

HOUSE OF LORDS

European Union Committee

3rd Report of Session 2012–13

**Turning the Tide on
Piracy, Building
Somalia's Future:
Follow-up report on the
EU's Operation
Atalanta and beyond**

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Evidence is published online at www.parliament.uk/hleuc and available for inspection at the Parliamentary Archives (020 7219 5314)

References in footnotes to the Report are as follows:

Q refers to a question in oral evidence;

Witness names without a question reference refer to written evidence.

SUMMARY

Operation Atalanta is the EU's first naval operation. It was launched in 2008 under UK leadership, with the purpose of protecting World Food Programme ships delivering aid to Somalia, and preventing and combating piracy off the Somali coast. The Committee first reported on Atalanta in April 2010, when we outlined a number of concerns about the mission and the situation in Somalia. Since then two further EU missions have been launched, one, based in Uganda, to train Somali security forces, (EUTM Somalia), and one to support regional maritime capacity-building in the Horn of Africa and Western Indian Ocean states (EUCAP Nestor).

In this report we welcome the progress made in reducing the number of pirated ships as a result of efforts by the international naval task forces, including Atalanta, and by the shipping industry, which has increasingly used ship protection measures. In June 2012 eight pirated vessels and 215 hostages were held, compared with 23 vessels and 501 hostages in June the previous year. We consider that Operation Atalanta must be continued up to and beyond the expiry of its current mandate in December 2014 in order to avoid an upsurge in pirate activity.

We welcome the increased involvement of Somalia's neighbours, led by the Seychelles, in conducting piracy trials, though we have doubts about the transfer of sentenced pirates back to Somalia. We also have concerns about the problems created for the countries involved by the higher standards of prisons for pirates than for their other prisoners. We believe that some measure of rehabilitation should be established, especially for younger pirates, though we recognise that imprisonment needs to be a real deterrent.

We note with satisfaction the extent of practical international cooperation in countering piracy, including by China, and the cooperation with regional organisations such as the African Union. We believe, however, that the Gulf States should make a greater effort to assist in solving the problems of piracy and Somalia.

We concluded in our previous report that piracy would not be ended until the root causes of the problems in Somalia were successfully tackled. Since that report, the EU has developed its activity by formulating a Strategy for the Horn of Africa and appointing a Special Representative for the area, as well as launching EUTM Somalia and EUCAP Nestor. We believe that the missions should be taken forward pro-actively and that the EU's development aid should focus on providing alternative livelihoods for the Somali people. These missions must continue until the incentives for piracy are removed and the coastal states of the region are able to police their own coastlines. Taken together, we welcome these developments as assisting the necessary comprehensive solution to Somalia's problems under the EU's Common Foreign and Security Policy.

Turning the Tide on Piracy, Building Somalia's Future: Follow- up report on the EU's Operation Atalanta and beyond

Introduction

1. In our previous report on Somali piracy in 2010¹ we welcomed the rapid and decisive reaction of the European Union to the serious and continuing threat presented to UK and EU interests by piracy in the Gulf of Aden and the Indian Ocean. The EU had addressed the problem in 2008 by launching the first ever EU naval mission, Operation Atalanta (EUNAVFOR), under its Common Security and Defence Policy (CSDP) and under British Command. This report examines developments in the European Union's activity in Somalia and on the seas around it since our previous report. It is intended as a short follow-up report, which does not necessarily examine all the issues regarding piracy.
2. Piracy continues to be a problem off the Somali coast and in the Indian Ocean and in March 2012 Operation Atalanta's mandate was renewed until 2014. We examine the overall position on Somali piracy and in Somalia itself (paragraphs 5–12), and the current effectiveness of Operation Atalanta, the UK's contribution to it and the use of force on land (paragraphs 13–32). We look at the role of the shipping and insurance industries, the issues surrounding the use of armed guards on ships, and the capture and judicial processing of pirates (paragraphs 33–51). More broadly, we discuss regional and international cooperation (paragraphs 52–55) and the EU's Strategy for the Horn of Africa and its two other missions: the training mission in Uganda for Somali security forces (EUTM Somalia) and the mission to improve the coastal defences of states in the region (EUCAP Nestor) (paragraphs 56–67).
3. This report was prepared by the EU Sub-Committee for External Affairs whose members are listed in Appendix 1. Those from whom we took evidence are listed in Appendix 2. We are grateful to them all.
4. **We make this report to the House for debate.**

Piracy off Somalia—the extent of the problem

5. We were told by our witnesses that, while piracy remained a problem, it had diminished in recent months. Nick Harvey MP, Minister for the Armed Forces, told us that eight pirated vessels and 215 hostages were currently held compared with 23 vessels and 501 hostages at the equivalent time the previous year.² He thought this was due to greater adherence by the shipping industry

¹ 12th Report (2009–10) Combating Somali Piracy: the EU's Naval Operation Atalanta (HL Paper 103)

² Q 67, evidence taken on 14 June 2012, also Le Mière, paragraphs 1, 2, who quoted International Maritime Bureau estimates as 178 sailors held on 12 ships and EUNAVFOR estimates of 213 hostages on seven ships, evidence sent on 22 June 2012.

- to best management practice.³ Nick Pickard, Head of Security Policy, Foreign and Commonwealth Office (FCO), said that five ships had been pirated in the first six months of the year. He attributed the decrease in successful pirate attacks to the military presence and the use of armed guards on ships, as well as better adherence to best management practices by industry. It was significant that attacks which had not resulted in the capture of a ship had also dropped: there had been 101 in 2011 and 25 so far in 2012.⁴
6. Dr Lee Willett, Royal United Services Institute (RUSI), told us, however, that the pirates were very adaptable and resilient and were now increasing their activity on land. They had a business model and would find alternative ways of operating, such as kidnapping on shore.⁵ The Foreign Minister of the Seychelles, Mr Jean-Paul Adam, said that the smaller number of successful attacks had led to an increase in the level of ransom demands and greater violence.⁶ The size of the area to be covered, and the need for high standards for the collection of evidence were also flagged up as problems.⁷
 7. We looked at the key question of whether to aim at eliminating piracy completely or containing it. Nick Pickard told us that elimination was the long-term policy⁸ but our witnesses on the whole agreed that complete elimination was unlikely.⁹ The Seychelles Minister for Foreign Affairs commented, however, that the international community should not treat piracy as an “acceptable symptom” with which it could live.¹⁰

The situation in Somalia

8. In our previous report we commented that piracy would continue to flourish if the root causes of the conflict in Somalia were not addressed. Since then, the EU has formulated a Strategy for the Horn of Africa (see Box 2), appointed a Special Representative for the Horn of Africa, Alexander Rondos (Box 2), and launched two missions, a Training Mission in Uganda for Somali security forces (EUTM Somalia) and a new mission to strengthen the maritime capacity of the coastal states of East Africa (EUCAP Nestor) (Box 3). Alexander Rondos confirmed that stabilisation was the key to a reduction in piracy and a functioning economy.¹¹ We heard from our witnesses that the situation in Somalia was improving. African Union forces have successfully freed Mogadishu of Al Shabaab, although Al Shabaab continues to control large parts of southern and central Somalia. Dr Knox Chitiyo, Chatham House and Brenthurst Foundation, had seen a change in the last six months with Al

³ BMP-Version 4, August 2011: http://www.mschoa.org/docs/public-documents/bmp4-low-res_sept_5_2011.pdf lists three fundamental requirements: registration of transit through the high-risk area with the Maritime Security Centre—Horn of Africa (MSCHOA), reporting to the UK Maritime Trade Operations (UKMTO) and implementing Ship Protection Measures (SPMs).

Ibid, also Le Mière, paragraph 8

⁴ Q 110, evidence taken on 21 June 2012, see also Le Mière, paragraphs 3, 4

⁵ Q 27, also Pickard Q 113, Anyimadu Q 21, Chamber of Shipping, paragraph 4, Rondos Q 180

⁶ Q 2

⁷ Pickard Q 110

⁸ Q 114

⁹ Chitiyo Q 33, Willett Q 33, Anyimadu Q 37, the Minister Q 67

¹⁰ Adam Q 1

¹¹ QQ 179, 228

Shabaab on the back foot.¹² There was less hostility from the Somali population to the African Union's Mission in Somalia (AMISOM),¹³ a greater spirit of optimism and more talk of nation building.¹⁴ The Seychelles Foreign Minister told us that the EU and African Union (AU) had a good working relationship which was positive overall.¹⁵ Nick Kay, Africa Director, FCO, confirmed that AMISOM played a valuable role and that optimism was increasing about the military process, though the security situation remained dangerous.¹⁶

9. We were told about the need to build up coastal communities if piracy was to be countered. Alexander Rondos believed that extending stabilisation and investing in coastal areas was "an absolute key in offering an alternative incentive to communities who feel they need to allow or tolerate piracy to operate from near their communities."¹⁷ The Council of Somali Organisations (CSO), told us that the coastal communities had "persistently lobbied donors for small scale support to help them develop local mobile marine cadres" to patrol their coastline and provide a security presence to disrupt pirate groups on land and deter Al Shabaab activity in the hinterland. They called for regional coastal administrations to be given coastal patrols and a surveillance capability.¹⁸
10. Alexander Rondos told us that the real transition would only occur after the Transitional Federal Government's (TFG)¹⁹ mandate ended on 20 August 2012. The strategic challenge then would be to synchronise the civil with the military advance and to introduce federalism to "fold in" the areas currently not under the control of the TFG. He described the capital Mogadishu as a bustling city, but it was "an economy without a state."²⁰ Adjoa Anyimadu, Chatham House, commented that thousands of people were involved in piracy, including Somalis from the larger towns inland and from Puntland.²¹
11. **Containment of piracy has to remain the primary aim of the current mandate of Operation Atalanta. Nonetheless, elimination must be the**

¹² QQ 21, 49

Al Shabaab ("The Youth", also known as Harakat Shabaab al-Mujahidin) is a Somali based terrorist organisation fighting the UN backed Transitional Federal Government. In 2006 it emerged as the radical youth wing of Somalia's now-defunct Union of Islamic Courts, and fought Ethiopian forces backing the weak interim government. In 2012 a merger was announced with Al Qaeda.

¹³ AMISOM was created in 2007 to implement a national security plan for Somalia, train Somali forces and assist in creating a secure environment for the delivery of humanitarian aid. The current peacekeepers in Somalia come mainly from Uganda and Burundi. Kenya signed a Memorandum of Understanding with the African Union Commission on 2 June 2012. The agreement governs Kenya's contribution of troops and resources to AMISOM. The Djibouti Peace Agreement prohibited countries neighbouring Somalia from contributing troops to any peacekeeping force. Ethiopian troops have been operating in Somalia since 2006 although not under AMISOM command.

¹⁴ Q 50

¹⁵ Q 9

¹⁶ Q 175

¹⁷ Q 179, also Council of Somali Organisations

¹⁸ Council of Somali Organisations

¹⁹ The Transitional Federal Government (TFG) in 2004 succeeded the previous Transitional National Government (TNG) which was established in April–May 2000 at the Djibouti Somalia National Peace Conference. In June 2011, the mandates of the President, the Parliament, Speaker and Deputies were extended until 20 August 2012. Thereafter a new government is expected to be delivered through a political process under which the elders select a new parliament which will then elect a new President.

²⁰ QQ 177, 178

²¹ Puntland is a semi-autonomous region in the north of Somalia
Q 30

longer term goal. This can be achieved only through the stabilisation of Somalia. The new EU Horn of Africa strategy and its CSDP missions are a welcome, but modest, step towards that goal.

12. **We welcome the growing involvement of African institutions, such as the African Union (AU), in the resolution of regional issues and we call on the EU, through its Head of Mission and Special Representative, to continue to build a strong relationship with the AU.**

Operation Atalanta

BOX 1

EUNAVFOR Somalia—Operation Atalanta

The EU agreed to set up an Operation to combat piracy at the 10 November 2008 Council.²² This Operation, named EUNAVFOR Somalia—Operation Atalanta, has been in effect since December 2008. It was originally set up for one year and the common costs were specified as 8.3 million euros for the initial year. The Council has subsequently extended the mandate on three occasions.²³ Most recently in March 2012 the operation's mandate was extended until 12 December 2014. A budget of 14.9 million euros is provided for the common costs of the prolonged mandate until December 2014.

The EU's Council conclusions of 26 May 2008 had earlier expressed the Council's concern at the upsurge of pirate attacks off the Somali coast, which affected humanitarian efforts and international maritime traffic in the region and contributed to continued violations of the UN arms embargo. Operation Atalanta operates in a zone comprising the south of the Red Sea, the Gulf of Aden, the Somali basin and part of the Indian Ocean, including the Seychelles. This is a vast area, comparable to that of the Mediterranean Sea.

The Political and Security Committee (PSC) exercises political control and strategic direction over the EU military operation, under the responsibility of the Council of the European Union. The EU Military Committee (EUMC) monitors the correct execution of the operation. The Operation Commander, Rear Admiral Duncan Potts RN (UK), currently commands the operation from the Operational Headquarters (OHQ) at Northwood, United Kingdom.

The composition of EUNAVFOR changes constantly due to the frequent rotation of units and varies according to the monsoon seasons in the Indian Ocean. However, it typically comprises 4–7 Surface Combat Vessels and 2–3 Maritime Patrol and Reconnaissance Aircraft.

Currently (July 2012), 22 EU Member States²⁴ are making an operational contribution to the operation which includes the provision of navy vessels (surface combat vessels and auxiliary ships), maritime patrol and reconnaissance aircrafts (MPRA), vessel protection detachment (VPD) teams, and military staff to work at the Northwood Operational Headquarters or onboard units. Non-EU Member States Norway, Croatia, Montenegro, Serbia and Ukraine also participate in the Operation.

²² Council Joint Action 2008/851/CFSP.

²³ Council Decision 2009/907/CFSP, Council Decision 2010/766/CFSP, Council Decision 2012/174/CFSP

²⁴ Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden, United Kingdom

13. Our witnesses for the most part praised Operation Atalanta: for the Minister it was “an exemplar for maritime cooperation with the other two missions in the area”²⁵ and Nick Pickard, FCO, told us that it had been very successful in achieving its objectives.²⁶ Alexander Rondos said it was the most active of all the anti-piracy operations despite the relatively small number of ships which it deployed. He attributed this to the skill of the command.²⁷ Lloyd’s Market Association described the contribution of the Operation to checking piracy as “very significant” and maintained that, for insurers, the benefit had been clear risk mitigation: the situation would have been far worse without the naval operation.²⁸
14. According to the Council of Somali Organisations, however, Somalis frequently allege that Operation Atalanta’s mandate is not concerned with the protection of Somalis, the Somali coastline or the Somali Exclusive Economic Zone (EEZ). In this sense it was perceived as “yet another hostile foreign military force.” They argued further that there was little if any commitment to protecting or monitoring fishing in Somali waters in official EU decisions and documents, and even less practical operational commitment, despite the fact that the Operation’s mandate included monitoring fishing. They called for the mandate to be revised to protect Somali waters from illegal fishermen and those transporting toxic material and other dangerous materials. They told us that the lack of definition of Somalia’s Exclusive Economic Zone was a particular concern and called for its immediate recognition.²⁹
15. At its origins in 2008, an essential part of the Operation’s mandate was to protect World Food Programme (WFP) ships delivering supplies to Somalia, and we complained in our previous report that the WFP’s use of small, slow ships increased the need for military protection resources.³⁰ Nick Pickard and Captain David Reindorp RN, MOD, told us that the WFP had improved its performance, with better quality chartered ships. It was also now possible to use autonomous vessel protection detachments without the need for a close escort vessel.³¹ Dr Chitiyo also confirmed that WFP ships were now well protected.³²
16. We asked whether cooperation with the other anti-piracy operations in the area continued to be good. Nick Pickard confirmed that this was the case, and said that a by-product had been good cooperation with nations such as China and India.³³ The Committee has expressed concern in the past about the problems caused for EU missions as a result of the lack of formal coordination between the EU and NATO,³⁴ but we were assured that this was not a cause for concern at sea for Operation Atalanta.³⁵

²⁵ Q 67

²⁶ Q 110, also Chitiyo QQ 21, 23

²⁷ Q 180

²⁸ Lloyd’s Market Association, paragraphs 1 and 2

²⁹ Council of Somali Organisations

³⁰ Paragraph 31 of our previous report.

³¹ QQ 117, 91

³² Q 31

³³ QQ 110, 111

³⁴ 31st Report (2010–12) “European Defence Capabilities: lessons from the past, signposts for the future” (HL Paper 292), paragraph 88

³⁵ The Minister Q 94

17. In our previous report we identified some critical capability shortfalls: airborne surveillance, including maritime patrol aircraft, helicopters, tanker support and medical facilities, and we recommended that they be addressed.³⁶ Nick Pickard assured us that these problems had been solved: a tanker was now available, and a short gap in medical facilities would soon be filled.³⁷ Dr Lee Willett, RUSI, told us that the necessary aerial surveillance was available, though the area was too vast for complete coverage.³⁸ The Seychelles Foreign Minister thought, however, that increased surveillance was needed. He commented that the Seychelles, from where the surveillance was conducted, had limited capabilities. He also added his concern that, although intelligence cooperation had improved and cooperation and information exchange with Atalanta was excellent, overall the intelligence gathered from US surveillance was transferred too slowly to the forces on the ground.³⁹ Christian Le Mière, International Institute for Strategic Studies (IISS), also noted a shortage of helicopters for aerial surveillance and poor human intelligence due to a lack of presence on land.⁴⁰ Dr Chitiyo also called for increased human intelligence on the ground in Somalia to identify pirates.⁴¹
18. The Operation's mandate will again come up for renewal in December 2014. We were told that a review of the Operation would take place six months in advance, and a decision would then be taken on its continuation.⁴² Alexander Rondos thought that the Operation might need to be rolled over, though the EU needed to have prepared an exit strategy. However, he believed that the anti-piracy struggle would continue as long as there were pirates.⁴³ The Council of Somali Organisations also believed that it was likely that Operation Atalanta and the EU's other missions would need to be extended well beyond 2014, perhaps to 2018, because of the pace of training of the Somali security forces and deployment of the national Army.⁴⁴ Dr Willett cast doubt on how long western nations would want to sustain the operation as it needed both finance and patience. He thought therefore that there might be a question over the renewal of the mandate, though he warned that success in containing piracy was easily reversible if pressure was not maintained.⁴⁵
19. **It is widely recognised that Operation Atalanta has been a success, but under current political conditions in Somalia, any reduction in effort will quickly result in a renewed upsurge of pirate activity. There is therefore a need for sustained commitment by the EU.**
20. **The mandate of Operation Atalanta should be extended beyond December 2014. This would send a clear signal to those organisations**

³⁶ Paragraphs 28–29

³⁷ Q 115

³⁸ Q 32

³⁹ QQ 3–6

⁴⁰ Le Mière, paragraph 10

⁴¹ Q 31

⁴² Pickard Q 139

⁴³ QQ 183, 231

⁴⁴ Council of Somali Organisations

⁴⁵ QQ 20, 27, 28

and individuals that organise piracy that the EU will not walk away from confronting piracy in the Indian Ocean.

21. **Despite the evidence we received recommending that Operation Atalanta should undertake greater protection of Somali fishery grounds, we do not believe that the mission can undertake this additional role as well as protecting shipping. This task should be taken up by another organisation.**
22. **Although most of the Committee's previous concerns about capability shortfalls have been addressed, problems remain about the Operation's ability to conduct surveillance over such a vast area, given that the piracy has spread so far into the Indian Ocean. We commend in particular the role of the Seychelles in making that broad operational cover far more effective than when we published our earlier report.**
23. **However, the speed with which intelligence gathered in operational centres is transmitted to interested parties is a problem. This must be remedied.**
24. **We note with satisfaction the high degree of practical cooperation which has evolved since our last report between the very varied international anti-piracy operations and national navies in the Indian Ocean. This includes Russia, China and India.**
25. **We welcome also the strong spirit of practical cooperation between different international operations located in operational centres such as the Seychelles. This should act as a model for military cooperation in other theatres, especially EU-NATO cooperation.**

The UK's contribution

26. We heard praise for the UK's contribution, not only from Captain Reindorp, RN, who said that the EU appreciated the UK's leadership role commanding the Operation at Northwood, but also from Alexander Rondos; the Chamber of Shipping, for whom it was "highly effective"; and Lloyd's Market Association, who told us the Operation was ably co-ordinated at Northwood.⁴⁶ The Chamber of Shipping also commended the UK's cross-departmental dialogue and coordination of policy.⁴⁷ We were, however, surprised to hear from the Minister that only one Royal Navy ship was allocated to Operation Atalanta for three months in a two year period, though the UK also contributes vessels to the Combined Maritime Force and Ocean Shield, the NATO operation, which is also coordinated from Northwood.⁴⁸ This point was also noted by the Chamber of Shipping which thought this was a minimal contribution to force levels and considerably less than was required by UK shipping in the area. They told us that this level compared poorly with that made by other European navies such as Spain, France or Germany (and Denmark, although it was not under Operation Atalanta). In their view the provision of the resource at the Northwood

⁴⁶ Reindorp Q 85, Chamber of Shipping, paragraph 6, Lloyd's Market Association, paragraph 2

⁴⁷ Chamber of Shipping, paragraph 3

⁴⁸ Q 74

Headquarters “should not preclude or justify the lack of warships deployed and contributing to counter-piracy operations.”⁴⁹

27. **Given the appreciation of the UK’s leadership of this naval operation we recommend strongly that the Government should continue in this role at the next review. UK leadership of Atalanta is effective and it brings credit to the UK.**
28. **It would be desirable for the UK to increase its contribution of vessels to Operation Atalanta. However, we recognise the financial constraints and consider that its command role is a compensation for its limited contribution of vessels.**

Attack on pirate land base

29. We asked our witnesses about the significance of the attack on the land base of the pirates in May 2012, a new development in Operation Atalanta’s activity since our previous report following the extension of its mandate in March 2012. Dr Willett told us that six Member States had been involved: France, Germany, Italy, Spain, Denmark and Portugal.⁵⁰ Captain Reindorp told us that it had been the first time that a counter-piracy activity had been conducted ashore.⁵¹ He assured us that intelligence from the ground was good and that the attack had only targeted pirate equipment, not people. Its main importance was that it had disrupted the pirates’ “strategic centre of gravity”.⁵² According to Nick Pickard and Dr Willett, its aim had been to demonstrate to the pirates that they were not invulnerable ashore.⁵³ Further attacks were possible at a time of the choosing of the Force Commander, to whom the responsibility was delegated.⁵⁴
30. For Alexander Rondos, the attack had been an interesting signal that the EU had been prepared to fire shots “in anger”.⁵⁵ Dr Willett also thought that it had been fundamental in demonstrating that the navies concerned and their national capitals were prepared to authorise an increased use of force and to entertain the risks that might bring.⁵⁶ By contrast Christian Le Mière, IISS, argued that, while on-land attacks had the potential to be a “game-changer”, the attack in May had been “so benign as to be largely ineffective.”⁵⁷
31. We enquired about the legality of the attacks. Captain Reindorp assured us that the attacks were legal in international law as self defence, and Alexander Rondos told us that the legal basis was sound, with clear rules of engagement.⁵⁸ However, there were different opinions about how the attack

⁴⁹ Chamber of Shipping paragraph 12

⁵⁰ Q 57

⁵¹ QQ 77, 95

⁵² QQ 77, 98, also Rondos Q 180

⁵³ QQ 27, 155

⁵⁴ Reindorp QQ 95–97, Rondos Q 180

⁵⁵ Q 180

⁵⁶ Q 28

⁵⁷ Le Mière paragraph 5

⁵⁸ QQ 95, 203

The extension of the area of operations to include the coastal territory of Somalia has its legal foundation in Article 1(2) of Joint Action 2008/851/CFSP as amended by Decision 2012/174/CFSP. The amending

had been received by the Somali population. Nick Pickard told us that the TFG had been calling for the attack and he understood that it had been well received by the rest of the Somali population.⁵⁹ Alexander Rondos said that approval had been given by the Somali government and the coastal states. This had been a precondition of proceeding with the operation. The official reaction of the surrounding states had been satisfaction, though this had not necessarily been made public.⁶⁰ The Seychelles Foreign Minister said the Seychelles had welcomed the attack and that it had been done “in the right way” because the TFG had accepted it as a necessary part of the fight, though they had not necessarily welcomed it.⁶¹ Dr Chitiyo also said that in Puntland there had been a complaint about the lack of prior consultation by the EU.⁶² The Council of Somali Organisations told us that the attack on land had been “greeted with incredulity” locally and they thought it might have been intended for domestic political consumption internationally, rather than as a message to pirate groups. They also criticised the “more aggressive posture of naval forces” operating closer to the shoreline for incidents in which, they said, innocent Somali fishermen had been killed due to “misidentifications”.⁶³

32. **We welcome the EU Atalanta attack on the pirate land base as an effective demonstration to the pirates that they are not invulnerable on land.**

Shipping and insurance industries

33. In our last report we examined the role of the shipping and insurance industries. We thought that the benefits of adopting recommended best practice in mitigating the risk of piracy attacks needed to be more actively promoted among the shipping industry by the Government, the EU and the industry itself. We also believed that the insurance industry should accept a greater degree of responsibility for promoting adherence to this best practice and we urged that the terms and conditions of insurance should reflect the need to discourage shipping companies from failing to follow recognised best practice.⁶⁴
34. We were given evidence that the performance of the shipping and insurance industries had been encouraging. Nick Pickard told us that the insurance industry in London and elsewhere was making significant efforts to combat the problem: 70% overall and 92% of UK flagged vessels used self-protection, (which includes such ship protection measures (SPMs) as the use of razor wire and water or foam) though the Government’s aim was 100%.⁶⁵

Decision takes account of two UN Security Council Resolutions. In particular, paragraph 6 of UNSCR 1851 of 2008 provides that states and regional organisations (i.e. including the EU) “cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia” may undertake “all necessary measures that are appropriate in Somalia for the purpose of suppressing acts of piracy and armed robbery at sea ...” Paragraph 10 of UNSCR 1846 of 2008 provides for action in the territorial waters of Somalia.

⁵⁹ QQ 157, 158

⁶⁰ QQ 204, 205

⁶¹ Adam Q 1,

⁶² Q 55

⁶³ Council of Somali Organisations

⁶⁴ Paragraphs 47 and 52 of our previous report

⁶⁵ QQ 119, 120

The Chamber of Shipping confirmed a level of around 30% of non-compliance with Best Management Practice (BMP) in the (non UK) world's fleet which continued to be a problem.⁶⁶ Dr Willett gave a slightly lower figure of 25% for those companies which did not use best practice (such as notifying the relevant authorities of the vessel's navigation through the high-risk area and the use of SPMs). Adjoa Anyimadu, Chatham House, confirmed that irresponsible ship owners persisted.⁶⁷ The Chamber of Shipping accepted that there were no easy or short-term solutions to the threats but said that it continued to be fully engaged in many strands of activity, including optimising vessel self-protection measures, implementing Best Management Practices as outlined in BMPs—Version 4, (see paragraph 5), ensuring an effective regime including third party accreditation and international standards for Private Maritime Security Companies and their Personnel.⁶⁸

The use of armed guards

35. In our previous report we endorsed the view of the shipping industry, the International Maritime Organisation (IMO) and the Government that private security guards should not be placed on commercial shipping as this would increase the risks to which the ships and crew were subject. In 2011, however, the Government revised their policy to enable UK-flagged ships to use armed guards and in November 2011, the Department for Transport, published guidance for UK-flagged shipping.⁶⁹ We were told that the issue was legally complex as various jurisdictions were involved, but that no ships with armed guards had been successfully pirated.⁷⁰ The provisions only applied to high risk areas and for ships above a certain tonnage. The decision on what constituted high risk was made by the Lloyds Joint War Committee. The UK was awaiting standard-setting by the international community, which had started in the International Maritime Organization (IMO).⁷¹ Dr Chitiyo also warned that when pirates managed to access a ship with armed guards, it had resulted in greater attacks on hostages.⁷²
36. Dr Willett believed that the use of armed guards, together with the proximity of naval ships, acted as a deterrent to pirates.⁷³ The Chamber of Shipping outlined the initial resistance of UK shipping companies to the use of armed guards because of the legal, liability and safety difficulties involved in their employment and the presence of weapons on board civilian ships. The industry also feared that the use of firearms by civilians in self-defence could lead to an escalation in their use and other violence by

⁶⁶ Chamber of Shipping paragraph 8

⁶⁷ QQ 34–36

⁶⁸ Chamber of Shipping paragraph 7

⁶⁹ Interim Guidance to UK flagged shipping on the use of armed guards to defend against the threat of piracy in exceptional circumstances: <http://www.dft.gov.uk/publications/use-of-armed-guards-to-defend-against-piracy>

⁷⁰ Reindorp QQ 102–108, Pickard Q 123, Le Mière paragraph 6

⁷¹ Pickard Q 129

⁷² Q 33

⁷³ Q 32 also Chitiyo Q 33

pirates. The Chamber said, though, that there had been no evidence of escalation to date, and it awaited the arrangements for the third party accreditation of private security to internationally agreed standards, which was expected by the end of 2012. Reflecting the Government's points, the Chamber outlined their continuing concerns about the use of private armed guards which they considered should be temporary and exceptional and should not become institutionalised: such guards were not legal or readily accepted in the jurisdictions of many third states, standards might vary and some security companies might not comply with the established Rules for the Use of Force, training and safety requirements or the export and import and licensing requirements for their firearms and ammunition.⁷⁴ The Chamber expressed disappointment at the MOD's decision not to resource Vessel Protection Detachments (VPDs) of military personnel: some already existed for MOD cargoes on civilian ships and their use could have been extended.⁷⁵

37. Lloyd's Market Association offered the perspective from the insurance industry. They told us that insurers were pleased about the UK Government's guidance to shipping companies on armed guards but said they were "disquieted" by two loopholes: the exclusion of vessels under 500 gross tonnage and the proviso that arms could only be carried in the high risk area, which presented legal complications on weapon sourcing and access. They added that this also presented practical problems for those embarking and disembarking teams as both had to be done within the High Risk Area, but not all countries and their ports allowed this and it was impractical in mid-ocean. Moreover, UK security teams were prevented from using floating arsenals, so that security teams from countries which allowed such access could displace the more professional and better qualified UK teams. They believed that more needed to be done in the accreditation area as the efficiency and competence of a security provider could only be measured by word of mouth.⁷⁶
38. **We have revised our view on the carriage of armed guards on ships in the light of the fact that no ships carrying armed guards have so far been successfully pirated and violence has apparently not escalated. We now believe that this practice should continue, provided that the guards are properly trained to a high standard to avoid accidental injury to innocent seafarers, and accredited. The Government and the EU High Representative should so advise all EU Member States.**

Pirate handling

39. We examined the way in which pirates were dealt with after capture and the extent to which states in the region were involved in this process. We were told that pirates were handled with great care. Pirates were detained on the vessel which had apprehended them until a decision was made on judicial handling, when they were delivered into a port.⁷⁷ The majority of prisoners

⁷⁴ Chamber of Shipping, paragraphs 2, 8–10

⁷⁵ Chamber of Shipping, paragraph 11

⁷⁶ Lloyds Market Association paragraphs 4–7

⁷⁷ QQ 71–72

were dealt with under the legal systems of states in the region. The Seychelles signed an MOU with the EU in 2009 to take alleged pirates and, following the London Conference on Somalia in February 2012, negotiations were underway with Mauritius and Tanzania. Kenya has signed up to a regional burden-sharing agreement.⁷⁸

40. Alexander Rondos told us that the Seychelles and Mauritius had been the most helpful countries in accepting pirates for prosecution.⁷⁹ Adjoa Anyimadu said that Kenya as well as the Seychelles was at the forefront of prosecuting pirates.⁸⁰ The Seychelles Foreign Minister informed us that the Seychelles currently held over 100 pirate prisoners, and had conducted more piracy trials than any other country (some 140 to 150), but that constituted a problem: pirates could not be held there forever, particularly when the Seychelles only had prison places for 60 pirates. With sentences normally amounting to 10 to 15 years, this was also a problem for other countries which had agreed to take pirates for prosecution.⁸¹ Adjoa Anyimadu thought that for African regional states, the ability to transfer convicted pirates to Somalia, in Somaliland and Puntland,⁸² meant that they were more likely to conduct prosecutions, as they would not have to look after them.⁸³ The Council of Somali Organisations raised concerns about the legality and fairness of piracy prosecutions, in particular of minors, and argued that the provisions of the European Convention on Human Rights should apply as soon as a pirate was detained, which they did not believe was always the case; nor, in their view, did the trials meet UN standards.⁸⁴
41. The Seychelles Foreign Minister considered that the way forward was to transfer pirates to their state of origin for detention and said that his country had an agreement with Somaliland where the UN ran and monitored prisons.⁸⁵ Nick Pickard told us that agreements on prisons had been negotiated with both Puntland and Somaliland, although the prisons in Puntland were not yet ready. The first transfer of 17 pirates from the Seychelles to a UN Office on Drugs and Crime (UNODC) refurbished prison in Hargeisa, Somaliland, had taken place in March 2012.⁸⁶ We were, however, given a word of warning by Adjoa Anyimadu that some links existed between elements in Puntland and the pirates. She also pointed out that care was needed in engaging with Puntland because the international community recognised the TFG.⁸⁷ We expressed concern about prisons being located in Puntland, if people sympathetic to piracy were located there

⁷⁸ QQ 139, 140

⁷⁹ Q 183

⁸⁰ Q 38

⁸¹ QQ 8, 10, 12

⁸² Somaliland, as well as Puntland, is a semi-autonomous area in the north of Somalia.

⁸³ Q 39

⁸⁴ Council of Somali Organisations

⁸⁵ Adam QQ 8–18, also Pickard QQ 142, 146

⁸⁶ QQ 141, 142

⁸⁷ QQ 37, 38

(see also paragraph 10). Dr Chitiyo said that there had been issues over pirate handling with Puntland, where the EU should re-engage.⁸⁸

42. We asked about the advisability of returning convicted pirates to other areas of Somalia to serve their sentences, but were assured by Nick Pickard that prisoners were not being returned to the part of Somalia under the TFG and that Somaliland was “a relatively functioning state”.⁸⁹ Nick Kay, Africa Director, FCO, said that it was not yet possible to establish when conditions might be right to return pirates to other areas of Somalia. Movement on this would depend on progress in institution building. He doubted that it would be in 2012.⁹⁰
43. We were told that prisons for pirates in Somaliland and Puntland were built by the UNODC who had made efforts to increase capacity. UNODC mentored and managed the prisons as part of a regional capacity building development project in which the UK had confidence. The guards were local and not armed.⁹¹ Nick Pickard also told us that the UN prisons were built to international standards specifically for pirates and were better than ordinary prisons. The significant difference in standards presented a problem for all the countries concerned.⁹²
44. We asked about the effect of long sentences in Somalia on the pirates. The Seychelles Foreign Minister thought that it sent a clear message to pirates that piracy did not pay.⁹³ Dr Willett told us that some estimates of 2000 pirates awaiting trial in various countries had been made. The message that a whole generation of young men had effectively gone would have been transmitted to the Somali population.⁹⁴ Adjoa Anyimadu also thought that it was important to transmit the message to the Somali population that piracy affected them, and was not just the concern of western governments and the international shipping industry.⁹⁵ We were told by the Council of Somali Organisations that many minors were detained and convicted for piracy, in contravention of the UN Convention on the Rights of the Child. Some were former child soldiers pressed into the service of pirate groups or forced through poverty to become pirates.⁹⁶ We asked whether rehabilitation could be possible, especially for young pirates. Alexander Rondos thought that the European Development Fund (EDF) would and should be considered for such a programme.⁹⁷
45. We were told by Nick Pickard that insurance companies still insured for ransoms.⁹⁸ Adjoa Anyimadu told us that the UK had led the international

⁸⁸ Q 38

⁸⁹ QQ 147–149, 153

⁹⁰ Q 145

⁹¹ Pickard QQ 146, 149 Anyimadu Q 44, Chitiyo QQ 44, 45

⁹² QQ 150–152

⁹³ Q 12

⁹⁴ Q 38

⁹⁵ Q 40

⁹⁶ Council of Somali Organisations

⁹⁷ Q 187

⁹⁸ Q 121

community on the question of ransom payments which had raised awareness among insurers of their responsibilities and of the political interest in their activities. The industry had noted the suggestion that such payments could be banned, leading to improvements.⁹⁹ Christian Le Mière thought that the new piracy ransoms international task force convened by the UK¹⁰⁰ had the potential to scope the moral and policy-related problems of permitting ransom payments.¹⁰¹

46. We recall that in our report on money laundering, which was published in July 2009, we recommended that in every case of piracy where a ransom had been demanded and the payment was being assembled in the United Kingdom, those involved had a duty to seek consent for the ransom payment from the Serious Organised Crime Agency.¹⁰²
47. **The programme of agreements for judicial process with countries of the region has been successfully initiated, but now needs to be pursued vigorously. The Seychelles appears so far to be bearing a heavier burden than other countries and steps should be taken to ease the pressure on the Seychelles.**
48. **We have some doubts about the wisdom of transferring sentenced pirates back to Somalia. This policy should be pursued with caution, ensuring that all pirate prisons are staffed by personnel who are properly trained and equipped to prevent breakouts. The EU should work with the UN to monitor these prisons.**
49. **We have concerns about the difference in quality between UN constructed pirate prisons and local prisons, which must lead to problems for the countries concerned, but we see no way of avoiding the problem as the international community is unlikely in the foreseeable future to pay to upgrade all the prisons in the countries affected.**
50. **We accept fully that imprisonment should be seen as a very real deterrent but the agencies involved should introduce some measure of rehabilitation for those convicted for piracy, particularly for younger prisoners.**
51. **We reiterate our previous conclusion in our 2009 report that those involved in assembling ransoms in the United Kingdom have a duty to seek consent for its payment and that not to do so, if necessary by**

⁹⁹ Q 34

¹⁰⁰ The international task force announced by the Prime Minister at the London conference on Somalia to look at the issue of ransom payments in piracy cases met for the first time on 30 May in London and examined options for preventing the payment of ransoms. Discussions were informed by an independent analysis of the options prepared by Chatham House and by views presented by representatives from industry and the Somali diaspora. Participants are 14 countries representing a range of Flag States, seafarer nations, countries with large merchant navies and those active in the Contact Group on Piracy off the Coast of Somalia, including Australia, Denmark, France, Italy, Liberia, Malaysia, Norway, Panama, the Philippines, Spain, Ukraine, the UAE, the USA, and the UK. Source: FCO website

¹⁰¹ Le Mière paragraph 9

¹⁰² House of Lords European Union Committee, 19th Report (Session 2008–09) *Money laundering and the financing of terrorism* (HL 132–I), paragraphs 170 to 173, for which report evidence on this point was taken

filing a Suspicious Activity Report,¹⁰³ may result in the commission of a criminal offence. We request that the Government now respond substantively to this recommendation.

Regional and international cooperation

52. We asked our witnesses about the effect of piracy on the region and heard from the Seychelles Foreign Minister of the harmful effect on its economy, resulting in a 4% decline in GDP and the stretch on its resources, particularly given the large area of its territorial waters which were affected.¹⁰⁴ Adjoa Anyimadu thought that the reaction of the littoral states in Africa to counter-piracy had been considerably slower than the western approach but, as piracy moved further south and into the Indian Ocean, the eastern coastal states of Africa were affected, in terms of the perception of risk for investors, particularly for Kenya, and for tourism in Tanzania as well as the Seychelles. This had encouraged them to start thinking about coordinating their efforts.¹⁰⁵
53. Dr Willett told us that the Chinese were now offering to accompany WFP and other nations' ships as part of a wider dynamic in their Indian Ocean political strategy. They were making a useful contribution and he thought that their presence should be welcomed.¹⁰⁶ Alexander Rondos believed that the Gulf States should be engaged in discussions on the future of Somalia as well as dealing with Somali piracy given their extensive connections with Somalia. They could share some of the costs of providing security to the Gulf, and their capabilities would also be welcome, if they were offered and if they were incorporated in an agreed framework. He also suggested that an offer from the Gulf States to prosecute and imprison pirates would be welcome. So far the United Arab Emirates had provided funding and had hosted a conference in Dubai.¹⁰⁷ Bahrain hosts a regular meeting on shared information.¹⁰⁸
54. **We welcome the involvement of China in countering piracy off the Horn of Africa as evidence of their increasing cooperation with the international community.**
55. **We believe that a greater effort should be made to involve the Gulf States in solving the problems of both piracy and the situation in Somalia, given their close links with Somalia and their evident interest in keeping the shipping lanes clear.**

¹⁰³ Banks, insurers, lawyers, accountants and many other persons and bodies who handle money on behalf of others are required to report to the authorities any suspicious transactions or activities which might involve funds which are the proceeds of criminal activity. These reports are called Suspicious Activity Reports, or SARs.

¹⁰⁴ Adam QQ 1, 2, 8

¹⁰⁵ Q 25

¹⁰⁶ Q 47

¹⁰⁷ QQ 189, 196–200, 212

¹⁰⁸ The Minister Q 93

The EU's Strategy for the Horn of Africa

BOX 2

The EU's Horn of Africa Strategy

On 14 November 2011 the Foreign Affairs Council adopted a “Strategic Framework for the Horn of Africa”, known as the Horn of Africa Strategy.¹⁰⁹ The Horn of Africa is defined as the countries belonging to the Inter-Governmental Authority for Development (IGAD)—Djibouti, Eritrea, Ethiopia, Kenya, Sudan, Somalia, South Sudan and Uganda. The Strategic Framework sets out the EU's overall engagement with the region and aims to deliver the EU's objective to support the people of the region in achieving greater peace, stability, security, prosperity and accountable government, thereby addressing many of the causes of the instability, conflict and poverty in the region. EU NAVFOR Atalanta now operates within this wider framework.

The Strategic Framework states that the EU will pay special attention to the root causes and drivers of conflict and to lagging development. It notes that the absence of the rule of law or an administrative vacuum has permitted piracy and terrorism to flourish in Somalia; piracy has reached a scale that threatens not only the security of Somalia, but also the wider international community, including the interests of EU Member States. The Strategic Framework identifies many other challenges that the region faces (inter-state rivalry, poverty, climate change, migration, small arms proliferation).

The Strategic Framework sets out the various forms of EU engagement in the region. The involvement is focused on five main areas: the development partnership, the political dialogue, the responses to crises, the management of crises and the trade relationship.

In the context of the Strategic Framework, the High Representative/Vice-President of the Commission, Baroness Ashton of Upholland, made a proposal to appoint an EU Special Representative (EUSR) for the Horn of Africa to coordinate the EU's efforts in the region. On 1 January 2012 Alexander Rondos, a Greek national with extensive diplomatic experience in Eastern Africa, was appointed to this role. He was tasked to focus initially on Somalia and the regional dimensions of the conflict there, as well as on piracy.

56. In 2011 the formulation by the EU of its Strategy for the Horn of Africa, and in 2012 the appointment of a Special Representative (EUSR), were efforts to coordinate its different missions in the region. In addition to Operation Atalanta (EUNAVFOR), these are the EU's Training Mission in Uganda for Somali security sector training (EUTM Somalia) and, more recently, a mission to develop the region's coastal defence capability (EUCAP Nestor) (see paragraph 8). Nick Kay believed that these two developments marked a step-change in the EU's approach to the area.¹¹⁰ Alexander Rondos thought his role as EUSR allowed him flexibility to travel round the region and to look at the broader framework. He commented that he was content with his resources so far and would not interfere in specific operations.¹¹¹ Adjoa

¹⁰⁹ <http://register.consilium.europa.eu/pdf/en/11/st16/st16858.en11.pdf>

¹¹⁰ Q 170

¹¹¹ QQ 213–222

Anyimadu praised the Strategy's holistic approach and said that the EU's effectiveness had greatly improved. She believed that increased funds to the countries of the region would eventually prove to be effective.¹¹² The Council of Somali Organisations believed, however, that the absence of a permanent diplomatic presence and secure embassy compounds in Mogadishu damaged the credibility of the UK and its EU partners, while they operated "by remote control" from Nairobi.¹¹³

BOX 3

EU Missions for Somalia

EU Training Mission Somalia (EUTM Somalia)

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 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 2012.¹¹⁴ The training focuses 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 actors.

Regional Maritime Capacity Building for the Horn of Africa and the Western Indian Ocean (EUCAP Nestor)

The Council adopted 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. 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 Somalia. In particular, the mission will support the "setting up" and training of a land-based coastal police force.

57. Dr Chitiyo believed that EUTM Somalia had been responsible for greater professionalism in the Somali forces.¹¹⁵ Rachel Turner, Director East and Central Africa, Department for International Development (DfID), told us that monitoring of the training was undertaken by international organisations such as the International Committee of the Red Cross (ICRC) and the stipends for the police were paid by the EU.¹¹⁶ For Alexander Rondos it was important for a mix of clans to be represented in the EUTM, and for a programme for security sector reform to be developed.¹¹⁷
58. The newest civilian mission in the area is EUCAP Nestor, 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

¹¹² Q 63

¹¹³ Council of Somali Organisations

¹¹⁴ Council Decision 2011/483/CFSP

¹¹⁵ QQ 52–54

¹¹⁶ Q 164

¹¹⁷ QQ 206–210

will consist of a team of around 175 people working to reinforce the capacity of states in the region to govern their territorial waters effectively. Initially its geographical focus will be Djibouti, Kenya, the Seychelles and Somalia. The mission will also be deployed in Tanzania when an invitation is received from its authorities. In Somalia the mission aims also to train a 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.¹¹⁸ Alexander Rondos hoped that EUCAP Nestor would quickly “get off the ground”.¹¹⁹ The FCO told us that the setting up was going well and that the UK had put forward seven candidates for five positions.¹²⁰ The Seychelles Foreign Minister thought that, while the EU’s effectiveness had “improved immensely”, his government believed that giving more resources to the countries of the region to build up their capacity would improve its effectiveness further. This would cost the EU less in the longer term.¹²¹

59. **We commend the High Representative’s efforts to formulate a comprehensive plan for the EU’s activity in the Horn of Africa by encompassing all the EU’s activity under the Strategy for the Horn of Africa.**
60. **The EU’s Training Mission for Somali security forces in Uganda (EUTM Somalia) has produced useful results and should be continued. The EU should pay attention to the retention of these forces with continuing stipends for those who have been trained.**
61. **The aim of the new EUCAP Nestor mission to improve the capabilities of the coastal states of East Africa will be one of the most significant developments in combating piracy from the land. It should be built up to strength as soon as possible and supported in its development. EUCAP Nestor could and should be the gateway to a permanent solution to Somali piracy.**

EU Development assistance for Somalia

62. We heard praise from DfID for the EU’s aid work in Somalia. Rachel Turner told us that the EU was the second largest donor to Somalia (after the US). She said that EU programmes showed flexibility and responsiveness to the needs on the ground and some had a good reputation for delivering results. Measurements for quality were in place and coordination from Nairobi worked well. The EU had been the biggest donor working in the economic infrastructure in the water sector, particularly in water supply, where it had played a critical role. It was an important player in the agriculture and livestock sectors. The EU was also the lead donor in the education sector and had made a difference despite low enrolment rates. The EU’s aim was to build local capacity, although the environment was complex.¹²² Alexander Rondos also told us that the EU wished to convey the message that it would

¹¹⁸ Council Decision 2012/389/CFSP of 16 July 2012 and Press release 12562/12 of 16 July 2012

¹¹⁹ Q 210

¹²⁰ Q 172

¹²¹ Q 8

¹²² QQ 161–164

in future require more discussion with the Somalis about politics and security in order to end the perception of the EU as simply a “cash cow.” The EU would need funds for this capacity building.¹²³

63. On humanitarian aid Rachel Turner told us that the amount provided through the European Community Humanitarian Office (ECHO) was also significant and its response to the need had been critical.¹²⁴ Alexander Rondos praised ECHO’s forward thinking, but he said that it was stretched as it also needed to fund the crises in Sudan and the Sahel.¹²⁵
64. One of the problems flagged up to us was the difficulty of access to areas not under the control of the TFG. Rachel Turner told us that the EU used NGOs to disburse aid. She thought, however, that the EU might make greater use of private firms, as the UK did.¹²⁶ Alexander Rondos pointed out that lack of access to some areas created difficulties for the disbursement of EU aid as it was impossible to conduct the necessary audit on how the funds were spent. He added that Al Shabaab only allowed Muslim NGOs to operate in the areas it controlled and he therefore made a plea for funding to be directed to these NGOs.¹²⁷ Our witnesses also spoke of the importance of the work of the Intergovernmental Authority for Development (IGAD).¹²⁸ Nick Kay told us that it was active in developing stabilisation and planning for the liberated areas of Somalia.¹²⁹ Both Alexander Rondos and Dr Chitiyo believed there should be greater EU engagement with IGAD.¹³⁰ The Council of Somali Organisations emphasised that the “untapped” resource of the Somali diaspora could be used to provide solutions to undermine piracy “by investing in coastal communities and developing alternative livelihoods for young people.” They thought that this resource should be better connected with donor activity, which was absent from the coastal regions most affected by piracy.¹³¹
65. We also asked if EU aid could be used for prison building and were told by Adjoa Anyimadu that European Development Funds (EDF) could only be used for general support.¹³² A number of individual Member States were, however, providing funds for prisons.¹³³ The Seychelles Foreign Minister also told us that the assistance of Euros 3 million his country received as budget support from the EU to mitigate the cost of piracy was insufficient as under EU rules it was designated for social support, rather than the fight against

¹²³ Q 176

¹²⁴ Q 161

¹²⁵ Q 230

¹²⁶ QQ 167, 168

¹²⁷ QQ 226, 229

¹²⁸ The Intergovernmental Authority on Development (IGAD) in Eastern Africa was created in 1996 in Djibouti to supersede the Intergovernmental Authority on Drought and Development (IGADD) which was founded in 1986. It aimed to expand cooperation among its member states—Djibouti, Ethiopia, Kenya, Somalia, Sudan, South Sudan, and Uganda. Eritrea has been suspended. In 2008 IGAD expanded its activities with initiatives to improve the investment, trade and banking environments of its member states.

¹²⁹ Kay Q 175

¹³⁰ QQ 43, 61, 227

¹³¹ Council of Somali Organisations

¹³² Q 43

¹³³ QQ 41–43

piracy.¹³⁴ An interesting point was made by Alexander Rondos, who told us that development aid was used to fund AMISOM via the Africa Peace Facility, so that the EU was effectively funding a war in Africa. The logic for this use of development aid was that there was no development without security.¹³⁵ The Seychelles Foreign Minister welcomed the EU's recent increase in funding for AMISOM and the good working relations between the EU and the African Union (AU).¹³⁶

66. **The EU's development aid will continue to be necessary for the foreseeable future. It should focus on providing alternative livelihoods for the Somali people to assist with reducing the need felt by some Somalis to resort to piracy. It should also aim to develop Somali capacity, thereby reducing aid dependency in the longer term.**
67. **We commend the support given by the EU to AMISOM, which is aiming to remove the threat of Al Shabaab and improve the security of the Somali people.**

¹³⁴ Q 8

¹³⁵ QQ 178, 230

¹³⁶ Q 9

CONCLUSIONS AND RECOMMENDATIONS

68. Containment of piracy has to remain the primary aim of the current mandate of Operation Atalanta. Nonetheless, elimination must be the longer term goal. This can be achieved only through the stabilisation of Somalia. The new EU Horn of Africa strategy and its CSDP missions are a welcome, but modest, step towards that goal. (Paragraph 11)
69. We welcome the growing involvement of African institutions, such as the African Union (AU), in the resolution of regional issues and we call on the EU, through its Head of Mission and Special Representative, to continue to build a strong relationship with the AU. (Paragraph 12)
70. It is widely recognised that Operation Atalanta has been a success, but under current political conditions in Somalia, any reduction in effort will quickly result in a renewed upsurge of pirate activity. There is therefore a need for sustained commitment by the EU. (Paragraph 19)
71. The mandate of Operation Atalanta should be extended beyond December 2014. This would send a clear signal to those organisations and individuals that organise piracy that the EU will not walk away from confronting piracy in the Indian Ocean. (Paragraph 20)
72. Despite the evidence we received recommending that Operation Atalanta should undertake greater protection of Somali fishery grounds, we do not believe that the mission can undertake this additional role as well as protecting shipping. This task should be taken up by another organisation. (Paragraph 21)
73. Although most of the Committee's previous concerns about capability shortfalls have been addressed, problems remain about the Operation's ability to conduct surveillance over such a vast area, given that the piracy has spread so far into the Indian Ocean. We commend in particular the role of the Seychelles in making that broad operational cover far more effective than when we published our earlier report. (Paragraph 22)
74. However, the speed with which intelligence gathered in operational centres is transmitted to interested parties is a problem. This must be remedied. (Paragraph 23)
75. We note with satisfaction the high degree of practical cooperation which has evolved since our last report between the very varied international anti-piracy operations and national navies in the Indian Ocean. This includes Russia, China and India. (Paragraph 24)
76. We welcome also the strong spirit of practical cooperation between different international operations located in operational centres such as the Seychelles. This should act as a model for military cooperation in other theatres, especially EU-NATO cooperation. (Paragraph 25)
77. Given the appreciation of the UK's leadership of this naval operation we recommend strongly that the Government should continue in this role at the next review. UK leadership of Atalanta is effective and it brings credit to the UK. (Paragraph 27)
78. It would be desirable for the UK to increase its contribution of vessels to Operation Atalanta. However, we recognise the financial constraints and

consider that its command role is a compensation for its limited contribution of vessels. (Paragraph 28)

79. We welcome the EU Atalanta attack on the pirate land base as an effective demonstration to the pirates that they are not invulnerable on land. (Paragraph 32)
80. We have revised our view on the carriage of armed guards on ships in the light of the fact that no ships carrying armed guards have so far been successfully pirated and violence has apparently not escalated. We now believe that this practice should continue, provided that the guards are properly trained to a high standard to avoid accidental injury to innocent seafarers, and accredited. The Government and the EU High Representative should so advise all EU Member States. (Paragraph 38)
81. The programme of agreements for judicial process with countries of the region has been successfully initiated, but now needs to be pursued vigorously. The Seychelles appears so far to be bearing a heavier burden than other countries and steps should be taken to ease the pressure on the Seychelles. (Paragraph 47)
82. We have some doubts about the wisdom of transferring sentenced pirates back to Somalia. This policy should be pursued with caution, ensuring that all pirate prisons are staffed by personnel who are properly trained and equipped to prevent breakouts. The EU should work with the UN to monitor these prisons. (Paragraph 48)
83. We have concerns about the difference in quality between UN constructed pirate prisons and local prisons, which must lead to problems for the countries concerned, but we see no way of avoiding the problem as the international community is unlikely in the foreseeable future to pay to upgrade all the prisons in the countries affected. (Paragraph 49)
84. We accept fully that imprisonment should be seen as a very real deterrent but the agencies involved should introduce some measure of rehabilitation for those convicted for piracy, particularly for younger prisoners. (Paragraph 50)
85. We reiterate our previous conclusion in our 2009 report that those involved in assembling ransoms in the United Kingdom have a duty to seek consent for its payment and that not to do so, if necessary by filing a Suspicious Activity Report, may result in the commission of a criminal offence. We request that the Government now respond substantively to this recommendation. (Paragraph 51)
86. We welcome the involvement of China in countering piracy off the Horn of Africa as evidence of their increasing cooperation with the international community. (Paragraph 54)
87. We believe that a greater effort should be made to involve the Gulf States in solving the problems of both piracy and the situation in Somalia, given their close links with Somalia and their evident interest in keeping the shipping lanes clear. (Paragraph 55)
88. We commend the High Representative's efforts to formulate a comprehensive plan for the EU's activity in the Horn of Africa by encompassing all the EU's activity under the Strategy for the Horn of Africa. (Paragraph 59)

89. The EU's Training Mission for Somali security forces in Uganda (EUTM Somalia) has produced useful results and should be continued. The EU should pay attention to the retention of these forces with continuing stipends for those who have been trained. (Paragraph 60)
90. The aim of the new EUCAP Nestor mission to improve the capabilities of the coastal states of East Africa will be one of the most significant developments in combating piracy from the land. It should be built up to strength as soon as possible and supported in its development. EUCAP Nestor could and should be the gateway to a permanent solution to Somali piracy. (Paragraph 61)
91. The EU's development aid will continue to be necessary for the foreseeable future. It should focus on providing alternative livelihoods for the Somali people to assist with reducing the need felt by some Somalis to resort to piracy. It should also aim to develop Somali capacity, thereby reducing aid dependency in the longer term. (Paragraph 66)
92. We commend the support given by the EU to AMISOM, which is aiming to remove the threat of Al Shabaab and improve the security of the Somali people. (Paragraph 67)

APPENDIX 1: EU SUB-COMMITTEE FOR EXTERNAL AFFAIRS (SUB-COMMITTEE C)

The Members of the Sub-Committee which conducted this Inquiry were:

Baroness Bonham-Carter of Yarnbury
 Baroness Eccles of Moulton DL
 Lord Foulkes of Cumnock
 Baroness Henig
 Lord Inge
 Lord Jay of Ewelme
 Lord Jopling
 Lord Lamont of Lerwick
 Lord Radice
 Lord Teverson (Chairman)
 Lord Trimble
 Lord Williams of Elvel
 Baroness Young of Hornsey

Declaration of Members' Interests

Baroness Bonham-Carter of Yarnbury

No relevant interests

Baroness Eccles of Moulton DL

No relevant interests

Lord Foulkes of Cumnock

No relevant interests

Baroness Henig

Chair, Security Industry Authority

President, Association of Police Authorities

Lord Inge

Member of Advisory Board, Aegis

Lord Jay of Ewelme

Chair, Merlin, International medical NGO operating in Somaliland,

Puntland and south central Somalia

Lord Jopling

Receives funds from the Common Agricultural Policy

Member of the UK Delegation to the NATO Parliamentary Assembly

Chairman, Committee on the Civilian Dimension of Security

Lord Lamont of Lerwick

No relevant interests

Lord Radice

Advisory Board, Policy Network

Lord Teverson (Chairman)

No relevant interests

Lord Trimble

Director, CRC Capital Release Fund plc

Director, Henry Jackson Society Ltd

Lord Williams of Elvel

No relevant interests

Baroness Young of Hornsey

Ambassador, Cotton Made in Africa (NGO)

Participated in VSO for Parliamentarians in Tanzania

The following Members of the European Union Select Committee attended the meeting at which the report was approved:

Lord Boswell of Aynho

Lord Bowness

Lord Cameron of Dillington

Lord Carter of Coles

Lord Dear

Baroness Eccles of Moulton DL

Lord Foulkes of Cumnock

Lord Hannay of Chiswick

Lord Harrison

Lord MacLennan of Rogart

Lord Marlesford DL

Baroness O'Cathain

Lord Richard

The Earl of Sandwich

Baroness Scott of Needham Market

Lord Teverson

Lord Tomlinson

Baroness Young of Hornsey

During the consideration of the report no interests were declared.

A full list of Members' interests can be found in the register of Lords' interests <http://www.publications.parliament.uk/pa/ld/ldreg.htm>

APPENDIX 2: LIST OF WITNESSES

Evidence is published online at www.parliament.uk/hleuc and available for inspection at the Parliamentary Archives (020 7219 5314)

Evidence received by the Committee is listed below in chronological order of oral evidence session and in alphabetical order. Witnesses marked * gave oral and written evidence. Witnesses marked with ** gave oral evidence and did not submit any written evidence.

Oral evidence in chronological order

- ** (QQ1–18) Mr Jean-Paul Adam, Minister for Foreign Affairs, Republic of Seychelles
- ** (QQ19–63) Adjoa Anyimadu, Head Analyst on Somalia, Chatham House; Dr Knox Chitiyo, Associate Fellow, Chatham House, Brenthurst Foundation, formerly Africa Head, Royal United Services; and * Dr Lee Willett, Senior Research Fellow in Maritime Studies, Royal United Services Institute
- ** (QQ64–108) Nick Harvey MP, Minister of State for the Armed Forces and Ministry of Defence
- * (QQ109–175) Foreign and Commonwealth Office and Department for International Development
- ** (QQ176–234) Alexander Rondos, European Union Special Representative for the Horn of Africa

Alphabetical list of all witnesses

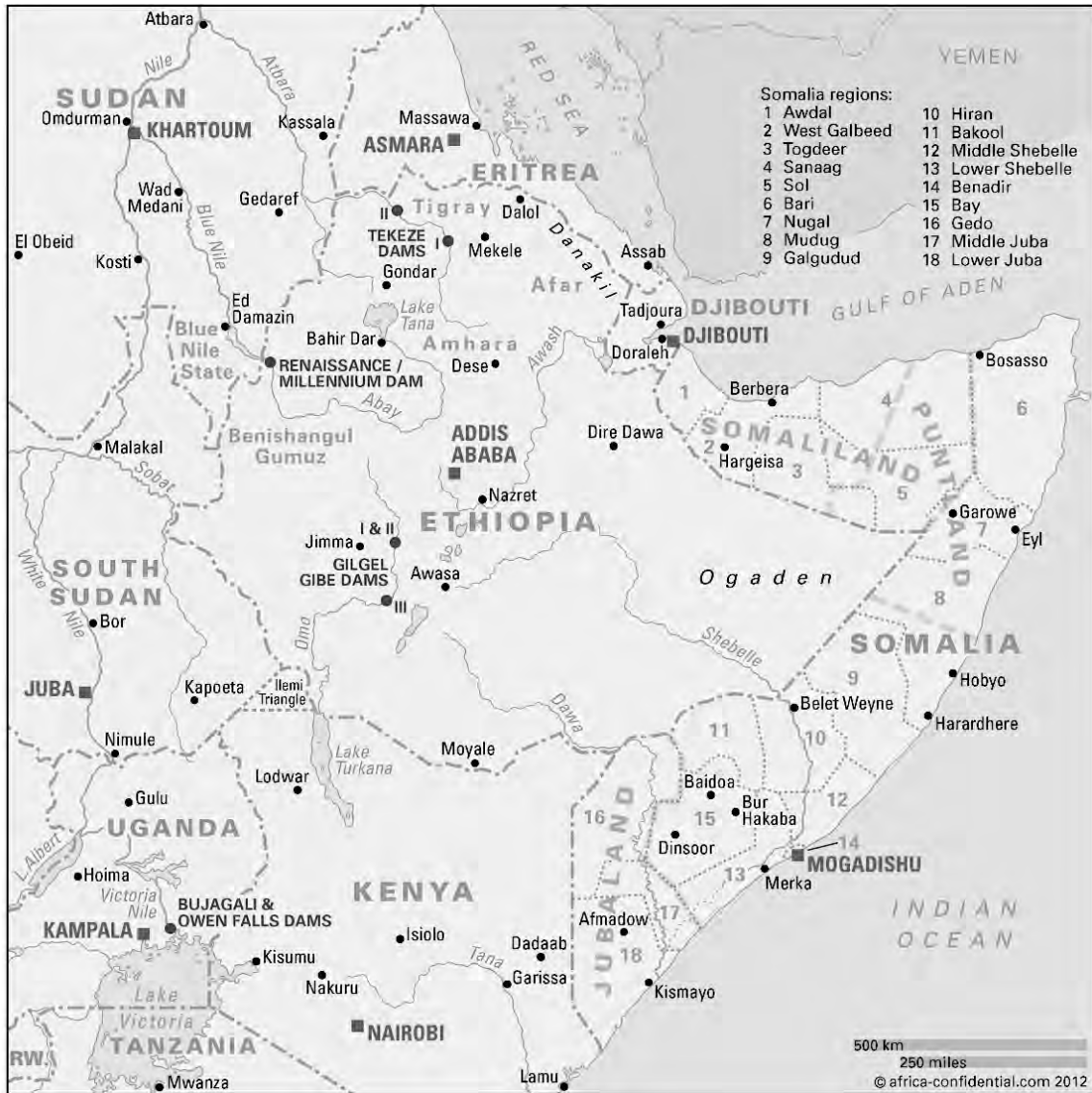
- ** Mr Jean-Paul Adam, Minister for Foreign Affairs, Republic of Seychelles
- ** Adjoa Anyimadu, Head Analyst on Somalia, Chatham House Chamber of Shipping
- ** Dr Knox Chitiyo, Associate Fellow, Chatham House, Brenthurst Foundation, formerly Africa Head, Royal United Services Institute Council of Somali Organisations
- ** Department for International Development
- * Foreign and Commonwealth Office International Institute for Strategic Studies Lloyd's Market Association Christian Le Mière, Research Fellow for Naval Forces and Maritime Security, International Institute for Strategic Studies
- ** Ministry of Defence
- ** Nick Harvey MP, Minister of State for the Armed Forces
- ** Alexander Rondos, European Union Special Representative for the Horn of Africa
- * Dr Lee Willett, Senior Research Fellow in Maritime Studies, Royal United Services Institute

APPENDIX 3: GLOSSARY OF TERMS AND ABBREVIATIONS

AMISOM	African Union Mission in Somalia
AU	African Union
BMP	Best Management Practice
CDS	Chief of Defence Staff
CMF	Combined Maritime Forces
CSDP	Common Security and Defence Policy
CSO	Council of Somali Organisations
DfID	Department for International Development
DfT	Department for Transport
EDF	European Development Fund
EEZ	Exclusive Economic Zone
EU	European Union
EUMC	European Union Military Committee
ECHO	European Community Humanitarian Office
EUCAP	European Union Mission on Regional Maritime Capacity
EUTM	European Union Training Mission
EUNAVFOR	European Union Naval Force
FCO	Foreign and Commonwealth Office
ICRC	International Committee of the Red Cross
IGAD	Intergovernmental Authority on Development (in Eastern Africa)
IISS	International Institute for Strategic Studies
IMB	International Maritime Bureau
IMO	International Maritime Organization
IRTC	Internationally Recommended Transit Corridor
ISPS	International Ship and Port Facility Security Code
LMA	Lloyd's Market Association
MOD	Ministry of Defence
MoU	Memorandum of Understanding
MPRA	Maritime Patrol and Reconnaissance Aircraft
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental Organisation
OHQ	Operational Headquarters
PSC	Political and Security Committee
RAPPICC	Regional Anti-Piracy Prosecutions Intelligence Co-ordination Centre

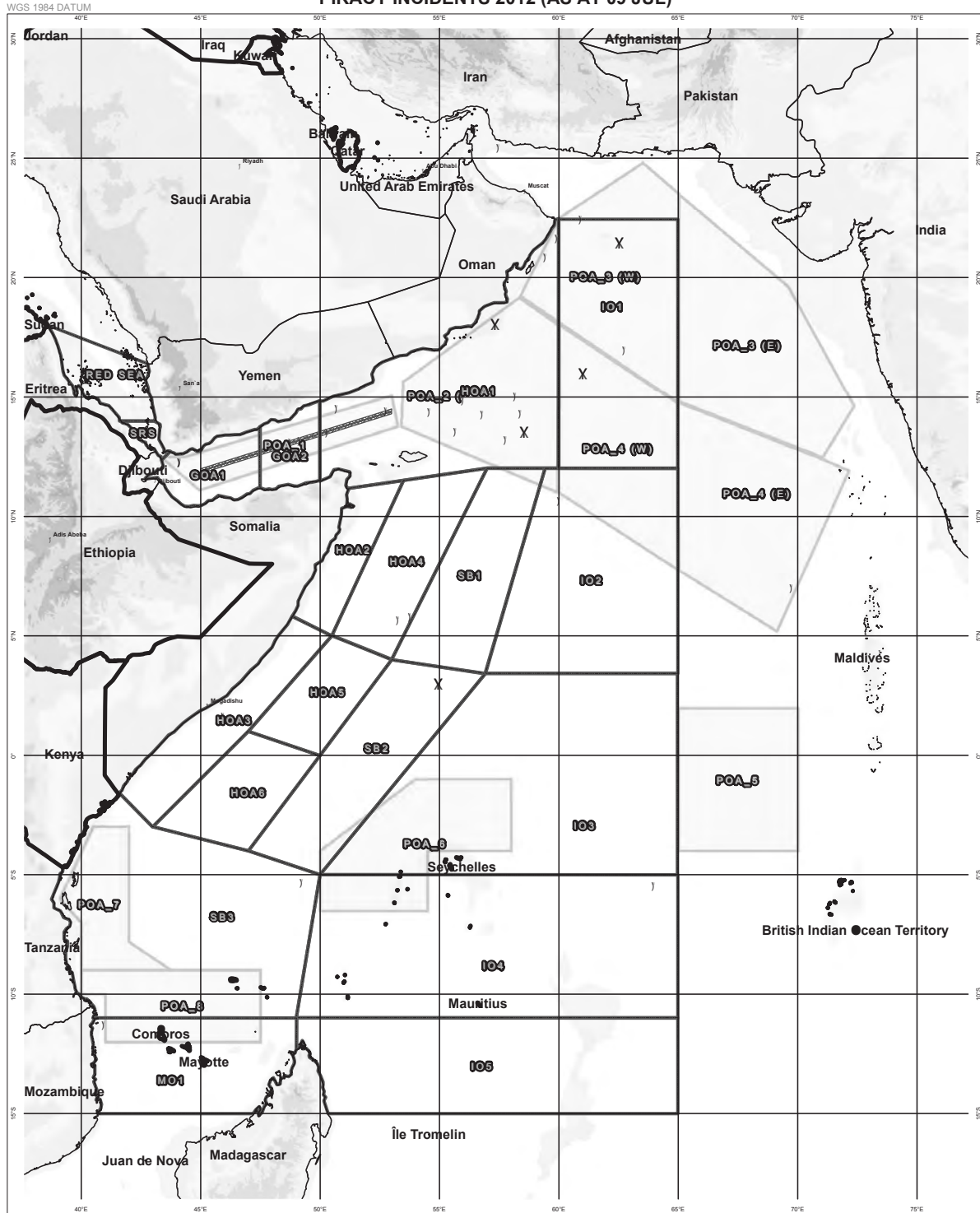
RFA	Royal Fleet Auxiliary
RN	Royal Navy
ROE	Rules of Engagement
RUSI	Royal United Services Institute
SAR	Suspicious Activity Report
SHADE	Shared Awareness and Deconfliction Environment
SPM	Ship Protection Measures
TFG	Transitional Federal Government (in Somalia)
UAV	Unmanned Aerial Vehicle
UN	United Nations
UNDP	United Nations Development Programme
UNCLOS	United Nations Convention on the Law of the Sea
UNODC	United Nations Office on Drugs and Crime
UNSCR	United Nations Security Council Resolution
VPD	Vessel Protection Detachment
WFP	World Food Programme

APPENDIX 4: MAPS



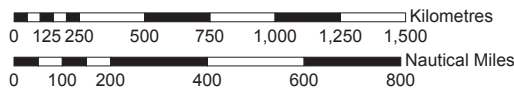
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EU NAVFOR
PIRACY INCIDENTS 2012 (AS AT 09 JUL)



X Vessel Pirated
 } Vessel Attack

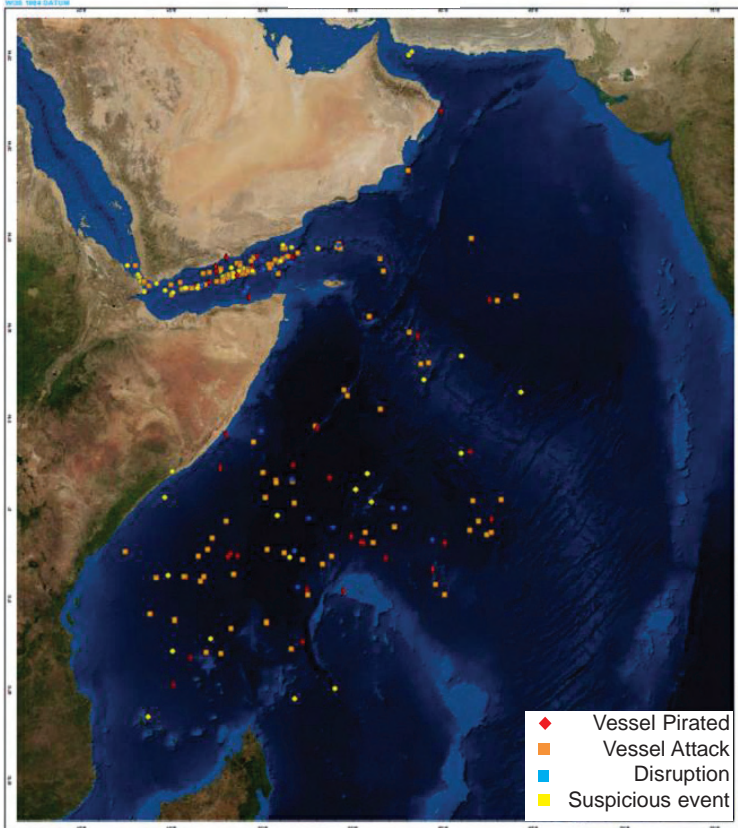
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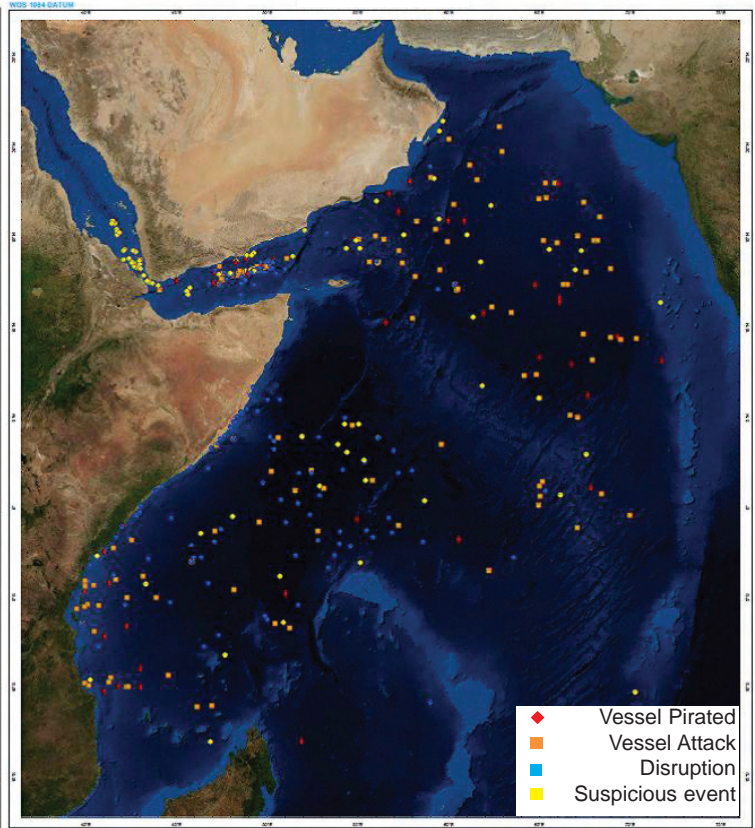
Source: EU NAVFOR—Atalanta

EU NAVFOR PIRACY INCIDENTS

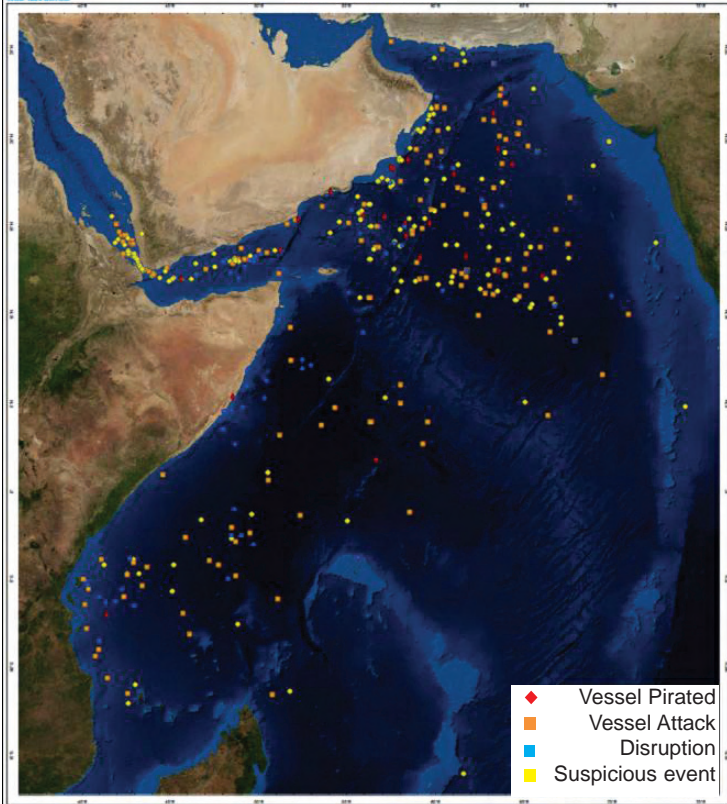
2009



2010



2011



2012 (AS AT 09 MAY) FIRST FOUR MONTHS ONLY

