naval operations, such as Operation "Ocean Shield" of NATO and "Combined Task Force 151" of the United States in

deterring, preventing and repressing the acts of Somali piracy. Additionally, Operation Atalanta is authorised to transfer convicted Somali pirates to competent states that are willing to prosecute Somali pirates. Finally, in an amendment to Council Joint Action 851, Joint Action 907 extended the original mandate with the monitoring of fishing activities off the Somali coast. In coordinating all these operations, several onland and offland international mechanisms have been created. These include the following: MSCHOA, SHADE, CGPCS, Djibouti Code of Conduct, and the UNODC Maritime Crime Programme. All these operations have been created in order to combat against the threat of Somali piracy.

Due to the increased involvement of international organisations, pirates rapidly modified their business model into an extremely lucrative business that created even more support from the Somali people, as it was improving the regional economy of Somalia. By hijacking the entire crews and ships transiting the Gulf of Aden and the surrounding waters, the pirates were able to ask for an incredible high ransom payment.

With further involvement of various naval operations after 2012, Somali piracy significantly decreased. In cooperation with the other naval operations from NATO and the United States, Operation Atalanta has been successful in reducing the acts of Somali piracy. Since the interference of those operations, Somali piracy seems to have reached its end, and no attacks have been officially reported since 2013. Furthermore, the willingness of the shipping industry to adopt the Best Management Practices and deploy Vessel Protection Detachment cells also contributed to the decrease of Somali piracy. The mandate of Operation Atalanta seems effective, as more countries and states are willing to prosecute pirates in their own national courts.

Due to the increased patrol in the HRA, pirates have changed their business model into a model where pirates are using their history of piracy experiences and know-how to engage in illegal fishing protection details. These private security details protect the international vessels that are illegally conducting fishing operations in Somali waters. By joining these operations, the former pirates use their knowledge to protect these vessels and to gain a relatively high share of money from the catches of those illegal fishing operations. These private security operations pose a threat to the Somali waters, and local Somali authorities have requested the international community to remain vigilant in the threat of illegal fishing of the coast of Somalia. Also, several government authorities of the European Union and the Royal Dutch Navy have stated that in order for piracy not to return to the area, close attention must be paid to Somali piracy in the area. Despite the fact that Operation Atalanta has been successful in reducing the acts of piracy, it has not been successful in handing the problems of illegal fishing.

Finally, it can be stated that there is no direct need for alteration of Operation Atalanta, however, it is highly recommended to maintain vigilant in guarding the coastal and regional waters of Somalia. What is also important is the stronger execution of the last part of the mandate, 'the monitoring of fishing activities'. As Somali officials and locals have stated that illegal fishing has again rose persistently in the area, it is important for the Operation Atalanta to become more active in that part of the mandate. With only a slow improvement within the country itself, Somali piracy will remain a threat to both the international community and the local territory. Several government figures state that if focus on Somali piracy is lost, it is highly likely to return to the region.

Therefore, it is recommended that Operation EUNAVFOR Atalanta should:

- o dedicate more capabilities to the monitoring of fishing activities;
- o take a more active stance towards the limitation of illegal fishing in the Exclusive Economic Zone of Somalia
- o cooperate with Somali authorities in controlling and monitoring foreign fishing vessels operating in the Exclusive Economic Zone in order to transmit sightings and control information of fisheries activities in the area;
- o maintain its focus in repressing, preventing and deterring the acts of Somali piracy as the threat still remains present in the area

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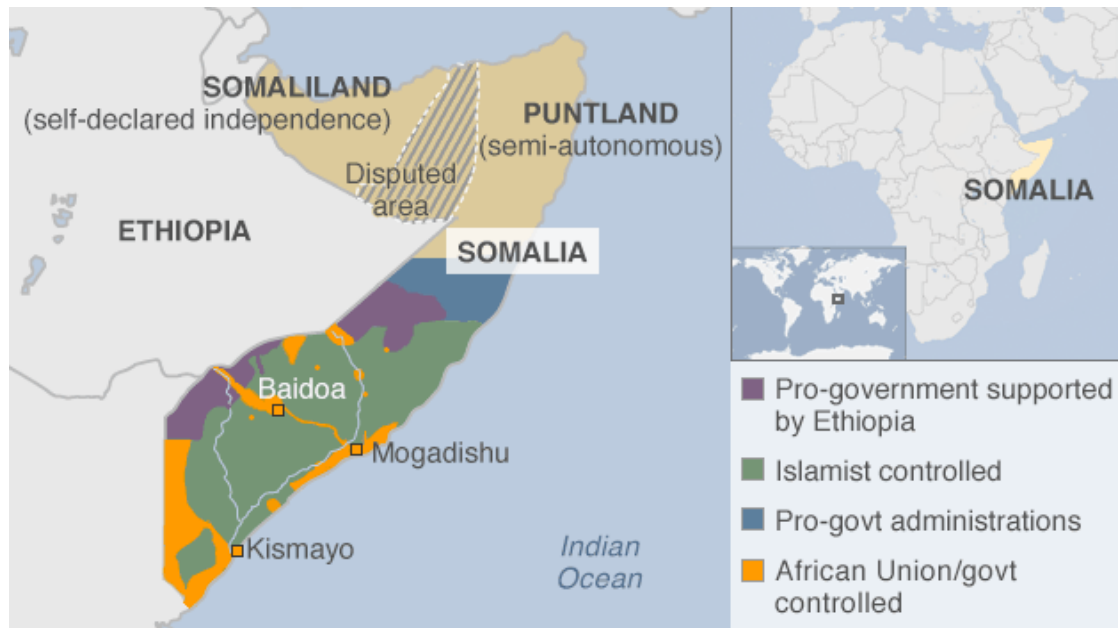Stoltenberg, J. (2015). *The Secretary General's Annual Report 2014*. NATO, Brussels.

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Appendices

Appendix 1 Map of Somalia (Political Division within Somalia)

(BBC News, 2015)

Appendix 2 Map of Somalia (Coastal towns used for piracy operations)

(World Bank, 2013)

Appendix 3 United Nations Security Council Resolution 1846

United Nations   S/RES/1846 (2008)

Security Council

2 December 2008

Resolution 1846 (2008)

Adopted by the Security Council at its 6026th meeting, on 2 December 2008

The Security Council,

    Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008) and 1838 (2008),

    Continuing to be gravely concerned by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law,

    Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

    Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

    Taking into account the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government ("TFG") to interdict pirates or patrol and secure either the international sea lanes off the coast of Somalia or Somalia's territorial waters,

    Taking note of the requests from the TFG for international assistance to counter piracy off its coasts, including the 1 September 2008 letter from the President of Somalia to the Secretary-General of the United Nations expressing the appreciation of the TFG to the Security Council for its assistance and expressing the TFG's willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, the 20 November 2008 letter conveying the request of the TFG that the provisions of resolution 1816 (2008) be renewed, and the 20 November request of the Permanent Representative of Somalia before the Security Council that the renewal be for an additional 12 months,

    Further taking note of the letters from the TFG to the Secretary-General providing advance notification with respect to States cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia and from other Member States to the Security Council to inform the Council of their actions, as requested in paragraphs 7 and 12 of resolution 1816 (2008), and encouraging those cooperating States, for which advance notification has been provided by the TFG to the Secretary-General, to continue their respective efforts,

    Expressing again its determination to ensure the long-term security of World Food Programme (WFP) maritime deliveries to Somalia,

    Recalling that in its resolution 1838 (2008) it commended the contribution made by some States since November 2007 to protect (WFP) maritime convoys, and the establishment by the European Union (EU) of a coordination unit with the task of supporting the surveillance and protection activities carried out

by some member States of the European Union off the coast of Somalia, as well as other international and national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

Welcoming the signing of a peace and reconciliation Agreement ("the Djibouti Agreement") between the TFG and the Alliance for the Re-Liberation of Somalia on 19 August 2008, as well as their signing of a joint ceasefire agreement on 26 October 2008, noting that the Djibouti Agreement calls for the United Nations to authorize and deploy an international stabilization force, and further noting the Secretary-General's report on Somalia of 17 November 2008, including his recommendations in this regard,

Commending the key role played by the African Union Mission to Somalia (AMISOM) in facilitating delivery of humanitarian assistance to Somalia through the port of Mogadishu and the contribution that AMISOM has made towards the goal of establishing lasting peace and stability in Somalia, and recognizing specifically the important contributions of the Governments of Uganda and Burundi to Somalia,

Welcoming the organization of a ministerial meeting of the Security Council in December 2008 to examine ways to improve international coordination in the fight against piracy and armed robbery off the coast of Somalia and to ensure that the international community has the proper authorities and tools at its disposal to assist it in these efforts,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;

2. *Expresses* its concern over the finding contained in the 20 November 2008 report of the Monitoring Group on Somalia that escalating ransom payments are fuelling the growth of piracy off the coast of Somalia;

3. *Welcomes* the efforts of the International Maritime Organization ("IMO") to update its guidance and recommendations to the shipping industry and to Governments for preventing and suppressing piracy and armed robbery at sea and to provide this guidance as soon as practicable to all Member States and to the international shipping community operating off the coast of Somalia;

4. *Calls upon* States, in cooperation with the shipping industry, the insurance industry and the IMO, to issue to ships entitled to fly their flag appropriate advice and guidance on avoidance, evasion, and defensive techniques and measures to take if under the threat of attack or attack when sailing in the waters off the coast of Somalia;

5. *Further calls upon* States and interested organizations, including the IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines;

6. *Welcomes* initiatives by Canada, Denmark, France, India, the Netherlands, the Russian Federation, Spain, the United Kingdom, the United States of America, and by regional and international organizations to counter piracy off the coast of Somalia pursuant to resolutions 1814 (2008), 1816 (2008) and 1838 (2008), the decision by the North Atlantic Treaty Organization (NATO) to counter piracy off the Somalia coast, including by escorting vessels of the WFP, and in particular the decision by the EU on 10 November 2008 to launch, for a period of 12 months from December 2008, a naval operation to protect WFP

maritime convoys bringing humanitarian assistance to Somalia and other vulnerable ships, and to repress acts of piracy and armed robbery at sea off the coast of Somalia;

7. *Calls upon* States and regional organizations to coordinate, including by sharing information through bilateral channels or the United Nations, their efforts to deter acts of piracy and armed robbery at sea off the coast of Somalia in cooperation with each other, the IMO, the international shipping community, flag States, and the TFG;

8. *Requests* the Secretary-General to present to it a report, no later than three months after the adoption of this resolution, on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia;

9. *Calls upon* States and regional organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and relevant international law, by deploying naval vessels and military aircraft, and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery off the coast of Somalia, or for which there is reasonable ground for suspecting such use;

10. *Decides* that for a period of 12 months from the date of this resolution States and regional organizations cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:

(a) Enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

(b) Use, within the territorial waters of Somalia, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery at sea;

11. *Affirms* that the authorizations provided in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and affirms further that such authorizations have been provided only following the receipt of the 20 November letter conveying the consent of the TFG;

12. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 above which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

13. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorization in paragraph 10 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

14. *Calls upon* all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such victims and witnesses and persons detained as a result of operations conducted under this resolution;

15. *Notes* that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation; urges States parties to the SUA Convention to fully implement their obligations under said Convention and cooperate with the Secretary-General and the IMO to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

16. *Requests* States and regional organizations cooperating with the TFG to inform the Security Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authority provided in paragraph 10 above;

17. *Requests* the Secretary-General to report to the Security Council within 11 months of adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia;

18. *Requests* the Secretary-General of the IMO to brief the Council on the basis of cases brought to his attention by the agreement of all affected coastal States, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

19. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authority provided in paragraph 10 above for additional periods upon the request of the TFG;

20. *Decides* to remain seized of the matter.

(United Nations Security Council, 2008)

Appendix 4 United Nations Security Council Resolution 1851

United Nations   S/RES/1851 (2008)

Security Council   16 December 2008

Resolution 1851 (2008)

Adopted by the Security Council at its 6046th meeting, on 16 December 2008

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), and 1846 (2008),

Continuing to be gravely concerned by the dramatic increase in the incidents of piracy and armed robbery at sea off the coast of Somalia in the last six months, and by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, and noting that pirate attacks off the coast of Somalia have become more sophisticated and daring and have expanded in their geographic scope, notably evidenced by the hijacking of the M/V Sirius Star 500 nautical miles off the coast of Kenya and subsequent unsuccessful attempts well east of Tanzania,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Again taking into account the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government (TFG) to interdict, or upon interdiction to prosecute pirates or to patrol and secure the waters off the coast of Somalia, including the international sea lanes and Somalia's territorial waters,

Noting the several requests from the TFG for international assistance to counter piracy off its coast, including the letter of 9 December 2008 from the President of Somalia requesting the international community to assist the TFG in taking all necessary measures to interdict those who use Somali territory and airspace to plan, facilitate or undertake acts of piracy and armed robbery at sea, and the 1 September 2008 letter from the President of Somalia to the Secretary-General of the UN expressing the appreciation of the TFG to the Security Council for its assistance and expressing the TFG's willingness to consider working with other States and regional organizations to combat piracy and armed robbery off the coast of Somalia,

Welcoming the launching of the EU operation Atalanta to combat piracy off the coast of Somalia and to protect vulnerable ships bound for Somalia, as well as the efforts by the North Atlantic Treaty Organization, and other States acting in a national capacity in cooperation with the TFG to suppress piracy off the coast of Somalia,

Also welcoming the recent initiatives of the Governments of Egypt, Kenya, and the Secretary-General's Special Representative for Somalia, and the United Nations Office on Drugs and Crime (UNODC) to achieve effective measures to remedy the causes, capabilities, and incidents of piracy and armed robbery off the coast of Somalia, and emphasizing the need for current and future counter-piracy operations to effectively coordinate their activities,

Noting with concern that the lack of capacity, domestic legislation, and clarity about how to dispose of pirates after their capture, has hindered more robust international action against the pirates off the coast of Somalia and in some cases led to pirates being released without facing justice, and reiterating that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation,

Welcoming the report of the Monitoring Group on Somalia of 20 November 2008 (S/2008/769), and noting the role piracy may play in financing embargo violations by armed groups,

Determining that the incidents of piracy and armed robbery at sea in the waters off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in waters off the coast of Somalia;

2. *Calls* upon States, regional and international organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution, resolution 1846 (2008), and international law, by deploying naval vessels and military aircraft and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

3. *Invites* all States and regional organizations fighting piracy off the coast of Somalia to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials ("shipriders") from the latter countries, in particular countries in the region, to facilitate the investigation and prosecution of persons detained as a result of operations conducted under this resolution for acts of piracy and armed robbery at sea off the coast of Somalia, provided that the advance consent of the TFG is obtained for the exercise of third state jurisdiction by shipriders in Somali territorial waters and that such agreements or arrangements do not prejudice the effective implementation of the SUA Convention;

4. *Encourages* all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast; and recalls that future recommendations on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia are to be detailed in a report by the Secretary-General no later than three months after the adoption of resolution 1846;

5. *Further* encourages all states and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to consider creating a centre in the region to coordinate information relevant to piracy and armed robbery at sea off the coast of Somalia, to increase regional capacity with assistance of UNODC to arrange effective shiprider agreements or arrangements consistent with UNCLOS and to implement the SUA Convention, the United Nations Convention against Transnational Organized Crime and other relevant instruments to which States in the region are party, in order to effectively investigate and prosecute piracy and armed robbery at sea offences;

6. In response to the letter from the TFG of 9 December 2008, encourages Member States to continue to cooperate with the TFG in the fight against piracy and armed robbery at sea, notes the primary role of the TFG in rooting out piracy and armed robbery at sea, and decides that for a period of twelve months from the date of adoption of resolution 1846, States and regional organizations cooperating in the

fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the TFG to the Secretary-General may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the TFG, provided, however, that any measures undertaken pursuant to the authority of this paragraph shall be undertaken consistent with applicable international humanitarian and human rights law;

7. *Calls on* Member States to assist the TFG, at its request and with notification to the Secretary-General, to strengthen its operational capacity to bring to justice those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea, and stresses that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law;

8. *Welcomes* the communiqué issued by the International Conference on Piracy around Somalia held in Nairobi, Kenya, on 11 December 2008 and encourages Member States to work to enhance the capacity of relevant states in the region to combat piracy, including judicial capacity;

9. *Notes* with concern the findings contained in the 20 November 2008 report of the Monitoring Group on Somalia that escalating ransom payments are fuelling the growth of piracy in waters off the coast of Somalia, and that the lack of enforcement of the arms embargo established by resolution 733 (1992) has permitted ready access to the arms and ammunition used by the pirates and driven in part the phenomenal growth in piracy;

10. *Affirms* that the authorization provided in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under UNCLOS, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law, and affirms further that such authorizations have been provided only following the receipt of the 9 December 2008 letter conveying the consent of the TFG;

11. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 or resolution 1425 (2002) shall not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 6 above;

12. *Urges* States in collaboration with the shipping and insurance industries, and the IMO to continue to develop avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in waters off the coast of Somalia, and *further urges* States to make their citizens and vessels available for forensic investigation as appropriate at the first port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

13. *Decides* to remain seized of the matter.

(United Nations Security Council, 2008)

Appendix 5 Piracy Off the Coast of Somalia
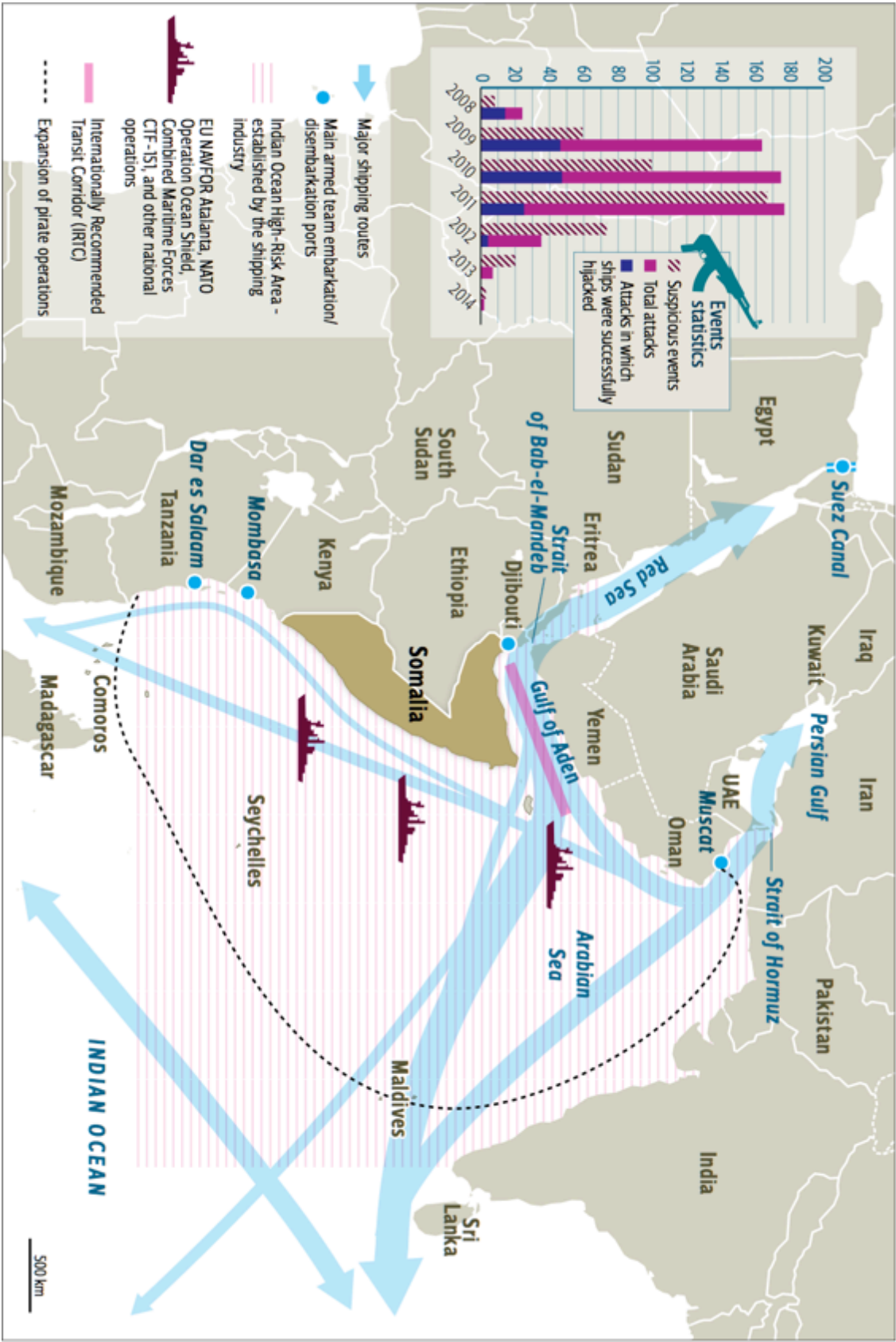
(Tardy, 2014)

Appendix 6 Mother-ship image

(Marine Museum, 2015)

Appendix 7 Student Ethics Form

Student Ethics Form

European Studies
Student Ethics Form

Your name: Debby van Prooijen

Supervisor: N.R.J.B. Blarel

Instructions/checklist
Before completing this form you should read the APA Ethics Code
(http://www.apa.org/ethics/code/index.aspx). If you are planning research with human subjects you should also look at the sample consent form available in the Final Project and Dissertation Guide.

a. [　] Read section 3 that your supervisor will have to sign. Make sure that you cover all these issues in section 1.
b. [　] Complete sections 1 and, if you are using human subjects, section 2, of this form, and sign it.
c. [　] Ask your project supervisor to read these sections (and the draft consent form if you have one) and sign the form.
d. [ ] Append this signed form as an appendix to your dissertation.

Section 1. Project Outline (to be completed by student)

(i) Title of Project: Piracy in Somalia: A Changing European Approach?

(ii) Aims of project: This research will provide an understanding of Operation EUNAVFOR Atalanta and to what extent the evolution of Somali piracy is calling for a change in its mandate. In more detail, piracy and its root causes, causing the international intervention of the European Union, NATO and the United States, will be discussed. Furthermore, the evolution of the business model of Somali piracy will be analysed, and attention will be given to what extent the current mandate of Operation Atalanta needs to be altered in order to respond to the changing organisation of Somali piracy.

(iii) Will you involve other people in your project – e.g. via formal or informal interviews, group discussions, questionnaires, internet surveys etc. (Note: if you are using data that has already been collected by another researcher – e.g. recordings or transcripts of conversations given to you by your supervisor, you should answer 'NO' to this question.)

　　　YES

If no: you should now sign the statement below and return the form to your supervisor. You have completed this form.

This project is not designed to include research with human subjects. I understand that I do not have ethical clearance to interview people (formally or informally) about the topic of my research, to carry out internet research (e.g. on chat rooms or discussion boards) or in any other way to use people as subjects in my research.

Student's signature _____ - 　date _____

If yes: you should complete the rest of this form.

Section 2 Complete this section only if you answered YES to question (iii) above.

(i) What will the participants have to do? (v. brief outline of procedure):

The participants will take part in an online interview that will be conducted via e-mail.

(ii) What sort of people will the participants be and how will they be recruited?

The participants will be two members of the Royal Dutch Navy, who have assisted during Operation Atalanta. These two members will be recruited by contacting the Royal Dutch Navy, because the information, in order to contact members of the Royal Dutch Navy, is not open for public.

(iii) What sort stimuli or materials will your participants be exposed to, tick the appropriate boxes and then state what they are in the space below?
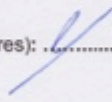
Questionnaires[ ]; Pictures[ ]; Sounds [ ]; Words[x]; Other[ ].

(iv) Consent: Informed consent must be obtained for all participants before they take part in your project. Either verbally or by means of an informed consent form you should state what participants will be doing, drawing attention to anything they could conceivably object to subsequently. You should also state how they can withdraw from the study at any time and the measures you are taking to ensure the confidentiality of data. A standard informed consent form is available in the Dissertation Manual.

(vi) What procedures will you follow in order to guarantee the confidentiality of participants' data? Personal data (name, addresses etc.) should not be stored in such a way that they can be associated with the participant's data.

Primarily, the participants will be asked whether their information and names should remain confidential. If this is the case, the participants will be given a pseudonym or nickname. The emails and proof of contact will be added in the appendices of the research report, but the contact details, such as the name, e-mail addresses and telephone numbers will not be mentioned in the report.

Student's signature: .... date: 03-06-2015

Supervisor's signature (if satisfied with the proposed procedures): .... date: 10-06-2015

Appendix 8 Informed Consent Forms

Informed Consent Form

Project: "How do the changes in modus operandi of Somali Pirates call for a change within the mandate of the European Union Naval Force (EUNAVFOR) ATALANTA?"

Project Description: This research will provide an understanding of Operation EUNAVFOR Atalanta and to what extent the evolution of Somali piracy is calling for a change in its mandate. In more detail, piracy and its root causes, causing the international intervention of the European Union, NATO and the United States, will be discussed. Furthermore, the evolution of the business model of Somali piracy will be analysed, and attention will be given to what extent the current mandate of Operation Atalanta needs to be altered in order to respond to the changing organisation of Somali piracy.

If you agree to take part in this study please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.
I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it. I consent to take part in the research on the basis of the guarantees outlined above.

Signed: _Luitenant der Mariniers_   Date: _15/06/15_

Informed Consent Form

Project: "How do the changes in modus operandi of Somali Pirates call for a change within the mandate of the European Union Naval Force (EUNAVFOR) ATALANTA?"

Project Description: This research will provide an understanding of Operation EUNAVFOR Atalanta and to what extent the evolution of Somali piracy is calling for a change in its mandate. In more detail, piracy and its root causes, causing the international intervention of the European Union, NATO and the United States, will be discussed. Furthermore, the evolution of the business model of Somali piracy will be analysed, and attention will be given to what extent the current mandate of Operation Atalanta needs to be altered in order to respond to the changing organisation of Somali piracy.

If you agree to take part in this study please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.
I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it. I consent to take part in the research on the basis of the guarantees outlined above.

Signed: **Date:** 09-06-2015

Appendix 9 Interviews

Interview: Marine 1

Stafofficier van een Vessel Protection Detachment cel van de Nederlandse Marine

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1. Hoe opereren VPD-cellen op het moment dat een aanval zich voordoet?

- o Een VPD-team bestaat uit 11 Mariniers. Deze teams worden vanaf een van onze vier locaties (Egypte, Singapore, Dubai en La Reunion) aan boord gezet met een pakket, bestaande uit o.a. wapens, munitie, medische artikelen, sportartikelen etc. We hebben het mandaat om in de High Risk Area de schepen te beveiligen tegen elke vorm van piraterij. De afgelopen jaren hebben zich geen aanvallen voorgedaan. Wat wel regelmatig gebeurt zijn de *approaches* door kleine vissersbootjes. De vraag is op dat moment of het vissers zijn die nieuwsgierig zijn of verhaal komen halen omdat er door hun netten wordt gevaren of dat het daadwerkelijk piraten zijn. Dit zijn voor de VPD-teams aan boord de spannende momenten, je weet namelijk niet wat je kan verwachten. Tijdens deze situaties is de civiele bemanning van het koopvaardijschip ondergebracht in een beveiligde ruimte en zijn alle Mariniers stand-by en gewapend. De Luitenant en de kapitein van het schip maken dan in overleg beslissingen die deze situatie vereist.

2. Hoe reageert de Nederlandse Marine, maar ook operatie EUNAVFOR, op de afname van het aantal Somalische piraten in de Hoorn van Afrika?

- o De Nederlandse marine heeft haar aanpak nog niet veranderd. Er gaan met enige regelmaat schepen naar de Oost kust van Afrika, ze leggen dan havenbezoeken af en controleren verdachte vissersschepen en doen landingen op de kust van Somalië om met bijv. de bevolking te praten.

3. Er is genoeg informatie om aan te nemen dat de Somalische piraterij beperkt is tot een minimum, maar ook dat Somalische piraten zich zijn gaan mengen in ander soort activiteiten. In andere woorden, er is een omslag plaats in de handelswijze van Somalische piraten. Nu is mijn vraag of deze verandering van enige invloed is op de mandaat van operatie EUNCVFOR Atalanta?

- o Het probleem is dat je niet kan zeggen wat nu precies het effect is van dit optreden. Momenteel is er inderdaad weinig piraterij, dat komt waarschijnlijk ook doordat we zichtbaar aanwezig zijn aan boord van de koopvaardijschepen. De vraag is nu; wat gebeurt er als we stoppen met VPD's en missies in dit gebied? De Nederlandse rederijen die door de High Risk Area varen <u>moeten</u> gebruik maken van VPD's (verzekeringstechnisch) en mogen <u>nog</u> geen gebruik maken van particuliere beveiligers. We blijven dus nog wel even

betrokken bij de anti-piraterij bestrijding in dit gebied. Er is dus geen invloed op het mandaat.

4. Naast het beveiligen van schepen die binnen de IRTC varen, wordt er vanuit operatie Atalanta (en ook de Nederlandse Marine) veel aandacht besteedt aan het controleren van illegale visserij?

- o De Nederlandse marine heeft alleen een mandaat om de verschillende vormen van piraterij te bestrijden. De landen die aan de zee grenzen zijn elk zelf verantwoordelijk voor het controleren van hun eigen stukje territoriale zee. Omdat er in Somalië geen centrale regering was in de jaren '90, namen de lokale vissers het heft in eigen handen en gingen zelf buitenlandse vissersschepen controleren en "belasting heffen". Hieruit is de piraterij ontstaan omdat dit natuurlijk niet te controleren was en iedereen die een wapen had kon "bescherming" bieden in ruil voor geld.

5. Vanaf wanneer is de Nederlandse Marine (& operatie Atalanta) deze VPD's gaan inzetten?

- o De VPD's worden sinds 2011 ingezet. We zijn begonnen met teams van 30 man en doen het nu met 11 Mariniers. Dus gedurende de afgelopen 4 jaar is er wel het een en ander verandert. Operatie Atalanta loopt al vanaf 2008. Er zijn ook enkele teams met Mariniers ingezet om schepen te beschermen van het World Food Programme.

6. Heeft u een specifiek voorbeeld van een schip waar op u deze ondersteuning heeft verleend? (en mogelijk misschien de datum dat u op dit schip gezeten heeft?) Ik zie namelijk enkele voorbeelden op de website van het ministerie van defensie en dit zou wel erg leuk zijn als ik dit in mijn scriptie erbij kan vermelden!

- o Ik zelf ben mee geweest op een koopvaardijschip van de Nederlandse rederij Dockwise, de MV Vanguard. Dit was afgelopen November/December, de trip ging vanaf Singapore via Sri Lanka en Dubai naar Egypte en weer terug naar Singapore. Een mooie reis maar als er niets gebeurd wordt het wel een saaie bezigheid. Ik denk dat je met de voorbeelden op de Defensie site de Marine schepen bedoelt en niet de civiele koopvaardijschepen?

Interview: Marine 2

Heeft van januari tot en met mei 2015 aan boord gezeten van Zr. Ms. Johan de Witt – L801.

1. In tegenstelling tot andere jaren is Somalische piraterij gedaald tot een minimum. Nu is mijn vraag of er op deze manier ook veel veranderd is (met betrekking tot de handelswijze van de Marine) binnen de periode dat Nederlandse Marineschepen zich bevonden in de Hoorn van Afrika?

       o   Naar mijn mening is het optreden van de marine zelf in grote lijnen weinig verandert. Zij hebben zich een lange tijd gekoppeld aan EU ATALANA en NATO OCEAN SHIELD. Uiteindelijk is OCEAN SHIELD gestopt en is ATALANTA vooralsnog verlengd. Voor de mariniers zijn er in de afgelopen jaren wel een aantal veranderingen doorgevoerd. Naar aanleiding van de bevrijding van de MV Taipan is gekozen om de boarding teams robuuster te maken door er extra mariniers aan te koppelen. Dus in de aanloop naar 2011 (wat een piekjaar was voor piraterij) hebben mariniers een boarding team van 6 man opgeschaald naar 19 man. Dit Enhanced Boading Element (EBE) bestaat uit een Specials Operations Forces team, een Special Operations Capable team, een sniperkoppel en een staf element. Nu het weer rustig is in de wateren rondom Somalië is de insteek om dit Enhanced Boarding Element weer in te krimpen omdat de dreiging minder is en het risico ook minder groot.

2. Hoe ziet een dag als luitenant eruit op de Zr. Ms. Johan de Witt?

       o   In mijn functie bestaat een 'normale' dag waar 'niks' gebeurt uit het opstaan, ontbijten, sporten in de ochtend en vaak in de middag waren er meerdere overleggen. Eentje was een vergadering over de korte termijn planning. Soms waren er extra ingeplande meetings over wat langere termijn of komende grotere operaties. In de avond werd de commandant van het schip gebriefd waar dan alle enablers (verschillende eenheden zoals een bootgroep, EBE of helikoptergroep) bij waren. Hierna briefte ik mijn kader (onderofficieren) over de mededelingen en korte termijn planning.

          Op een dag die was gepland voor approaches ('vriendelijk' bezoek aan schepen) ging ik in de ochtend al vaak naar de commandocentrale om te kijken of ze op de radar al interessante schepen hadden geïdentificeerd. In de commandocentrale kreeg ik ook een eventuele tijdlijn mee als er nog verplaatst moest worden. Na de commandocentrale ging ik naar de brug om alvast een beeld voor mijzelf te

schetsen van de omgeving en kijken of de eerder geïdentificeerde schepen al in zicht waren.

Samen met de Hoofd Operationele Dienst en de Commando Centrale Officieren maakten we een beslissing of het een meerwaarde was om een schip te approachen (qua meerwaarde aan informatie die er uit zou komen). Nadat de beslissing was genomen om het wel te doen werd er een meeting op de brug gehouden met meerdere spelers die betrokken waren bij de approach. Vanaf dat moment was ik de liaison tussen het team van het EBE wat op het water was en de brug. Afhankelijk van de situatie werden er meerdere approaches uitgevoerd of kwam het team weer terug. In de avond uren pakte ik als nog de meetings mee en probeerde ik vaak nog even te sporten.

3. Wat zijn de primaire taken van de Nederlandse Marine met betrekking tot Operatie Atalanta?

o   ATALANTA heeft ook een website waar dit waarschijnlijk in detail staat maar de hoofdtaken zijn in grote lijnen:

1.Het tegen gaan van piraterij in de breedste zin. Dit houdt in, patrouilleren langs de kust en IRTC, piraten afschrikken, informatie inwinnen, kapingen beëindigen, etc.)

2. Ondersteunen van het World Food Programme.

3.Deelnemen aan Maritime Capacity Building van Somalië en zijn omgeving. Dit houdt bijvoorbeeld in: het trainen van de kustwacht van Somalie of de kustwacht/leger van de Seychellen.

4. Heeft Zr. Ms. Johan de Witt nog andere taken volbracht naast het ondersteunen van operatie Atalanta?

o   Nee

Opdrachten zijn uitgevoerd in lijn met de taken.

Wat wel goed om te benoemen is:

- Het afgeven van 2x terreinwagens in Mogadischu ten behoeve van EU CAP NESTOR

- Afgeven van 4x buitenboordmotoren aan kustwacht Bossasso

- Het trainen van kustwacht van Berberra

5. Naast het beveiligen van schepen die binnen de IRTC varen, wordt er vanuit operatie Atalanta (en ook de Nederlandse Marine) veel aandacht besteedt aan het controleren van illegale visserij?

- o Er werd niet veel aandacht besteedt aan de daadwerkelijke controle, wel aan het inwinnen van informatie over de structuur, regelmaat en manier van optreden van de illegale vissers en hoe de Somaliërs daar op reageerden. Dit was iets wat met name vanuit de Intell cell (onderdeel van het schip wat zich bezig houdt met informatie verwerken van het gebied) werd aangestuurd.