



The Military Response: Successes and Outstanding Challenges

Jon Huggins

While the military response to piracy off the Coast of Somalia has been the most visible aspect of international counter-piracy efforts, it is also been the one that has generated the most questions. In the public's eyes, a sizable flotilla made up of ships from NATO, the European Union (EU), and a US-supported Coalition should certainly be sufficient to defeat a collection of pirate-operated skiffs.

However, despite early optimism and enthusiasm, it was apparent from the very early stages that the military response could not address piracy on its own. In February 2011, Colonel Richard Spencer, the EUNAVFOR Chief of Staff stated that "The military resource is finite and only treats the symptoms. We're only holding the line." Therefore, an assessment of the military effort cannot be based on whether the military has been able to reduce piracy on its own, but rather on how successfully it has achieved its tactical mandates, and how effectively it has contributed to the overall international response to piracy.

Specifically, this paper will examine (Case 1) the coordination and execution of the tactical military response in theater, (Case 2) how successfully the military supports other lines of effort as part of a comprehensive plan, and (Case 3) the challenges facing the military in transitioning to a lasting solution by the end of its current mandate.

Each of these three areas has an associated focal point or mechanism for planning and coordination where the efforts of the multiple actors should be coordinated. As an overall measure of effectiveness, the success at the tactical level is remarkable, but the grades get progressively lower moving from Case 1 to Case 3, which also represents the progression from tactical to strategic and from short-term mitigation measures to sustainable effect.



Case 1: Tactical Military Response

The primary coordination at the tactical level occurs through the Shared Awareness and De-confliction (SHADE) mechanism in Bahrain. These quarterly meetings involve over 100 participants to include the three prominent coalitions of forces operating in theater (NATO, EUNAVFOR and the Coalition Maritime Forces) as well as representatives of countries providing “independent deployers” including China, India, South, Korea, Japan, Russia and others. In addition to the larger meetings, there are sub-groups to address specific issues such as convoy coordination, resource requirements, and aviation operations. Overall, SHADE has received overwhelmingly positive response from participants as a mechanism that has successfully brought together disparate nations and organizations to achieve tactical success in theater.

To evaluate the individual tasks in theater, there are four areas of focus that can be used to broadly define the mandates of the larger coalitions, and can be used here as a framework of the assessment:

- **Protection of Shipping:** This can more generally be viewed as the defensive side of military counter-piracy operations and includes the specific escort of World Food Program (WFP) and African Union Mission on Somalia (AMISOM) vessels as well as the protection of merchant traffic in the Internationally Recognized Transit Corridor. The navies’ record of success can be measured with statistics that show a precipitous drop in piracy attacks and hijacks in the Gulf of Aden over the last three years and a 100% success rate providing escorts to WFP vessels. This protection comes at a high cost, particularly for EUNAVFOR, which uses a large portion of its available forces for these missions.
- **Disruption and Suppression of Piracy:** As an offensive response to piracy, disruption and suppression is defined by the EU as an action by armed forces that render a pirate group incapable of further pirate operations. Here too, naval forces can point to statistical



success that includes over 100 disruptions in both 2010 and 2011. This success can be attributed to improved coordination, more persistent surveillance (including operations closer to the Somali shore) and the use of citadels, which have provided more opportunities for naval forces to arrive in time to disrupt attacks. However, some have argued that the successful disruptions have displaced the pirate hunting grounds to the east and south and have resulted in the advent of mother-ships and more sophisticated targeting by pirates. It has yet to be seen how the latest expansion of the EU mandate to include Somali coastal territory will affect pirate operations.

- **Deterrence of Piracy:** While the number of reported attacks appears to be down thus far in 2012, the total number of attacks attributable to Somali pirates has increased every year that the navies have been operating. It appears as though Naval forces alone are not able to overcome the so-called “risk-reward ratio” given that a young Somali male with very limited education and skills can earn a life-time’s income in a few months as a pirate with little risk of arrest and imprisonment. It has also been alleged that the “catch and release” tactics used by navies may actually be counter-productive; this claim is reinforced by anecdotal evidence suggesting that the compassionate treatment of suspected pirates after capture has convinced some Somalis that there is little to fear from naval forces.
- **Trust-Building Activities:** To address Somali concerns highlighted in UN Mandates authorizing the naval presence, navies have begun to emphasize the importance of building relationships and partnerships with coastal Somali communities and regional authorities. Positive press from assistance to fishermen in distress or the rescuing of Somali hostages from pirates has proven effective in building these relationships. However, there has still been no concerted international effort to address the moral underpinning of piracy in some communities, namely allegations of toxic dumping and illegal fishing. While EUNAVFOR stated that it will “contribute to monitor fishing activities” the data collected has not been publically disseminated.



Case 2: Military Action as Part of a Comprehensive Approach against Piracy

The primary coordination mechanism established to “act as a point of contact between and among states, regional and international organizations on aspects of combating piracy and armed robbery at sea off Somalia’s coast” is the Contact Group on Piracy off the Coast of Somalia. The Contact Group itself was divided into four (now five) Working Groups that encourage cooperation in specific issue areas. The Plenary session is held three times per year to encourage cooperation amongst the different Working Groups. The Contact Group have faced particular challenges in encouraging coordination and prioritization across Working Groups and to provide direction for efforts, rather than retroactively documenting unilateral initiatives by members. A more specific assessment of how the first four Working Groups support, or are supported by, the military response is below:

- **Working Group One (Operational Navy Response and Regional Capacity Building):** Since 2009, this group has been guided by a Needs Assessment Survey and resulting Needs Assessment Matrix to direct effort and identify required resources. This group has faced difficulties in consolidating strategic direction on issues such as force generation, mandates and rules of engagement, and thus leaving these to each individual participant. The second part of WG 1’s mandate, to coordinate Regional Capacity Building, is also challenged to provide proactive coordination due to the growing number of new entries into this field.
- **Working Group Two (Legal Aspects):** Most of the military forces operating off the Coast of Somalia have done a remarkable job at increasing their capacity to conduct constabulary tasks, such as capturing and detaining suspected pirates, and evidence collection. However, the ability of navies has outpaced the capacity of regional nations and the willingness of other nations to prosecute captured pirates. This has resulted in navies conducting incredibly dangerous operations to detain suspects, only to be forced to release them on shore. As a consequence, the Chair of WG2 has recently raised a



discussion on the reasons behind the gap between the number of prosecutions and the number of suspected pirates detained by international forces.

- **Working Group Three (Cooperation with Industry):** The primary framework for industry efforts to counter piracy is through the industry-developed Best Management Practices (BMP). While most responsible shipping lines have voluntarily complied, there is still a persistent 30 percent that do not follow BMP and increase the vulnerability of their vessels. Another crucial aspect of industry counter-piracy is through the employment of Private Maritime Security Companies (PMSCs). PMSCs have made a large impact in reducing the success rates of pirate attacks against merchant vessels, but the cooperation between PMSC and the military suffers from a lack of trust and transparency. This lack of trust can be attributed to many factors, including the ambiguous policies towards PMSC by various Flag States, concerns surrounding liability and possible prosecution, and lack of standardized certification/vetting and use of force policy. WG3, with support from WG2, is currently working on producing guidelines and a code of conduct for PMSCs.
- **Working Group Four (Strategic Messaging):** Due to a variety of reasons, the military line of effort has not been adequately supported by consistent messaging by the international community: both to the international audience about the threat from piracy, and within Somalia itself, in order to inform the Somali public about the dangers of piracy and the importance of a response. Some of the blame is due to political considerations in Brussels, Washington, and other capitals which result in uncoordinated messaging by governments or organizations. There is also a lack of messaging cooperation between the different sectors involved in piracy (industry, governments, seafarers, etc.) The navies can also help themselves through the development of trust-building activities to encourage greater support from Somali regional authorities ashore, better information-sharing between the coastal communities and international navies, and through better communication with coastal fishermen and merchant vessels.



Case 3: Future Challenges

Recently, decisions were taken in both the EU and at NATO to extend the mandates for Operation Atalanta and Operation Ocean Shield until the end of 2014. It cannot be assumed that the mandate will be expanded further, based on factors such as the opportunity cost associated with committed naval forces in the Horn of Africa and the impression that the threat of piracy may be waning. However, since the risk-reward ratio cannot be adequately addressed until the strategic conditions are changed, all of the gains are reversible. Therefore, it is imperative that actors begin to consider planning for a transition to a regionally-led approach before the current mandate expires. Some work has already been done by individual actors to comprehensively address piracy through their own resources, but there is no overall planning effort that includes all stakeholders that would maximize limited resources. The Contact Group is well placed to take on such a challenge, and if properly executed, this line of work would be a tremendous benefit for international counter-piracy efforts. Otherwise, a new mechanism should be considered to begin planning for this transition.

Conclusion

In conclusion, the goal of the international militaries involved in fighting piracy off the Coast of Somalia should be to focus their efforts over the next two and a half years to encourage and support a lasting, regionally-led solution, thereby making themselves redundant. The fastest and most efficient way to achieve this goal is to build on the success gained at the tactical level through closer cooperation with industry, cross-coordination with complementary lines of effort, and to establish the planning and implementation mechanisms needed to transition the current efforts from navy-centric operations to a regionally-led rule of law effort.



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