

Governance Designs to Combat Piracy off the Coast of Somalia

Sarah Rieper

1. Introduction

The problem of piracy¹ off the coast of Somalia which escalated in 2008 remains ever present. Recent seizures such as the one of UK cargo vessel “Asian Glory” on January 1st 2010 demonstrate that Somali pirates continue to be a serious threat to maritime security, even 1,000 kilometers off Somalia (BBC News 2010). This paper intends to explore the different governance designs to combat the pirates in the area around Somalia. Mapping the designs according to substance of regulation (prohibitive, reputation affecting, enabling), participation (public, public-private, private/global, regional, national) and mode of governance (legally binding, soft law, voluntary self-commitment), the paper seeks to contribute to the PRIF project regarding global crime governance. The PRIF project aims to assess the effectiveness of governance designs in combating transnational non-state violence and organized crime, especially those going beyond traditional, repressive approaches and addressing matters of recognition, procedural and material justice (Wolf and Jakobi 2010). Before exploring the different regulatory approaches to combat piracy off Somalia as an example of non-state, criminal violence, the paper will give a brief overview of the piracy problem, its origins and effects.

Literature on the issue has almost exclusively been published in the past two years. Authors have focused mostly on the international naval responses (Herrmann 2009; Kraska 2009b; Reschke 2009; Terry 2009; Uhl 2009b) and legal issues (Gibson 2009; Ischebeck-Baum 2009; Jenisch 2009; Treves 2009). Only few authors have explored the connection between piracy and the political situation in Somalia (Murphy 2009; Weber 2009b; Weir 2009).

2. Piracy off the Coast of Somalia: Origins, Recent Developments and Threats

Piracy off Somalia has been a problem for over 10 years. The pirate attacks began at a time when the Somali state descended into disorder and was unable to provide for security or other public goods. In the absence of central authority, illegal fishing and the dumping of toxic waste by foreign vessels emerged and deprived the coastal population of their livelihoods (Dehéz 2009:118-119). Within this context, Somali fishermen staged the first attacks. Calling themselves “coast guard”, they claimed to protect Somali waters and sought immediate compensation for lost fish catches (Weir 2009:18-19). As these activities turned out to be a lucrative business, the armed fishermen soon expanded their operations on to other ships and other areas. Since 2004, piracy off Somalia has increased steadily, excluding the

¹ There are many definitions of piracy. The most commonly used but also the narrowest is the definition of the United Nations. According to the United Nations Convention on the Law of the Sea (UNCLOS) piracy consists of any of the following acts (United Nations 1982):

(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

In this definition, piracy is restricted to international waters. Pirate attacks within territorial waters are referred to as armed robbery. In this paper however, the term piracy includes armed robbery.

latter half of 2006 when the Islamic Courts Union ruled the country, keeping a firm grip on pirates (Middleton 2008:3). From 2007 to 2008 the number of pirate attacks more than doubled, showing no signs of significant decrease in 2009 (Kraska and Wilson 2009b:75). There are several explanations for the recent surge of piracy in the region. To begin with, the Somali pirates acquired new and better equipment. Thanks to the use of “mother ships” which can transport a number of skiffs, pirates can attack much larger vessels further out at sea. More sophisticated weapons and the use of GPS systems also facilitate attacks. Furthermore, the pirates have developed new tactics such as staging false attacks to distract warships (Lennox 2008:10) or disguising as and hiding among fishing boats (Struwe 2009:17). It becomes evident that pirates are no longer opportunistic and operate on a professional basis (Middleton 2008:6). The high rewards of pirates in the past years represent yet another driving force. Typically for Somali piracy, the vessel and its crew are taken hostage until a ransom is paid. Traditional vessel and cargo theft has been less frequent. Average ransom payments are between a quarter and half a million US-Dollars (Chalk 2003:207). However, as was the case for Saudi oil supertanker “Sirius Star” pirate ransoms can go up to \$3 million (Ploch et al. 2009:11). Other contributing factors to piracy off Somalia are weak statehood of Somalia and Yemen, providing a safe haven for pirates, and corrupt officials and politicians benefiting from and actively supporting piracy (Murphy 2009:1). Geographically, the large coastline of Somalia and the proximity of maritime chokepoints and a major sea lane are beneficial to Somali piracy (Struwe 2009:16).

The various possible threats of Somali piracy have attracted attention by scholars and policymakers worldwide. Pirate attacks on ships of the World Food Programme (WFP), for instance, revealed the humanitarian dangers of piracy and prompted the United Nations to call for protection against piracy (United Nations Security Council 2008a). In addition to humanitarian matters, security concerns have been raised. The growing maritime insecurity positively affects human trafficking and arms smuggling (Potgieter 2009:74) and has a general destabilizing effect on the whole region (Kraska and Wilson 2008:43). Moreover, some scholars and policymakers fear a possible alliance between pirates and terrorist (Chalk 2003:208; Middleton 2008:10; United States Senate Committee on Armed Services 2009:45). Economically, Somali piracy causes high costs, be it in the form of ransom payments, damage to vessels and cargos, delivery delays or higher insurance rates (Ploch et al. 2009:12). These costs do not only affect the shipping industry, they have an impact on world trade (Stehr 2009:65). However, experts are divided on the severity of this impact (Kraska 2009a:145). Finally, the ecological threat of piracy has come to attention. The leakage of oil as a consequence of a pirate attack could, for example, lead to an environmental disaster (Hammond 2008:6; Potgieter 2009:75). Together, these concerns provoked a strong international response in combating piracy. Securing international trade, fighting against a potential terrorist attack and humanitarian and environmental concerns are at the heart of the international efforts against piracy off Somalia. The control of a central trade route and establishing and expanding maritime military power could however represent other or underlying interests (Oshana 2008:22).

3. Governance Designs to Combat Piracy

3.1 Prohibitive Approaches

3.1.1 Global (Public)

In the past two years, the international community has made various efforts to combat piracy off the coast of Somalia. A large number of naval vessels from countries all over the world have been sent to the area around the Horn of Africa to protect international waters from pirate attacks. Legally, the United Nations Convention on the Law of the Sea

(UNCLOS) entitles any military or government ship in international waters to seize pirate ships, put the crew under arrest and try them under national jurisdiction (Sauvageot 2009:253). Problematic for the Somali case was that the legal framework does not allow the pursuit and arrest of pirates in territorial waters. Considering the lack of an effective coastal patrol in Somali waters, pirates could thus easily escape their pursuers. In order to address the legal constraints in pursuing piracy, the United Nations Security Council resolution 1816 authorized foreign warships to enter Somalia's territorial waters for a period of six months (United Nations Security Council 2008b). In December 2008, resolution 1846 extended the mandate established in resolution 1816 and called on states "to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia" (United Nations Security Council 2008c:4). To further facilitate the prosecution of pirates resolution 1851 urged states and regional organizations to conclude special agreements with countries willing to take custody of pirates (United Nations Security Council 2008d). The resolution also allows states to enter Somali territory when necessary in the fight against piracy. Because the above mentioned resolutions were decided under Chapter VII of the UN Charter they are legally binding (Kraska and Wilson 2009b:78-79).

The first multinational naval force combating piracy off Somalia was the Combined Task Force 150 (CTF 150)². It was established in September 2001 to assist in the global war on terrorism by patrolling the Gulf of Aden, the Gulf of Oman, the Arabian Sea, the Red Sea and the Indian Ocean. Even though fighting piracy was not a priority, the task force was active in deterring more than two dozen pirate attacks off Somalia (Kraska and Wilson 2009a:229). In August 2008, the naval coalition further established the "Maritime Security Patrol Area", thus providing a protected channel for commercial vessels through the Gulf of Aden. Since not all nations were authorized to conduct anti-piracy missions and other security issues such as weapons smuggling were of high priority a new taskforce focusing solely on combating piracy, CTF 151, was created in January 2009 (Terry 2009:119). Another multinational operation against piracy was led by the North Atlantic Treaty Organization (NATO). "Operation Allied Provider" starting in October 2008 was set up to escort merchant vessels and ships of the World Food Programme. After transferring these tasks to the European Union, NATO launched a new anti-piracy mission, "Operation Allied Protector", in March 2009. A few months later it was replaced by "Operation Ocean Shield". Like its predecessors, the mission is intended to deter pirate attacks (Ploch et al. 2009:21). A new element of the operation is the assistance offered in capacity building for East African states (NATO 2010). Next to the Combined Task Force and NATO, the EU is the third major coalition fighting piracy off the Horn of Africa. In addition to taking over the responsibilities of NATO's "Operation Allied Provider", the EU mission "Operation Atalanta" which started in December 2008 was tasked with patrols in the region and preventive action against identified pirates (Uhl 2009a:57-58). Independent of these multilateral initiatives, many states – including China, Russia, India, Iran and Malaysia – have deployed naval vessels off the coast of Somalia. Remarkably, the Chinese "People's Liberation Army" is operating outside its coastal waters for the first time since the 15th century (Herrmann 2009:25-26). To date, the different missions were successful in deterring a number of pirate attacks. Nevertheless, the overall number of pirate attacks has not decreased.

The principle mechanism coordinating the different multinational coalitions and independently operating navies is the Shared Awareness and Deconfliction (SHADE) group³ led by the Combined Maritime Forces⁴ and the European Union Naval Force (United Nations Security Council 2009:6). The voluntary group established in December 2008 conducts

² Participating states of missions mentioned under 3.1.1 see Table 1.

³ Participating states of cooperation mechanisms mentioned under 3.1.1 see Table 2.

⁴ The Combined Maritime Forces comprise, amongst others, CTF 150 and CTF 151.

informal talks, shares “best practices” and coordinates naval operations. Another mechanism facilitating the (military) cooperation in the fight against piracy is the multinational Contact Group on Piracy off the Coast of Somalia (CGPCS). Encouraged by the UN Security Council Resolution 1851, the group was created in January 2009 under the leadership of the United States and has so far convened five meetings. It is supported by four working groups dedicated to improve operational cooperation, information sharing and the effectiveness of legal enforcement activities among regional and international actors (Ploch et al. 2009:19). By addressing the legal issues of combating piracy, the Contact Group’s activities go beyond the cooperation of military operations. One of the biggest legal problems addressed by the group is the prosecution of pirates. For example, the Danish navy released ten Somali pirates following a successful capture because jurisdiction was unclear (Potgieter 2009:86). Handing over pirates to Somali authorities, although in line with international law (von Arnould 2009:469), is generally problematic as pirates cannot be guaranteed a fair trial and could even be subjected to torture (Hammond 2008:4). The reluctance of many Western states to prosecute the suspected pirates themselves (Møller 2009:3) and the deficient legal infrastructure of the states around Somalia (Kraska and Wilson 2008:46) are further obstacles to the prosecution of Somali pirates. As a reaction, the Contact Group has decided to establish a trust fund to support regional countries in the prosecution and incarceration of pirates (Ploch et al. 2009:1). The country prosecuting most of the suspected pirates in the region is Kenya. It has reached bilateral agreement with the United Kingdom, the United States and the European Union ensuring the respect for the human rights of surrendered pirates. Further support of cooperation in law enforcement is granted by INTERPOL. It is increasing the exchange of intelligence, building regional police capacity and cooperating with other international and regional organizations (United Nations Security Council 2009:11). Overall, the cooperation mechanisms were established on an ad-hoc basis and as Anette Weber argues in relation to the different naval missions: “coordination is still rudimentary” (Weber 2009a:80).

3.1.2 Regional (Public)

Since 2005 the International Maritime Organization (IMO) has sponsored meetings on piracy for the Horn of Africa region. Eventually, these gatherings resulted in a regional agreement to combat piracy off Somalia. The non-binding Djibouti Code of Conduct signed in January 2009 by nine countries of the region (Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, Tanzania and Yemen) is now the principal regional instrument in the fight against piracy. Its objectives are the close cooperation in the repression of piracy, the interdiction of suspected pirate ships, sharing of relevant information and the apprehension and prosecution of pirates (United Nations Security Council 2009:9). To realize these goals, the establishment of information centers in Kenya, Tanzania and Yemen and a training facility in Djibouti were decided. Furthermore, the signatories have committed themselves to creating adequate legislation for the prosecution of suspected pirates. The IMO is supporting the implementation of the Code of Conduct along with the United Nations Office on Drugs and Crime, INTERPOL and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). As a similar regional initiative in Southeast Asia successfully curtailed piracy, high hopes rest on the replication of the African/Arab counterpart (e.g. Onuoha 2009:41). However, the regional differences such as the weakened governance capabilities of the Horn of Africa region or the large area to be secured complicate a replication.

*3.1.3 National (Public)*⁵

Although Somalia is considered a failed state (The Fund for Peace 2009) without a functioning central government (Transitional Federal Government), it has governance structures on the substate level. Somaliland which has declared independence from Somalia in 1991, for instance, is a substate polity with functioning institutions very close to those of a state (Kinsey, Hansen, and Franklin 2009:151). In 1998 Puntland established itself as another self-governing region in Somalia. Both Somaliland and Puntland as well as the central government have fought piracy by contracting private security companies (see 3.1.4). Recently, the Transitional Federal Government and Somaliland have also engaged in strengthening their own marine forces (United Nations Security Council 2009:12-13). Puntland has further amended the law to include the death penalty as a possible punishment for piracy (Pabst 2008:25). Considering the political, economic and social problems, however, combating piracy is of low priority (Galaski 2009:8) and hardly feasible. Moreover, the fact that local authorities often benefit from piracy (Middleton 2008:5) raises doubts about the proclaimed will to fight piracy. The only time pirate attacks considerably decreased was when the Islamic Courts Union (ICU) controlled the southern regions of Somalia for six months in 2006. During the short rein the ICU launched several armed attacks against pirate bases (Lennox 2008:5-6).

3.1.4 Public-Private Cooperation

The Contact Group is not only a mechanism to coordinate the different naval operations and matters of prosecution. It is also cooperating with private actors of the shipping industry to promote shipping self-awareness and other capabilities (United Nations Security Council 2009:3). Other instruments supporting public-private cooperation are the EU Maritime Security Centre – Horn of Africa (MSC-HOA), the United Kingdom Maritime Trade Organization office in Dubai and the Maritime Liaison Office. Finally, the International Maritime Organization (IMO) and other bodies such as the International Maritime Bureau (IMB) assist governments and the shipping industry to combat piracy by sharing information and issuing guidance and recommendations (Ploch et al. 2009:24).

3.1.5 Private

The Transitional Federal Government, Puntland and Somaliland have all contracted private security companies to combat piracy. The British company Hart was the first company hired in 2000 by Puntland, primarily to curtail illegal fishing and support the local coastguard (Hansen 2008:587). The successive company, SOMCAN, formed a private coast guard tasked with fighting illegal fishing, waste dumping and piracy. As SOMCAN was drawn into local clan rivalries the engagement became, however, problematic (Hansen 2008:589). A different approach was taken by the Norwegian Nordic Crisis Management (NCM) contracted by Somaliland. Contrary to Hart and SOMCAN it did not send active security personnel but provided military advice and training (Kinsey, Hansen, and Franklin 2009:155). The security companies hired by the Transitional Federal Government, namely Top Cat Maritime and the Northbridge Service Group, both failed to realize their plans (Hansen 2008:590-592). Altogether, the engagement of private security companies in Somalia varied in the services they provide, the relations they had with local authorities and the effects on piracy. Another private actor in combating piracy is the shipping industry. In reaction to the piracy threat, it has developed several measures to protect the merchant vessels. Instruments include electric barriers, sonic cannons, high pressure fire hoses, extra crew on watch and increased speed. So far, the industry has mostly refrained from recruiting armed security personnel as experts,

⁵ Although not internationally recognized, Puntland and Somaliland authorities are here categorized as public national and not private actors.

insurers and the IMO warn of an increasing level of violence (Potgieter 2009:88). In addition to the onboard measures, the industry has established compulsory registration at the ports of destination, security codes for the identification of captured vessels and cooperation in the exchange of relevant information (Pabst 2008:26).

3.2 Reputation-Affecting Approaches

The few initiatives aimed at affecting the pirates' reputation emanate from Somali authorities. Seeking to undermine the legitimacy of the pirates the ICU, for instance, declared piracy "un-islamic" (Herrmann 2009:24). Puntland authorities have further impaired the pirates' reputation by making local communities aware of the dangers and attractions of piracy for unemployed youth through religious leaders, traditional elders and the local media (United Nations Security Council 2009:13).

3.2 Enabling Approaches

Many scholars and policymakers criticize that the above mentioned governance designs cannot fully solve the Somali piracy problem. The sea-based initiatives merely treat the symptoms of piracy and not the causes, some argue (Bellamy 2009:14; Murphy 2009: not paged; Onuoha 2009:43; Weber 2009a:76; Weir 2009:27). To significantly reduce piracy in the long term "the crushing, sustained poverty and lack of governance in Somalia must be addressed" (Kraska and Wilson 2009a:231). It has to be included in a "comprehensive approach", pleads Ban Ki-moon (Ki-Moon 2008). The question of how to address the situation on land remains, however, unanswered. While a direct foreign military intervention on Somali territory is generally discouraged (Geise 2009:8; Sauvageot 2009:264; Weber 2009b:4), some uttered the idea of a "grassroots model" supporting existing legitimate authorities (Carafano, Weitz, and Andersen 2009:21; Hammond 2008:5). Furthermore, it is argued that the marine resources of Somalia should be protected (Sauvageot 2009:266; Struwe 2009:28; Weir 2009:24), creating decent alternatives to generate income. Despite the broad consensus over a comprehensive solution that addresses the causes of piracy little effort has been made in this respect. The only relevant initiative comes from the United Nations. The United Nations country team for Somalia and the United Nations Political Office for Somalia (UNPOS) have met regularly to develop a land-based response to Somali piracy (United Nations Security Council 2009:14). As of November 2009 the group has identified areas relevant for addressing root causes of piracy and worked on developing policy coherence papers. The United Nations stress that the tools for a land-based solution already exist and only have to be scaled up (United Nations Security Council 2009:14). In particular, the United Nations plan a livelihood-based approach with the necessary institutional systems.

4. Conclusion

In response to the upsurge in piracy in the past two years several governance designs were established. Various naval missions were sent to Somalia and cooperation mechanisms developed to coordinate the different global and regional, public and private actors. It seems that the international community was mainly acting out of short-term commercial interests and security considerations in the region. This could explain the quick military response and the lack of a comprehensive long-term strategy. Also the regional initiative and the few approaches by Somali authorities focus mainly on prohibitive measures. The shipping industry responded with the development of defensive mechanisms. Altogether, the root causes generally identified as lack of order, poverty and the lack of alternative income opportunities in Somalia remain largely unaddressed. Considered a criminal business, Somali

piracy is instead fought with traditional short-term prohibitive governance designs. Except for the participation of private actors from the economy, the governance designs are largely public. Private civil society actors have been absent. How effective these mainly prohibitive and public governance designs to combat Somalia piracy eventually are will have to be answered in the following steps of the PRIF project on global crime governance.

5. Bibliography

- BBC News. 2010. *Pirates seize second UK-flagged vessel in days*. Online at <http://news.bbc.co.uk/2/hi/8437581.stm>, last accessed in February 2010, 2 January 2010.
- Bellamy, Liam. 2009. *What Can Be Done to Counter Somali Piracy*. Online at <http://www.rieas.gr/images/RIEAS129P.pdf>, last accessed in January 2010. Athens: Research Institute for European and American Studies.
- Carafano, James Jay, Richard Weitz, and Martin Edwin Andersen. 2009. *Maritime Security: Fighting Piracy in the Gulf of Aden and Beyond*. Online at http://www.heritage.org/Research/NationalSecurity/upload/SR_59-2.pdf, last accessed in January 2010. Washington, DC: The Heritage Foundation.
- Chalk, Peter. 2003. Non-Military Security in the Wider Middle East. *Studies In Conflict & Terrorism* 26 (3):197-214.
- Dehéz, Dustin. 2009. Die Vereinten Nationen und Somalia. Vorhersehbares Scheitern oder vielversprechender Neuanfang? *Vereinte Nationen* 57 (3):117-122.
- European Union. 2010. *EU Naval Operation Against Piracy. (EUNAVOR Somalia – Operation ATALANTA)*. Online at http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/100201%20Factsheet%20EU%20NAVFOR%20Somalia%20-%20version%2014_EN04.pdf, last accessed in March 2010. Brussels: European Union.
- Galaski, Julia. 2009. *Chancen und Grenzen der Pirateriebekämpfung. Die Straße von Malakka und der Golf von Aden im Vergleich*. Online at http://www.swp-berlin.org/common/get_document.php?asset_id=5841, last accessed in January 2010. Berlin: Stiftung Wissenschaft und Politik.
- Geise, Torsten. 2009. *Piraterie vor Somalia: Die Lösung liegt an Land*. Online at <http://ifsh.de/pdf/publikationen/hifs/HI46.pdf>, last accessed in February 2010. Hamburg: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg.
- Gibson, John. 2009. Maritime security and international law in Africa. *African Security Review* 18 (3):60-70.
- Hammond, Laura. 2008. *Somali Piracy: A Dangerous Internal and External Threat*. Online at http://www.realinstitutoelcano.org/wps/wcm/connect/555a80004f018b49b2e9f63170baead1/ARI162-2008_Hammond_Somali_Piracy_Threat.pdf?MOD=AJPERES&CACHEID=555a80004f018b49b2e9f63170baead1, last accessed in January 2010. Madrid: Real Instituto Elcano.
- Hansen, Stig Jarle. 2008. Private Security & Local Politics in Somalia. *Review of African Political Economy* 35 (118):585-598.
- Herrmann, Wilfried A. 2009. Piraten vor Somalia - Herausforderungen für die Internationale Gemeinschaft. *Europäische Sicherheit: Politik, Streitkräfte, Wirtschaft, Technik* 58 (8):23-27.
- Ischebeck-Baum, Frederic. 2009. *Counter-Piracy Operations: The Legal Regime in a Nutshell*. Online at <http://www.ndc.nato.int/research/series.php?icode=1>, last accessed in January 2010. Rome: Naval Defense College.
- Jenisch, Uwe. 2009. Pirateriebekämpfung vor Somalia auf dem Prüfstand: Mandate, Marinen, Mängel. *Zeitschrift für öffentliches Recht in Norddeutschland* 12 (10):385-392.
- Ki-Moon, Ban. 2008. *Briefing to the Security Council on the situation in Somalia*. Online at http://www0.un.org/apps/news/infocus/speeches/print_full.asp?statID=388, last accessed in February. New York, NY: United Nations.

- Kinsey, Christopher Paul, Stig Jarle Hansen, and George Franklin. 2009. The impact of private security companies on Somalia's governance networks. *Cambridge Review Of International Affairs* 22 (1):147-161.
- Kraska, James. 2009a. Fresh Thinking for an Old Problem: Report of the Naval War College Workshop on Countering Maritime Piracy. *Naval War College Review* 62 (4):141-154.
- Kraska, James. 2009b. The Global Maritime Partnership and Somali Piracy. *Defense & Security Analysis* 25 (3):223-234.
- Kraska, James, and Brian Wilson. 2008. Fighting Pirates: The Pen and the Sword. *World Policy Journal* 25 (4):41-52.
- Kraska, James, and Brian Wilson. 2009a. Somali Piracy: A Nasty Problem, a Web of Responses. *Current History* 108 (718):227-231.
- Kraska, James, and Brian Wilson. 2009b. The Co-operative Strategy and The Pirates of the Gulf of Aden. *The RUSI Journal* 154 (2):74-81.
- Lennox, Patrick. 2008. *Contemporary Piracy off the Horn of Africa*. Online at http://www.humansecuritygateway.com/documents/CDFAI_ContemporaryPiracy_HornOfAfrica.pdf, last accessed January 2010. Calgary, AB: Canadian Defence & Foreign Affairs Institute.
- Middleton, Roger. 2008. *Piracy in Somalia. Threatening global trade, feeding local wars*. Online at http://www.chathamhouse.org.uk/files/12203_1008piracysomalia.pdf, last accessed in January 2010. London: Royal Institute of International Affairs.
- Møller, Bjørn. 2009. *Piracy off the coast of Somalia*. Online at http://www.diis.dk/graphics/Publications/Briefs2009/bmo_piracyofsomalia2.pdf, last accessed in January 2010. Copenhagen: Danish Institute for International Studies.
- Murphy, Martin. 2009. *Somali Piracy: Not Just a Naval Problem*. Online at http://www.csbaonline.org/4Publications/PubLibrary/B.20090417.Somali_Piracy/B.20090417.Somali_Piracy.pdf, last accessed February 2010. Washington, DC: Center for Strategic and Budgetary Assessments.
- NATO. 2008. *Successful Completion of NATO Mission Operation Allied Provider*. Online at <http://www.nato.int/shape/news/2008/12/081212a.html>, last accessed in March 2010: NATO.
- NATO. 2010. *Fact Sheet. Counter-Piracy: Operation Ocean Shield*. Online at http://www.nato.int/nato_static/assets/pdf/pdf_2010_01/20100204_20100128-Fact_Sheet_Counterpiracy.pdf, last accessed in March 2010. Brussels: NATO.
- NATO. 2010a. *Counter-Piracy Operations*. Online at http://www.nato.int/cps/en/natolive/topics_48815.htm?selectedLocale=en, last accessed in March 2010: NATO.
- NATO. 2010b. *Fact Sheet. Counter-Piracy: Operation Ocean Shield*. Online at http://www.nato.int/nato_static/assets/pdf/pdf_2010_01/20100204_20100128-Fact_Sheet_Counterpiracy.pdf, last accessed in March 2010: NATO.
- Onuoha, Freedom C. 2009. Sea piracy and maritime security in the Horn of Africa: The Somali coast. *African Security Review* 18 (3):31-44.
- Oshana, Maria. 2008. Krieg gegen Piraten. *Blätter für deutsche und international Politik* 53 (12):20-24.
- Pabst, Martin. 2008. Piraterie: Neuer Schwerpunkt Sub-Sahara-Afrika. *Europäische Sicherheit* 57 (10):23-27.
- Ploch, Lauren, Christopher N. Blanchard, Ronald O'Rourke, R. Chuck Mason, and Rawle O. King. 2009. *Piracy off the Horn of Africa*. Online at http://www.law.umaryland.edu/marshall/crsreports/crsdocuments/R40528_04212009.pdf, last accessed in February 2010. Washington, DC: Congressional Research Service.

- Potgieter, Thean. 2009. The Lack of Maritime Security in the Horn of Africa Region: Scope and Effect. *Strategic Review for Southern Africa* 31 (1):65-98.
- Reschke, Jörg. 2009. Seestrategie, maritime Macht und Piraterie. Die asymmetrische Bedrohung ist auch auf See angelangt. *Europäische Sicherheit: Politik, Streitkräfte, Wirtschaft, Technik* 58 (6):31-34.
- Sauvageot, Eric Pardo. 2009. *Piracy Off Somalia and Its Challenges to Maritime Security: Problems and Solutions*. Online at <http://www.ucm.es/info/unisci/revistas/UNISCI%20DP%2019%20-%20PARDO%20PIRATERIA.pdf>, last accessed in January 2010. Madrid: Research Unit on International Security and Cooperation.
- Stehr, Michael. 2009. Chaos am Horn von Afrika. Bürgerkrieg und organisierte Kriminalität sind die Ursachen der Piraterie. *Internationale Politik* 64 (6):63-67.
- Struwe, Lars Bangert. 2009. *For a Greater Horn of Africa Sea Patrol. A Strategic Analysis of the Somali Pirate Challenge*. Online at http://www.difms.dk/files/upload/20090313_141940_DIMS09_GreaterHornAfricaSeaPatrol_LarsStruwe.pdf, last accessed in January 2010. Copenhagen: Danish Institute for Military Studies.
- Terry, James P. 2009. Eliminating High Seas Piracy: Legal and Policy Considerations. *Joint Force Quarterly* 54 (3):116-119.
- The Fund for Peace. 2009. *Failed States Index 2009*. Online at http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=99&Itemid=140, last accessed in February 2010. Washington, DC: The Fund for Peace.
- Treves, Tullio. 2009. Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia. *European Journal Of International Law* 20 (2):399-414.
- Uhl, Andreas. 2009a. Gemeinsam gegen Piraten: mit Atlanta auf Erfolgskurs am Horn von Afrika. *Internationale Politik* 64 (6):56-62.
- Uhl, Andreas. 2009b. Operation ATLANTA: erste maritime Operation der EU; Schutz der Schifffahrt vor Piraterie am Horn von Afrika. *Österreichische militärische Zeitschrift* 47 (2):187-190.
- United Nations. 1982. *United Nations Convention on the Law of the Sea*. Online at http://www.un.org/Depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm, last accessed in February 2010. New York, NY: United Nations.
- United Nations Security Council. 2008a. *Resolution 1814*. New York, NY: United Nations.
- United Nations Security Council. 2008b. *Resolution 1816*. New York, NY: United Nations.
- United Nations Security Council. 2008c. *Resolution 1846*. New York, NY: United Nations.
- United Nations Security Council. 2008d. *Resolution 1851*. New York, NY: United Nations.
- United Nations Security Council. 2009. *Report of the Secretary-General pursuant to Security Council resolution 1846 (2008)*. Online at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/597/26/PDF/N0959726.pdf?OpenElement>, last accessed in January 2010. New York, NY: United Nations.
- United States Department of State. 2009a. *Contact Group on Piracy off the Coast of Somalia: List of Participating States and Organizations at the 4th Plenary*. Online at <http://www.state.gov/t/pm/rls/othr/misc/129273.htm>, last accessed in March 2010. Washington, DC: United States Department of State.
- United States Department of State. 2009b. *State Department on Piracy Contact Group Meeting in New York. Voluntary International Trust Fund Will Aid Pirate Prosecutions*. Online at <http://www.america.gov/st/texttrans-english/2009/June/20090601180044eafas0.6026117.html>, last accessed in March 2010. Washington, DC: United States Department of State.
- United States Department of State. 2010. *Contact Group on Piracy off the Coast of Somalia Marks First Anniversary*. Online at

- <http://www.state.gov/r/pa/prs/ps/2010/01/135862.htm>, last accessed in March 2010. Washington, DC: United States Department of State.
- United States Naval Forces Central Command. Combined Task Force (CTF) 150. Online at <http://mi.o2.ie/www.cusnc.navy.mil/cm150/index.html>, last accessed in March 2010.
- United States Navy. 2009. *Naval Leaders Meet to Coordinate Counterpiracy Efforts*. Online at http://www.navy.mil/Search/display.asp?story_id=45681, last accessed in March 2010: United States Navy.
- United States Senate Committee on Armed Services. 2009. *Ongoing Efforts to Combat Piracy on the High Seas*. Online at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_senate_hearings&docid=f:53692.pdf, last accessed in February 2010. Washington, DC: United States Senate.
- von Arnould, Andreas. 2009. Die moderne Piraterie und das Völkerrecht. *Archiv des Völkerrechts* 47 (4):454-480.
- Weber, Annette. 2009a. EU Naval Operation in the Gulf of Aden (EU NAVOR Atlanta): Problem Unsolved, Piracy Increasing, Causes Remain. In *The EU as a Strategic Actor in the Realm of Security and Defense? A Systematic Assessment of ESDP Missions and Operations*, edited by M. Asseburg and R. Kempin. Berlin: Stiftung Wissenschaft und Politik.
- Weber, Annette. 2009b. *Politischer Umbruch in Somalia. Die Bedingungen für einen Waffenstillstand sind günstig*. Online at http://www.swp-berlin.org/common/get_document.php?asset_id=5705, last accessed in January 2010. Berlin: Stiftung Wissenschaft und Politik.
- Weir, Gary E. 2009. Fish, Family, and Profit. Piracy and the Horn of Africa. *Naval War College Review* 62 (3):15-29.
- Wolf, Klaus Dieter, and Anja P. Jakobi. 2010. *Global Crime Governance: Towards a New Normative Order to Combat Transnational Non-state Violence (Unpublished Document)*. Frankfurt am Main: Peace Research Institute Frankfurt.

6. Annex

Table 1: Global Maritime Coalitions to Combat Piracy off Somalia

<i>Coalition</i>	<i>Begin of Operation</i>	<i>Participants</i>
CTF 150	- ⁶	Australia, Bahrain, Canada, France, Germany, Italy, Netherlands, New Zealand, Pakistan, Portugal, Saudi Arabia, Spain, Turkey, UK, USA
CTF 151	01/2009	Denmark, Singapore, South Korea, Turkey, UK, USA ⁷
NATO : « Operation Allied Provider »	10/2008	Greece, Italy, Turkey, UK
« Operation Allied Protector »	03/2009	Canada, Greece, Italy, Netherlands, Portugal, Spain, Turkey, UK, USA
« Operation Ocean Shield »	08/2009	Canada, Denmark, Italy, Netherlands, Portugal, Turkey, UK, USA
EU : « Operation Atalanta »	12/2008	Belgium, France, Germany, Greece, Italy, Netherlands, Norway, Spain, Sweden

Source: (European Union 2010; NATO 2008; NATO 2010a; NATO 2010b; Potgieter 2009; United States Naval Forces Central Command; United States Senate Committee on Armed Services 2009)

⁶ No exact dates available. Established near the beginning of operation Enduring Freedom.

⁷ Australia and Pakistan are expected to contribute in the future.

Table 2: Global Mechanisms for Cooperation in Combating Piracy off Somalia

<i>Mechanism</i>	<i>Date of Initiation</i>	<i>Participating States and Organizations</i>
SHADE	12/2008	Australia, Bahrain, Canada, China, Denmark, France, Germany, Greece, India, Italy, Japan, Jordan, Netherlands, Pakistan, Portugal, Russia, Saudi Arabia, Seychelles, Singapore, South Korea, Spain, Turkey, UK, USA, Yemen + CMF, EU Naval Force, INTERPOL, NATO
Contact Group	01/2009	Australia, Austria, Bahamas, Belgium, Canada, China, Cyprus, Czech Republic, Denmark, Djibouti, Egypt, Ethiopia, France, Germany, Greece, India, Indonesia, Italy, Japan, Kenya, South Korea, Liberia, Malaysia, The Marshall Islands, Mexico, Morocco, Netherlands, Nigeria, Norway, Oman, Panama, Portugal, Russia, Saudi Arabia, Seychelles, Somalia, Spain, Sweden, Turkey, United Arab Emirates, UK, Ukraine, USA, Yemen + AU, the League of Arab States, EU, INTERPOL, IMO, NATO, UN ⁸

Source: (United States Department of State 2009a; United States Department of State 2009b; United States Department of State 2010; United States Navy 2009)

⁸ Members as of 10 September 2009. Names of participating states of the 5th Plenary Meeting on 28 January 2010 have not been published but 5 new states have joined.

Table 3: Overview of Governance Designs to Combat Piracy off Somalia

<i>Governance Design</i>	<i>Substance of Regulation</i>	<i>Participation</i>	<i>Mode of Regulation (if applicable)</i>
Global:			
UN Resolutions (1814, 1816, 1846, 1851)	Prohibitive: Facilitation of the (international) fight against piracy off Somalia	Public	Legally binding
CFT 150	Prohibitive	Public	
CTF 151	Prohibitive	Public	
NATO “Operation Allied Provider” “Operation Allied Protector” “Operation Ocean Shield”	Prohibitive	Public	
EU “Operation Atalanta”	Prohibitive	Public	
EU MSC-HOA	Prohibitive	Public-Private	
SHADE	Prohibitive	Public	
Contact Group	Prohibitive	Public/Public-Private	
UK Maritime Trade Organization office in Dubai	Prohibitive	Public-Private	
Maritime Liaison Office	Prohibitive	Public-Private	
INTERPOL	Prohibitive	Public	
UN group (UN country team for Somalia and UNPOS)	Enabling	Public	
Private Security Companies fighting piracy	Prohibitive	Private	
International shipping industry fighting piracy	Prohibitive	Private	
Regional:			
Djibouti Code of Conduct	Prohibitive	Public	Non-binding
National:			
ICU initiatives to fight piracy	Prohibitive/Reputation-Affecting	Public	
Puntland initiatives to fight piracy	Prohibitive/Reputation-Affecting	Public	
Transitional Federal Government initiatives to fight piracy	Prohibitive	Public	
Somaliland initiatives to fight piracy	Prohibitive	Public	