

# The European Security and Defence Union

Main Topic  
**Maritime Security**



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## The role of the European Parliament in the Common Foreign Security and Defence Policy

Gabriele Albertini MEP, Chairman,  
Foreign Affairs Committee, European  
Parliament, Brussels/Strasbourg

## Nuclear Disarmament and Proliferation – a personal view on the need for realism

Michael Rühle, Deputy Head of the Policy  
Planning Unit in the Private Office of the  
NATO Secretary General, Brussels

## Russia's security policy in new European structures – what is behind President Medvedev's ideas

Vladimir Chizhov, Ambassador, Permanent  
Representative of Russian Federation to  
the European Union, Brussels

# „EU NAVFOR Somalia“ – ATALANTA – First Anniversary

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The European Council's decision No. 2008/851 from 10 November 2008 is the basis for European Union's mandate to escort vessels, repel pirate attacks and pursue suspects at the Horn of Africa. On 8 December 2008, the Council of the European Union adopted the decision on the launch of its military operation. With "EU NAVFOR Somalia", the EU for the first time carries out the safeguarding of security interests in a global maritime context, far away from Europe's peripheral seas. Since 8 December 2008 up to six naval vessels and up to five Maritime Patrol Aircraft conduct service under the rules of "EU NAVFOR Somalia", named "Operation ATALANTA". On 8 December 2009, the Council of the EU decided to extend the mandate of the military operation to help deter, prevent and repress acts of piracy and armed robbery off the coast of Somalia until 12 December 2010.

## Successful Work of the Navies – Pirates Still Going Strong

Warships from EU Member States do not operate at the Horn of Africa alone. Many navies are engaged in repressing piracy (USA, China, Russia, India, Japan, South Korea, Turkey, Malaysia, ...). How do the naval forces with their some 20-30 vessels operate?

- Patrol the Internationally Recommended Transit Corridor in the Gulf of Aden (IRTC);
- Escort convoys within the IRTC;
- Escort ships carrying goods for the UN's World Food Program (UN-WFP) to bring supplies to the Somali people;
- Repel attacks and track and arrest raiders or suspects with the use of deadly force.

The navies' greatest achievement was to give security to the choke point of the Gulf of Aden. All ships transiting the Gulf of Aden are advised to register with Maritime Security Centre (Horn of Africa) before transiting, and some transits are escorted by warships. There was no hijack of a registered merchant vessel travelling in the IRTC and taking security measures according to the best-management-practice guidelines of the International Maritime Organization (IMO) in the first year of EUNAVFOR-Somalia.

### Success of the operation...

As the German Secretary of Foreign Affairs stated in the middle of December 2009, about 190 pirate attacks were repelled by the navies altogether, 40 of these attacks by naval units of "EU



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NAVFOR Somalia". Naval units operating under the flag of ATALANTA handed over 75 suspects to authorities in Kenya. The US Navy and units from Britain, France, Spain and Russia took another 80 suspects into custody.

Naval units under the flag of ATALANTA escorted all 69 UN-WFP transits into the port of Mogadishu, supplying nearly 300,000 tons of food to 3 million Somali people. Yet UN-WFP's problem is not situated at sea but inland Somalia: in the first days of 2010, WFP stopped distribution of provisions in southern parts of Somalia due to sustained fighting.

### ... but pirates' activities doubled

In spite of the navies' efforts, the number of pirate attacks nearly doubled from 111 in 2008 to 217 in 2009 (according to the International Maritime Bureau Annual Piracy Report). The number of hijacks was 42 (with 815 crew taken hostage) in 2008 and 47 (with 869 crew taken hostage) in 2009. The number of unregistered pirate attacks could be up to 3 times higher according to the experience of previous years – the bulk of attacks still target small coastal vessels and small fishing boats – their crews usually do not inform any authority.

Pirate gangs enlarged their hunting ground from the Gulf of Aden and Somali coastline to the Indian Ocean southwards to 7° S and eastward to 64° E. Captured dhows and trawlers were used as motherships for up to four weeks before being abandoned. There are currently more motherships operating than ever before, and they change in intervals shorter than ever before practiced. Some pirate gangs are meanwhile habitually operating up to 1,300 nautical miles (NM) from their home



ports with their “Pirate-Attack-Groups”, usually comprising of one mothership and two skiffs.

### Evolution of Naval Forces’ Strategy

The pirates proved to be very adaptive to the naval forces’ strategy of securing the Sea Line of Communication (SLOC) in the Gulf of Aden. The EU reacted by the extension of its operational area to 5.4 mil. km<sup>2</sup>, now reaching to 11° S and 60° E. Even if the deploying nations were to double or triple naval forces in the Somali basin, they still would have to keep too much water under watch. Pirates need only 15-30 minutes to attack and hijack a ship. In the same time, a frigate may travel 7,5-15 NM, a helicopter 25-50 NM.

Maritime Patrol Aircraft (MPA) and Unmanned Aerial Vehicles (UAV) are much more effective when surveillance of vast sea areas is needed. The strategy aims to detect Pirate-Attack-Groups in common sea traffic. Since MPAs or UAVs cannot take any suspect into custody, their reconnaissance data are used to guide naval units to the suspected vessels to board them. There is one alternative to mention, which is politically undesirable: MPAs and UAVs could use their weaponry to destroy suspected vessels, but then one would have to accept to kill people on board.

Some other options coming into focus are not politically desirable either. Only France and Iran secure some civilian ships under their national flag by military detachments. German frigates carry “vessel protection detachments but have made no use of them as of January 2010. National discussions usually focus on legal objections. Only some states provided legal provisions for deploying groups of military personnel on civilian vessels. The option of deploying civilian armed security personnel poses the question of rules of engagement under international and national law and the question of costs.

### Peace in Somalia – a prerequisite

It is absolutely necessary to increase the pirates’ risk of being imprisoned, injured or killed. To take small groups of them into custody from time to time is not sufficient to fight the gangs comprising some 1,200 people. A Somali Coast Guard has yet to be formed. Pirates should be fought and prosecuted by Somali police and prosecution agencies. But the Somali Federal Government’s control is restricted to the presidential residence, airport and port of Mogadishu, and to some quarters in the vicinity. The autonomous provinces of Puntland and Somaliland in the north of Somalia are not officially recognized by Western nations, so most states have to observe arms export limitations when it comes to the decision if and how to support these regional “governments”. But without vessels and weaponry from abroad, the buildup of a Somali Coast Guard or Somali law enforcement forces seems impossible. Delivery of weapons may cause additional problems related to

the risk of these weapons being sold to parties in a civil war. UNSC Resolution 1897 from November 2009 renewed this item in its paragraph 7. But as of today, no serious attempt has taken place to fight pirates in their home bases. The problem is above all possible collateral damage; a clear distinction between pirates and the civilian population is difficult to find on land. Short-term expeditions or air strikes only temporarily suppress the pirates: because they hardly need any material infrastructure, and buildings not at all, and killed or arrested pirates can be quickly replaced since an immense number of young Somali men want to become pirates. There are thousands of skiffs and small dhows at the Somali coast - one cannot destroy them all.

What about a new UN intervention to end the war in Somalia? After “Blackhawk Down”, which nation will want to risk the lives of its soldiers? At least one crucial condition should be guaranteed to start a new UN peacekeeping operation: the willingness of the civil war parties to sign a ceasefire and to accept foreign military forces in Somalia. But that is still unforeseeable.

### Conclusions

If one would not give up the struggle against piracy, there still remains finding a way to maximize the risk of the criminals being imprisoned, injured or killed. If pirates get apprehended while committing a criminal act they have nothing to fear, at worst they will be disarmed. They will only lose some days while returning to the Somali coast to receive new equipment. They only need a few minutes for the very short phase of carrying out an act of piracy and can be quite sure not to be detected and disturbed by any warship in the wide expanse of the Indian Ocean. The reward for a successful act of piracy is almost assured given the incalculable risks involved in using force to liberate hostages. Better self-protection of the civilian ships is therefore urgent.

### Documentation

#### UNSC Resolution 1851 from December 2008, in its paragraph 6, states:

“In response to the letter from the TFG of 9 December 2008, encourages Member States to continue to cooperate with the TFG in the fight against piracy and armed robbery at sea, notes the primary role of the TFG in rooting out piracy and armed robbery at sea, and decides that for a period of twelve months from the date of adoption of resolution 1846, States and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the TFG to the Secretary-General may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the TFG, ...”