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

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**Executive Summary and Recommendations**

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**The Greens | European Free Alliance**  
in the European Parliament

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## Executive Summary

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

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

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

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

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

## Recommendations to the European Union

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### General

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

### EU

- The EU should develop a truly comprehensive strategic approach to Somalia bearing in mind the regional interlinkages of the crisis. For this it should
  - a) establish a thorough assessment of all ongoing activities of its agencies and Member States
  - b) clarify the purpose of the engagement as a whole,
  - c) identify the concrete objectives,
  - d) prioritize these objectives, and
  - d) break them down in terms of means and instruments available and needed.
- The planning of Operation Atalanta would have been alleviated by the existence of a standing OHQ. Hence, the thorny issue of a standing military or, even better, civil-military OHQ should be solved in this sense.
- The EU should enhance its ability to form a joint situational awareness for Somalia and the region by improving its ISR<sup>1</sup> capabilities at all levels (tactical, operational, strategic). In this context, the realistic assessment of the internal situation and dynamics in Somalia is of utmost importance for pro-active and effective engagement.
- Moreover, the EU should develop a maritime strategy, including the maritime aspects of piracy, and widen its CISE project in order to generate joint situational awareness of activities at sea impacting on maritime safety and security.
- The European Commission should issue a mandatory regulation on the minimum security measures for self-protection based on the Best Management Practices to be observed by a shipping company and jointly monitored by the Commission and Member States.

### EUNAVFOR Atalanta

- Atalanta should be freed of the time-consuming task of escorting WFP vessels. Instead, the WFP should hire faster vessels with a higher free-board, and engage private security companies if VPD teams are deemed necessary yet cannot be provided for by Member States or AMISOM.
- Atalanta’s operational approach (escorting vulnerable vessels through a transit corridor) should be adapted to the fact that piracy rooted in Somalia is still a growth business despite all tactical successes of the maritime forces. It would be operationally more effective to act as a kind of “coast guard” by surveying and patrolling the Somali coast lines.

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<sup>1</sup> Intelligence, surveillance, reconnaissance.

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

### **EUTM**

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

### **International Community/United Nations**

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

### **AU**

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

### **Horn of Africa Region/IGAD**

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

## Somalia

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

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## About the Authors

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<sup>2</sup> PiraT – Piracy and Maritime Terrorism as a Challenge for Maritime Trade Security – Indicators, Perceptions and Options for Action (<http://www.maritimesecurity.eu>).