



# MSR Viewpoint

## The House of Lords and Counter Piracy: More of the same?

By Steve Townsley

A recent UK Parliamentary report gives the European Union Naval Force high marks for its counter-piracy operations off the Horn of Africa. However, the 'reduction' of piracy will also be due to the success of private security for commercial ships, and will not be truly realised until there is stability in Somalia.



**Maritime  
Security  
Review**



***Since November 2008 the European Union Naval Force (EUNAVFOR) has been conducting counter-piracy operations off the Horn of Africa.***

The past six months have seen a significant decline in Somali piracy,<sup>1</sup> and it was against this backdrop that the House of Lords European Union Committee released on 21 August their review of EUNAVFOR's activities in its report: *Turning the Tide on Piracy, Building Somalia's Future: Follow-up Report on EU's Operation Atalanta and Beyond.*

The report outlined several conclusions and recommendations. In particular, how the containment of piracy must remain a top priority for EUNAVFOR. The report suggested that the Force should begin shifting towards a target of elimination through stability building. Furthermore, it called for the extension of the current EUNAVFOR mission beyond its current expiry date of December 2014.

It also praised the efforts of EUNAVFOR, stating how it was widely recognised as a success, as well as welcoming the increasing number of pirate trials and imprisonments.<sup>2</sup>

In many places, the report reflects the received wisdom imparted by militaries and government who claim to be defeating piracy, albeit with a little help from the maritime and private security industries. Several key witnesses from the Ministry of Defence and the Foreign and Commonwealth Office praised EUNAVFOR, stating that they had been 'very successful at achieving their objectives' and reducing the risk of piracy in the region.

There is some credibility in the argument that EUNAVFOR's operations represent a deterrent against any would-be pirate; however, the report lacks any substantial evidence in which to back-up its assertions.

Indeed, the maritime security expert Rupert Herbert-Burns claims that the decline in the number of attacks is 'attributed to both the greatly increased number of armed vessel protection teams on merchant vessels in the HRA,<sup>3</sup> as well as the reduced numbers of large mother-ships deployed'.<sup>4</sup>

The question has to be asked: are the armed guards becoming the senior partner in counter-piracy and leaving the military forces behind – a problem that will only be exacerbated as defence cuts grip the majority of the naval forces involved.

The trouble identifying effective counter-piracy measures stems from the difficulty in understanding the problem itself. Pirates are an 'unconventional' and heterogeneous criminal opponent, and nobody really knows how many there are, or their true modus operandi.



Photograph courtesy of EUNAVFOR

This makes statistics on pirate ships destroyed, pirates detained, or pirate bases attacked nearly worthless – there is no benchmark to compare them against. Until this is realised and acknowledged by those involved, any suggestion that progress in countering piracy can be attributed to naval activity alone should be taken with extreme caution.

### **Actions on Land**

Since Somali piracy came to prominence, it has been recognised that the solution lies in Somalia itself. As long as the country lacks stability, its young men will be able to operate with impunity in their coastal towns and villages, setting sail into the Indian Ocean without any law-enforcement intervention.

The House of Lords report does highlight two schemes which show promise: the European Union Training Mission (EUTM) in Somalia, which is a training mission in Uganda to train Somali security forces, and the EUCAP NESTOR (Regional Maritime Capacity Building for the Horn of Africa and the Western Indian Ocean) programme, which intends to improve coastal defences in the region.



*A war ravaged street in the Somali capital Mogadishu. Photograph courtesy of Siegfried Modola*

The two programmes may represent a step in the right direction, but they are hugely overdue. The EUCAP Nestor initiative will have two objectives: firstly to develop regional maritime capacity through training and funding coastguards in the region, and secondly to train judicial staff in Somalia. It is promising to see the House of Lord’s committee support the EUCAP NESTOR programme as the ‘gateway to a permanent solution to Somali piracy’. Equally, the EUTM scheme will seek to train Somali security forces in Uganda, with the intention that they will return to Somalia and conduct security/police style activities. It is only steps like these, when coupled with the continued use of armed guards, which will truly deter pirates.



*Photograph courtesy of EUNAVFOR*

## Armed Guards

The previous House of Lord's report endorsed the view of the International Maritime Organisation (IMO) and the government of the time (2010), suggesting that the use of armed guards on vessels would increase the risk to ships and crews.

It is welcome to see that they have reversed this viewpoint, especially as armed guards have a 100 per cent success rate. The report stated that 'the practice should continue, provided that the guards are properly trained to a high standard'. It is further welcoming to see them encouraging the issue of accreditation.



*Photograph courtesy of Colossal Maritime Security*

But it is disappointing that the report does not lend more praise to the deterrent effect which the maritime security industry has had on Somali piracy. In fact, the report goes as far as to suggest that the removal of Operation Atalanta would result in a 'renewed upsurge of pirate activity'.

This is questionable, especially considering the current track record of armed guards. Indeed, Dr Martin Murphy outlines how no ship with armed guards on-board has ever been hijacked,<sup>5</sup> and Dr Lee Willet describes how their use can work as a deterrent against pirates, albeit in conjunction with naval forces.<sup>6</sup>

They clearly form part of the current solution, but should not be seen in any way as a long-term challenge to piracy. There continue to be many issues surrounding the

use of armed guards at sea; jurisdiction, legal boundaries, rules of engagement etc. It is welcoming that the Lord's report does recognise the impact armed guards have had against the pirates, and amended their negative view from their 2008 report, as well as acknowledging those issues mentioned above.

## Attacking Pirate Camps

There was considerable fanfare in May 2012 when EUNAVFOR conducted an attack against a pirate base, and the Lord's report welcomed this as an 'effective demonstration to the pirates that they are not invulnerable on land'. The head of the MoD's counter-piracy effort even went as far as to suggest that it had disrupted the pirates' 'strategic centre of gravity'.

Details of the actual attack remain vague, but it is believed to have consisted of no more than a helicopter firing its machine gun at several pirate boats and tents – it is questionable if the attack actually had any impact at all.

It seems that only the Council of Somali Organisations saw the attack for what it really was: 'intended for domestic political consumption internationally, rather than as a message to pirate groups'.<sup>7</sup> It is a shame that the Lord's report is not more critical of this issue, especially since no further attacks have taken place since the May 2012 operation, suggesting that even EUNAVFOR question its effectiveness.

## Conclusion

The House of Lord's report does raise some very valid points; the solution to piracy lies in Somalia, the EUNAVFOR operation should be extended, and the revision of their view on armed guards.

But these should be taken in the context of which they were intended: as a review of EUNAVFOR. There is no doubt that the mission has had a positive effect against the pirates, however, it is misleading to oversell that effect.

EUNAVFOR has succeeded in one of its main objectives: the protection of AMISOM and World Food Programme vessels bound for Mogadishu – a role well suited to a naval force. But East African piracy is only possible because of the security vacuum and instability in Somalia.

Expecting a naval force to solve that problem is optimistic at best, naïve at worst.

**Notes:**

- 1) Steve Townsley and Rory Lamrock, *After the Monsoon*, Lloyds List Online, 21 August 2012, available from <http://www.lloydslist.com/ll/sector/ship-operations/article405680.ece>
- 2) House of Lords European Union Committee, *Turning the Tide on Piracy, Building Somalia's Future: Follow-up Report on EU's Operation Atalanta and Beyond*, The Stationary Office, August 2012, p. 10, para. 19.
- 3) High Risk Area: The area most affected by the threat of piracy; the Indian Ocean, Gulf of Aden, Bab-al-Mendeab, and the Southern Red Sea.
- 4) Rupert Herbert-Burns, *Countering Piracy, Trafficking, and Terrorism: Ensuring Maritime Security in the Indian Ocean*, Stimson, April 2012, p. 3. Available from [http://www.stimson.org/images/uploads/research-pdfs/Indian\\_Ocean\\_Rising\\_Chapter\\_2.pdf](http://www.stimson.org/images/uploads/research-pdfs/Indian_Ocean_Rising_Chapter_2.pdf)
- 5) Martin Murphy, *Somali Piracy: Why Should We Care?*, RUSI Journal (Vol.156, No. 6, December 2011) p. 8. Available from [http://www.rusi.org/downloads/assets/201112\\_Journal\\_MurphyLO\\_RES.pdf](http://www.rusi.org/downloads/assets/201112_Journal_MurphyLO_RES.pdf)
- 6) House of Lords European Union Committee, *op. cit.*, p. 14, para. 36.
- 7) House of Lords European Union Committee, *op. cit.*, Lord's Report, p. 13, para. 31.



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