

**A CRITICAL ANALYSIS OF BRITAIN'S RESPONSE AND EFFECTIVENESS TO PIRACY
OFF THE SOMALIA COAST**

Malemo Juma Silas

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in International Conflict Management of the Institute of Diplomacy and International
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DECLARATION

I declare that, this project is my own original work and has not been presented for award of any degree in any University.

Signed: _____ **Date** _____

Name: Malemo Juma Silas

Reg No: R50/69268/2011

This research project has been submitted for examination with my approval as the University supervisor.

Signed: _____ **Date** _____

Name: Mr. Maluki Patrick

DEDICATION

This research is dedicated to my late father, Mzee Namulata Moses and my 70 year old mother for valuing education as an instrument of empowerment in life. I also dedicate this research to my family that had to bear with my busy schedule of class, job and family affairs.

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Abbreviation

ASWJ	Ahlu Sunna Waljama'a
BMPs	Best management practices
BBC	British Broadcasting Corporation
BOFS	British Office for Somalia
CNN	Cable News Network
CTF-151	Combined Task Force 151
DFID	Department for International Development
DfT	Department for Transport
EUNAVFOR	EU Operation Atalanta of the European Naval Force Somalia
EU	European Union
FCO	Foreign Common Wealth Office
IDIS	Institute of Diplomacy and International Studies
IMB	International Maritime Bureau
IMO	International Maritime Organization
ICG	International Crisis Group
ICU	Islamic Courts Union
MSC-HOA	Maritime Security Centre-Horn of Africa
MoD	Ministry of Defense
NVCG	National Volunteer Coast Guard
NATO	North Atlantic Treaty Organization
PMPF	Puntland Maritime Police Force
SNM	Somali National Movement

SEMG	Somalia/Eriteria Monitoring Group
TFG	Transition Federal Government
UNODC	UN Office of Drugs and Crime
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNODC	United Nations Office in Drugs and Crime
UNSC	United Nations Security Council
WFP	World Food Program
UNPOS	United Nations Political Office for Somalia
UNSOM	United Nations Somalia Mission

Abstract

The research project was a critical analysis of Britain's response and effectiveness to piracy off the Somalia Coast. The specific objectives of this study were to establish the United Kingdom's (UK's) influence to international counter piracy responses for Somalia; and identify specific UK's responses to piracy in Somalia. Statement of the problem was about the UK's coercive strategy such as pre-emptive naval and airstrikes against suspected piracy target, which only serves to radicalise the piracy group in question and create collateral damage, which alienates the local population, leading to more support to the acts of pirates by the local population and extends the membership of the group through voluntary enrolment. Lethal force as the first option could exacerbate violence and endanger the lives of hostages. Moreso, pirate gangs do not have permanent land bases and could quickly reorganize and deploy from other locations. Britain has focused on piracy perpetrators, rather than piracy enablers. An array of counter-piracy and deterrence measures; from violent armed attacks on suspected pirate skiffs and mother ships, to arrests, trials and imprisonment of suspects in Kenya and other non Somali jurisdictions-have proved less effective than hoped. The theoretical framework under this study is realist perspective that is linked to the states which are seen as anarchical and viewed as the unitary actors. Through this theory, the international community combine efforts in dealing with piracy. Under methodology, both descriptive and explorative research designs were used, data collection was through focus group discussions, key informant interview and open ended questionnaires. The UK influenced the United Nations Security Council (UNSC) resolution (1816), it co-sponsored this resolution addressing the problem of piracy off the Somalia Coast. The resolution permitted the states co-operating with the Transitional Federal Government (TFG) to enter the Somalia's waters and use all means available in repressing piracy and armed sea robbery. It also influenced the deployment of the three international naval forces to operate in Somalia. These are North Atlantic Treaty Organisation (NATO), European Union and the United States, this is along the counter piracy, counter terrorism and counter narcotics task forces; and maritime security. The Royal navy regularly contributes to these operations and also provides the Operational Commander; and the Operational head quarters for (NATO) at Northwood. The Royal Navy has an disclosed number of vessels within the Gulf region. The UK also influenced the Combined Task Force (CTF) 151, whose purpose is to conduct counter piracy operations across the Combined Maritime Forces' (CMF) area of responsibility. Recommendations include; a more attractive course of action would be for Britain to assemble an effective regional coalition with good negotiation and mediation skills, which is willing to deal with Somali sub-state entities in order to reach a more immediate solution even though this might mean deferring agreement on a unitary state to a later date. Finance an effective and well-motivated Puntland Police service is another recommendation; the current investment in coast guard is the preferred defence against piracy in a mature and well-structured state. British and other international Development agencies working on alternative livelihood programmes aimed at young men need to be better co-ordinated and better target communities where pirate recruits are known to be drawn from. Present work is largely based on where it has been possible to deliver programmes rather than being responsive to analysis of where pirate recruits emanate from.

Chapter One: Introduction

1.0 Background to the study

Piracy is thought to have started in Europe. Piracy was a problem thousands of years before the Spanish began to bring gold, silver and other treasures from the New World back to Spain. Men sailed the seas as pirates when countries began to cross the Oceans and Seas to trade goods with each other.¹ There were powerful pirates that sailed the Aegean and Mediterranean Seas. These pirates set up a large pirate's nation in Cilisia, which is currently part of Turkey. Barbary corsairs controlled the western part of the Mediterranean.² Vikings were brave and strong pirates. They sailed all over the Atlantic Ocean, but especially terrorized the European coastlines. Piracy acts were also active in the waters surrounding Asia. As ships were built bigger and better and men became braver, piracy began to spread into the New World. Piracy was strong in Pacific and Indian Ocean too. These pirates sailed the waters near Japan and India. Not too much is known about these pirates other than there was a popular pirate refuge on the island of Formosa until 17th century.³

The pirates of the Spanish main lived and worked in a time called the Golden Age of Piracy (from 1620 to 1720). Within this period, Queen Elizabeth of England made her best sailors privateers, they were given permission to plunder and loot in honour of the country of England.⁴ Sir John Hawkins, Sir Walter Raleigh, Sir Francis Drake and Captain William Kidd were some of the sailors that became privateers⁵. Later buccaneers from the West Indies began to sail the waters of the Caribbean Sea and stole from any ship that they found. These

¹Hansen , S. J, (March 2010) *Piracy in the greater Gulf of Aden; Myths, misconception and remedies*, Norwegian Institute for Urban and Regional Research.

² Parry J.H., (1966). *The Spanish Seaborne Empire* (Oxford: University of California Press.

³ Colas A & Mabee B, (2011), *Mercenaries, Pirates, Bandits, and Empires: Private Violence in Historical Context* (Hurst & Co.)

⁴ James L, (1994). *The Rise and Fall of the British Empire*. Little, Brown & Company.

⁵ Starkey D.J., (1990). *British Privateering Enterprise in the Eighteenth Century* .University of Exeter Press.

buccaneers and Spanish navy were not friends.⁶ They hated the Spanish because they destroyed pirate ships and towns and would capture and kill any buccaneer that they caught. However, Acts of piracy off Somalia are organised crime. It is a symptom of the profound insecurity, lawlessness, poverty and lack of sustainable economic opportunity for the Somali people. There has been an intensification of piracy attacks between 2008 and 2011. Although attacks increased, they were less successful in the Gulf of Aden, (the critical economic route to/from the Suez Canal), where shipping routes have improved⁷. Many factors drive piracy in Somalia, but it has mainly taken root in Somalia given the social upheavals, human hardship, environmental degradation and the entrepreneurial spirit of the Somali⁸. Piracy is flourishing in Somalia as it is a quick way for all involved to earn a large amount of money way beyond any other means of income generation. Poverty, lack of employment, environmental hardship, pitifully low incomes, reduction of pastoralist and maritime resources due to drought and illegal fishing and a volatile security and political situation all contribute to the rise and continuance of piracy in Somalia.

In the context of the collapse of the Somali State in the early 1990s, parts of Somali Coastguard were effectively privatised by the men who controlled them and some rogue elements are believed to have mounted occasional attacks on commercial shipping, from bases in Yemen⁹. In 2000 a Puntland Coastguard was established by the then President of Puntland - Abdulahi Yusuf. Its principal role was to police a system of fishing licences issued by the Puntland government to foreign fishing boats fishing off the Puntland coast. However, as fishing licences started to be issued unofficially as well as officially, the system of enforcement became problematic and this coastguard was closed down. International Crisis

⁶ Pennell C.R., (2001) *Bandits at Sea* (New York University Press) pp. 21-67.

⁷ Murphy M.N., (2007) *Contemporary Piracy and Maritime Terrorism*; The threat to internal security, *Adelphi Paper* 388, Routledge.

⁸ Pennell C.R., (2001). *Bandits at Sea* (New York University Press) pp. 55-68

⁹ Bellamy C., (2011). *Maritime Piracy*, *RUSI Journal* 156:6.

Group argues that renegade elements of it based in Caluula, later provided the expertise for much of the piracy that started to increase off Somalia from 2004 onwards, initially from bases in central Somalia and from within Puntland itself¹⁰.

During the same period and as a further consequence of state collapse, Somalia lost the capability to protect its coastal waters – both from rampant illegal fishing and the dumping of toxic wastes by foreign companies. Local fishermen, whose livelihoods were threatened by these activities, organised spontaneously to attack the foreign fishing boats and extract payments or ransoms from them¹¹. Over time, the scope of these attacks widened to include commercial ships, initially small coastal, short sea vessels and larger international vessels¹². The increasing regularity of these attacks began to attract public attention in 2004 and for three years (with the exception of the period between August and December 2006, when the Islamic Courts held a brief tenure of power in South / Central Somalia) they continued principally from bases along Somalia's Indian Ocean Coast – in particular Haradheere, Hobyo in Central Somalia and Eyl further north inside Puntland. The rapid escalation of attacks witnessed in mid 2000s has largely taken place in the Gulf of Aden off Puntland's North coast, although captured ships are still taken south to a main holding area at and in the vicinity of Eyl¹³.

1.1 Statement of the Problem

Britain takes lead in the global fight against piracy in Somalia; it has centred on prosecuting pirates and mobilizing naval forces among other development programmes. The UK's

¹⁰ "International Crisis Group, Somalia: *The Trouble with Puntland*," Africa Briefing no. 64, 12 August 2009

¹¹ Barasa Edwin (2011), Conflict Dynamics and Market Development in Somalia, An analysis of conflict and its implication on the Livestock, Fisheries, Fodder, and Honey Value Chains; Sustainable Employment and Economic Development (SEED) Programme Implemented in Somalia by FAO, Save the Children, UNDP and ILO

¹² Murphy M.N., (2007). *Contemporary Piracy and Maritime Terrorism*; The threat to internal security, Adelphi Paper 388, Routledge.

¹³ Ibid

response has mostly focused on offshore measures to fight piracy, such as increasing naval pressure and onboard security, which have helped reduce the number of hijacks, but piracy acts still remain. Lethal force as a first option could exacerbate violence and endanger the lives of hostages. Also, pirate gangs do not have permanent land bases and could quickly reorganize and deploy from other locations. Through her development programmes, Britain has a number of projects that target onshore prevention, such as cash for work-where youth are paid more to discourage them from joining the pirates. This has occasionally prompted owners to pay crew members more. Given the poverty rates among the population from which the pirates are typically recruited, owners can afford to pay pirates more without significantly hurting profit. Britain has also focused on piracy perpetrators, rather than piracy enablers. An array of counter-piracy and deterrence measures — from violent armed attacks on suspected pirate skiffs and mother ships to arrests, trials and imprisonment of suspects in Kenya and other non-Somali jurisdictions — have proved less effective than hoped.

Coercive strategy such as pre-emptive naval and air strikes against suspected piracy target, only serves to, as in the case of Somalia, radicalize the piracy group in question and create ‘collateral damage’. This alienates the local population, leads to more support to the acts of pirates by the local population and extends the membership of the group through voluntary enrolment. The study sought to answer the following question; How effective has been Britain’s counter-piracy responses?

1.2 Objective of the Study

The main objective was to critically analyse Britain’s response and effectiveness to piracy off the Somalia Coast.

1.2.1 Specific Objectives

- To establish the United Kingdom's (UK's) influence to international counter piracy responses and strategies for Somalia
- To identify specific UK's responses to piracy in Somalia
- To examine the effectiveness of Britain's counter-piracy strategies in Somalia

1.3 Research Questions

1. What is the UK's influence on the international responses to Somalia Piracy?
2. What are existing Britain's counter-piracy strategies off the coast of Somalia?
3. How effective is the UK's counter piracy strategy (ies) in Somalia?

1.4 Justification of the study

This study explores Britain's effectiveness in response to piracy off the coast of Somalia. Analysis is made in its responses. The findings of the study will assist policy makers in the international community to review their existing piracy responses. It will also contribute to the counter piracy policy formulation in the Horn of Africa; especially in Kenya, Somalia and Ethiopia; where currently, there is no piracy policy formulated. The study will give guidance to the policy makers in the three countries on piracy mitigations off the coast of Somalia, by focusing on enablers of piracy rather than just the perpetrators. The study hopes to contribute to counter piracy literature in academics, giving a critical analysis of the existing approaches by Britain and recommendation that will contribute to the academic knowledge to both undergraduate and graduate students at higher institutions of learning. Besides these, the study shall provide practical solutions to counter piracy practitioners and gives room for researchers to interrogate the findings for further knowledge creation.

1.5 Definition of terms

1.5.1 Piracy

Piracy is any act of taking without the permission of a sovereign. This definition placed piracy in the same category as robbery on land. Enemy states could not be declared as piratical since that would fall outside the legal framework. Piracy acts have been in existence over millennia. It is the act of boarding any vessel with intent to commit theft or any other crime and with an intent or capacity to use force in furtherance of that act¹⁴.

1.5.2 Somali Pirates

Somali pirates are generally young (late teens to early 30s) and are drawn from the vast number of poorly educated, unemployed and disaffected men. They are usually armed with automatic rifles (AK-47), rocket-propelled grenades and an assortment of light weapons¹⁵.

1.5.3 International responses to piracy

These are actions taken as mitigation measures against piracy. It is a counter piracy mechanism by the international community¹⁶.

1.5.4 Effectiveness

Refers to the end results achievement on the target¹⁷, in this study, it means to achieve the objective of counter piracy off the Somalia Coast.

1.6 Literature review: Introduction

This section examines the existing literature on the study topic. It's arranged in fourteen themes; Piracy at international level, contemporary piracy, piracy off Somalia Coast,

¹⁴ Hansen, S. J., *Piracy in the greater Gulf of Aden; Myths, misconception and remedies*, Norwegian Institute for Urban and Regional Research, March 2010, p 24; Benton, L. (2005). *Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism*, pp. 704-705

¹⁵ Raymond, G. (2009). *Counting the costs of Somalia Piracy*. United States Institute of Peace, Washington, DC; p 7

¹⁶ Goodwin, J. (2006), Universal Jurisdiction and the Pirate: Time for an Old Couple to part. *Vanderbilt Journal of Transnational Law*, p 976-977; Dubner, H. (1980), *The Law of International Sea Piracy: Development in International Law*. The Hague; Martinus Publishers, p 37-39

¹⁷ Fincham, R. and Rhodes, P (2005) *Principles of Organizational behaviour*, 4th edition, Oxford University Press.

Southern Somalia (Kismayo) piracy, Somaliland anti-piracy efforts, Puntland piracy, Central Somalia piracy, International responses to piracy, Law enforcement initiatives, Somalia state responses, regional responses (Djibouti Code of Conduct), UN Resolution 1816 on combating piracy, Britain's responses and theoretical framework.

1.6.1 Piracy at the International Level

History records that act of piracy have been in existence for a long time. It has been argued by Goodwin (2006) that acts of piracy could be historically traced back to the beginning of navigation era¹⁸. The early historical writings on piracy can be traced from the Greek classical era. Such early writings include the Homeric poems which indicated that the Greeks used the words *leistes* and *peirates* to mean 'an armed robber' or 'a plunderer at sea'. Though the act of piracy was described as an unacceptable act in the Homeric poems, it was not possible to distinguish between the methods of piracy and warfare¹⁹. For example, there was a thin line difference between the pirates and the heroes in the *Odyssey*, they both seemed to travel to foreign coastal lines to plunder and kill²⁰. In this period, act of Piracy was considered evil, yet these acts could bring honour, prestige and higher status within the international community. Anyone who was attacked on the open sea referred the attacker as a pirate, while on the other hand the attacker would perceive the attack as an act of war²¹.

Most piracy was close to shores until the development in the early 16th century of transoceanic trade between Europe and the Americas, then Africa, India, and the Far East²². During the first and second centuries BC, Cilicia, that is now the Nation of Turkey had well-

¹⁸ Goodwin, J. (2006). "Universal Jurisdiction and the Pirate: Time for an Old Couple to Part." *Vanderbilt Journal of Transnational Law* 39 (3): pp 976-977

¹⁹ Ibid

²⁰ Konstam, A. (2008). *Piracy: The Complete History*. Oxford, UK: Osprey Publishing, pp. 23-46

²¹ Ibid

²² Ibid pp 24-29

known pirate havens²³. The uncontrolled coastline, presented numerous places to conceal pirate bases, adjoined the busy Greece–Syrian Kingdom trade line. The area was first occupied by small pirate communities, but later hosted most of the pirates ousted from the Aegean Sea. Cilicia offered places to hide between attacks and keep hostages during ransom negotiations. The pirates initially preyed opportunistically on vessels transiting close to the shore but over time became strong enough to finance large pirate communities that could endanger sea traffic in most of the eastern Mediterranean, preying on both large vessels and coastal cities²⁴.

The Mediterranean Piracy has deep roots dating back to 78 BC. Ancient writers note that both the Greeks and Romans suffered from piratical attacks. Piracy was cyclical in the Mediterranean, when political turmoil embroiled the region, piracy flourished; when strong nations exerted control over the Mediterranean, piracy waned²⁵. Thus, the decline of Rome led to an upsurge in piracy. Later, the rise of the Ottoman Empire and expulsion of the Moors from Spain resulted in a new round of piracy perpetrated by Muslims operating from North Africa. Later still, piracy rebounded in the eastern Mediterranean when the Greeks rebelled against their Ottoman masters.

Piracy thrived in the Mediterranean for thousands of years because of its geography of an enclosed sea; merchant vessels normally sailed relatively close to the shore. For example, the Spanish coast from Gibraltar to Cartagena, some 300 miles long, lies within 120 miles of North Africa. Cartagena is located about 230 miles west-northwest of Algiers. Thus, Moroccan and Algerian pirates were well situated to attack merchant ships entering or

²³ Konstam, A. (2008). *Piracy: The Complete History*. Oxford, UK: Osprey Publishing, pp. 45-54

²⁴ Ibid pp 56-58

²⁵ Ralph T. Ward, (1974). *Pirates in History*. Baltimore, MD: York Press, p 22.

leaving the Mediterranean²⁶. Similarly, the Mediterranean narrows to less than 100 miles between Tunisia and Sicily, making Tunis an ideal port for the corsairs preying on merchants trading with the eastern Mediterranean. Although it opens up east of Sicily, the Mediterranean quickly narrows to less than 250 miles between the Greek islands and Libya. And the many islands of the Greek archipelago dominate the approach to Constantinople, the capital of the Ottoman Empire. Geography also played a part in maritime navigation. Since the Mediterranean is a relatively enclosed area, there was little need for advanced navigational techniques. Instead, mariners sailed from bay to bay and island to island. Although that made navigation simpler, it also kept merchant vessels close to shore where they were vulnerable to pirate attack.²⁷ Frequent political turmoil among the Mediterranean nations also aided the spread of piracy in the region. Since the ancient Greeks were fiercely independent, a strong central Greek government never emerged to control or limit piracy.²⁸ As the power of the individual Greek city-states declined in the late Hellenic period (323–31 BC), piracy surged throughout the Mediterranean²⁹. Moreover, Greeks were both victims and perpetrators of the crime. Cilician pirates ruled the seas for 35 years³⁰.

In Romans, Piracy thrived during the reign of Julius Caesar, the current acts of piracy were considered normal by the Romans; pirates were referred to as small communities that threatened the Roman hegemony³¹. The rules of declaring war were not followed by these communities. The Romans considered them to be in a constant state of war³².

²⁶ Middleton, R. (2008). *Piracy in Somalia: Threatening Global Trade, Feeding Local Wars*. Briefing Paper. London: Chatham House, pp. 5-21

²⁷ Ralph T. Ward, (1974) *Pirates in History*, Baltimore, MD: York Press., p 22.

²⁸ Ibid

²⁹ Ibid p. 24.

³⁰ De Souza, P. (2002). *Piracy in the Graeco-Roman World*. Cambridge, UK: Cambridge University Press.

³¹ Goodwin, J. (2006). "Universal Jurisdiction and the Pirate: Time for an Old Couple to Part." *Vanderbilt Journal of Transnational Law* 39 (3): pp. 978-979

³² Ibid

The struggle for new colonies by European nations led to the emblematic high-seas piracy in the 16th century. The earliest targets were Spanish vessels bringing precious metals and stones from the New World to Europe³³, but the targets were quickly extended to all European naval powers and goods travelling between the Old and the New World. At the outset, pirates were sponsored by European states interested in Spanish wealth and willing to undermine Spain's political influence. Then the model spread, each naval nation sponsoring piracy to accumulate wealth, protect its own fleet, or affirm its political influence³⁴. The piracy model then was based on larger vessels arranged to facilitate attack on the high seas. Pirate crews were large, 80–100 members on average and often up to 200, and composed almost exclusively of expert seamen³⁵. The area of operation extended along all the trade routes, with pirate ships sometimes teaming up to form squadrons³⁶. The capital needed to equip a privateer was considerable. Moreover, pirates needed safe havens to maintain ships between voyages and sell stolen cargo and ships.

The acts of Piracy and Piracy as a concept were perceived and described differently between the sixteenth and eighteenth century as well. Piracy was considered to be heroic actions in this period. Sir Frances Drake of England flew under the English flag and legitimized his actions by arguing that he acted on behalf of England. Yet, he attacked and plundered Spanish ships and towns when Spain and England were not at war with each other. His actions were seen by the Spaniards as pirate actions. England did not punish him³⁷. In fact

³³ Starkey D.J. (1990) *British Privateering Enterprise in the Eighteenth Century* University of Exeter Press. Pp-21-35

³⁴ Nadelmann, E. A. (1990). "Global Prohibition Regimes: The Evolution of Norms in International Society." *International Organization* 44 (4): 479–526.

³⁵ Leeson, P. T. (2009). *The Invisible Hook: The Hidden Economics of Pirates*. Cambridge, UK: Cambridge University Press. <http://journals.cambridge.org/production/action/cjoGetFulltext?fulltextid=7480616>.

³⁶ Ibid

³⁷ Galvin, P. (1999). *Pattern of Pillage: A Geography of Caribbean Based Piracy in Spanish America, 1536-1718*. New York: Peter Lang, p 42

Queen Elizabeth knighted him aboard his ship³⁸. Drake's image varied from a patriotic pirate to a national hero in certain times.

The England's wealth is traced to these acts of Piracy under Queen Elizabeth. England and many countries in this period encouraged piracy. This was often because the pirates undermined the commerce of other nations and helped fill the treasuries of their rulers³⁹. When trade of goods became the largest component in the economy in the 1700s, pirates were seen as a plague instead of patriots. Factors behind this shift in perception were economical. It would have been difficult for trade to flourish if pirates could roam free and attack indiscriminately⁴⁰. After massive acquisition of wealth through piracy, England started holding trials for pirates and the English court attested that pirates must be stopped for the good of the innocent English people, the world trade and the Indian commerce⁴¹. However, it was during this time that privateering flourished. While pirates were prosecuted, the privateers were encouraged by England and other European countries to attack enemy ships with the marks they received from their national country. Spoils were often shared between the country and the privateers⁴². Privateering supported England and the European countries economically and militarily. The only distinction between the pirate and the privateer was a letter of mark obtained from the privateer's sovereign. Outside this piece of paper, the methods and rationales of the pirate and the privateer were the same⁴³.

³⁸ Galvin, P. (1999). *Pattern of Pillage: A Geography of Caribbean Based Piracy in Spanish America, 1536-1718*. New York: Peter Lang, p 42

³⁹ Goodwin, J. (2006). "Universal Jurisdiction and the Pirate: Time for an Old Couple to Part." *Vanderbilt Journal of Transnational Law* 39 (3): pp 979-980

⁴⁰ Ibid, p 981

⁴¹ Ibid

⁴² Ibid pp 980-981

⁴³ Kempe, M. (2009). *Beyond the Law. The Image of Piracy in the Legal Writing of Hugo Grotius*. In: "Property, Piracy and Punishment: Hugo Grotius on War and Booty in De Iure Praedae – Concepts and Contexts". Hans W. Blom (ed.) Leiden, Koninklijke Brill NV; pp 393-395.

The demand for privateers grew during war time; their actions during such time made them perfectly legal and legitimate according to Grotius as noted by Benton⁴⁴. The same privateers though kept engaging in raids and robbery in unprotected places in times of peace. By the end of the 17th century, the political and economic paradigm had changed. Nadelmann noted that the advantage derived from stealing from one another gave way to the greater advantage of stable commercial relations⁴⁵. The European powers stopped endorsing privateers and shut down safe havens. By the mid-19th century it had become hard for pirates to resupply, find friendly black markets, and securely scout the seas⁴⁶. However, after losing the support of the European powers a number of ex-privateers found new sponsors in Barbary⁴⁷. The Barbary model was mainly based on payment of tribute or ransom to the Barbary regencies⁴⁸. The European powers paid an annual tribute to each Barbary Coast potentate to ensure free passage for their commercial fleets. If the tribute was not paid, the vessels were hijacked and ransom negotiated for the crew after lengthy imprisonment and hard labor, or they were sold as slaves⁴⁹. Nadelmann argued that a lack of capital precipitated the end of high-seas piracy because pirates were unable to handle the turn to modern steamboats in the mid-19th century⁵⁰. Pirates did not have funds to access such technology and steam commercial vessels were for a time beyond their reach. In the nineteenth century piracy seemed to be less of a concern for maritime security. This was as a result of Declaration Respecting Maritime Law

⁴⁴ Benton, L. (2005). "Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism." *Comparative Studies in Society and History* 47 (4): P 707

⁴⁵ Nadelmann, E. A. (1990). "Global Prohibition Regimes: The Evolution of Norms in International Society." *International Organization* 44 (4): 479–526.

⁴⁶ Daxecker, U., and B. Prins. (2012). "Insurgents of the Sea: Institutional and Economic Opportunities for Maritime Piracy." *Journal of Conflict Resolution*, August. http://ursuladaxecker.weebly.com/uploads/2/6/1/8/2618117/prins_and_daxecker_04-18-11.pdf.

⁴⁷ Tinniswood, A. (2011). *Pirates of Barbary: Corsairs, Conquests and Captivity in the 17th-Century Mediterranean*. New York: Riverhead Trade.

⁴⁸ Turner, R. (2010). "President Thomas Jefferson and the Barbary Pirates." In *Piracy and Maritime Crime: Historical and Modern Case Studies*, edited by B. A. Elleman, A. Forbes, and D. Rosenberg, pp. 157–71. Newport, RI: Naval War College Press.

⁴⁹ Tinniswood, A. (2011). *Pirates of Barbary: Corsairs, Conquests and Captivity in the 17th-Century Mediterranean*. New York: Riverhead Trade.

⁵⁰ Nadelmann, E. A. (1990). "Global Prohibition Regimes: The Evolution of Norms in International Society." *International Organization* 44 (4): 506–526.

which was signed in Paris in 1856⁵¹. This declaration outlawed states sponsored piracy, this then meant that privateering became illegal.

Piracy on the Barbary Coast ceased completely with the French conquest of Algiers in 1830⁵² and the decision by then U.S. president Thomas Jefferson's to destroy the Barbary pirates' fleet⁵³. However, the end of state-sponsored privateering did not completely eradicate piracy. Except for some areas where state weakness and civil war created ungoverned coastal territories where pirates could create strongholds, as for example on the Chinese coast in the early 20th century⁵⁴, the close-to-shore "armed robbery" type of piracy, which had historically been responsible for many more attacks than piracy on the high seas, re-emerged⁵⁵. However, the resurgence of piracy in the late twentieth century was a pointer towards the complication of acts of Piracy on the shores, especially in South-East Asia⁵⁶.

1.6.2 Contemporary Piracy

During the Cold War, most lands and seas were under strict control. The Cold War navies deterred pirates, and piracy disappeared almost completely. To endure, pirates had to lower the time spent at sea and to hide carefully on land, which restricted them to opportunistic attacks close to shore. Then in the late 1980s the end of the Cold War and growing seaborne trade stimulated resurgence⁵⁷. Post-Cold-War piracy is again mostly close to shore. Being less sophisticated than piracy on the high seas, it is perpetrated by both organized groups and

⁵¹ D.J. (1990) *British Privateering Enterprise in the Eighteenth Century* University of Exeter Press. Pp-21-35

⁵² Chisholm, H. (2011). "Barbary Pirates." In *Encyclopædia Britannica* (11th ed.). Cambridge, UK: Cambridge University Press.

⁵³ Turner, R. (2010). "President Thomas Jefferson and the Barbary Pirates." In *Piracy and Maritime Crime: Historical and Modern Case Studies*, edited by B. A. Elleman, A. Forbes, and D. Rosenberg, pp. 157–71. Newport, RI: Naval War College Press.

⁵⁴ Antony, R. (2010). "Piracy on the South China Coast through Modern Times." In *Piracy and Maritime Crime Historical and Modern Case Studies*, edited by B. A. Elleman, A. Forbes, and D. Rosenberg. Newport, RI: Naval War College Press; Ke, X. 2007. "Contemporary Maritime Piracy in Southeast Asia." National University of Singapore. <http://scholarbank.nus.edu.sg/handle/10635/23053>

⁵⁵ Murphy, M. N. (2009). *Small Boats, Weak States, Dirty Money: Piracy and Maritime Terrorism in the Modern World*. New York: Columbia University Press.

⁵⁶ Tuerk, H. (2012). *Reflections on the contemporary law of the sea*. Leiden: Nijhoff; pp 74-75

⁵⁷ Lehr, P. (2006). *Violence at Sea: Piracy in the Age of Global Terrorism*. London: Routledge. PP. 33-73

opportunistic individuals. With regard to the groups, Murphy (2009) has observed that piracy is usually a minor source of revenue for criminal groups that gain most of their wealth through other maritime crimes, such as smuggling, illegal fishing, or toxic dumping. He further pointed out that most attacks here target anchored yachts and are carried out by opportunistic thieves or drug smugglers. Hijacked yachts may be used for smuggling drugs before being sunk or sold. In the 2000s, the crowded and narrow waters of the Malacca Strait witnessed a large number of attacks: petty robbery on anchored boats; attacks on ships to steal the cargo, the ship itself, or both; and kidnapping⁵⁸. More sophisticated cargo and ship thefts there, too, required access to coastal territory, which in this case was found in the Aceh region, where an insurgency was underway and the Indonesian navy was unable to patrol the coast⁵⁹.

1.6.3 Piracy off the Somalia Coast

Piracy incidents off the Somalia coast rose dramatically after 2005 and reached a high of 243 in 2011 but then plunged in 2012 to 63 reported attacks and 15 hijackings as of September. Somali pirates almost exclusively attack vessels to hold cargos and crews hostage and negotiate their release in exchange for ransom⁶⁰. Since the first known Somali hijacking in April 2005, 149 ships have reportedly been ransomed for an estimated total of US\$315–US\$385 million. The large number of Somali incidents is matched by the remarkably wide catchment area, deep into the high seas well beyond Somalia's territorial waters⁶¹.

⁵⁸ Raymond, C. Z. (2010). "Piracy and Armed Robbery in the Malacca Strait: A Problem Solved?" In *Piracy and Maritime Crime Historical and Modern Case Studies*, edited by B. A. Elleman, A. Forbes, and D. Rosenberg 191–206. Newport, RI: Naval War College; Frecon, E. (2009). "Du detroit de Malacca jusqu'a sa peripherie Le pirate des villes et le pirate des champs face au retour de l'Etat indonesien." *Echogeo.Revue.org*. No. 10. <http://echogeo.revues.org/11414>. Press.

⁵⁹ Bateman, S. (2010). "Maritime Piracy in the Indo-Pacific Region—Ship Vulnerability Issues." *Maritime Policy & Management* 37 (7): 737–51.

⁶⁰ World Bank report, (2013) *The Pirates of Somalia: Ending the Threat, Rebuilding a Nation*. World Bank, Washington DC, pp. 98-146

⁶¹ James Kraska and Brian Wilson, (2008) "Fighting Pirates: The Pen and the Sword," *World Policy Journal*, Winter, p. 46

Piracy along the coast of Somalia first appeared as the state began to crumble and was not tied to criminals in business for the loot. These actors were linked to the political struggles against the Somalia dictatorship; their first attack took place after much of the northern region became a civil war zone in 1988⁶². Hijackings that took place in 1989–90 were political criminals who performed acts of piracy. Their aim was to weaken the regime by blocking seaborne supplies from reaching areas controlled by the government. As such, Somalia's first political criminals that performed acts of piracy were members of an opposition political group known as the Somali National Movement (SNM) which was supported by Ethiopia. Political piracy started during the dying days of the regime and disappeared immediately after its collapse⁶³.

The second type of piracy appeared along the Somali coast after the political disintegration of the country in 1991. "Two sub-groups of pirates constitute resource pirates. They include companies from Asia, Europe and Africa who are driven by the lure of Somalia's unprotected rich fish resources, and others who are motivated by the search for unguarded territories where Europe's surplus trash and toxic waste could be dumped".⁶⁴ Somalia's state collapse entailed the disintegration of the country's official coast guard and fish pirates from Asia and Europe quickly realised the opportunity to loot Somalia's marine resources. Industrial fishing trawlers from these regions illegally exploit these waters, which contain Africa's third richest fisheries. Third, in the absence of any state authority that could fend off resource pirates, fishing communities along the coast have watched factory ships anchor short distances from the shore for days and ransack Somali resources⁶⁵. Consequently some of the former

⁶² Abeyratne, Ruwantissa. (May 2009) "The Responsibility of Somalia for the Acts of the Somali Pirates." *Journal of Transportation Security* 2, no. 3 : pp. 63–76.

⁶³ Ali, Muna, and Zahra Murad (2009), "Unravelling Narratives of Piracy: Discourses of Somali Pirates." *Darkmatter Journal*, no. 5 : pp. 91–102.

⁶⁴ Nincic, D. (2009). "Maritime piracy in Africa: The humanitarian dimension" *African Security Review* 18 (3), pp. 1-16

⁶⁵ Menkhaus, K. (2003). "State Collapse in Somalia: Second Thoughts." *Review of African Political Economy* 30 (97): pp. 405-422.

government's coast guard decided to challenge the predators before local fishermen joined the fray. These Somalis were attempting to protect their marine resources and were not interested in looting the merchant marine. These are considered to be defensive pirates, given that their motive is simply to repel the trespassers⁶⁶.

Thus with the collapse of Central Government of Somalia in the 1990s, some Somali fishermen assumed the role of protecting Somali waters from illegal dumping of waste by foreigners and over-fishing. Such vigilante activities led to piracy to supplement livelihoods. Murphy,⁶⁷ notes that, as of 2008 the International Maritime Bureau (IMB) identified four main piracy gangs operating in the trade route linking the Red Sea with Mediterranean Sea via the Suez canal: The National Volunteer Coast Guard (NVCG), commanded by Garraad Mohamed, believed to specialise in intercepting small boats and fishing vessels around Kismayu on the Southern Coast⁶⁸. The Marker Group, commanded by Sheikh Yusuf Mohamed Siad, traditional Somali fishermen operating around Puntland known as Puntland Group. The fourth Group is the Somali Marines- the most powerful and sophisticated of the pirate groups with a military structure and led by warlord Abdi Mohamed Afweyne.⁶⁹

There are several factors that encourage piracy, although their importance varies from place to place: lack of jurisdictional clarity, favourable geography, local conflict and disorder, inadequate security, cultural acceptance, and the promise of reward⁷⁰. Although all these

⁶⁶ Menkhaus, K. (2003). "State Collapse in Somalia: Second Thoughts." *Review of African Political Economy* 30 (97): pp. 405-422.

⁶⁷ Murphy M.N. (2007), *Contemporary Piracy and Maritime Terrorism*; The threat to internal security, Adelphi Paper 388, Routledge, pp. 43-91

⁶⁸ Menkhaus, K. (2003). "State Collapse in Somalia: Second Thoughts." *Review of African Political Economy* 30 (97): 405-422.

⁶⁹ Ibid

⁷⁰ Ibid

factors are present in Somalia to an extraordinary degree, what sustains piracy now, however, is a permissive political environment on land.⁷¹

1.6.4 Southern Somalia (Kismayo) Piracy

The earliest incidences of piracy were reported in 2005, when three Thai fishing vessels were detained in Kismayo harbor. This was the time when Somali piracy had just begun to demand ransom. Except for the small-scale maritime banditry perpetrated by former fishermen in the 1980s and 1990s, modern piracy first emerged during the era of the warlords, who hijacked Humanitarian ships, sold fishing rights to foreign companies, and set up coastguards in their fiefdoms to enhance their protection racket against rivals⁷². The local coastguard detained the three Thai vessels in Kismayo for allegedly fishing illegally. However, the crewmembers claimed to have been granted a license by a local warlord⁷³. There were several warlords; each competed for the economic centers across Southern Somalia, though some areas like Mogadishu experienced violent conflict and persistent instability. While Kismayo was relatively peaceful though had underlying ethnic fragmentation and valuable economic resources. Therefore Kismayo presented a more appropriate political economic environment than Mogadishu for a warlord active in Southern Somalia to safely anchor detained vessels while experimenting with the emerging business of piracy as both a political tool and a source of revenue⁷⁴.

⁷¹ Menkhaus, K. (2009). "Dangerous Waters." *Survival: Global Politics and Strategy* 51 (1): 21-25.

⁷² SEMG. (2003). *Report of the Panel of Experts on Somalia Pursuant to Security Council Resolution 1472 (2003)*. New York: United Nations Security Council.

⁷³ Mwangura, Andrew. (2005). "MV Torgelow released by gunmen off the Somali coast." *Ecop Marine*. November 30. <http://coordination-maree-noire.eu/spip.php?article2792&lang=ro>.

⁷⁴ Menkhaus, K. (2003). "State Collapse in Somalia: Second Thoughts." *Review of African Political Economy* 30 (97): pp.411-429

1.6.5 Somaliland with antipiracy records

Compared to Southern Somalia, the self-proclaimed Republic of Somaliland has relatively inclusive political institutions, due to available social conditions that contribute to stability; the largest clan, Issaq, comprises more than half the population⁷⁵, although there are significant numbers of other Dir (Gadabuursi and Ciise) and Harti Darod from the Warsangeli and Dhulbahante clans⁷⁶. However, more important than the underlying conditions is Somaliland's approach to accommodating these demographic factors. This is what distinguishes it from the rest of Somalia and helps explain the trajectory it has followed since proclaiming independence in 1991. Somaliland's relatively good antipiracy record has often been attributed to the stability achieved by the regime⁷⁷.

1.6.6 Puntland Piracy

Puntland is a semi-autonomous State of Somalia that has a more mixed record than Somaliland of dealing with piracy. Geography and demographics foster instability and piracy activities in Puntland. The coastline of Puntland is 1,300 to 1,600 kilometers long, depending on whether disputed territories are included, but in either case it would constitute nearly half of Somalia's total shoreline⁷⁸. The administration has difficulty in accessing the remotest areas of its claimed territory; much of coastal Puntland is separated from Garoowe, the inland capital, and urban centers like Bosaso due to mountainous terrain, with very little transportation infrastructure to connect the different territories and their native clans.

⁷⁵ Clapham, C., H. Hansen, J. Herbst, P. Pham, P. Mazimhaka, S. Schulman, and G. Mills. (2011). "African Game Changer? The Consequences of Somaliland's International (Non) Recognition." Discussion Paper No. 2011/05. Johannesburg, SA: Brenthurst Foundation

⁷⁶ Bradbury, M., A. Y. Abokor, and H. A. Yusuf. (2003). "Somaliland: Choosing Politics over Violence." *Review of African Political Economy* 30, (97): 455–78.

⁷⁷ Anderson, M. (2012). "Somaliland Says New Laws Show Intent to Fight Piracy." February 22. <http://www.reuters.com/article/2012/02/22/ozatp-somalia-somaliland-piracyidAFJ0E81L09620120222>; Langfitt, F. 2011. "Catching Pirates with a Kind of Neighborhood Watch." April 14. NPR.

<http://www.npr.org/2011/04/14/135378209/catching-pirates-with-a-kind-ofneighborhood-watch>.

⁷⁸ Ibid

Historically, different Majerteen sub-clans, none of which has been strong enough to impose its authority and enforce the rule of its law across the territory of the others, have dominated Puntland's political, administrative, and economic institutions⁷⁹. Recently power has been alternating between the Isse Mohamud, Osman Mohamud, and Omar Mohamud sub-clans, and piracy activities have adapted in response. There appears to have been a surge in pirate activity in Isse Mohamud areas like Eyl in 2005–09 when the rival Osman Mohamud subclan held the presidency⁸⁰. When Isse Mohamud regained the presidency with the election of President Farole in 2009, anchorage utilization responded by moving to the far northeast (Osman Mohamud territory) and the far south (Omar Mohamud territory). Anchorage utilization has declined significantly in central Puntland, which is Isse Mohamud territory; President Farole was compelled to take action against pirates where he was able to leverage social and political capital through his clan, particularly in his birthplace of Eyl⁸¹.

Since its very inception allegations of corruption, including collusion with or protection of pirates, have hung over all levels of the Puntland administration, local through regional. In other words, pirates seem to have been able to effectively identify and contract with key stakeholders in the region. The first president of Puntland and the TFG, Abdullahi Yusuf Ahmed, was accused of accepting financial inducements from pirates, though not of participating directly in organizing or sponsoring piracy⁸². Pirate leader Boyah, claimed in 2008 that Puntland authorities (under the Mohamud Muse Hersi Adde administration) provided weapons and financing to pirates, taking a 30 percent cut of the ransoms⁸³. In 2010 the Puntland Development Research Center and Interpeace stated that the public perceives

⁷⁹ World Bank report, (2013)*The Pirates of Somalia: Ending the Threat, Rebuilding a Nation*. World Bank, Washington DC, p 48

⁸⁰ Bahadur, J. 2011. *The Pirates of Somalia: Inside their Hidden World*. New York: Random House, pp. 21-46

⁸¹ Middleton, R. (2008). "Piracy in Somalia: Threatening Global Trade, Feeding Local Wars." Briefing Paper. London: Chatham House, pp. 13-49.

⁸² Ibid

⁸³ CNN. (2008). "No Way to Stop Us, Pirate Leader Says." December 1. http://articles.cnn.com/2008-12-01/world/pirate.interview_1_international-maritime-bureau-somalicoast-pirate-attacks?_s=PM:WORLD.

local councils there to be “inefficient, non-transparent, not accountable and rife with corruption.” A number of previous Puntland administrations have either previously or currently involved in protecting pirates⁸⁴.

1.6.7 Central Somalia Piracy

Central Somalia is comparatively more fragmented than Puntland or Somaliland but more stable than Southern Somalia. The self-declared semi-autonomous federal states of Galmudug and Ximan iyo Xeeb are both located in Central Somalia and often have competing territorial claims. Each of these administrations is effectively a clan enclave based loosely on traditional territory, with Habar Gidir Sacad making up the Galmudug administration and its rival Habar Gidir Saleeban dominant in Ximan iyo Xeeb. The coastal city of Hobyo and the inland economic center of Galkacyo are contested between these administrations⁸⁵, which emerged in 2006 in Galmudug and 2008 in Ximan iyo Xeeb. The states saw generally escalating tension due to competition over scarce water and pasture resources exacerbated by the cyclical drought from about 2009 through 2011⁸⁶, until environmental conditions in the central regions eased in the 2011–12 rainy season⁸⁷. The rise of a new generation of pirate bosses based in and around Hobyo, such as Mohamed Garfanji (Saleeban subclan) and Ahmed Fatxi (Sacad subclan), occurred throughout the period of escalating conflict.

The rise of Islamist militant groups like Hizbul Islam in the early days of modern piracy and later of al-Shabaab has created a powerful new set of stakeholders in Central Somalia with whom pirates must also negotiate. Despite a series of confrontations in 2010, certain pirate

⁸⁴ SEMG (2008). *Report of the Monitoring Group on Somalia Pursuant to Security Council Resolution 1811 (2008)*. New York: United Nations Security Council; SEM (2010). *Report of the Monitoring Group on Somalia Pursuant to Security Council Resolution 1853 (2008)*. New York: United Nations Security Council; SEM (2010). *Report of the Monitoring Group on Somalia Pursuant to Security Council Resolution 1853 (2008)*. New York: United Nations Security Council.

⁸⁵ UNOCHA. (2011). *Fact Sheet: Mudug Region*. New York: United Nations Office for the Coordinator of Humanitarian Affairs

⁸⁶ Ibid

⁸⁷ Food Security and Nutrition Analysis Unit. (2011). *Seasonal Climate Update: Deyr 2011*. Nairobi, Kenya: FSNAU.

groups and Islamists in Harardheere settled into a tense equilibrium perhaps as early as 2008, with pirates opting to deliver a cut of ransoms to the militants in exchange for non-interference. Harardheere was used as an anchorage for the highest percentage of anchored vessels pre-2008, even as volume likely increased through 2010 with more hijackings. Its importance as an anchorage seemed to decline beginning in 2011 with the decline in successful Saleeban hijackings (as a percentage of the 2011 total) and increase in alleged land-based kidnappings perpetrated by these groups. However, the increasing movement of al-Shabaab into Central Somalia and southern Puntland⁸⁸ and the arrests of pirates by al-Shabaab rivals Ahlu Sunna Waljama'a (ASWJ) and the Galmudug administration could change the risk calculation for pirates in that area.

1.6.8 International responses to piracy

Piracy was first codified in the 1958 Geneva Convention on the High Seas. Under the Convention piracy seemed to contain various acts including robbery and acts of terrorism⁸⁹. Earlier in 1932, the Harvard Research Group in international law drafted a convention that examined the view of various legal jurists and municipal law that existed regarding whether piracy could be seen as an offense against all nations⁹⁰. It is this Harvard Research group that influenced the 1958 Geneva Convention on the High Seas. The international community has made several attempts to deal with the threat of piracy around Somalia and has responded by deploying warships to the Gulf of Aden and by providing protection for World Food Programme (WFP) vessels.

⁸⁸ BBC. (2012). "Somalia's al-Shabab Islamists Move North into Puntland." April 11. <http://www.bbc.co.uk/news/world-africa-17674996>; Somalia Report. 2012c. "Al-Shabaab Fighters Arrive in Mudug, Galmudug." May 12. http://www.Somaliareport.com/index.php/post/3343/Al-Shabaab_Fighters_Arrive_in_Mudug_Galmudug.

⁸⁹ Dubner, H. (1980). *The Law of International Sea Piracy: Developments in International Law*. The Hague: Martinus Nijhoff Publishers PP 37-39.

⁹⁰ Ibid

Somalia has been continuously on the agenda of the United Nations Security Council (UNSC) and during 2008 it adopted three resolutions on piracy in the Horn of Africa authorizing third party governments to conduct anti-piracy operations in Somali territorial waters and on land, but only with authorization from and in coordination with the TFG. The United Nations (UN) and the European Union (EU) have both endorsed the use of force off Somalia “as may be necessary to maintain or restore international peace and security”⁹¹ and substantial forces have been deployed. Three multinational maritime coalitions—the EU Operation Atalanta of the European Naval Force Somalia (EUNAVFOR), Operation Ocean Shield from the North Atlantic Treaty Organization (NATO), and the Combined Maritime Task Forces 151 (CMTF-151)— are present to protect ships transiting off the Horn of Africa.

Combined Task Force 151 (CTF-151), in operation since January 2009, was established by the Coalition of Maritime Forces to conduct anti-piracy operations in the Gulf of Aden and the waters off the Somali coast in the Indian Ocean; a role that had previously been carried out by CTF-15028, which continues performing counterterrorism and other maritime security operations as it has done since 2001–2002. In August 2008, CTF-150 and partner forces agreed to the establishment of a Maritime Security Patrol Area (MSPA) through a narrow corridor within the Gulf of Aden aimed at deterring attack and hijacking of ships seeking safe passage through the zone, serving as a dedicated, more secure transit zone for merchant vessels with the goal of lowering the success rate of Somali pirates in the Gulf of Aden transit zone⁹².

⁹¹ United Nations Charter, Chapter VII, Art 42

⁹² Sarah Percy and Anja Shortland, (2009) *The Pirates of Somalia: Coastguards of Anarchy*. Working Paper No. 09-42. Brunel University, West London, Department of Economics and Finance. December, pp 19-21. <http://www.brunel.ac.uk/about/acad/sss/depts/economics/> Accessed 14 April 2012

At any given time, the three coalitions alone have about 20 vessels deployed there. In 2011, military assets off the Horn of Africa comprised 32 vessels, 4 aircraft, and 1,800 personnel⁹³. The international forces have been authorized to act on Somalia's coastal territory and territorial waters to disrupt pirate supplies⁹⁴, such operations are also known as Disruption of Pirate Logistics Dumps (DPLD) and have since been conducted at least once by European Union Operation Atlanta of the European Naval Force Somalia (EUNAVFOR).

At least seven countries acting individually have also deployed ships or aircraft in the area, both to protect vessels in transit and to rescue vessels under attack⁹⁵. Among these countries are US, UK, Russia, China and India that have deployed naval forces to conduct anti-piracy operations in the region. These units operate under their own command but they coordinate with other naval forces. In March 2009, the North Atlantic Treaty Organization (NATO) deployed a Standing NATO Maritime Group force named "Operation Allied Protector, to conduct anti-piracy operations in the Horn of Africa with the objective of "detering, defending against and disrupting pirate activities " as they sail the region⁹⁶. The European Union NAVFOR named "Operation ATALANTA", its first naval operation task group deployed under the framework of the European Security and Defence Policy is in operation since December 2008.

According to the European Union Council Secretariat, it has the task of providing protection for World Food Programme (WFP) vessels and merchant vessel. It is authorized to employ the necessary measures, including the use of force, to deter, prevent and intervene in order to bring to end acts of piracy and armed robbery which may be committed in the areas where

⁹³ United Nations Security Council, (2011), *Somalia Piracy*, Resolution 2015.

⁹⁴ United Nations Security Council, (2008), *Somalia Anti-Piracy*, Resolution 1851; European Union Council decision 2012/174, *Somalia Piracy*

⁹⁵ United Nations Security Council, (2011), *Somalia Piracy*, Resolution 2015.

⁹⁶ Ibid

they are present. To assist merchant traffic in the area around the Horn of Africa with the aim of providing the best possible support for merchant shipping, EU NAVFOR has also established an online centre known as Maritime Security Centre-Horn of Africa (MSC-HOA) to record their ships' movements voluntarily and to receive updated threat information, detailing recent trends in pirate attacks and making recommendations to vessels transiting regional waters.

In addition to the above responses; raising awareness of the Shipping Industry with the support of the International Maritime Organization (IMO) and counter-piracy authorities, the shipping industry has formulated Best Management Practices (BMPs). The fourth version in 2011, gives recommendations to avoid or deter pirate attacks; gives information about high-risk areas and the typical modus operandi of a pirate attack, and suggests the appropriate course of action in response; and sets out procedures for reporting counter-piracy forces. There are also practical recommendations for pre-travel risk assessment and ship protection measures, including specific steps to be taken in case of attack, successful hijack, and military intervention. According to the UN, ships conforming to the BMPs face a lower risk of being hijacked⁹⁷, and indeed no ship with onboard armed guards has yet been hijacked.⁹⁸

Currently, most vessels use armed guards, who seem to be the main BMP used to effectively deter pirates⁹⁹. Armed guards are usually private personnel armed with lethal weapons, who board commercial ships for the transit through dangerous waters. At times armed personnel are military personnel provided by the state and acting as vessel protection detachments¹⁰⁰. It has been estimated that about 50 percent of the 40,000 vessels crossing the area have armed

⁹⁷ United Nations Security Council, (2010), *Somalia Piracy*, Resolution 1916/1918

⁹⁸ Murtin Murphy, (2012), *Somali Piracy, Why Should We Care? Rusi Journal*; December, Vol 156 No 6 pp3-6

⁹⁹ Bahadur J (2011), *The Pirates of Somalia: Inside their Hidden World* (New York Harper Collins, PP 26-31.

¹⁰⁰ House of Commons-Foreign Affairs Committee (UK), (2012) *Piracy off the Coast of Somalia*. Tenth Report of the Session 2010-2012. Published 5 January by Authority of the House of Commons London: The Stationery office Limited, pp 21-22

guards¹⁰¹. The quick increase in the use of armed guards has been spurred by the active support of some governments and counter-piracy authorities after a major change in attitude and a push from the insurance companies that factored armed guards into their premiums.

1.6.9 Initiatives on Law enforcement

According to Lang (2011)¹⁰², with the leadership of the UN Political Office for Somalia (UNPOS), the UN Office of Drugs and Crime (UNODC), the UN Development Programme (UNDP), and the International Maritime Organisation (IMO), several actions to end pirate impunity have been initiated¹⁰³: tightening domestic laws in several countries, improving prosecution systems, and stepping-up detention capacity. Respect for human rights throughout the chain from apprehension through conviction is a guiding principle of the programs¹⁰⁴. Most countries affected by piracy have committed to review their national laws to ensure that piracy is criminalized. The legal review is usually done under the guidance of the UN Office of Legal Affairs, IMO, and UNODC to ensure that national legislation meets international legal norms¹⁰⁵. UNODC further notes that 21 regional or international states currently hold or prosecute pirates operating off Somali. As of July 2012, only 582 Somali pirates in 12 countries had been convicted¹⁰⁶. Regional prosecution centers have been opened in Seychelles, Kenya, and Mauritius¹⁰⁷, and the UN agencies are considering setting up specialized anti-piracy courts in Somalia, Seychelles, Kenya, Mauritius, and Tanzania¹⁰⁸.

¹⁰¹ Alexandra A, Baker D-P & Caparini M, (2009) *Private military and security companies: Ethics, policies and civil-military relations*. Routledge, pp 23-41

¹⁰² Lang J. (2011). *The legal issues related to Piracy off the coast of Somalia*, United Nations 2011.

¹⁰³ Ibid

¹⁰⁴ Soerensen K. (2008): *State Failure on the High Seas – Reviewing Somali Piracy* Swedish Defence Academy OFI report number 2610-SE pp-9-21

¹⁰⁵ United Nations Security Council, (2011), *Somalia Piracy*, Resolution 2015

¹⁰⁶ Ibid

¹⁰⁷ United Nations Security Council, (2012), *Somalia Piracy*, Resolution 2077

¹⁰⁸ Ibid

1.6.9.1 Somalia State Responses

Somalia's Central and Regional Administrations' Fight against Piracy-eradication policies were implemented in the past during the rule of the Islamic Courts Union (ICU). In 2006 the ICU briefly cracked down on piracy in Central Somalia by overtaking key anchorages, such as Harardheere, Hobyo, and Ceel Dheer¹⁰⁹. This law enforcement approach was in keeping with a strict interpretation of Sharia¹¹⁰. The approach was successful in part because the ICU drew its popular support from its ability to impose law and order, rather than taking the extortion and expropriation approach of the warlords¹¹¹. More recently, however, the central administration of Somalia has had limited involvement in antipiracy efforts. The UN through its agencies has initiated a program to build its capacity in the areas of justice, security, and human rights¹¹². The Mogadishu Road Map, which organized the end of the transitional period, integrated a maritime security and national counter-piracy strategy as a key element to stabilize Somalia, but no initiatives were taken before the transition¹¹³.

The lack of security in South-Central Somalia has, however, impaired the formulation of any counter-piracy program in that area beyond participation of the TFG in the Kampala process coordinating system¹¹⁴. Upon taking power in September 2012, Hassan Sheikh Mohamud, president of the first post-transitional administration, called for an end to piracy. Since then a number of hostages were released without payment of ransom: 22 hostages from the MV Iceberg in December 2012¹¹⁵ and 3 from the MV Orna in January 2013. Furthermore, one of

¹⁰⁹ Baniela, Santiago Iglesias. "Piracy at Sea: Somalia an Area of Great Concern. (2010)" *Journal of Navigation* 63, no. 02: pp. 170- 191.

¹¹⁰ Hansen , S. J, (2010) *Piracy in the greater Gulf of Aden; Myths, misconception and remedies*, Norwegian Institute for Urban and Regional Research, pp. 11-65

¹¹¹ Ibid

¹¹² United Nations Security Council, (2011), *Somalia Piracy*, Resolution 2015

¹¹³ Ibid

¹¹⁴ United Nations Security Council, (2012), *Somalia Piracy*, Resolution 2077

¹¹⁵ BBC. (2012). "Somalia's al-Shabab Islamists Move North into Puntland." April 11. [http:// www.bbc.co.uk/news/world-africa-17674996](http://www.bbc.co.uk/news/world-africa-17674996);

the “fathers” of piracy, Mohamed Afweyne, publicly renounced piracy in January 2013, recalling his crews and urging other pirates to follow him into retirement¹¹⁶. These are first signs of success of the new Federal Somalia Government in addressing piracy.

Somalia’s regional administrations have also been involved in international efforts to curb piracy, to varying effect. The Puntland administration in 2009 initiated a counter piracy campaign and set up an anti-piracy task force. With the support of United Nations Development programme (UNDP) and United Nations Office of Drugs and Crime (UNODC) Puntland has built prisons, reinforced its legal system, prosecuted 290 pirates¹¹⁷, and created a Puntland Maritime Police Force (PMPF) dedicated to fighting piracy, which carried out the successful release of the Iceberg hostages in December 2012. The State of Galmudug—the combination of the two central regions of Mudug and Galguduud— not only hosts the main pirate ports of Harardheere, Hobyo, and Dhinoodha but is also alleged to have no effective control over its own territory. The regional authority there is challenged by clans competing for political and territorial control (e.g., Ximan iyo Xeeb, which claims its sovereignty notably of Harardheere and part of Hobyo); its regional neighbor, Puntland; al-Shabaab, which controls part of the Galmudug territory; and powerful pirate groups.

Finally, Somaliland has been a key partner with the international community in the fight against piracy. Somaliland in March 2012 adopted a new anti-piracy law that focuses on the prosecution of arrested pirates¹¹⁸. United Nations Development Programme (UNDP) has initiated a three-year piracy prosecution program to enable the Somaliland authorities to conduct piracy trials in accordance with international standards. UNDP has also trained its

¹¹⁶ CNN. (2008). “No Way to Stop Us, Pirate Leader Says.” December 1. http://articles.cnn.com/2008-12-01/world/pirate.interview_1_international-maritime-bureau-somalicoast-pirate-attacks?_s=PM:WORLD.

¹¹⁷ UNODC, (2012)

http://www.unodc.org/documents/easternafrika/piracy/UNODC_Brochure_Issue_9_Final_webversion.pdf

¹¹⁸ Ibid

police officers on investigations, operational procedures, and basic forensic skills for investigating piracy crime¹¹⁹. United Nations office of Drugs and Crime (UNODC) has initiated a prison construction and rehabilitation program and is training and mentoring prison officials. Somaliland adopted a law on Transfer of Prisoners that allows for relocation of pirates convicted in another country to serve their terms in Somaliland¹²⁰. In late March 2012 the first group of 17 pirates, convicted in Seychelles, was transferred to a Somaliland prison¹²¹.

1.6.9.2 Regional responses: The Djibouti Code of Conduct

Since 2007 there was a call for the African Union to recognize the importance of the sea and to develop a regional legal framework. The piracy attacks on the Somali coast and the Gulf of Aden only strengthened this resolve¹²². In 2009 a meeting in Djibouti resulted in the adoption of a draft text created at the meeting of Dar-es-Salaam in 2008¹²³. The draft text was an instrument to suppress piracy and robbery against ships in the Western Indian Ocean, the Gulf of Aden and the Red Sea. The meeting was attended by 17 countries, representatives from the United Nations and various international intergovernmental organizations¹²⁴. During this meeting the Djibouti code of conduct was adopted and signed by nine countries in the Region: Djibouti, Kenya, Madagascar, Ethiopia, Maldives, Seychelles, Somalia, Tanzania and Yemen. The member states have agreed to review their national legislation in order to ensure the existence of laws that criminalize piracy and armed robbery against ships¹²⁵. In

¹¹⁹ United Nations Security Council Resolution 2036, (2012) Somalia, [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2036\(2012\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2036(2012))

¹²⁰ Somaliland Law, Combating Piracy (2012),

http://www.somalilandlaw.com/Somaliland_Piracy_Law_2012_Eng180311A.pdf. Accessed 23 April 2013.

¹²¹ UNODC, (2012), 10th Issue. Counter Piracy programme; support to the trial and related treatment of piracy suspects

¹²² Kraska, J, and Wilson, B. (2009). "Combating pirates of the Gulf of Aden: The Djibouti Code and the Somali Coast Guard" *Ocean & Coastal Management* 52: 516-520.

¹²³ Fouché, H. (2010). *Harmonized Legal Framework for Africa as an Instrument to combat Sea Piracy*. In: "Sea Piracy Law Selected National Legal Frameworks and Regional Legislative Approaches". Anna Petrig (ed.) Berlin, Dunker & Humblot: 146

¹²⁴ Ibid p 147

¹²⁵ Ibid

case prosecution is not possible the Code dictates that states should extradite or hand over the pirate. Furthermore, participants of the Djibouti Code have agreed to cooperate, in a manner consistent with the international law, in the investigation, prosecution and arrest of pirates and the interdiction and seizure of suspect ships¹²⁶. The regional Djibouti code enhances the implementation of the UN Security Council resolution on the repression of Somali piracy.

1.6.9.3 UN Resolution 1816 on Combating Somalia Piracy

The Coast of Somalia and Gulf of Aden Piracy has been under the UN resolutions on maritime powers. Among the resolutions is 1816 which addresses the limitation of the definition of piracy that describes piracy as acts conducted only on the high seas¹²⁷. Based on the definition, states are not able to do anything about the attacks conducted on the territorial waters of Somalia. They are also not able to respond efficiently when attacked ships on the High Sea are brought to Somali ports¹²⁸. As a mitigation measure to this challenge, the UNSC adopted resolution 1816 in June 2008. In the resolution, states are urged to:

- “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”,¹²⁹.

¹²⁶ Wambua, P. (2010). *The Legal Framework for Adjudication of Piracy Cases in Kenya: Review of the Jurisdictional and Procedural Challenges and the Institutional Capacity*. In: “Sea Piracy Law Selected National Legal Frameworks and Regional Legislative Approaches”. Anna Petrig (ed.) Berlin, Dunker & Humblot: 2-8.

¹²⁷ Khalid, N. and Valencia, M. (2009). “The Somali Multilateral Anti-Piracy Approach: Some Caveats.” Nautilus Institute Australia available at: <http://www.globalcollab.org/publications/essays/apsnet/policy-forum/2009/Valencia-Khalid.pdf>

¹²⁸ Ibid p 3

¹²⁹ United Nations Security Council Resolution 1816, (2008) Somalia Piracy.

Under this resolution, a number of measures and responses are suggested. They include; information sharing and cooperation between states, international and regional organizations and encourages states to provide assistance to Somalia and the Coastal States and coordination between the marine vessels on the coast of Somalia. In addition, specific words are used under the resolution-“all necessary means”, showing that the use of force is allowed. Hence, resolution 1816 in some way permits the states to pursue pirate vessels from international waters into the territorial waters of Somalia and to use force to contain them on these waters. Somalia gave consent to this resolution¹³⁰.

The Resolution was adopted on the basis that the Somali Transitional Federal Government give authorization for international community to enter her territorial waters. This sentiment was expressed in extension of Resolution 1846 and the later Resolution 1815¹³¹. Naval ships can transfer arrested pirates for the purpose of prosecution, based on the principle that the Somali government agrees with the exercise of the jurisdiction by member states of the EU¹³².

Resolution 1816 limits the authorization of states in intervention on the Somali waters. “States cooperating with the Transitional Federal Government (TFG)-by then, in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification had been provided by the TFG to the Secretary-General”¹³³.

The above clause gives emphasis on importance of the consent of Somalia in giving the authorization to act on its territorial waters only to states Somalia is already cooperating with.

Thus Somalia maintains control over its territory.

¹³⁰ Guilfoyle, D. (2008). “*Piracy off Somalia: UN Security Council Resolution 1816 and IMO Regional Counter-Piracy Efforts.*” *The international and comparative law quarterly* 57 (3), P 696.

¹³¹ Treves, T. (2009). “Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia.” *The European Journal of International Law* 20 (2): P 406.

¹³² Ibid

¹³³ United Nations Security Council Resolution 1816, (2008) *Somalia Piracy.*

1.7 Britain's response to Piracy

Britain has used a number of approaches in response to piracy; they include the following as discussed below;

1.7.1 Naval based response

The Royal Navy works with a multinational task force to combat piracy through the Gulf of Aden and off the eastern coast of Somalia. Its purpose is to deter, disrupt and suppress piracy and protect ships going about their lawful business and securing freedom of the seas for all nations. The royal Navy operates with EU and NATO partners to defend shipping from piracy off the Horn of Africa¹³⁴. Besides working alongside the multinational task forces, Royal Navy also acts unilaterally. To coordinate these efforts, in 2008 the Shared Awareness and Deconfliction (SHADE) mechanism was established to improve coordination and minimize duplication¹³⁵. Further to this, UN resolution 1851 called for the establishment of the UN Contact Group on Piracy off the Coast of Somalia (CGPCS). The contact group has five working groups and the UK chairs Working Group 1 which works to improve naval operational co-ordination and building the judicial, penal and maritime capacity of regional states to ensure they are better equipped to tackle piracy¹³⁶.

1.7.2 Prosecution Based

In the communiqué from the 2012, London Conference on Somalia it was stated that 'there will be no impunity for piracy. An emphasis been on greater development of judicial capacity to prosecute and detain those behind piracy'¹³⁷. The international law on piracy is laid out in articles 100 to 107 of the UN Convention on the Laws of the Sea (UNCLOS). Article 105

¹³⁴ Security at Sea, <http://www.royalnavy.mod.uk/About-the-Royal-Navy/What-the-Navy-Does/Security-at-Sea>; <http://www.royalnavy.mod.uk/Operations/Maritime-Security/Counter-Piracy>. Accessed 24 April 2013;

¹³⁵ Foreign Commonwealth Office, *International Response to Piracy*, (2012), January

¹³⁶ Ibid

¹³⁷ Foreign Commonwealth Office, *International Response to Piracy*, (2012) February

states ‘On the high seas, or in any place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board’¹³⁸. This has been extended by Security Council resolutions to permit counter piracy actions within Somali waters. The UK signed a MOU with Kenya for the transfer of pirates for prosecution in December 2008 and another with the Seychelles in July 2009.

1.7.3 Land Based response

In 2010, the British Government set up the British Office for Somalia, based at the British High Commission in Nairobi, and on 2nd February 2012 the British announced its first ambassador to Somalia after a period of 21 years. Britain also supports the establishment of the United Nations Political Office for Somalia in an effort to engage with the local politics. Further to this, Britain supported AMISOM with approximately £27.3 million over 2011/2012 financial year¹³⁹. In March 2011 the Department for International Development (DFID) announced its aid increase to Somalia to £63 million per year, while the Foreign Commonwealth Office (FCO) provided over £6 million in 2011/2012 financial year, aimed at supporting counter piracy capacity building programmes¹⁴⁰. Henry Bellingham (October 2011), the Minister for Africa and British territories approved Great Britain £2 million for community engagement and economic development in coastal regions. The DFID aid projects are focused on resolving local conflict and strengthening the police, as well as job creation and economic development. The aim is to create 45,000 jobs across Somalia by 2015¹⁴¹. These developments could be seen as a trend towards a more land based approach.

¹³⁸ Treves, T. (2009). “Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia.” *The European Journal of International Law* 20 (2): p. 406.

¹³⁹ House of Commonwealth: *Foreign Affairs Committee Report*, January 2012, p. 63

¹⁴⁰ *Ibid* p. 3

¹⁴¹ DFID Somalia, *Programme Memorandum; Sustainable Economic and Development Programme*, 2011

1.7.4 Sustainable Employment and Economic Development (SEED) Programme

The SEED Programme began in December 2010. It is a two phased programme. Phase one ended in March 2012. Phase two began in July 2012, ending in April 2014. Phase two programme directly supports the United Kingdom's Somalia Strategy by reducing the threat from terrorism, piracy and organized crime through supporting legitimate employment opportunities¹⁴². This is in line with the overall Her Majesty Government (HMG) objectives to leverage development impacts to deliver peace and growth and reduce poverty in conflict-affected environments. The programme will contribute directly to DFID's focus on area-based support to newly liberated areas, alongside interventions from governance, health and humanitarian pillars¹⁴³. The focus is on cash for work, providing employment and skills for ex-combatants, migrants, and IDPs in support of the resilience agenda.

1.7.5 Support to Somaliland Special Protection Unit (SPU)

In order to increase the UK's and international community's ability to access Somaliland, the UK funds training to the Somaliland Special Protection Unit (SPU), a branch of the police force, at the level of Great Britain Pound (GBP) 375,000 (USD 600,000) in the 2012/2013 financial year and GBP 230,000 (USD 368,000) in 2013/2014. The UK Ministry of Defense conducted the first two phases of the train-the-trainer training in Ethiopia and the third, security conditions permitting, in Somaliland in an effort to reach approximately 450 police officers. Increasing its support to the Somaliland Coast Guard, the UK is working to boost capacity in coastal monitoring by providing training on monitoring, vehicles, communications equipment (which is interoperable with the land-based police) and increasing cooperation with Somaliland's land-based police in a GBP 400,000 (USD 640,000)

¹⁴² DFID Somalia, *Programme Memorandum*; Sustainable Economic and Development Programme, 2011

¹⁴³ Ibid

program. Greater support may be available in 2014 to develop the Coast Guard as an institution¹⁴⁴.

1.7.6 Support to Coast Guard training

The United Kingdom (UK) has been supporting the Somaliland Coast Guard, with its four boats, for over five years as it has been helpful in picking up pirates and processing them through the Somaliland judicial system. The main objectives of UK support to the Somaliland Coast Guard are counter terrorism and regional stability, and counter piracy efforts.

1.7.7 The UK's influence on the international responses to piracy

Besides the above, the House of Commons (HoC) Library gives detailed account of the UK policies on Piracy in Somalia, especially her influence at the international level¹⁴⁵. The UK co-sponsored the United Nations Security Council (UNSC) resolution addressing the problem of piracy off the Somalia Coast. Under the terms of this resolution, which was adopted unanimously, the Security Council decided that states co-operating with the Transitional Federal Government (TFG) would be allowed to enter the country's territorial waters and use all necessary means to repress acts of piracy and armed robbery at sea, in a manner consistent with relevant provisions of international law¹⁴⁶.

There is a heavy international naval presence off the coast of Somalia and in the Indian Ocean. Three task forces operate in the area led by North Atlantic Treaty Organization (NATO), the European Union and the US. These task forces include counter-piracy, counter-terrorism, counter-narcotics and maritime security. The Royal Navy regularly contributes to

¹⁴⁴ House of Commonwealth: *Foreign Affairs Committee Report*, 2012

¹⁴⁵ Piracy at the Sea; Overview Policy Responses; Standard Note 3794, <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?lng=en&id=151075>

¹⁴⁶ United Nations Security Council Resolution 1816, (2008) *Somalia Piracy*.

these operations. In addition, several nations have also deployed vessels independently. These include China, Russia, South Korea, Japan, Malaysia, India and Singapore.

The UK provides the Operational Commander and the Operational head quarters (HQ) for Operation Atalanta. This is the name of the European Union's (EU's) first ever naval Common Security and Defence Policy operation. It was established in 2008 to escort World Food programme vessels delivering food aid to Somalia, protect maritime traffic and to counter piracy.

The US Commanded Combined Maritime Forces is a 25-nation coalition headquartered in Bahrain. It consists of three task forces, each with a slightly different emphasis. CTF-150 focuses on maritime security and counter-terrorism, CTF-151 on counter piracy and CTF-152 on Arabian Gulf security and cooperation. The Royal Navy regularly provides a frigate and is occasionally supported by a Royal Fleet Auxiliary Ship¹⁴⁷.

North Atlantic Treaty Organisation (NATO) conducts counter-piracy operations as Operation Ocean Shield. The Royal Navy is a regular contributor to the Standing NATO Maritime Groups and it is commanded out of operational headquarters (HQ) at Northwood¹⁴⁸. The Royal Navy has a number of vessels in the Gulf region providing maritime security. HMS Daring, the first of the Navy's new Type 45 destroyers was deployed to the region in early February 2012. Her tasks include counter-piracy and maritime security. Royal Navy command facilities are as follows: The European Union Operation Atlanta of the European Naval Force for Somalia (EUNAVFOR) commands the operation from the Operational Headquarters (OHQ) at Northwood, United Kingdom.

¹⁴⁷ Foreign and Commonwealth office and Ministry of Defence, United Kingdom (2012), available at <https://www.gov.uk/government/policies/preventing-and-reducing-piracy-off-the-coast-of-somalia>, accessed 27 May 2013

¹⁴⁸ Ibid

1.8 Theoretical Framework

This study adopts the realist perspective. Realism is linked to the “states”. The international system is seen in realist perspective as anarchical, and states are the main unitary actors. According to Mingst (2008), realism is “a paradigm based on the premise that world politics is essentially and unchangeably a struggle among self-interested states for power and position under anarchy, with each competing state pursuing its own national interests”¹⁴⁹. Realism is one of the most well-established theoretical perspective in International Relations. According to Mongethau¹⁵⁰, the founding father of this theory is the Greek historian Thucydides, who wrote the seminal account of the war between Athens and Sparta. In his writing of the war of Peloponnesia, Thucydides argues that, the war broke out because Athens was concerned about Sparta's growing power. His writings greatly influenced theorists and statemen. Modern proponents include Morgenthau, Kissinger, Waltz, James et al of classical and neo-realism. The core theme in realism is the centrality of the state. Indeed, states and inter-state relations constitute the very definition of the realism¹⁵¹.

Realist theory posits that human nature is greedy and selfish. Individuals only look after their personal interests. This theory assumes that the international system is primarily anarchic as there is no central authority, nor an arbitrator¹⁵². As a result, states must protect their national security and the needs of citizens by any means necessary. The Realist approach to tackling insecurity relies acutely on individual state power, rather than collective efforts of the international community. Two key security management techniques under this theory are the balance of power, and deterrence methods, where realists believe that war may be prevented

¹⁴⁹ Mingst, Karen.(2008) "War and Strife." In Essentials of International Relations . 4th ed. New York: Norton. 239-243.

¹⁵⁰ Morgenthau, H. (1978), *Politics Among Nations: The Struggle for Power and Peace*, NewYork: Knopf

¹⁵¹ Waltz, K. (1979), *Theory of International Politics*, Reading, MA: Addison-Wesley (possibly *the* major work on neo-realism in IR).

¹⁵² Ibid

by threatening to use force. For this to succeed, aggressors must be made aware of the potential threat posed by the opposing states. Knowledge of this counter-threat will cause aggressors not to continue any unlawful actions, thus avoiding war. Under realist deterrence theory, war can also be avoided through the direct involvement and leadership of rational decision makers.

The realist theory also views states as rational actors. This perception implies that the state is treated as an entity with interests and goals and is able to act according to them. In an anarchical international system, structures are defined by the number of great powers. These great powers are marked because of their capabilities¹⁵³. Actions and behaviors of states are bound to the composition of the system and the change of the number of these great powers¹⁵⁴. In the realist theory politics is in essence bound to the concept of power. The main goal for states is to be able to survive in the anarchical system¹⁵⁵. The rational theory presumes that actions of states are derived from their main interests. Therefore, rational theories predict that the actions of states reflect their need of survival. That means that states will act according to the interest of their national security. Sovereignty over their territories is directly linked to control over the national security¹⁵⁶. The same principle is true for territorial waters. States will respond to the territorial waters of other states for their own interests and goals¹⁵⁷. Moreover, territorial waters provide for important economical recourses that benefit states.

¹⁵³ Waltz, K. (1990). "Realist Thought and Neorealist Theory." *Journal of International Affairs* 44 (1): pp 29-30.

¹⁵⁴ Ibid p 30

¹⁵⁵ Dunne, T and Schmidt, B. (2008). *Realism*. In: "The Globalization of World Politics: An Introduction to International Relations". John Baylis, Steve Smith & Patricia Owens (ed.) Oxford University Press: Oxford: pp 91-97.

¹⁵⁶Ibid.

¹⁵⁷ , T and Schmidt, B. (2008). *Realism*. In: "The Globalization of World Politics: An Introduction to International Relations". John Baylis, Steve Smith & Patricia Owens (ed.) Oxford University Press: Oxford: pp 91-97.

Argued from this theory, the international community realizes that interstate action is necessary in order to deal with Piracy threat in an effective way. They recognize that a Somalia national approach to piracy is not sufficient. Therefore, action to permit states to enter territorial waters with or without permission is necessary. On the other hand, they are bound by their need to ensure their sovereignty over their territories. The UK Somalia Strategy on piracy is aimed at protecting their national interests within the Horn of Africa, this include economic and the military interests within the region, hence the push by reducing the threat from terrorism, piracy and organized crime through supporting anti-Piracy strategies.

1.9 Research Methodology: Introduction

This section provides the methodology that was used for the study. The research methodology is presented in the following order; research design, target population, sampling procedure, data collection methods, instruments of data collection and the pilot study. The section also explains how data was processed and analyzed to produce the findings of the study.

1.9.1 Research Design

Research design is a road map guide of how research itself will was conducted¹⁵⁸. It gives the methods, instruments for data collection and interpretation¹⁵⁹. The function of a research design is to ensure that the evidence obtained enables us to answer the initial question as unambiguously as possible¹⁶⁰. Both descriptive and explorative research designs were used in this study. This is because they are open and flexible; they provide opportunity for diverse perspectives into the research topic and good for the open ended data collection instruments.

¹⁵⁸ Law J and Lodge. (1984) Science for Social Scientists. London, Macmillan, pp-20-46

¹⁵⁹ Ibid pp-29-35

¹⁶⁰ Law J and Lodge. (1984) Science for Social Scientists. London, Macmillan, pp 29-35

This design acquired a lot of information through description and exploratory by identifying variables and hypothetical constructs. The exploratory research design sought to assess the United Kingdom's (UK's) responses to the Somalia Piracy. The study sought to explain the relationship between the UK response and the reduction or increase of Piracy off the Coast of Somalia; hence correlation. The study involved the use of focus group discussions, a semi-structured open ended questionnaire for primary data collection. The advantage for open ended questionnaire and semi-structured interview include; the opportunity for respondents to express themselves, and allowed more content because they were not restrictive. They also reached many respondents and provided good answers because the respondents did not indicate their names. As for the focus group discussion, they were important because of the diversity as a result of having different member groups, hence the variety of opinions.

1.9.2 Study site

The research was in three sites; in Somalia-Puntland at State of Galmudug, Somaliland (Hargeisa); Nairobi for key Somali business informants on the study topic. The diplomatic community in Nairobi will also be targeted for specific information; and British government officials in London. The research covered Puntland as most prone areas to piracy.

1.9.3 Data collection methods

A number of data collection methods were used and these include focus group discussion, interview guide for key informants and an open -ended questionnaire. Open ended questions were used to capture the respondents' opinions. This was advantageous in the sense that responses were not be limited in answering the questions. Secondary data was also used to supplement the primary data.

1.9.4 Target Population/Sample Frame

The sample frame or population in this research is the list from which the sample was selected. A properly drawn sample provides information appropriate for describing the population of elements composing the sampling frame¹⁶¹. This study considered the people, organisations and institutions that are involved in piracy and counter piracy strategies as the sample frame. The target population is the specific pool of cases that the researcher wants to study¹⁶². Thus the population should fit a certain specification, which the researcher is studying¹⁶³. For purpose of this study the target population is 100. It will be stratified through the various groups as a target. The study aims to reach 30% of the target study population through judgmental sampling by choosing from each target group a representative population based on the researcher's interest in to the population. The target population of interest is shown in table 1.1 on the next page.

¹⁶¹ Babbie, E. & Mouton, J. 2006. *The Practice of Social Research: South African Edition*. Cape Town: Oxford University Press p184

¹⁶² Neuman W.L., 2006. *Social Research Methods: Qualitative and Quantitative Approaches*. University of Wisconsin at Whitewater, p.224.

¹⁶³ Cooper, D.R and Schindler, P.S. (2003) *Business Research Methods* (8th edn) McGraw-Hill: New York, p.35

Table 1.1 Target population and the sample size

Target sample	Population	Size of the sample
Diplomatic Community	2	2
Civil Society	2	2
Business Community(Somalia/Kenya)	8	2
Puntland Administration	10	3
Somaliland Administration	10	3
Somalia Federal Government	10	3
Government officials (Ethiopia/Kenya)	10	3
British High Commission-Nairobi	20	6
Foreign Commonwealth Office	20	6

Source: Field data (2013)

1.9.5 Sampling and Sample Size

The researcher used non-probability sampling method of purposive or judgmental sampling because the sample selection will be done based on the nature of the research objectives. Non-probability sampling implies that the sample will be chosen due to its relevance to the study topic rather than their ‘representativeness’, which determines the way in which people to be studied are selected¹⁶⁴. The research problem requires investigation to be done using various specific groups of people who are affected or associated with piracy and the related responses in some ways. The sample size is 30 from the total population of 100 (30% of the study population). Purposive sampling approach will be used to ensure that reasonably representative sample is picked for each group. The researcher will follow guidelines from

¹⁶⁴ Neuman W.L., (2006). *Social Research Methods: Qualitative and Quantitative Approaches*. University of Wisconsin at Whitewater p 220.

the literature of Neuman, for a small population (under 100); a large sampling ratio (about 30%) is needed for high degree of accuracy¹⁶⁵.

Purposive sampling generally considers the most common characteristics of the type it is desired to sample, tries to figure out where these individuals can be found and tries to study them¹⁶⁶. The researcher will consider the fact that State of Galmudug in Puntland has been the heaven of pirates; while Hargeisa and Nairobi has been the base of intervention mechanisms by regional institutions, non-governmental organisations and diplomatic community. The samples will be distributed across nine different types of target populations (the diplomatic community-2, Civil Society-2, Somali business community, Somalia administration in Puntland, Somaliland and Somalia Federal Government; Regional governments (Kenya and Ethiopia), British High Commission (BHC) and Foreign Common Wealth Office.

1.9.6 Validity and Reliability

A pilot study was carried out to pretest and validate the data collection instruments. According to Cooper and Schindler, the pilot group can range from 15 to 100 subjects depending on the method to be tested but it does not need to be statistically selected¹⁶⁷. To establish the validity of the research instrument, the researcher sought opinions of experts in the field of study, especially the supervisor and lecturers in the Institute of Diplomacy and International Studies (IDIS) at University of Nairobi. Others include the British Office for Somalia (BOFS) staff working on Piracy. This enabled the necessary revision and modification of the research instrument thereby enhancing validity. Reliability was increased

¹⁶⁵ Neuman W.L. (1997). *Social research methods: Qualitative and quantitative approaches*. 3rd Edition. Allyn and Bacon, Boston, Massachusetts, USA. p560

¹⁶⁶ Ibid

¹⁶⁷ Cooper, D.R and Schindler, P.S. (2003) *Business Research Methods* (8th ed) McGraw-Hill: New York, p.37

by including many similar items on a measure, by testing a diverse sample of individuals and by using uniform testing procedures.

The researcher selected a pilot group of 10 individuals from the target population, and tested the reliability of the research instrument. The pilot data is not included in the actual study. The pilot study enabled the researcher to be familiar with research and its administration procedure as well as identifying items that require modification. The result helped the researcher to correct inconsistencies arising from the instruments, to ensure that they measured what is intended. In addition, the researcher held one focus group discussion with purposively selected sample of Somalis in Nairobi to validate the responses from the unstructured interview. For accuracy of information, the researcher triangulated the information.

1.9.7 Ethical Considerations

While doing research, researcher needs to be aware of what is considered acceptable and what is not¹⁶⁸. Many times, carrying out social research presents an intrusion on the lives of the people from whom information is required. Neuman (1997) states that ethical research does not inflict harm of any sort, be it physical, psychological abuse or even legal jeopardy¹⁶⁹. Taking these principles into account benefits not only the participants and the researcher but also those who get to read the research work¹⁷⁰. It helps to establish credibility. Neuman (1997) further maintains that ethical conduct depends on the researcher¹⁷¹. The researcher has a moral and professional obligation to be ethical even when research subjects

¹⁶⁸ Babbie, E. & Mouton, J. (2006). *The Practice of Social Research: South African Edition*. Cape Town: Oxford University Press p520

¹⁶⁹ Neuman W.L. (1997). *Social research methods: Qualitative and quantitative approaches*. 3rd Edition. Allyn and Bacon Boston, Massachusetts, USA. P131

¹⁷⁰ Booth, C. W., Colomb, G.G., & Williams, M.J., (1995). *The Craft of Research*. The University of Chicago Press. P258

¹⁷¹ Neuman W.L. (1997). *Social research methods: Qualitative and quantitative approaches*. 3rd Edition. Allyn and Bacon, Boston, Massachusetts, USA. P129

are unaware or unconcerned about ethics. The researcher did not take advantage of subjects' ignorance about ethics to harm them in any way.

1.9.8 Data analysis and presentation

Data collected by questionnaires were first coded. This involved giving all statements numeric codes based on meaning for ease of data capturing. This was followed by data entry and analysis. The data was then analyzed using thematic and content analysis which paved the way for analysis of trends in the data and probing themes as they emerged hence drawing conclusions based on the findings. The percentage distribution was used. Results are shown in terms of explanation in a narrative form.

1.9.9 Scope and limitation of the study

The study focused on Britain's response to piracy off the Somalia coast. It sought to assess the effectiveness of the United Kingdom's (UK's) counter piracy responses. Sensitivity of the research topic and the political context of Somalia were potential limitations of the study. The conflicting interests of the international community and the regional bodies on the study topic were also a potential challenge. However, the experience of the researched and contacts in the study area were handy in navigating through these challenges to present comprehensive data for analysis upon which guided the conclusions herein.

Chapter outline

This first chapter constitutes the research proposal. It provides the skeleton of the entire work. It is comprised of the background of the study, statement of the research problem, objective of the study, research questions, justification of the study, definition of terms. Literature review and research methodology. Chapter two provides an analysis of the historical

responses to piracy by Britain and the international community. While in chapter three, examination of nuances of Britain's responses and the extent to which various responses were adopted as a result of Britain's influence at the international level is presented. The effectiveness of the different counter-piracy strategies used in Somalia are compared and contrasted. Chapter four focuses on the current emerging issues in Britain's counter piracy responses. Finally chapter five provides answers to research questions. The chapter also provides valuable synthesis of chapter one, two, three and four. It also covers the key findings of the study and general recommendations with regard to the issues under discussion.

Chapter Two: Historical aspects of International Responses to Piracy

2.0 Introduction

This chapter provides an analysis of the historical responses to piracy by the international community and Britain in particular. It is organized in two themes of early international anti-piracy responses and the International Law on piracy. Britain's earlier responses to piracy are covered under the international anti-piracy responses.

2.1 Early international anti-piracy responses

The early anti-piracy responses were a combination of military, diplomacy and legal means.¹⁷² In Mediterranean coastal region, the anti-piracy campaigns preceded Pax Romana, started around 102 BC in the Western Mediterranean region¹⁷³. General Pompey in the Roman authority was given unlimited authority and resources to engage the pirates who had brought maritime trade to a standstill and denied grain supplies; challenging Roman authority whilst containing elements of their fleet to port¹⁷⁴. General Pompey was given a period of three years to ensure that pirates were defeated using both military and diplomatic strategies. Pompey achieved his campaign in three months by the application of superior military power to ensure simultaneous victories along the coast of Italy, whilst attending to the underlying causes of piracy¹⁷⁵.

It was his comprehensive approach from diplomatic engagement, to ensure regional political support, through to exchanging land for pirate ships and resettling pirates away from the sea

¹⁷² H Ormerod, (1978). Piracy in the Ancient World, Liverpool University Press, pp. 13-58.

¹⁷³ Ibid

¹⁷⁴ Ibid pp. 228-241

¹⁷⁵ J Krasha, (2011). Contemporary Maritime Piracy: International Law, Strategy and Diplomacy at Sea, Library of Congress, p. 108

that ensured long term resolution¹⁷⁶. This anti-piracy campaign had lasted for nearly a century before the Pax Romana period and thereafter, piracy remained at a tolerable level until the demise of the Roman Empire. Key features of this success included sustained and significant investment in the navy, with supporting coastal armies extending the rule of law beyond the coastline and improving economic conditions. This provided the pirates with a viable livelihood alternative¹⁷⁷. Thereafter, expansion of the Roman Empire was through the pre-emptive application of the doctrine of a just war to protect Rome and keep the peace¹⁷⁸. Prior to Pax Britannica, Britain invested considerably in maritime dominance in order to ensure primacy of free trade upon the high seas, usurping Spanish and Portuguese maritime influence and dominance.

The New World trade, which financed the Spanish Monarchy from 1520 for over two centuries, required protection against piracy and privateers. Given the threat from hijacking and its financial importance to the monarchy, shipping was initially organized into convoys, before the introduction of the twice-yearly flotillas. Secondly, merchant ships were required to improve their own self-defenses¹⁷⁹; this was a historical version of the current Best Management Practice (BMP) to deter pirates. Ironically the famous British privateers¹⁸⁰ Drake and Hawkins traded in slaves from Africa and looted from the Spanish before non-state privateers or pirates dominated the high seas, with sovereign law needing to be enforced given destabilising losses. Following initial failures by Drake and Hawkins in 1568 to loot Spanish wealth, they invested in technology with Hawkins designing fighting galleons that were faster, with significantly more firepower than the Spanish. Hawkins' ship building skills

¹⁷⁶ P De Souza, *Piracy in the Graco-Roman World* (CUP,1999),167-170 covers operations and resources available, while Appian's assessment was of 120000 personnel and 200 ships, modern assessments are about 100 ships, 30000 sailors and a significant army. 170-178

¹⁷⁷ *Ibid* 179-210

¹⁷⁸ E Luttwak, (1979). *The Grand Strategy of the Roman Empire: From the First Century AD to the Third*; John Hopkins University Press, pp. 16, 69.

¹⁷⁹ J.H. Parry, (1966). *The Spanish Seaborne Empire*; Oxford: University of California Press, pp. 16-22, 67-68, 254-267.

¹⁸⁰ *Ibid* pp251-268

were rewarded by promotion to Controller of the Navy following the defeat of the Spanish Armada in 1588, a maritime campaign which had been initiated by British privateering.

British success in anti-piracy was based on an improved legal framework supported by an expeditious judiciary and enforced by a large and motivated navy. A tailored legal provision was pursued on two fronts: first to make it illegal to trade with pirates while concurrently corrupt officials were purged. Second, piracy itself became a capital punishment in 1700 under An Act for the more effectual suppression of Piracy. To dispense justice expeditiously, Admiralty courts were convened in the West Indies with judicial panels including arresting ships' officers who were paid a bounty for their dangerous undertakings and with conviction on a simple majority verdict¹⁸¹. From the 5,000 pirates operating in the Caribbean over 400 were sentenced to death by hanging between 1716 and 1726 after the introduction of these measures¹⁸². Early in the campaign, combating piracy was ineffective, with Royal Naval (RN) Captains chasing commercial profits over detaining pirates.

Consequently pardons were offered to those who surrendered before 1718, thereafter head money was paid as an incentive¹⁸³. Finally the campaign required a sizeable fleet to patrol as far north as Newfoundland to stop recruitment of northern mariners and theft of shipping for piracy¹⁸⁴.

Besides the above responses, was the decision of Trucial Pirate Coast, now known as the United Arab Emirates (UAE), which took two decades of RN campaigns from 1800 to

¹⁸¹ A.P. Rubin, *The Law of Piracy* (1988), Newport RI:Naval War College,362-366.

¹⁸² M Rediker, *Between the Devil and Deep Blue Sea: Merchant Seaman*, (2003) *Pirates and Anglo-American Maritime World 1700- 1750*; CUP,256-257,283.

¹⁸³ P Earle, *The Pirate Wars* London: Methuen, (2004), 188-190. Bounties ranged from £100 to £20 for ship's captains and crew respectively

¹⁸⁴ *Ibid.*, pp 136-137,150-151,185

address a two-century problem.¹⁸⁵ This was after supporting network of coastal forts and ports that the piracy network was destroyed; and peace endorsed by the Treaty of Pacification as an enduring solution¹⁸⁶. In addition, the British responses in the far Eastern markets, led to the Chinese Opium Wars between 1840 and 1860, which resulted in Palmerst' scalling a general election. On re-election his coordinated approach included enforcing the 'rule of law', incentivizing capture of pirates and investment in steam and gun technology, to deliver gunboat diplomacy¹⁸⁷.

2.2 International Law on Piracy

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides the framework for the repression of piracy under international law¹⁸⁸. The Security Council has repeatedly reaffirmed that international law, as reflected in the UNCLOS of 10 December 1982, sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities. The UNCLOS was adopted on 30 November 2009. UNCLOS requires that all States cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State¹⁸⁹. The General Assembly has also repeatedly encouraged States to cooperate to address piracy and armed robbery at sea in its resolutions on oceans and the Law of the Sea¹⁹⁰. The General Assembly recognized the crucial role of international cooperation at the global, regional, sub regional and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy¹⁹¹.

¹⁸⁵ H. Moyses-Barlett, *The Pirates of Trucial Oman* (1966), Macdonald: London pp.35-42

¹⁸⁶ *Ibid.*, 107-113.

¹⁸⁷ C Bellamy, *Maritime Piracy*, (2011) *RUSI Journal* 156:6 ; 78-83; C.R. Pennell, (2001) *Bandits at Sea* (NY: University Press, pp. 118-121; A Konstam, 1998, *Pirates: 1660-1730*; McBride, 1998, pp. 1-6.

¹⁸⁸ United Nations Convention on the Law of the Sea, 1982, Articles 100-110

¹⁸⁹ *Ibid.*, Article 100

¹⁹⁰ United Nations General Assembly, (2009). Resolution 64/71, 4 December 2009

¹⁹¹ *Ibid*

The Division for Ocean Affairs and the Law of the Sea, as the secretariat of United Nations Convention on the Law of the Sea (UNCLOS), has a mandate to provide information and advice on the uniform and consistent application of the provisions of UNCLOS, including those relevant to the repression of piracy. It also has a mandate to provide information on relevant developments in oceans and the law of the sea to the General Assembly, as well as to the Meeting of States Parties to UNCLOS, in the annual reports of the Secretary-General on oceans and the law of the sea. These reports provide updated information on developments in respect of piracy and other crimes at sea¹⁹².

¹⁹² United Nations General Assembly, (2009). Resolution 64/71, 4 December 2009.

Chapter Three: Britain's Responses to Piracy off the Somalia coast

3.0 Introduction

As discussed in Chapter 1, responses to piracy are actions taken as a mitigation measure against piracy¹⁹³. The specific approach to take is always defined by several factors. First of all, the initial conception of the problem of piracy and the perception of the effects influence the pattern of response. The perception of piracy as war transforms its proponents to favour repressive responses, while the view that piracy is crime leads its proponents to favour legal solutions¹⁹⁴. Secondly, goals pursued by piracy groups, either temporal or transformative inform the counter piracy approach to adopt. Temporal means the pursuit of quick livelihood without making it routine means of livelihood¹⁹⁵. On the other hand, transformational goals, by nature, are not subject to short term gain. Thirdly, the relationship of the piracy groups with the communities they operate in should inform the counter piracy approach. Due to limited financial support, isolated piracy groups might be forced to engage in continuous piracy attempts to fund their operations. They are also susceptible to defections and internal splits making them easier to be countered through traditional security mechanisms. Piracy groups with closer community ties require a different approach and in the event of harsh responses by the international community, tend to ignite more recruitment bonanza for pirates¹⁹⁶. While coercive measures might be effective when used against isolated groups, in Somalia, groups that enjoy broader support from communities in practice need reconciliatory measures.

¹⁹³ Goodwin, J.(2006), Universal Jurisdiction and the Pirate: Time for an Old Couple to part . *Vanderbilt Journal of Transnational Law*, p 976-977; Dubner, H. (1980), *The Law of International Sea Piracy: Development in International Law*. The Hague; Martinus Publishers, p 37-39

¹⁹⁴ Earle P, (2004). *The Pirate Wars*, London: Methuen.

¹⁹⁵ Ibid

¹⁹⁶ Middleton, R. (2008). *Piracy in Somalia: Threatening Global Trade, Feeding Local Wars*. Briefing Paper. London: Chatham House, pp. 5-21

3.1 United Kingdoms' influence to international counter piracy responses

The UK is playing a lead role and influence in international operations aimed at stopping the pirates, and providing humanitarian and development assistance to Somalia. Richardson (2013) posits that the Operation Ocean Shield was to a great extent influenced by the UK to the international efforts to combat piracy in Somalia and the entire Horn of Africa¹⁹⁷. It was commenced on 17 August 2009 after the North Atlantic Council (NAC) approved the mission¹⁹⁸. Bryson (2013), noted that Operation Ocean Shield builds on the experience gained during Operation Allied Protector, in North Atlantic Treaty Organisation's (NATO's) previous counter-piracy mission, and develops a distinctive NATO role based on the broad strength of the Alliance by adopting a more comprehensive approach to counter-piracy efforts. They primarily involve warships from the UK and United States (US), though vessels from many other nations are also included. Operation Ocean Shield focuses on protecting the ships of Operation Allied Provider, which are transporting relief supplies as part of the World Food Programme's mission in Somalia. According to Hassan¹⁹⁹, the initiative also helps strengthen the navies and coast guards of regional states to assist in counter piracy. Bryson (2013) also noted that the UK influenced the extension of Operation Ocean Shield from 2012 to 2014, the extension was made in March 2012. The operational command is delegated to Maritime Command Headquarters in Northwood in the UK.

Hassan (2013) argues that, the UK is one of the leading states in support of the European Union Naval Force (EU NAVFOR) Somalia Operation Atlanta. It was launched as part of a comprehensive approach on 8 December 2008 within the framework of the European Common Security and Defence Policy (CSDP) and in accordance with relevant UN Security

¹⁹⁷ Mark Bryson-Richardson (2013), Deputy Head of Mission, British Embassy, Mogadishu, interview, 26 June 2013

¹⁹⁸ Ibid

¹⁹⁹ Hassan J, Programme Officer (2013), Somalia Counter Piracy, interview, 26 June 2013

Council Resolutions (UNSCR) and International Law²⁰⁰. He asserts that “the Operation was extended by the European Council until December 2014 after UK’s lobbying”,²⁰¹.

Combined Task Force (CTF) 151 is a multinational task force established to conduct counter-piracy operations throughout the Combined Maritime Forces (CMF) area of responsibility. Their mission is to actively deter, disrupt and suppress piracy in order to protect global maritime security and secure freedom of navigation for the benefit of all nations. UK has great influence CTF 151 operation in the Gulf of Aden and off the eastern coast of Somalia with no defined eastern limit to the area of responsibility (AOR); the UK advocated that this should dependent on the activities and operational area of the pirates. This task force works in close co-operation with other naval forces engaged in anti-piracy operations in the area, which include the EU Naval Force Somalia (also known as Operation Atlanta), the NATO task force (running operation allied protector) and units from individual countries. UK supports its Maritime Trade Operation (run by the Royal Navy and based in the British Embassy in Dubai) - and provide humanitarian and development assistance to Somalia to counteract the root causes of piracy

Tibbas (2013) argued that, the UK supports the recognition of Somalia’s Exclusive Economic Zone, which helps in protecting its natural maritime resources up to 200 nautical miles from its coastal baselines²⁰², it also leads efforts to undermine the piracy business model, including through the established Regional Anti-Piracy Prosecution and Intelligence Co-ordination

²⁰⁰ Hassan J, (2013), Programme Officer, Somalia Counter Piracy, interview, 26 June 2013

²⁰¹ Ibid

²⁰² Tibba Simon, (2013), Counter Piracy Officer, Foreign Common Wealth Office, Interview, 11 June 2013

Centre (RAPPICC) in the Seychelles²⁰³. The RAPPICC targets the leaders, financiers and enablers of piracy by building evidence packages for use in their prosecutions²⁰⁴.

3.2 Working Group (WG) 1

WG1 for Contact Group on Piracy off the Coast of Somalia (CGPCS) is chaired by the United Kingdom (UK), its purpose is to lead the international community on issues to do with piracy. It is hosted by the International Maritime Organization (IMO) at their London headquarters. It was initially tasked with coordinating naval operations and later adopted capacity building as its second main area of concern. The group brought together military, industry, and government representatives, providing a forum for the exchange of views and concerns between naval forces and civilian actors. WG1²⁰⁵, according to its current chairman James Hughes, regularly gets about a hundred stakeholders at a meeting²⁰⁶. They include the civil society representatives, Government representatives, religious institutions and the private sector. He noted that the majority of Contact Group on Piracy off the Coast of Somalia (CGPCS) country participants attends WG1 gatherings alongside intergovernmental organizations (IGO) and industry representatives. Of key importance to WG1 activities is the regular participation of military officials from Shared Awareness and Deconfliction (SHADE)²⁰⁷.

The SHADE mechanism, which the Combined Maritime Forces launched in December 2008, ultimately evolved into the de facto forum for naval coordination, with the CGPCS acting as a venue for briefing by SHADE tactical and operational commanders and as a source of

²⁰³ Garry Crone, (2013) Serious Organised Crime Agency, British High Commission-Victoria, Seychelles

²⁰⁴ Ibid

²⁰⁵ James Hughes, current Chairman, Working Group 1-Contact Group on Piracy off the Coast of Somalia, interview 20 June 2013

²⁰⁶ Ibid

²⁰⁷ Ibid

political support²⁰⁸. SHADE includes military and civilian representatives from 27 countries, 14 intergovernmental organizations, and the shipping industry²⁰⁹. The structure of the SHADE mechanism was designed to be sensitive to the concerns about sharing command and control activities²¹⁰. Hughes (2013) argued that, as the name itself makes clear, it is a process designed to reduce duplication or mission conflict through information sharing. It is a mechanism for shared awareness-not joint military operations. Over time, Working Group (WG) 1 and Shared Awareness and Deconfliction (SHADE) would mutually influence each other's development²¹¹.

According to Holtby (2013), WG1 recognized early on the need to develop a forward-looking approach, and the group took on an additional role of maritime security capacity-building in Somalia and other littoral states. During the working group's first session, regional capacity-building was deemed to be the "most sustainable solution" to the phenomenon of piracy²¹². In order to achieve this aim, an assessment of need was generated so that donors could target their efforts effectively. An important role of WG1 was to identify gaps and monitor progress on program implementation. In June 2009, the United Kingdom (UK) unveiled an assessment of coastguards, naval/military structures, and judicial and penal detention centers²¹³. The UK-led and funded this initiative in coordination with the International Maritime Organisation (IMO), European Commission, United Nations Office on Drugs and Crime (UNODC), United Nations Political Office on Somalia (UNPOS), Somali authorities, regional governments, and a number of other Contact Group on Piracy off the Coast of Somalia (CGPCS) participants.

²⁰⁸ James Hughes, current Chairman, Working Group 1-Contact Group on Piracy off the Coast of Somalia, interview 20 June 2013.

²⁰⁹ Ibid

²¹⁰ Chris Holtby, First Charman, Working Group 1-Contact Group on Piracy off the Coast of Somalia, Interview 20 June 2013

²¹¹ Ibid

²¹² Ibid

²¹³ Ibid

Working Group (WG1) has set up the Capacity-Building Coordination Group (CBCG), facilitated jointly by the EU, IMO, and a regional organization on a rotational basis. The aim is to replicate SHADE's informal and non-bureaucratic working methods and facilitate information sharing among those people and institutions working on capacity building.

3.3 European Union (EU) Training Mission (EUTM) Somalia

The United Kingdom (UK) lobbied the EU to establish EUTM. On 15 February 2010, the Council adopted Decision 2010/96/CFSP on an EU military mission to contribute to the training of Somali security forces (EUTM Somalia). EUTM Somalia is based in Uganda, has so far supported the training of more than 1,800 Somali soldiers, including officers. The Council decided in July 2011 to extend the training mission until the end of 2012. The training focused on developing Command and Control; and specialised capabilities and on self-training capacities for the Somali National Security Forces, with a view to transferring EU training expertise to local actors²¹⁴.

3.4 European Union civilian arm for capacity building defense project for Somalia (EUCAP) Nestor

Furthermore, the UK has influenced European Union civilian arm for capacity building defense project for Somalia (EUCAP) Nestor²¹⁵. The UK used its influence in the European Union (EU) in establishment of EUCAP Nestor mission as a civilian EU mission launched in July last year to assist countries of the Horn of Africa and Western Indian Ocean develop their capacities and capabilities to ensure maritime security, in particular counter-piracy and maritime governance. EUCAP Nestor is a European-backed regional capacity-building mission that addresses the root causes of piracy in the horn of Africa. The Council adopted

²¹⁴ Common security and Defence Policy, EUTM (2013), 30 April-Brussels, available http://consilium.europa.eu/uedocs/cms_data/docs/mission/Press/files/20130502

²¹⁵ Undisclosed Source

Decision 2012/389/CFSP on 16 July 2012 launching a new civilian strengthening mission under the Common Security and Defence Policy (CSDP) in order to support regional maritime capacities in the Horn of Africa and the Western Indian Ocean states. European Union civilian arm for capacity building defense project for Somalia (EUCAP) Nestor has two main objectives: strengthening the sea-going maritime capacity of the countries in the region; and strengthening the rule of law sector in Somalia²¹⁶. In particular, the mission supports the “setting up” and training of a land-based coastal police force. EUCAP Nestor was launched on 16 July 2012, with the aim of supporting regional maritime capacity building in the Horn of Africa and the Western Indian Ocean states as part of the EU’s comprehensive approach to fighting piracy and instability in the region. It consist of a team of 175 people working to reinforce the capacity of states in the region to govern their territorial waters effectively. Currently, its geographical focus is Djibouti, Kenya, the Seychelles and Somalia. In Somalia the mission trains coastal police force and judges, with expert advice on legal, policy and operational matters concerning maritime security. It is intended also to deliver coastguard training and to help to procure the necessary equipment. According to Aden(2013), the aim of the EUCAP Nestor mission is to improve the capabilities of the coastal states of East Africa as one of the most significant developments in combating piracy from the land.

EUCAP Nestor formally opened its Headquarters in Djibouti in February 2013. The presence in the Seychelles currently consists of four European Union (EU) experts²¹⁷. The experts advise and mentor the Seychelles Coast Guard, Seychelles Air Force, Police, and Judiciary in maritime security, including counter-piracy and maritime governance. European Union civilian arm for capacity building defense project for Somalia (EUCAP) Nector mission was

²¹⁶ Undisclosed Source

²¹⁷ Garry Crone, (2013) Serious Organised Crime Agency, British High Commission-Victoria, Seychelles

advocated by United Kingdom (UK) after the failure by European Union military training mission (EUTM) to produce results²¹⁸.

3.5 Britain's piracy responses off the coast of Somalia

At the national level, the United Kingdom (UK) has been among the most active leaders in developing law and policy to address piracy²¹⁹. Garry (2013), notes that, in 2004, the United Kingdom submitted a paper to the International Maritime Organisation (IMO) that articulated two major thrusts of London's counter-piracy efforts. First, the British sought to strengthen the protection of U.K. seafarers from acts of maritime piracy and armed robbery around the world²²⁰. Second, the country planned to assist foreign states with the highest concentration of attacks within their territorial waters. In November 2005, the United Kingdom (UK) recommended a set of practices and security measures for ship owners and operators sailing in pirate-infested waters. The United Kingdom offered guidance regarding routing, watch keeping, lighting, and surveillance in areas targeted by pirates; communication protocols; alarms; evasive maneuvers, employment of high-pressure shipboard fire hoses to repel pirates, and other defensive actions to take to deter uninvited boarders²²¹. These efforts are part of a broader approach to anti-piracy activities in the United Kingdom, which includes participation in the full range of International Maritime Organisation (IMO) initiatives on antipiracy and maritime security, raising piracy on the European Union (E.U) agenda during the United Kingdom (U.K) presidency, and implementing a national maritime security program.

²¹⁸ Garry Crone (2013), Serious Organised Crime Agency, British High Commission-Victoria, Seychelles.

²¹⁹ Ibid

²²⁰ Int'l Maritime Org. (2005), Maritime Safety Committee, The UK Government's Strategy for Tackling Piracy and Armed Robbery at Sea, ¶ 15, IMO Doc. MSC 80/5/17 (Mar. 4, 2005).

²²¹ U.K. Marine and Coastguard Agency (2005), Nov 16, Measures to Counter Piracy, Armed Robbery and other Acts of Violence against Merchant Shipping, at 6–14, Marine Guidance Note 298(M).

3.6 Naval based response

According to Garry (2013), the UK Navy works closely with the multinational task force to combat piracy in Somalia. The UK's Navy, works in partnership with the European Union (EU) and North Atlantic Treaty Organisation (NATO). Besides working in partnership with the international community, the UK Navy also acts unilaterally. According to Barasa (2011), the naval based responses greatly affect the fishing industry. He notes that the United Nations Food and Agricultural Organisation (UNFAO) Somalia report (2011) indicate that the naval responses impacts negatively on the fisheries sector. This is the second highest income earner in Puntland after livestock, creating employment opportunities for thousands of people during the eight months fishing season (October to May). "Due to the limited capacity of stakeholders within the fisheries sector, latest statistical information on how much revenue is generated by the sector is not available, but given the activities and interest the sector has seen in recent years, one could easily say it is worth thousands of dollars and any negative impact resulting from the counter piracy responses without conflict assessment, affects thousands of Somalis in the fishing sector",²²².

3.7 Prosecution based response

A British-backed international effort is making the Seychelles the frontline prosecution in the battle against Somali pirates in the Indian Ocean²²³. The UK has seconded two British lawyers from the UK Crown Prosecution Service to the Seychelles' justice department²²⁴. Most pirates jailed in the Seychelles are taken to the Montaine Posse prison, run by Will Thurbin, a former prison governor from the Isle of Wight²²⁵. Over the past five years, UK, transfer agreements have been concluded with Kenya and the Seychelles, and dozens of

²²² Barasa Edwin, Conflict Analyst- FAO Somalia, Interview, 16 July 2013

²²³ Undisclosed respondent, Foreign Commonwealth Office London, Interview, 11 July 2013

²²⁴ Ibid

²²⁵ Undisclosed respondent, Ministry of Defence (MOD)-London, Interview, 11 July 2013

successful prosecutions have taken place in Mombasa and in Victoria. Mauritius joined the “club” or piracy prosecuting nations in October 2012, by concluding similar transfer agreements with the United Kingdom and the European Union. Some of the Kenyan and Seychellois transfer agreements have never been made public. The fishermen in Puntland acknowledge the positive contribution of arrests and prosecution in response to piracy, but argue that they are often mistaken for pirates and at times detained for questioning for days before release without trial, a situation that instills fear and leaves them frustrated. The fishermen interviewed indicated that they experience harassment from the British and international counter piracy forces plying the area²²⁶.

3.8 Land based response

On 25 April 2013, the British Government opened the British Embassy in Mogadishu, Somalia, with a resident Ambassador from Tuesday to Thursday²²⁷. The UK became the first European Union country to reopen an embassy in the country since the Federal Government of Somalia (FGS) was established last year. According to the UK Foreign Secretary²²⁸, the reopening of the Embassy, 22 years after London pulled its diplomats from conflict torn-Somalia, showed Britain’s “commitment to work with the federal government of Somalia as they rebuild their country after two decades of conflict.” According to the Foreign Office, it was the first time Britain has had an embassy in Somalia since 1991, when the embassy was closed and the ambassador and his staff evacuated.

Besides the opening of the Embassy in Mogadishu, the UK, had earlier opened the British Office in Hargeisa on 3 September 2012, in line with the intent to establish a presence in Hargeisa²²⁹. The office enables officials to stay in Hargeisa for short periods to carry out

²²⁶ Undisclosed source, Fishing Sector-Puntland, Interview, 16 July 2013

²²⁷ Undisclosed Source, British Mogadishu Embassy-Nairobi Office, 22 July 2013

²²⁸ William Hague, Foreign Secretary, speech on opening of the UK Embassy in Mogadishu, 25 April 2013

²²⁹ Ibid

diplomatic work in Somaliland. Because of the security situation, the office did not have any consular functions, but with the opening of the Embassy in Mogadishu, the British government plans to open a consulate general in Hargeisa, capital city of Somaliland, as it broadens its diplomatic presence in the region²³⁰. According to Hague, the establishment will mark a new step forward in British-Somaliland relations. The consulate will oversee the delivery and implementation of British interest and development projects in Somaliland, including counter piracy measures as well promote relations between Hargeisa and British partners. The office will operate under the British embassy opened in Mogadishu and all diplomatic contacts between Somaliland and Britain will be moved from the current Mission in Addis Ababa to the office Embassy.

Britain also supports the establishment of the new UN Somalia office that replaces the previous UN Political Office for Somalia (UNPOS) with a new mandate to support state building and peace building, in an effort to engage with the local politics. The UN Assistance Mission in Somalia (UNSOM) was launched on Sunday 02 July 2013 after the arrival of UN envoy Nicholas Kay in the Somali capital Mogadishu. UNSOM will be headquartered in Mogadishu with offices in Hargeisa and Garowe in the North of the country²³¹. It plans to open other offices in the Central Somalia towns of Beledweyne and Baidoa²³².

3.9 Sustainable Employment and Economic Development (SEED) Programme

This is Department for International Development (DFID) Somalia's programme. It begun in December 2010 with a total of Great Britain Pound (GBP) 12.5 million for livelihood

²³⁰ Ibid

²³¹ Nicholas Kay, special representative of the United Nations Secretary-General, UN Assistance Mission in Somalia, comments after arrival in Mogadishu, 02 July 2013.

²³² Ibid

programme targeting the youth and women²³³. It is a two phased programme; phase one ended in July 2012. Phase two begun in July 2012, ending in September 2014²³⁴. The total funding has increased to Great Britain Pound (GBP) 21 million²³⁵. According to Haji, Phase two programme directly supports the United Kingdom's Somalia Strategy by reducing the threat from terrorism, piracy and organized crime through supporting legitimate employment opportunities in Somalia²³⁶.

3.9.1 Support to Somaliland Special Protection Unit (SPU) and Coast Guard training

The United Kingdom (UK) funded training to the Somaliland Special Protection Unit (SPU), a branch of the police force, at the level of Great Britain Pound (GBP) 375,000 (USD 600,000) in the last financial year of 2012/2013 and additional of GBP 230,000 (USD 368,000) thereafter. The UK is working to boost capacity in coastal monitoring by providing training on monitoring, vehicles, communications equipment (which is interoperable with the land-based police)²³⁷. The UK also supports the Somaliland Coast Guard, with four boats, that have been of much help in picking up pirates and processing them through the Somaliland judicial system. The aim of Coast Guard is to counter terrorism and regional instability, and counter piracy efforts.

3.9.2 The use of armed guards on UK-flagged ships

In 2011, the United Kingdom (UK) Government revised the policy on restriction of use of armed guards on UK-flagged ships. The Department for Transport, published guidance for UK-flagged shipping. The view on the policy support for the carriage of armed guards on ships was in the light of the fact that no ships carrying armed guards had so far been

²³³ Adhan Haji, The Private Sector Development Advisor, DFID Somalia, Wealth Creation, interview, 10 June 2013

²³⁴ Ibid

²³⁵ Macharia Paul, Senior Programme Officer, DFID Somalia, Wealth Creation, interview, 10 June 2013

²³⁶ Adhan Haji, The Private Sector Development Advisor, DFID Somalia, Wealth Creation, interview, 10 June 2013

²³⁷ Ibid

successfully pirated and violence had apparently not escalated²³⁸. The UK government believes that this practice should continue, provided that the guards are properly trained to a high standard to avoid accidental injury to innocent seafarers, and accredited²³⁹.

3.9.3 Anti-Ransom payment policy response

Ransoms paid to piracy criminal organizations that kidnap with a hope of securing a financial reward encourage a model of for-profit capture that is both illegal and destabilizing for the victims and perpetrators of the crime²⁴⁰. It is on the basis of this logic that Britain does not encourage ransom payment²⁴¹. This view is inline with the former UK Foreign Secretary David Miliband who stated that the British government and the international community believe that payments for hostage taking only encourage further hostage taking²⁴².

3.9.4 Regional counter piracy mechanisms

In January 2009, an important regional agreement was adopted in Djibouti by States in the region, at a high-level meeting convened by International Maritime Organisation (IMO). 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 recognize the extent of the problem of piracy and armed robbery against ships in the region and, in it, the signatories declared their intention to cooperate to the fullest possible extent, and in a manner consistent with international law, in the repression of piracy and armed robbery against ships²⁴³. It was signed on 29 January 2009 by the representatives of Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, the United Republic of Tanzania and Yemen. Comoros,

²³⁸ Adhan Haji, The Private Sector Development Advisor, DFID Somalia, Wealth Creation, interview, 10 June 2013

²³⁹ Ibid

²⁴⁰ Undisclosed respondent, Interview, 12 July 2013

²⁴¹ Ibid

²⁴² Ibid

²⁴³ Hartmut Hesse, Special Representative of the Secretary-General for Maritime Security and Anti-Piracy Programmes, responsible for the implementation of the Djibouti Code of Conduct, telephone interview, 11 July 2013

Egypt, Eritrea, Jordan, Mauritius, Mozambique, Oman, Saudi Arabia, South Africa, Sudan and the United Arab Emirates have since signed making the current total 20 countries from the 22 eligible to sign the Djibouti Code of Conduct²⁴⁴.

The signatories committed themselves towards sharing and reporting relevant information through a system of national focal points and information centres; interdicting ships suspected of engaging in acts of piracy or armed robbery against ships; ensuring that persons committing or attempting to commit acts of piracy or armed robbery against ships are apprehended and prosecuted; and facilitating proper care, treatment, and repatriation for seafarers, fishermen, other shipboard personnel and passengers subject to acts of piracy or armed robbery against ships, particularly those who have been subjected to violence²⁴⁵.

3.9.5 Conclusions

This chapter examined United Kingdom's influence to international piracy, that include the Contact Working Group 1-Somalia, the European Union training Mission, European Union Civil arm for capacity building defence project for Somalia, and Britain's piracy responses that comprise of Naval, prosecution, land based, development programme, Coast Guard training, use of armed guards on ships, anti-ransom payment, and also examined the regional counter piracy mechanisms. Collaborative confrontation of the problem of piracy has begun to strengthen relationships among states in East Africa, and between them and other maritime powers and shipping nations. Global organizations, including the International Maritime Organization (IMO) in London, the European Union, and North Atlantic Treaty Organization (NATO), aggressively support piracy repression efforts that includes collective efforts to deter and defeat the crime, from intercepting money transfers of ill-gotten ransoms to forced-

²⁴⁴ Hartmut Hesse, Special Representative of the Secretary-General for Maritime Security and Anti-Piracy Programmes, responsible for the implementation of the Djibouti Code of Conduct, telephone interview, 11 July 2013.

²⁴⁵ Ibid

entry expeditionary military action in the coastal towns and villages located in the Puntland state of Somalia that support the maritime gangs.

On the operational end of the spectrum, Britain and an entire host of nations including France, Denmark, Malaysia, India, and Russia, have sent warships off the Coast of Somalia. A multinational coalition of naval forces associated with the U.S. Fifth Fleet in Bahrain, called the Combined Maritime Forces (CMF), operates in the Gulf of Aden, the Red Sea, the Arabian Gulf and the Western Indian Ocean. Under CMF, Combined Task Force 150 (CTF-150) conducts Maritime Security Operations (MSO) to deter maritime terrorism and promote the rule of law at sea in the Horn of Africa. However, some navies in CTF-150 did not have the authority to conduct counter-piracy missions, and so on January 8, 2009, CMF created Combined Task Force 151 (CTF-151) as a new international counter-piracy naval force. The goal of CTF-151 is to deter, disrupt, and criminally prosecute those involved in piracy, and several nations, including Turkey, already have joined²⁴⁶.

The European Union (EU) has also deployed naval vessels and surveillance planes to the Horn of Africa under Operation “Atalanta.” United Kingdom (UK) has led the EU members states, for example Belgium, France, Germany, Greece, the Netherlands, Spain and Sweden in making contributions to this effort. Across the Atlantic, the UK European Union has become heavily engaged in diplomatic, legal, and naval efforts to suppress piracy.

Ransom payments have been rising steadily since pirate attacks off the coast of Somalia first captured the world’s attention. The idea of using private guards to protect ships and their crew against the pirates has not been entirely well received, but is gaining momentum in the

²⁴⁶ United Nations Contact Group for Somalia (2013)

shipping industry. In addition, Regional cooperation among States has an important role to play in solving the problem of piracy and armed robbery against the ship.

Chapter four: Critical analysis: Emerging issues in British Responses to off the Coast of Somalia Piracy

4.0 Introduction

This chapter focuses on the current emerging issues in Britain's counter piracy responses. As discussed in chapter three on the findings from the primary data, the researcher presents a critical analysis of the findings in chapter three.

4.1 Critical analysis of the findings

As discussed in chapter three, Operation Ocean Shield cooperates closely with other naval forces including US-led maritime forces, North Atlantic Treaty Organisation (NATO), European Union (EU) naval forces and national actors operating against the threat of piracy off the Coast of Somalia. Under the United Kingdom (UK) leadership, NATO warships and aircraft have successfully been patrolling the waters off the Coast of Somalia as part of Operation Ocean Shield. The following table shows the respondents' view on the UK's international influence (II) and the specific British responses, and the regional mechanisms;

Table 1.2 respondents' view on the Operation Ocean Shield;

Sampled view-Effectiveness	DC	CS	BC	PLA	SLA	SFG	RG	BHC	FCO	T
International Influence	2	0	0	2	2	3	0	5	4	18
Naval Based	2	0	0	1	2	1	2	5	5	18
Land Based	1	1	1	2	2	2	2	4	3	18
Prosecution	1	2	2	2	2	2	2	5	5	23
Armed guards on UK-ships	2	0	2	2	2	2	1	6	6	23
Anti-Ransom payment	1	0	0	0	0	0	0	6	6	13
Regional mechanisms	0	2	2	1	1	1	2	3	4	16

Source; Field data

Key: Diplomatic Community (DC); Civil Society (CS); Somali Business Community (SBC); Puntland Administration (PLA); Somaliland Administration (SLA); Somalia Federal Government (SFG); Regional Governments (RG); British High Commission (BHC); Foreign Common Wealth Office (FCO); and Total (T)

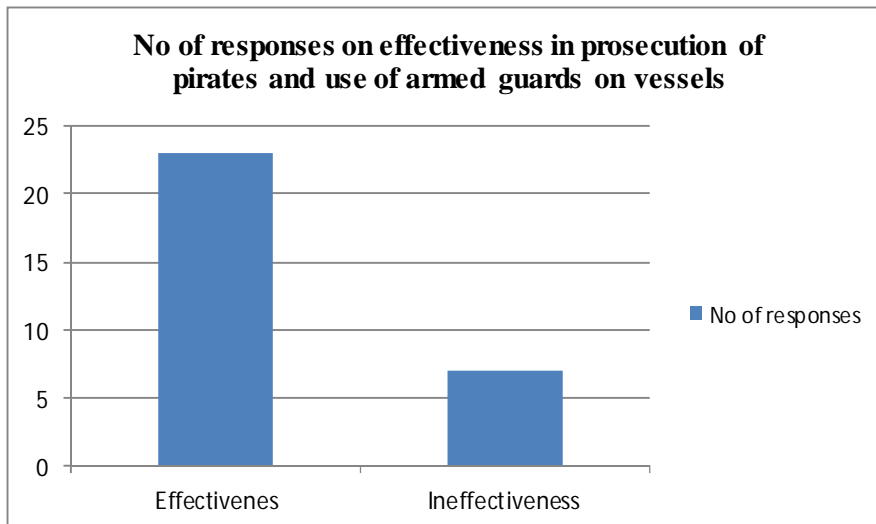
From the above table, 18 respondents were of the view that the international influence was effective. This is 60% of the total sampled population (30). The same response applies to the British naval and land based responses, out of which majority are British High Commission and the Foreign Common Wealth Office respondents. This could be because of the ownership of their responses. 40% of the respondents were of contrary opinion, as a result of the implementation approach by the British. Until Somali motivations to piracy are ameliorated on land, there seems to be no check on exorbitant ransom demands other than expensive military intervention. This intervention now comes in the form of increased piracy patrols and convoys. Other respondents noted the absurdity of spending many millions of dollars to patrol and secure waters against pirates whose vessels cost next to nothing to operate. 40% of the respondents shared this view in their response Military leaders responsible for patrolling

the Gulf of Aden and convoys along the Somali Coast with destroyers and frigates chasing skiffs is not an answer.

Military intervention faces the additional difficulty of being dangerous to the crew held hostage on a captured vessel. In most instances military force is used to recover a vessel only when the unit can be assured that the entire crew has securely locked itself in a safe room out of harm's way from pirates who would use them as leverage against attack, and where they will be safe from collateral damage. There is also a political reluctance to use military force to reclaim ships when the hijackers are in Somali territorial waters.

The bar graph 1.1 below shows the number of respondents on the prosecution and use of armed guards on vessels.

Figure 1.1 effectiveness in in prosecution of pirates the use of armed guards on ships



Prosecution and the use of armed guards on UK-flagged ships got the highest approval of effectiveness at 23 responses out of 30. This is 77% of the sampled population, though 7 respondents viewed the prosecution as ineffective. The ineffectiveness response on prosecution could be as a result of the following; First, Mauritian transfer agreements with

the United Kingdom and the European Union contemplate that Mauritius will prosecute pirates detained within the Exclusive Economic Zone (EEZ) of any Indian Ocean Commission nation (Mauritius, France (Reunion, Mayotte), Comores, Seychelles, Madagascar). This geographic limitation imposes a significant hurdle on pirate transfers, as most Somali pirates are typically detained outside the EEZ of these nations. While some of the Kenyan and Seychellois transfer agreements have never been made public, there is no presence of any such geographic limitation in these agreements; this contributes to the high response on the effectiveness of this approach. By all accounts, all transfer agreements (Kenyan, Seychellois, and Mauritian) contain a discretionary clause which enables the prosecuting nation to decline any proposed transfer by the capturing nation for any reason. Third, Mauritius, like Kenya and the Seychelles, has benefitted from United Nations Office of Drugs and Crime (UNODC) assistance in order to build appropriate detention facilities, on par with international human rights standards. In the past, concerns were expressed regarding the allegedly inappropriate Kenyan detention standards and facilities, and the possibility that nations bound by human rights treaties would not be able to transfer detainees to Kenya if it did not improve its detention policies.

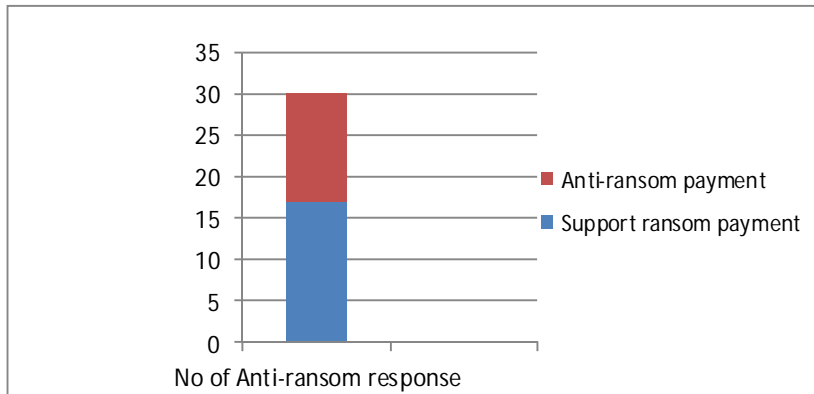
The issue of prosecution is challenged by virtue that Somalia currently has neither an effective naval enforcement nor a domestic legal infrastructure capable of meting out justice to apprehended pirates. Also, the confidence of foreign navies patrolling in the region wavers due to doubts regarding legal authority to apprehend and prosecute (regardless of whether that prosecution is done by the apprehending country or a third-party state). Finally, third-party states, concerned about the ramifications of prosecuting citizens of a foreign country apprehended by another foreign country, offer some resistance. These third-party

prosecutions may burden host countries' legislative and punitive resources and are often seen as damaging to their cultural and diplomatic agendas.

The use of armed guard on UK-flagged ship was recorded as effective at 77%-same as prosecution, majority of the respondents both from British High Commission (BHC) and Foreign Common Wealth Office (FCO), the carriage of armed guards on ships was in the light of the fact that no ships carrying armed guards had so far been successfully pirated and violence had apparently not escalated. However, this applies to the British flagged ship alone, whereas other national flagged-ships with guards on board have been attacked. This was the reason behind the 7 respondents (13%) view that it was not effective. The idea of using private guards to protect ships and their crew against the pirates has not been entirely well received, but is gaining momentum in the shipping industry. It is unclear whether private security companies (PSCs) will improve overall maritime security or trigger micro-wars at sea instead. It is also unclear what risks PSCs can reasonably impose on persons, cargo, and vessels when using force in defense of a vessel, or what rules of engagement private security companies (PSCs) should apply when encountering pirates. Perhaps most importantly, there is no certainty that PSCs can be held accountable if something goes wrong. These concerns stem from the lack of transparency and public oversight over the operations and business practices of some PSCs. Britain and other flag states necessarily will take the lead in setting rules for PSCs, but Somalia and other coastal port states have expressed concerns over the on-board use of firearms on foreign-flagged vessels in their territorial waters. In this view, it is for governments, and not profit motivated private companies, to provide military services that protect against piracy. The presence of weapons on ships presents additional concerns. The International Maritime Organisation (IMO) strongly discourages the carrying and use of firearms for personal protection or the protection of a ship. Firearms can be taken by pirates from the crew and used against them. Also, not all countries or ports permit private gun

ownership, so the presence of firearms on a vessel poses thorny jurisdictional and legal issues.

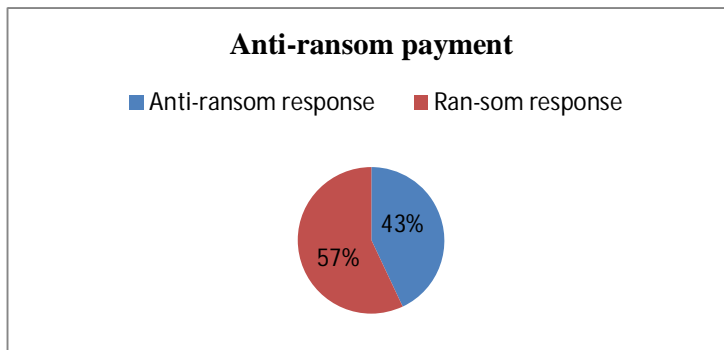
Below is figure 1.2 bar graph of anti-ransom responses.



On anti-ransom, only 13 respondents (43%) support this response, with 12 responses coming from British High Commission and Foreign Common Wealth Office. This is based on their believe that payments for hostage taking only encourage further hostage taking.

The following is figure 1.3 is a pie chart representation of the ant-ransom responses;

Figure 1.3 Anti ransom percentage response



The majority of respondents (17), at 57% did not support this argument. Of interest was the response from one of the Foreign Commonwealth Office respondent, where he argued that the anti-ransom is a public policy statement by the British Government. He gave an example

of the highly publicized case of the Chandlers, a British yachting couple captured by Somali pirates on October 23, 2009, and held until 14 November 2010. The couple were released after spending over one year ordeal. A ransom of \$1million believed to have been paid to Somali pirates after Foreign Commonwealth Office negotiation through a British private security company²⁴⁷. According to him, the British government does not pay the ransom, but they facilitate negotiations for ransom payment²⁴⁸. Failure to pay ransom could lead to capture and killing the occupants with the intention of selling the vessels and the goods. Hence no ship owners do want to risk the lives of on board staff.

A comprehensive approach to tackling piracy requires greater opportunities for young men to pursue an honest livelihood. Unfortunately there is no evidence of Department for International Development's (DFID) sustainable employment and economic development programme in contributing to reduction of piracy. The evidence base is presently insufficient to back claims of impact on the incidence of piracy. The British agencies delivering livelihoods programmes in response to anti-piracy efforts believe they are given second tier consideration compared to projects supporting prisons and prosecutions.

There were three Focused group discussions (FGDs) comprising 6 members each and 3 Key Informant interviews (KII) with three purposively chosen senior staff at the British High Commission. Each member of the FGD was knowledgeable about both British and international communities' response to piracy off the coast of Somalia. There responses were used to triangulate the earlier questionnaire responses.

²⁴⁷ Undisclosed respondent, Foreign Commonwealth Office, interview, 12 July 2013

²⁴⁸ Ibid

Table 1.3; Perception of both FGD and KII on the British responses to piracy off the Somalia Coast and other regional mechanisms.

Focus Group Discussion (FGD)				Key Informant Interview (KII)		
Response	E	I	NEI	E	I	NEI
N		√		√		
LB	√				√	
P			√		√	
DP			√			√
SPU/CGT/ PL/SL	√				√	
AG	√			√		
ARP		√			√	
RCP		√			√	
IIC	√			√		

Key: Naval (N), Landbased (LB), Prosecution (P), Development Programme (DP), Special-Protection-Unit/CoastGuard-raiding/Puntland/Somaliland (SPU/CGT/PL/SL), Armed guards (AG), Anti-Ransom Payment (ARP), Regional Counter Piracy (RCP), International Community Influence (ICI); and Neither Effective nor Effective (NEE); Effective (E). Ineffectiv (I)

Focused Group Discussions (FGDs) were of the view that naval, anti-ransom payment and regional counter piracy mechanisms as being ineffective. According to FGDs, much of effort in naval and anti-ransom payment was on the perpetrators rather than enablers of piracy. Less effort has been put in the regional counter piracy mechanisms, for example, the Kampala Protocol that seem not to be moving forward. On prosecution and development programmes, the FGDs argued that there was no evidence that these had contributed to the reduction of

piracy. This may be the case for Sustainable Employment and Development Programme, which was not designed with specific mission of targeting piracy, but by creating job opportunities for the youth, it would indirectly contribute to the reduction of unemployment, leading to a reduction of the number of youth joining piracy activities. However, they were positive with land based, support to Coastal Guards and the International influence, especially the Somalia Working Group number one, under the Somalia Contact Group on piracy.

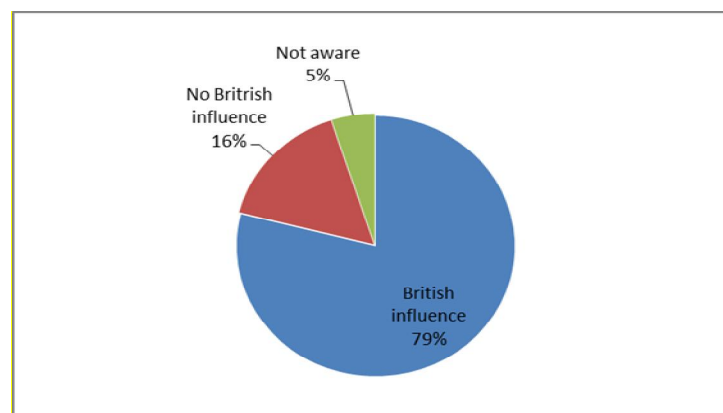
On the other hand, over 70% of the Key Informant interview were of the view that the British responses were ineffective. This is because most of the responses are naval, prosecution, training of coastal guards, with very little impact on the piracy activities. According to them, the third party prosecuting pirates and countries in agreement with the British Government are only interested in getting aid for paying salary of judiciary and other government officials working on anti-piracy projects. But they agreed with the anti-ransom policy, partly because two of the respondents had participated in the design of this policy. Thus they had all the reasons to support. All the three respondents did not agree with the Department for International Development programme on employment creation as there was no relationship between its objective and piracy.

Table 1.4: Illustrating Britain’s role in international counter piracy off the Somalia Coast

	International response	Number of responses	Percentage of response
1	Influenced by Britain	15	79
2	Not influenced by Britain	03	16
3	Not aware	01	5
	Total Questionnaire response	19	100

From the table above, 15 respondents strongly believed Britain was behind the international counter piracy responses off the Somalia Coast. This represents 79% of the response. The British Government policy to International Maritime Organisation (IMO) contributes to this response. Majority of them were of the view that, Britain had as early as 2004, indicated its determination in addressing addressing international piracy. During the European Union's United Kingdom's (UK) presidency-this year, the UK was on the forefront in pushing forward anti-piracy strategies in Somalia and the international community at large. It is also keen in implementing their national maritime security program. 03 (16%) respondents were of the view that the counter piracy efforts are a collective action of the United Nations, European Union and the African Union. Out of the total of 19 responses, only 1 individual was neither aware nor not aware of the international counter piracy responses and the possible UK's influence.

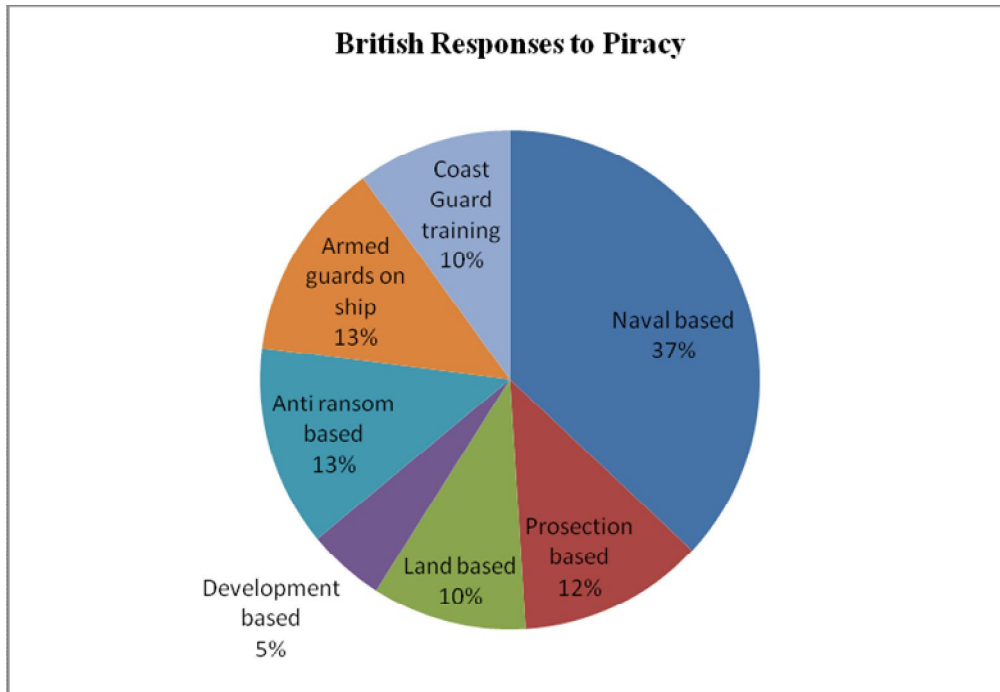
Figure 1.4: Pie chart illustration on responses on the Britain's role on counter piracy



In addition, the questionnaire, key informant interview focus group discussion sought the respondents opinion on the following: Britain's and the responses to piracy off the Somalia Coast, effect of these responses- whether they increase or reduce piracy and the strength and weakness of responses. The responses listed the following as the British responses on piracy

off the Coast of Somalia; naval, prosecution, land based responses; and development programmes, anti-ransom payment, armed guards on ships and Coast Guard training. Figure 4.2 presents the percentage responses in the pie chart.

Figure 1.5: Illustration of responses on British responses to piracy of the Coast of Somalia



The highest percentage of the responses was on the naval based at 37%, followed by anti-ransom and armed guards on ship at 13% respectively, prosecution at 12% , Coast Guard training and land based responses at 10% respectively. According to respondents, the naval based responses has reduced incidences of piracy and opened up ships along this route. Many western nations have adopted this approach as an initiative for counter piracy along the Somalia waters. Much as the level of piracy has reduced, it is difficulty to associate this to the British naval or other means off the Coastal Somalia. To some respondents, the threat of piracy off the Coast of Somalia has influenced ships to avoid the Somalia route, hence the reduction of the number of piracy attempts and the number of ships under pirates' control has

no connection with the British naval and other counter piracy approaches in place. On the same note, some argue that reduction is as a direct response of the African Union military mission in Somalia (AMISOM). To greater extent, the reduction is as a combination of various initiatives by different stakeholders, but not entirely attributed to an individual response.

The use of armed guards on the ships was mentioned as a key achievement in the counter piracy responses by the British Government. Most of the respondents views were in line with literature review on the flagged shipping as guidelines as published by the Department for Transport. No ships with armed guards on board has ever been successfully pirated. This indeed in agreement with the realist perspective as discussed in the theoretical framework. The realist view that human nature is greedy and selfish, for individuals and states look for their personal interests, is confirmed with the UK's support of the armed guards on the British flagged ships. This in essence, shows the interests of the British as they strongly encourage this to continue.

Realism theory as discussed in the theoretical framework, brings out the double standards of the nation State. Each international intervention is begged on the 'national interest' of the States involved. In the figure above, 12% of respondents, argue the prosecution is another British response aimed at bringing an end to piracy activities. Many acknowledge its contribution to ending piracy. According to the Ministry of Fisheries, the British arrests and prosecution of suspected pirates, has far reaching implications on fishing activities in Puntland and beyond. Much as they complain that pirates often interfere with their livelihood in ways that can endanger lives and lead to massive losses of income as a Puntland State interest for its local citizens. The fishermen interviewed complain that they are often

mistaken to be pirates. Cases have been reported where both pirates and the Puntland Maritime Police Force (PMPF), confiscate fishing gear and drain boats of fuel leaving fishermen stranded in the high seas. Fishermen are also up in arms against what they call unwarranted harassment from British and other international counter piracy forces plying the area. They are often mistaken for pirates and at times detained for questioning for days before release without trial, a situation that instills fear and leaves them frustrated. Strategies like carrying with them identification documents from the ministry of fisheries and inscribing their boats with the emblem of the ministry have not helped much in deterring such incidents.

In some quarters both fishermen and private armed guards on British ships have been accused of engaging in human trafficking alongside fishing and counter piracy agenda of protecting the vessel. While some players in the sector were reluctant to admit, some key informants ascertained the information as true though to a limited extent as the fishing communities are careful not to engage in acts that might further jeopardize their relationship with security agencies. With this in mind one cannot fail to establish the existing potential for increased interest in human trafficking on the side of fishermen and the armed guards on the British fish flagged ships. The fishermen interviewed reported that they raised the issue of human trafficking with the former British Ambassador to Somalia, but in their own words “the Ambassador did not want to indulge in such discussion, he appeared not comfortable as it would affect the British interest”. One could argue that this could have been compelled by the fact that the British private security companies contribute to the British tax, hence any attempt to monitor their activities would affect the national interest of their National Cross Domestic Product (GDP).

The 10% that mentioned training of Coast Guards as another British response, were not happy with the Puntland Maritime Police Force (PMPF). To the local people, this is a private militia group used by the Puntland government to guard themselves. They argued that, the British government has trained PMPF to operate like commandos, instead of being trained to be disciplined. They also informed the researcher that the PMPF training has been done in phases with a mix of international community facilitation, at some point South Africa's private security company is mentioned to have also contributed to the British 'commando' style of training. The local Somalis in Puntland were at a loss as to why the British government continues to support the PMPF, yet they are accused of human rights violations and atrocities. Despite these accusations, the British government officials interviewed could not express their opinion for fear of jeopardising their national interest in securing 'piracy free off the Coast of Somalia'.

Interventions under the Sustainable Employment and Economic Development (SEED) - supported by the Department for International Development (DFID) Somalia, in the fisheries sector in Puntland, was implemented by the United Nations Development Programme (UNDP)-Somalia. This programme targets were to establish fishery market information system, create market outlets and awareness to promote fish consumption. In this case they did not directly tackle piracy. The reduction of piracy through SEED was an assumption of the long term unplanned impact of the SEED programme. This justifies for the 5% in the figure above. According to an undisclosed respondent, the DFID support of the SEED and other governance programmes is in the nation interest of the United Kingdom for spending 0.7% of the national Gross Domestic Product (GDP) in the Overseas Development Assistance (ODA) by the end of the current financial year. Furthermore, the situation in Puntland just like in Somaliland and South Central, presents challenges as far as selection of stakeholders for

participation in development initiatives is concerned. More often than not those selected are suspected of having connections with high powered officials who influence their selection. While this could pass for a simplistic statement, the study can attest to its validity after the experience during data collection. A section of stakeholders complained that they were not selected by the lead implementing agencies through sub-contracting because of failure for them to seek the intervention of powerful individuals in the sector. Some of these actors included those from the minority clans, and ethnic groups especially those with origins in the south, in relation to fisheries and livestock sector.

Study questions have been answered; for incidence; Based on the views from the field, the UK influenced the United Nations Security Council (UNSC) resolution (1816), it co-sponsored this resolution addressing the problem of piracy off the Somalia Coast. The resolution permitted the states co-operating with the Transitional Federal Government (TFG) to enter the Somalia's waters and use all means available in repressing piracy and armed sea robbery. It also influenced the deployment of the three international naval forces to operate in Somalia. These are North Atlantic Treaty Organisation (NATO), European Union and the United States, this is along the counter piracy, counter terrorism and counter narcotics task forces; and maritime security. The Royal navy regularly contributes to these operations and also provides the Operational Commander; and the Operational head quarters for (NATO) at Northwood. The Royal Navy has an undisclosed number of vessels within the Gulf region. The UK also influenced the Combined Task Force (CTF) 151, whose purpose is to conduct counter piracy operations across the Combined Maritime Forces (CMF) are of responsibility. The Working Group (WG) 1 of CTF is chaired by UK and hosted at the International Maritime Organisation (IMO) head quarters in London.

Conclusion

This chapter examined the findings from the field as captured in chapter three. Over the past four years, new developments in collaborative counter-piracy repression efforts have been promising, culminating in unprecedented Security Council action in 2008. In the four years, spanning from November 2008 to December 2012, more progress has been made in counter piracy diplomacy and international law than in the previous four years. Policy formulation in British government and the European Union's innovative resolutions have shaped the nature of the relationship between Britain and international community on one hand and the Somalia regional administrations; and the third party pirates prosecution States. The problem of piracy off the coast of Somalia is that, it has encouraged a broad, informal coalition of states and international organizations to send forces into the Somalia coastal area. The large number of warships alone, however, cannot stop piracy off the coast of Somalia in the vast area of the Somali coastline, which stretches the distance from Maine to Miami. The states situated in the Horn of Africa will have to be at the center of a long-term solution.

Chapter Five: Summary, Key findings Conclusions and Recommendation

5.0 Executive Summary

The study is divided into four key sections. The first chapter introduces the research and the overall aims of the study in general terms. The chapter also examined literature review, where it concludes that, the piracy issue is an international problem in the Maritime industry. There is no single mitigation measure, but a multiple efforts are used. The second part examines historical aspects of general responses to piracy by Britain and the international community. It gives the earlier international responses to piracy and the United Kingdom's (UK) responses that include land based, naval, prosecution, use of armed guards on UK flagged ships, development programme, Coast Guard training. It also outlines the UK's international responses through the European Union, United Nations and the International counter piracy institutions that it actively participated in the formation of such institutions like the International Maritime Organisation. The third section looks into the field findings by examining Britain's responses and the extent to which various responses international strategies were adopted because of Britain's influence.

The respondents expressed some reservations to some of the methods used. For example, the use of naval and prosecutions responses was a challenge to the fishing industry. Fishermen are often mistaken to be pirates, hence the the effectiveness of these responses are questioned. The fourth and final part gives an insight into the analysis of the findings and the emerging issues in Britain's counter piracy responses in Somalia. It gives critical analysis of the findings and the information presented in both tables and figures. The findings show that, much as the piracy levels has been reduced off the Coast of Somalia, this can not entirely be attributed to Britain's responses. Instead, it is a combination of efforts by the international community and the regional organisations like the African Union military mission in

Somalia. To some, the ships have just been avoiding the route off the Somalia Coast because of the piracy activities, hence no justification that the reduction of piracy is as a result of the UK's responses.

5.1 Key findings of the study

United Kingdom's influence to international counter piracy in Somalia. UK is one of the leading states in support of the European Union Naval Force (EU NAVFOR) Somalia operation Atlanta that was launched as part of a comprehensive framework of the European security and Defence Policy (CSDP), in relation to the international Law and the United Nations Security Council Resolutions. The UK influenced the extension of the EU naval operation to December 2014 under the leadership of Admiral Duncan Potts (UK Royal Navy) as the current operation commander. The UK supports its Maritime Trade Operation that is run by the Royal Navy based at the British Embassy in Dubai. The UK also leads the efforts in the recognition of Somalia's Exclusive Economic Zone that contributes to the protection of natural Maritime resources up to 200 nautical miles from its coastal baselines, it also leads the business model for undermining piracy through the Regional Anti-Piracy Prosecution and Intelligence Co-ordination Centre (RAPPICC) based in Seychelles. The UK also chairs the Working Group one contact group on piracy in Somalia (CGPCS), which is also hosted at the International Maritime Organization (IMO) at their London Headquarters. In addition, UK influenced the European Union Civilian arm for capacity building defense project for Somalia (EUCAP) Nestor. In addition, Britain supports the establishment of UN Somalia office that replaces the previous UN Political Office for Somalia.

Based on the findings, the UK influenced the United Nations Security Council (UNSC) resolution (1816), it co-sponsored this resolution addressing the problem of piracy off the

Somalia Coast. The resolution permitted the states co-operating with the Transitional Federal Government (TFG) to enter the Somalia's waters and use all means available in repressing piracy and armed sea robbery. It also influenced the deployment of the three international naval forces to operate in Somalia. These are North Atlantic Treaty Organisation (NATO), European Union and the United States, this is along the counter piracy, counter terrorism and counter narcotics task forces; and maritime security. The Royal navy regularly contributes to these operations and also provides the Operational Commander; and the Operational head quarters for (NATO) at Northwood. The Royal Navy has an disclosed number of vessels within the Gulf region. The UK also influenced the Combined Task Force (CTF) 151, whose purpose is to conduct counter piracy operations across the Combined Maritime Forces (CMF) are of responsibility.

The UK has been on the fore front of counter piracy in Somalia and the international level. Its operations in Somalia include the naval based response that work closely with the European Union and North Atlantic Treaty Organisation (NATO). The UK has undisclosed number navy ship along the coastal of Somalia. Furthermore, the UK leads on the prosecution based responses through British backed international efforts in making Seychelles the frontline prosecution of the Somali pirates in the Indian Ocean. The UK has also completed transfer agreements with Kenya and Seychelles. It has also seconded two British lawyers to from the UK Crown Prosecution Service to the Seychelles' justice department. Also, the UK's efforts are through land based responses; they include the opening of the British Embassy in Mogadishu on 25 April 2013, with a resident Ambassador from Tuesday to Thursday. This is a way of increasing the British presence in Somalia. Besides opening the Mogadishu Embassy, the UK had earlier opened the British Office in Hargeisa on 03 September 2012. Support to Somaliland Special Protection Unit and Coast Guard training in Puntland, aimed

at equipping the police and Coast Guard with required skills. It also uses armed guards on the UK flagged ships where no ships carrying armed guards had so far been successfully pirated. Britain also engages in anti-ransom payment and employment creation programme aimed at creating economic opportunities for the unemployed youth rather than joining piracy activities.

Effectiveness of UK's responses to piracy in Somalia has been critically analysed. The UK's programmes on counter piracy have been of mixed impact; to a greater extent they have been less effective in mitigating piracy. The focus has been on perpetrators rather than enablers of piracy activities. The UK has managed to reduce the overall piracy activities in Somalia, though the reduction is a combined effort of many other actors rather than the UK's responses alone. Despite this, the UK has been criticised in its approaches. For example, the livelihood development programme is implemented in areas like Bosasso, Burao, Hargeisa. Such areas are not high impact areas, they are relatively stable. If the original intention was to contribute to the reduction of piracy, the programme should have been implemented in the hot spots with high impact on piracy activities in the coastal communities.

5.2 Conclusions

So far, the desire of the British Government and that of its allies for a positive and long-term outcome for piracy off the coast of Somalia has been manifested through their collective naval power. It is a perfect metaphor for the desire not to become involved to any worthwhile extent in reaching a solution to Somali piracy. Yet naval action is the least efficient and cost-effective form of piracy suppression. The Navy cannot operate in a policy vacuum and saying the policy is to suppress piracy is akin to saying the aim is to play with naval assets. Proposals to short-circuit the Navy's activities at sea by attacking piracy bases need,

however, to be cognizant of the potential consequences. Somalis are jealous of their sovereignty and resentful of foreign interference which tends to unite them against a common enemy. British standing amongst Somalis has been compromised by its activities over many years. A violent investiture of a pirate base, which might leave many innocents killed, even if successful in the short term, could have negative political consequences just at the moment when the Britain needs to focus its political and diplomatic influence most strongly in Somalia and the neighbouring states within the Horn of Africa. The naval and military responses have less impact to piracy activities, its not effective means to piracy. However, a combination of naval, land, prosecution and diplomatic engagements through negotiation is more effective.

However, Britain needs to focus on addressing not the cause of piracy in Somalia, prosecution and the increased naval presence, might not end piracy, but concerted effort like improving and addressing poverty, illiteracy and ending hunger at the same time responding to the needs of the communities that live along the coastal areas will in the longrun reduce piracy in Somalia. Britain needs to invest in lifting poverty through education, health and assisting Somalia government its development goals.

5.3 Recommendations based on specific objectives

A solution pursued gradually through regional organizations such as the African Union (AU), Inter-governmental Authority on Development (IGAD), East African Community (EAC) might have the advantage of consensus but runs the risk of being hijacked by the narrower policy interests of some states. A more attractive course of action would be for Britain to assemble an effective regional coalition with good negotiation and mediation skills, which is willing to deal with Somali sub-state entities in order to reach a more immediate solution

even though this might mean deferring agreement on a unitary state to a later date. Crucial to possible negotiations is Puntland and non-Islamic clan alliances in the South will be a clear commitment to curb piracy in return for Britain and allied political and economic support into nearly 20 years of chaos and statelessness in Somalia, and have fed on this and grown with the prevailing situation. Unfortunately, the existing counter-terrorism strategies in Somalia have to a large extent ignored this reality and have instead opted for a superficial military driven response.

Financing an effective and well-motivated Puntland Police service is another recommendation; the current investment in the coast guard is the preferred defence against piracy in a mature and well-structured state. This is not the case in Puntland, which is a fragile semi-autonomous political administrative region. A better effective strategy is to build the capacity of the police service to empower them with the capability to stop the pirates before they reach the sea. The police should be trained, possibly through an expansion of the police training programme operated by the United Nations Development Programme (UNDP). Besides the training, small permanent garrisons should be funded in Eyl, Gracad, Hilalaya, Hobyo, Ceel Huur and Xarardheere; and equip the police with vehicles that can facilitate the rapid response to piracy threats. These should be followed or done concurrently with development of the road infrastructure, and in the long term-build radio stations with frequency radios for communications. In addition, it is profound to expand the prison system in Puntland. The suspected pirates apprehended by the trained professional police service should be taken to cells rather than mass pardons for lack of space in the prison even for the convicted pirates. It will also reduce the time taken in transporting the apprehended pirates to Kenya or Seychelles.

British and other international Development agencies working on alternative livelihood programmes aimed at young men need to be better co-ordinated and better target communities where pirate recruits are known to be drawn from. Present work is largely based on where it has been possible to deliver programmes rather than being responsive to analysis of where pirate recruits emanate from. Department for International Development (DFID), with others, should seek to remedy this. The coherence and balance between the 'on land' efforts- principally criminal justice interventions and alternative livelihoods - is presently sub-optimal. There should be equal funding of agencies working on livelihood activities to engage the youth instead to dissuade them from joining piracy. Those agencies delivering livelihoods programmes in response to anti-piracy efforts believe they are given second tier consideration compared to projects supporting prisons and prosecutions. Department for International Development (DFID) should be encouraged to work closely with the Foreign Commonwealth Office (FCO) in seeking the right balance in the portfolio of 'on land' anti-piracy efforts.

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APPENDICES

Appendix 1: Focus Group Discussion Guide (FGD)

Introduction:

Good morning/ afternoon, my name is I am conducting a research on piracy off the Coast of Somalia.

This FGD is administered for the purpose of collecting data on issues on piracy off Somalia Coast for academic research purpose only. Any information volunteered by you will be held in confidence and not used for any other purpose apart from the one stated.

Overall knowledge on piracy

- I. What is piracy in your own understanding?
- II. What are the causes of piracy?

Responses to Piracy

- I. What are the international responses to piracy in your understanding?
- II. What are the regional responses to piracy?
- III. How does Somaliland/Puntland/South Central respond to Piracy?
- IV. What are the UK's counter piracy strategies that you are aware of?

Assessing the UK's counter piracy strategies

- I. How effective are the UK's counter piracy strategies?
- II. What recommendation could you give on effective counter piracy strategies?

THANK YOU!

Appendix 2: Key Informant Interview (KII) Guide

Introduction:

Good morning/ afternoon, my name is I am conducting a research on piracy off the Coast of Somalia.

This KII is administered for the purpose of collecting data on issues on piracy off the Coast of Somalia for academic research purpose only. Any information volunteered by you will be held in confidence and not used for any other purpose apart from the one stated.

(a) General information

Name of the institution (a) Somaliland Government

(b) Puntland Government (c) Federal Government (d) Non State Actors (e) Diplomatic Corp

(f) Government of Kenya (g) International organisation (h) Regional Organisation

Branch of the institution/geographical location

Position at the institution

(b) Counter piracy strategy

What is your understanding of counter piracy strategy?

.....
.....
.....

What are the international counter piracy responses or strategies?

.....
.....
.....

What are Britain's counter piracy responses or strategies?

.....
.....
.....

How effective are Britain's counter piracy responses?

.....
.....

What are the regional counter piracy responses?

.....

Any other information on the topic under study?

.....
.....
.....
.....

THANK YOU!

Appendix 3: Questionnaire

Introduction:

Good morning/ afternoon, my name is I am conducting a research on piracy off Somalia Coast.

This questionnaire is administered for the purpose of collecting data on issues on piracy off Somalia Coast for academic research purpose only. Any information volunteered by you will be held in confidence and not used for any other purpose apart from the one stated.

(a) Personal characteristics

Gender(Male), (Female), (Trans-gender) -Please tick the answer

Gender	Education	Age	Religion
Male <input type="checkbox"/>	Primar <input type="checkbox"/>	15-2 <input type="checkbox"/>	Muslim <input type="checkbox"/>
Female..... <input type="checkbox"/>	Secondary <input type="checkbox"/>	26-35 <input type="checkbox"/>	Christian <input type="checkbox"/>
Trans- gender..... <input type="checkbox"/>	University <input type="checkbox"/>	36-45 <input type="checkbox"/>	Buddhism <input type="checkbox"/>
	None of above <input type="checkbox"/>	46 and above <input type="checkbox"/>	Any other <input type="checkbox"/> (specify)

(a) General information

Name of the institution (a) Somaliland Government

(b) Puntland Government (c) Federal Government (d) Non State Actors (e) Diplomatic Corp

(f) Government of Kenya (g) International organisation (h) Regional Organisation

Branch of the institution/geographical location

.....

Position at the institution

.....

b. Counter piracy strategy

i. What is counter piracy strategy in general?

.....

ii. In your understanding, what is counter piracy strategy in context off the Somalia Coast?

.....

c. Britain's role in international counter piracy off the Somalia Coast

i. Is international counter piracy influenced by Britain?

.....

ii. Give reasons why you think so in your answer above

.....

.....

iii. If the answer in (i) is yes, how does Britain influence international counter piracy strategies?

.....

.....

iv. What are the international counter piracy responses in Somalia?

.....

d. Britain’s counter piracy strategies

i. What are Britain’s counter piracy responses or strategies?

.....
.....

ii. Do you agree with all or some of the counter piracy strategies above?

.....

e. Effectiveness of Britain’s counter piracy responses

i. Are such responses reducing or increasing piracy in Somalia?

.....

ii. What are the strengths and weaknesses of Britain’s responses?

.....
.....

iii. In your understanding, what are the ways of improving Britain’s responses?

.....
.....

f. Regional counter piracy strategies

i. What are the regional counter piracy responses?

.....
.....

ii. How effective are such responses?

.....
.....

g. Somalia State responses to piracy

i. What are the existing responses to piracy?

.....
.....

Any other information on the topic under study?

.....
.....

THANK YOU!

Appendix 4: Somalia map



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