

# The EU fight against piracy in the Horn of Africa

## Speaking Notes: Actions under the Common Security and Defence Policy (CSDP) and the comprehensive approach

Brussels, 28 March 2012

Thorsten Bargfrede

Crisis Management And Planning Directorate  
European External Action Service

Let me just reassure that the EU, with its Member States and its services in Brussels and all over the world, have understood the **urgency of the problem**. It remains simply unacceptable that a few criminals are allowed to continue taking hostage the international shipping lanes and bring suffering to thousands of seafarers and their families.

The EU High Representative and Vice President of the European Commission, Baroness **Catherine Ashton, made the fight against piracy one of her key priorities**.

Somali piracy is a complex issue. It can only be overcome by combining military and legal action with political and diplomatic efforts, as well as development assistance and strong international coordination. The EU has tools in all of these policy areas at its disposal and addresses that challenge through a "**comprehensive approach**", tackling both current symptoms and root causes of the problem on land.

I would like to present you today some of the main elements of this EU comprehensive approach. My focus will be on CSDP action but it always has to be understood in the context of all the EU action that against Somali piracy.

1. **Containing piracy at sea**, with EUNAVFOR in the lead;
2. **Deterring and ending impunity**, including judicial international cooperation;
3. **Empowering the region, including through** by building maritime security capacities;
4. **The way out: Encouraging Stabilisation in Somalia through assistance and dialogue**

(contain)

Probably the **most visible of all EU counter-piracy action is the EUNAVFOR – Atalanta** mission. The Council has just decided to prolong it until December 2014. Its main objectives are:

- a) protect WFP shipping of humanitarian aid (and AMISOM shipping)
- b) deter and disrupt pirates/ armed robbers
- c) monitor fishing activity in Somali waters

The **naval forces have accomplished their mandate** in ensuring safe delivery of humanitarian shipments to Somalia and in containing the threat of piracy. No WFP ship was attacked.

**2011 was a year of two halves:** Somali pirates had captured 33 merchant vessels and over hostages by March 2011. The second half of 2011 brought a significant downturn in pirate success as only 3 vessels have been pirated.

**Various factors** account for this:

- a) **Increasingly robust use of covert and overt disruption** of pirates at sea (more robust ROEs for EUNAVFOR)
- b) Increased adoption of **BMPs** by industry
- c) Greater **use of private armed security**
- d) Growing **will of Somalis to take action** against pirate groups ashore

At this stage 8 (9) pirated vessels and 213 (plus) hostages. (Just before yesterday an Iranian flagged vessels was captured close to the Indian coast.)

The general perception is that we are at a moment of change that has yet to be fully understood. However, **the strategic context and conditions that allow piracy to flourish have not changed** and we are most probably merely enjoying tactical successes. The view of EUNAVFOR is that our successes and progress would be quickly reversed if we were to loosen our grip

So this is not the moment for complacency. Pirate groups remain active, their capabilities remain and attacks continue.

We therefore believe that this is the **time to increase pressure** on the pirates networks in different ways. One way is to tackle on of their key assets: safe refuge and operating ground on land. The European Council of Ministers has just given EUNAVFOR the **mandate to tackle logistics of pirates on land**.

Let me be clear: this new course of action is not about “fighting pirates” on land with boots on the ground.

We are very conscious of the fact that EUNAVFOR is fulfilling a constabulary role (law enforcement, in a way) which gives, rightly so, very large constraints on the use of force. It is therefore important to use “calibrated and proportionate action” and acting “together with Somalis.” All action on sea and on land are in agreement with the TFG and local Somali authorities.

Not just the **Somali administrations are increasing efforts in counter-piracy** but also elsewhere communities are expelling pirates from their areas. We want to support that. Taking out logistical assets will also increase the cost of launching operations.

It is not about military presence ashore, which most probably would be counter-productive.

At the same time, we all agree that naval forces can only address the symptoms, but not tackle on its own the threat at its root causes.

(deter and end impunity)

Second, one of these important actions that navies cannot accomplish on their own, is **ending the culture of impunity and deter future acts of piracy**. Collectively, we had some success here: Over 1000 suspects are currently prosecuted in 20 countries, including in EU Member States. However we still have to considerably step up our efforts in that area since too often, evidence is not sufficient or no country is willing to prosecute captured suspects.

To make it clear: there is no "catch and release policy". Whenever EUNVAFOR is detaining suspects it is checked if evidence is sufficient and if a country is willing to prosecute. However in most cases they have been disrupted before even committing acts of piracy – and the intent of doing so is only in a very few countries considered a crime.

Ideally, **pirates should face trial in Somalia**. However, this will only be a solution in the medium and long-term, given the low level of rule of law and justice in most parts of Somalia. The EU is assisting the United Nations Development Programme (UNDP) and the United Nations Office for Drugs and Crime (UNODC) in their work to establish the necessary conditions to allow fair and effective piracy trials within the coming years. In the short term, transfers for trial from naval forces to countries in the region remain necessary to put an end to impunity in the Indian Ocean.

The **EU has therefore signed transfer agreements with countries in the region** – the Seychelles (2009), Mauritius (2011) – and is negotiating another one with Tanzania. At the moment, transfers to Kenya are possible on a case by case basis. The judicial systems of these countries were not fully prepared to cope with the additional complexities and workload of transferred piracy suspects. To ensure proper trials, the EU has provided both short term and longer term assistance packages checked in these partner countries. Together with its Member States, including generous contributions by the UK government, the EU is thus the largest contributor to the UNODC counter-piracy programme.

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

It is therefore vital to **increase the "risk/reward" ratio for those who benefit most from piracy** and to break the underlying business model - including by tracking and disrupting the financial flows.

As a result of international efforts, coordinated through WG 5, we hope to see **soon trials of network leaders and piracy financiers**, gathering of evidence is on-going - and the cooperation of ship owners is vital here. One example: evidence collection on released ships or de-briefing of released hostages by law enforcement officers can provide very important elements to complete an evidence chain against leaders, instigators and negotiators. Tackling criminal networks and financial flows is often "bottom up" investigation work for law enforcement, regardless if it is an international drug cartel or piracy networks.

A number of EU Member States law enforcement agencies are currently investigating, but normally limited to cases related to ships under their flag. Given the interconnections of all of these cases, it is vital to improve coordination.

Hosted by Europol in The Hague, (a Dutch-German) "**Joint Investigation Team**" started its work in January 2012 under the legal framework of EUROJUST. Its primary aim is to bring together admissible evidence for legal action against major piracy financiers, negotiators and organisers. Europol and Interpol are closely cooperating and modalities are worked out to allow law enforcement officers to receive relevant information from naval forces. Too often "intelligence" known by naval forces does not translate into "evidence" that can be admissible in court.

(Building regional capacities)

The third element of the EU comprehensive approach is in support of the region.

Coastal countries in the region suffer immensely from the economic impact of piracy: ports like Mombasa and Dar el Salaam are threatened and import costs in East Africa go up due to increased transport costs, higher insurance premiums, etc. It is therefore in **the strategic interest of regional countries to engage in the fight against piracy**, in addition to receiving suspects transferred for prosecution. The EU is keen to assist in developing local capacities and enhance local ownership. This is why the EU has been a strong supporter of the Eastern and Southern Africa – Indian Ocean Regional Strategy and Action Plan, which was adopted in October 2010 in Mauritius to fight piracy and promote maritime security.

You will hear from colleagues after me what the European Union is doing through **Commission funded programmes**. You will find more details in the hand-out that is distributed. Let me just focus here on the next CSDP mission in that regard.

(Regional Maritime Capacity Building (RMCB) mission)

After a decision of the EU Council of Ministers in December 2011, a new mission is currently under preparation in support of **Regional Maritime Capacity Building (RMCB)**. It will aim at enhancing the maritime capacities of initially five countries in the Horn of Africa and the Western Indian Ocean. RMCB will be a civilian mission carried out under the Common Security and Defense Policy (CSDP), augmented with military expertise.

The new mission will have initially two main tasks:

- Strengthening the **sea-going maritime capacities** of Djibouti, Kenya, Tanzania, and the Seychelles;
- Strengthening the rule **of law sector, initially in the Somali regions of Puntland and Somaliland**, notably by supporting the development of a **Coastal Police Force** as well as by training and protecting judges in Puntland. In cooperation with Somali authorities, we believe that this land-based support has the potential over time help "increasing the heat" on the operations of piracy networks on land.

This new EU mission will work in close collaboration with EU supported programmes that are already under implementation.

(Way out – encourage stabilisation in Somalia)

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

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

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

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

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

(Conclusion)

To conclude, let me just emphasize that **none of the actions I mentioned can on its own solve the problem**. There is no “silver bullet”. **Containment and deterrence by naval forces, actions to end impunity, building regional capacities and finding solutions on land all need to come together**. The key issues here are timing, sequencing and coordination.

One of **the key challenges** is to give all the different angles of EU action impact on the ground, that is in those areas of Somalia where pirates operate, essentially in Puntland and the areas of Galmaduug. It is too often overlooked that in most areas of Somalia, pirates might feel too insecure to operate, like in South Central Somalia where Al Shabaab used to reign or where civil war is raging. In other areas, like Somaliland, authorities and communities make sure pirates cant operate. **Piracy has therefore to be understood as a localized phenomenon within Somalia**, not necessarily linked to the general instability of other parts.

Political pressure and dialogue, capacity building for security forces, development aid for the communities and pressure and investigation on network leaders need to come together to shift the balance. And we need to communicate with Somalis.

**Pirate leaders sit on land planning and conducting their criminal business. They have to be stopped on land.** And this can only happen together with Somali law enforcement and security forces. We will support them in that.

Our **new EUSR for the Horn of Africa** will help in galvanizing all the CSDP and other EU efforts to root out the crime of piracy from the ground.

Neither can the EU achieve success on its own. The **principle of partnership has been since the beginning at the core of our approach to counter piracy.** Under guidance of our Member States, we look forward to continue this cooperation with all the key actors, including the IMO, UN agencies and programmes, countries and organisations and countries in the region and, of course, federal and local authorities in Somalia.