Towards a Regional Solution to Somali Piracy

Challenges and Opportunities

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Somali piracy has been on the forefront of the world's agenda since it emerged in the mid-2000s. Despite the many attempts to eradicate this threat to international shipping, the delivery of humanitarian aid, and the well-being of seafarers, a long-term, sustainable solution has yet to be developed. The immediate response to Somalia-based piracy took the form of international crisis-response operations employing naval convoys and patrols, privately contracted armed security personnel (PCASP), and industry's best-management practices (BMP). This effort by the international community has effectively mitigated the crisis at sea, but it is not the basis for an answer to the problem.

Such a solution must take a two-pronged approach, dealing with the issue at sea and on land. With the success of international crisis-response operations at sea and positive developments on the ground in Somalia, the development of a comprehensive approach that concentrates on capacity building ashore now seems attainable. Up to this point, the international community has led the way in terms of not only mitigating the immediate threat but also addressing the development of regional institutions meant to serve as the foundation for a long-term solution.

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This article examines efforts of the international community, addressing internationally led "regional efforts" such as the Djibouti Code of Conduct and Maritime Security Program (MASE) and analyzing their impact on eliminating piracy. It demonstrates that the most effective approach to the development of a sustainable solution stems from regional and local initiatives led, funded, and implemented by regional and local authorities. The article then seeks to carve out a role for the international community that focuses on the support and empowerment of local initiatives rather than the implementation of Western-style leadership and organizations.

Averting the Crisis at Sea: International Crisis-Response Operations

A necessary reaction to immediate threats such as maritime piracy, crisis-response operations offer an effective way to mitigate them in the short term and prepare for the development and implementation of a supportable solution for the long term. In regards to Somali piracy, these operations have made use of naval patrols and convoys, PCASP, and industry's BMP. In addition to crisis response at sea, in 2009 the international community also established a forum—the Contact Group on Piracy off the Coast of Somalia (CGPCS)—to coordinate the counter-piracy actions of stakeholders.[1]

Although attacks by Somalia-based pirates had been reported since the early 1990s, it was not until the mid-2000s, when the number of attacks skyrocketed and the value of ransoms and length of captivity of seafarers increased dramatically, that the international community began paying attention to this threat. International crisis-response operations began in earnest in 2008, when the United Nations (UN) Security Council in quick succession adopted four resolutions specifically addressing Somali piracy.[2] In increasingly strong verbiage, Resolution 1851 called upon states and international organizations to "take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia" through naval operations, legal arrangements, capacity-building support to regional countries, and enhanced international cooperation and coordination.[3] Apart from the danger to global shipping and the well-being of seafarers, the UN initially responded in part because World Food Program (WFP) vessels, responsible for delivering food to Somalia and other impoverished nations, had been attacked six times between June 2005 and November 2007 by Somali pirates.[4]

One sees the gravity associated with these repeated strikes in the mandate of the European Union (EU) Naval Force's Operation Atalanta, charged with deterring, preventing, and repressing acts of piracy, which includes "protection of World

Food Programme . . . vessels delivering aid to displaced persons in Somalia, and the protection of African Union Mission to Somalia (AMISOM) shipping."[5] Escorts of WFP and AMISOM vessels have proved effective: none of these ships has been attacked since. To further secure the waterways, in February 2009 international naval forces defined an area known as the Internationally Recognized Transit Corridor to provide heightened patrolling and monitoring as well as group transits for merchant vessels.[6] The international community acknowledged the success of naval operations and has continued to keep a constant naval presence in the Western Indian Ocean and Gulf of Aden.

Crisis-response operations also include the use of PCASP and the implementation of industry's BMP. The former, although not publicly endorsed by industry in its BMP, has proved very effective since no ship with armed guards has been hijacked. Although discussions of the use of PCASP are often greeted with hesitation, this option is viewed as a necessary evil because of its effectiveness. Nevertheless, PCASP are expensive and operate in a complicated legal environment, making their employment necessary in the short-term but not ideal as a permanent or institutionalized solution.

Often evaluated alongside PCASP is the implementation of industry's BMP, developed by the shipping industry as a way to protect ships, cargo, and seafarers during transit of the high-risk area. Published in August 2011, version four is the most up to date iteration of the document, which outlines steps for reducing the occurrence of pirate attacks and avoiding a hijacking. BMP involves three fundamental requirements: registration with the EU-run Maritime Security Center Horn of Africa, reporting to the United Kingdom's Maritime Trade Operation, and implementation of ship-protection measures.[7] The latter vary from ship to ship and should be based on an individual risk assessment but often include providing additional lookouts and enhancing their means of observation through better technology, using faster speeds in the high-risk area, enhancing bridge protection, and installing physical barriers such as razor wire and water spray. Although BMP does not guarantee deterrence from a pirate attack, the guidelines greatly reduce the risk.

Apart from the multitude of efforts at sea, crisis-response operations support governance as well. In 2009 the CGPCS was established in response to UN Security Council Resolution 1851 (2008), which encouraged "all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast."[8] The CGPCS facilitates discussion and coordinates the actions of states and organiza-

tions working to combat piracy through five working groups.[9] Having increased cooperation and contributed to the drop in attacks, the CGPCS, in unison with the international community, has shifted its attention to capacity building. Examples of this shift include the following:

- The EU announced the approval of the EU Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP Nestor), a mission to "assist states in the Horn of Africa and the Western Indian Ocean, including Somalia, to develop a self-sustainable capacity to enhance their maritime security and governance, including judicial capacities."[10]

- The International Maritime Organization (IMO) held a conference on capacity building to counter piracy off the coast of Somalia, announcing strategic capacity-building partnerships among the IMO and UN Food and Agriculture Organization; UN Political Office for Somalia; UN Office on Drugs and Crime; WFP; and the European External Action Service.[11]

- Working Group 1 of the CGPCS set up the Capacity-Building Coordination Group and developed an online capacity-building coordination platform for the coordination of judicial, penal, and maritime capacity-building activities in the Western Indian Ocean region. The platform streamlines and coordinates needs submitted by beneficiary countries and Somali regions as well as the contributions pledged to fill them.[12]

This shift in focus demonstrates both the success of crisis-response operations and the desire to build capacity within the region, but it also poses the question, "What's next?" Although such operations are effective and one can attribute many of the accolades for the drop in piracy numbers to these practices, they are also expensive. In 2013 naval operations cost the international community $999 million; increased speeds, $276 million; and security, such as armed guards and ship hardening, another $1 to $1.2 billion.[13]

The high costs, 98 percent of which are directed at mitigation, do not address investment in a long-term solution. Coupled with the decrease in attacks, this has motivated the international community to seek a transition from crisis response to the development of a sustainable, long-term solution.[14] The recent emphasis on capacity building signals the existence of an underlying expectation that it will lead to a supportable end state whereby the recipient or beneficiary nation can perform the functions to secure its maritime domain with little or no external assistance. Even though a transfer to regional leadership is implied, the international community does little to demonstrate that it is comfortable with giving

responsibility to Somalia and other regional countries. That said, the international community is advocating a regional solution.

On the surface, this seems a practical way to address a transnational problem such as piracy; however, the meaning of the word *regional* is vague and can denote many different things. Clearly, though, the international community intends to create and lead said regional institution while it should advise and support a proposal that addresses the self-defined needs of countries in the Western Indian Ocean region. This article examines the internationally led regional attempts to curb piracy off the Horn of Africa and proposes a way ahead that promotes the success of locally initiated solutions.

Internationally Led "Regional Efforts"

International crisis-response operations such as naval patrols, the use of PCASP, and the implementation of BMP have proved effective in lowering the number of attacks, but they do not constitute a sustainable answer to the problem. These efforts cost the international community billions of dollars each year and do not permit Somalia and other regional nations to assume responsibility for their own maritime domain. In an effort to move away from crisis-response operations and rely more on regional governance, the international community has moved towards regional organizations as its solution of choice for Somali piracy. Although the concept of a regional strategy is relatively straightforward, the development, funding, and implementation rarely are, particularly in a region as complex as the Horn of Africa and the Western Indian Ocean.

When combatting transnational problems, such as piracy, one finds regional organizations an attractive option for many reasons, notably monetary concerns and the desire to shift responsibility to the affected region. In theory, a regional institution is led and implemented by its members; in practice this is not always the case. When it comes to fighting piracy in the Horn of Africa, regional efforts are seldom entirely regional. More often they are internationally funded, developed, and implemented missions designed for European/Western standards. Such is the case with many so-called regional responses to piracy, including both the Djibouti Code of Conduct and the Eastern and Southern Africa and Indian Ocean Regional Strategy, implemented through the EU-led program known as MASE.[15]

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 offers an exceptional example of an internationally led regional organization. The code, a regional agreement and the creation of the IMO, was adopted 29 January

2009. The agreement's signatory states assert that they recognize the extent of the piracy problem and "declare 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 ships."[16]

The stated actions of the agreement include the investigation, arrest, and prosecution of piracy suspects; the interdiction and seizure of suspect ships and onboard property; the rescue of hostages, ships, and property subject to piracy; cooperation and coordination among signatory states and international navies; and a review of national legislation concerning piracy.[17] On the surface, the Djibouti Code of Conduct looks fairly comprehensive and focused on the signatory states in the region. In practice, however, it is a nonbinding agreement funded predominantly by the international community and implemented by the IMO.

The code was envisioned to replicate the success of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) (see below) in the Western Indian Ocean region. However, contrary to ReCAAP, the regional composition and situation on the ground, such as lack of capacity and leadership, have meant that the de facto implementation and day-to-day management of the Djibouti Code of Conduct are in the hands of an international body rather than a regionally designed, funded, and implemented organization. From the outset, the Djibouti Code of Conduct has been an international project, convened by the IMO and funded by the international community through the Djibouti Code of Conduct Trust Fund. Implementation responsibility also falls to the international community, which created a Project Implementation Unit (PIU) in 2010 to take the lead in administering the agreement. The PIU works to improve regional capacity and enhance regional cooperation through four pillars: training, capacity building, legal matters, and information sharing.[18] It should be noted that in May 2014, a high-level meeting at the IMO came to the conclusion that implementation of the Djibouti Code of Conduct will be turned over to a newly formed regional mechanism, thus signaling a transition to greater regional ownership.[19]

The framework of an internationally led regional organization is not unique to the Djibouti Code of Conduct. Given the lack of capacity in the region, the international community often takes the lead on transnational issues such as piracy. The Eastern and Southern Africa and Western Indian Ocean Strategy, implemented under the programs Start-Up MASE and MASE, is another example of a regional plan propped up by the international community (the MASE project is a product of the EU and its partnership with the Indian Ocean Commission). The strategy was adopted at a meeting in October 2010, but MASE began in earnest only in 2012 with Start-Up MASE, an 18-month project designed to

build the capacity to "implement medium and long-term regional strategy against piracy and promote maritime security."[20] Start-Up MASE was phased out in June 2013 as the MASE program commenced. The project, which has a budget of 37 million EUR, will be executed over a five-year period by the following four organizations: the Common Market for Eastern and Southern Africa, East African Community, Indian Ocean Commission, and Intergovernmental Authority on Development.[21] Because the project is still in its infancy, it is difficult to judge the results; however, we are able to critique the project's structure and its role in the international community's comprehensive approach to piracy.

Although the international community has developed and funded many organizations dedicated to combatting piracy off the Horn of Africa, several of them are stuck in a difficult transition phase. The goal calls for turning responsibility over to the region, but proper capacity must be developed within the regional countries before doing so. Due to the dire need for capacity to secure their own domain, many organizations are tasked with similar mandates to improve said capacity. These overlapping and nonregional projects often foster a sense of distrust within the region and fail to provide incentives for governments to take responsibility for their own security. Until the region attains a sufficient level of capacity or shows it has the leadership and funds to develop capacity itself, the international community will have to keep playing a prominent role in combatting piracy and other transnational threats. The difficulty lies in creating programs that simultaneously build capacity, transferring and/or encouraging regional governments and organizations to take on a larger responsibility, and obtaining buy-in of the Somali people. Experience shows that this will occur only through locally led initiatives that have the support of the international community.

Given the inadequate organic regional capacity to address maritime piracy, regional organizations funded and put in place by the international community seem to be the solution of choice. Therefore it is important to note the strengths and weaknesses of this approach. The regional organizations and agreements discussed above, though comprehensive in the scope of their goal, often fail to encourage countries to take on the task and responsibility of securing their maritime domain for the following reasons:

1. The agreements are not legally binding.

2. There is a lack of capacity within the region for funding, leadership, and security.

3. A gap exists in the cultural and political priorities and capabilities between the international community and the countries in the Western Indian Ocean region.

Perhaps the most significant issue with international attempts to support regional organizations lies in this gap between the predominantly Western international community and the affected Western Indian Ocean nations. The international community often places politics and procedure above practicality when designing these regional agreements, opting to preserve their interests and goals rather than listen to and address the needs and priorities of the countries it is trying to help. Despite the many pitfalls to this approach, one can argue that the internationally led effort has been able to kick-start better regional cooperation, coordination, and responsibility.

Regionally and Locally Led Initiatives

Although the international community has taken the lead on counterpiracy initiatives, experience tells us that a regional and/or locally planned effort could prove more successful. Regarding regional governance—and piracy specifically—the best example is ReCAAP, the "first regional government-to-government agreement to promote and enhance cooperation against piracy and armed robbery in Asia."[22] The agreement, finalized in 2004, did not come into force until 4 September 2006.

Prior to Somalia becoming the world's piracy hot spot, Southeast Asia held that dubious honor. In 2000 the International Maritime Bureau declared that Indonesian waters, followed by the Strait of Malacca, were the most dangerous in the world.[23] In response to a dramatic rise in piracy attacks and pressure from the international community, the governments of the region came together and developed the ReCAAP agreement to combat piracy in their waters. Unlike the Djibouti Code of Conduct, ReCAAP has been regionally "owned" since its inception, which "gives the participating governments a sense of ownership that they would not be likely to have if they were not completely in charge."[24] This regional approach has allowed the affected nations the independence to design a plan based on their culture and priorities, keeping in mind their own interests and historical experiences with regional cooperation, instead of a program centered on Western interests and value systems, as is arguably the case in the Horn of Africa.

ReCAAP's success has demonstrated the ability of non-Western regions to build their own governance systems. Although Southeast Asia has more regional leadership and capacity than the Western Indian Ocean region, this has demonstrated the importance of buy-in and responsibility from participating states. When one considers regional organizations for the Western Indian Ocean, the experience of ReCAAP—which involves wealthy regional countries providing the funding, training, and capacity building to less-developed contracting par-

ties—should be a lesson. In the case of Somali piracy, for example, wealthy countries in the Middle East, which also depend on safe and secure waters, ought to consider taking on the type of leadership role that countries such as Japan and Singapore have played in combatting maritime piracy in Asia.

Regional organizations often seek to address issues of governance on a larger regional scale, but local solutions begin at the source—in this case, Somalia. For the first time in more than 20 years, Somalia has a functioning government recognized by the international community, and it is widely acknowledged that a lasting solution to piracy must come from here. When looking at local solutions, one must consider not only local communities but also local governments and their impact on the communities of the nation. In the case of Somalia and piracy, this comes in the form of community action, such as the case of Eyl, and official government action, such as drafting a Somali Maritime Resource and Security Strategy.

Eyl, an ancient town in the Somali region of Puntland, offers a superb example of governance at the local level. Once known as a main pirate hub, Eyl successfully launched an antipiracy campaign under the leadership of local traditional, religious, and business leaders, including female owners of small businesses. This emphasis on community action can be developed only from the coastal communities themselves and has contributed to disillusionment with piracy in some communities such as Eyl where "piracy has waned in both influence and its level of community support."[25] The coordinated effort between the Puntland government and Eyl's community leaders once again demonstrates the effect of a locally grown solution and the importance of community buy-in. Eyl is not the only instance of local initiatives demonstrating success; the case of Somaliland also reflects the power of organic movements and governance. Somaliland, the autonomous region in the north, has developed its own government and stopped prospective pirates from conducting their business from its beaches, with limited support from the international community.

Community initiatives provide for immediate impact on the ground, but a sustainable solution to piracy depends upon putting in place a larger regulatory scheme, similar to the one constructed by Somaliland, to increase economic opportunity and secure the maritime domain. With this need, focus shifts to Somali federal and regional governments. Under the leadership of the Somali authorities, the Somali people will develop a strategy based on their goals, needs, and priorities—one that will secure their maritime domain and resources.

The Way Ahead

With piracy numbers decreasing, international navy coalition mandates winding down at the end of 2014, and the Federal Government of Somalia and regional states coming together through the Kampala Process to write a Somali Maritime Resource and Security Strategy, we now have an ideal—and urgent—opportunity to transition to a long-term, sustainable solution.[26] As previously shown, experience demonstrates that the most successful and cost-effective answers stem from local and regional initiatives that allow the defining of needs and priorities from within. This section discusses development of this framework and the role of the international community in helping to implement it.

Local/Regional Framework

The time has come to switch to a bottom-up approach in dealing with governance issues such as piracy off the Horn of Africa and in the Western Indian Ocean. For most local communities and coastal towns, overarching agreements signed in London, or Djibouti for that matter, have little to no effect on the ground. These coastal communities, however, must develop and implement the response to piracy.

The example of Eyl, the coastal town that worked internally and with the Puntland government to eradicate piracy by denying the pirates access to supplies and shunning them from the community, supports this argument. Through engagement with local religious, traditional, and business leaders as well as women's groups, the regional government reduced dramatically the presence of these criminals in the former pirate hub:

> The Puntland government, with international backing, successfully engaged the Eyl community in an anti-piracy campaign designed to wield the influence of religious leaders, elders, businesses, and families to provide a united front against the piracy movement. Traditional and religious leaders used their moral authority to convince businesses to reject money of pirate origin, whether from the individual pirate himself or his family. And these families, under the strain of financial blacklists and weary of the violence and instability wrought by piracy, began to withdraw their support for the movement as well. Slowly, as the town became increasingly inhospitable to this form of criminal enterprise, pirates and their leaders began moving their operations elsewhere.[27]

This example demonstrates the effectiveness of a locally led effort and leads into the concept of the ink-spot approach, which advocates for developing and empowering communities of stability. This strategy, first employed by British colonial forces in the Malay rebellion during the 1950s, has more recently been used in both Iraq and Afghanistan.[28] Applied to Somalia, it would support coastal com-

munities attempting to push the pirates out, as noted by the Royal Danish Navy's Dan Termansen: "If the local population in the coastal regions can be influenced towards repelling—or at least not support piracy, piracy will eventually be reduced."[29] This bottom-up approach cultivates stability on the ground, thus preparing for the implementation of overarching schemes designed to develop governance.

Although supporting local initiatives and building stability through the ink-spot strategy establishes a basis for development, a permanent solution will come only when the Somali government can secure its maritime domain and provide for its citizens in regard to both economic opportunity and security. With these larger issues, we turn to the Somali federal and regional authorities. As the Federal Government of Somali finds its footing, it will assume greater responsibility to provide for its people—and the groundwork for doing so is in development now. Through the growth of a Somali Maritime Resource and Security Strategy, the Somali government has the opportunity to assess its own needs and priorities. With the support of the international community, it can begin to develop the infrastructure necessary to secure its own domain.

Role for the International Community

Moving ahead in a way conducive to Somalia's and ultimately the international community's goals requires reexamining and reshaping the role of the international community. As demonstrated in the previous section, the multitude of internationally led efforts to develop a long-term, sustainable solution to piracy has proved less effective than desired and, arguably, has not yet delivered results commensurate with investments. If the international community wants to see success, it must alter its viewpoint, be prepared to take a backseat, and not necessarily expect a Western framework as the model of choice.

The community's role must transition from one of leadership to one of support. It is time for the international community to take a step back and begin to support Somali needs and priorities as outlined in the Somali Maritime Resource and Security Strategy. In its attempt to help eradicate Somali piracy, the community should shift towards the ink-spot strategy discussed above. As Termansen argues, "By employing a top down approach on reconstruction, the current strategies oversee the opportunity to achieve an effect by influencing the root causes directly."[30] Through expansion of pockets of stability, the international community can support the development of grassroots actions against piracy.

By addressing the root causes of piracy in the coastal communities, the community can better affect the overall stabilization of Somalia and further support the federal and regional governments by advocating for local initiatives, technical

expertise, and capacity building. This approach will allow Somalia, with a great deal of assistance and support from the international community, to emphasize the rebuilding of its infrastructure and economy while furthering a strategy to move forward in an inclusive and transparent manner. The international community will be able to exert greater influence through this coordinated method than by dictating a top-down approach based on Western value systems.

Parallel to the redoubled efforts to support Somalia, the international community should maintain the momentum gained by the Capacity-Building Coordination Group under the auspices of Working Group 1 of the CGPCS and the online platform as a tool to allow other regional countries to define and submit their capacity-building needs. Doing so will bring greater transparency for both donors and beneficiaries, minimize the risk of duplicative efforts, and thereby enhance the overall effect of capacity building in the region, to the benefit of all.

Conclusion

Since 2008 the age-old criminal enterprise of piracy has been at the forefront of the international community's agenda. When Somali piracy began to pose substantial problems for the shipping industry, the humanitarian delivery of food, and the well-being of seafarers, the international community initiated crisis-response operations in the form of naval patrols and convoys, privately contracted armed security personnel, and industry best-management practices. In addition to these efforts at sea, the international community developed governance by setting up the CGPCS, which coordinates counterpiracy efforts through its five working groups.

The crisis-response operations initiated by the international community had a beneficial effect on piracy, successfully mitigating the immediate threat. Despite the considerable gains, all progress is reversible, considering that no sustained answer to the problem has yet been developed and implemented. Regional organizations seem to be the solution of choice to solve Somali piracy; however, they are often initiated, funded, and implemented by the international community and fail to provide buy-in and address the root causes of piracy, as well as Somalia's needs and priorities. Regional institutions can be effective if developed and implemented from within the region (i.e., ReCAAP), but solutions are even more successful when initiated at the local level. The examples of Eyl and Somaliland demonstrate the success that one can realize through locally led initiatives by offering a framework for the international community.

To develop a long-term, sustainable approach, the international community must transition its role to one of support and empowerment. It should identify

success stories such as Eyl and Somaliland and implement the ink-spot approach to develop stability outwards. With this approach, responsibility will transfer to the Somali people and authorities. Only when the problem is their responsibility will they "buy in" and implement a comprehensive solution. To transfer this responsibility successfully and to be in the proper position to support Somali initiatives, the international community must listen rather than lead. It has the resources and expertise to help the Somali people solve the piracy problem, but this will not happen if it is committed to dictating to them. Now that a Federal Government of Somalia exists, that body and the regional states can assess their needs and priorities. It is up to the international community to give them the support they need.

Notes

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