EU Governance of the Threat of Piracy Off the Coast of Somalia

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1 Introduction

Global emergencies differ, and can entail humanitarian disasters, natural or ecological disasters, terrorism, or—as discussed in this case—piracy. The focus of this contribution will be on how the latter type of emergency is governed by the EU.1 The term ‘governance’ describes the framework of powers and capabilities available to deal with a certain problem. The key question is how the problem of piracy is managed in general and whether the EU action passes a certain quality threshold and could provide any relief.

In the first section, the problem of piracy off the coast of Somalia is analysed with special attention given to the root causes. Next, an overview will be provided of the kaleidoscope of international responses to the problem, the number of actors involved, and the many attempts undertaken to coordinate all these initiatives. Subsequently, the role of the EU, its powers and capacities to deal with the issue, and the initiatives it has taken to contribute to combating piracy will be explored. Finally, the question is asked whether one can talk of a comprehensive approach to combating piracy and whether the EU action shows a genuine added value for dealing with the problem.

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1 This contribution is based on a presentation given during the conference EU Governance of Global Emergencies, which took place on 22–23 October 2012 in Brussels. It also takes inspiration from an article written for the symposium issue on piracy of the Journal of International Criminal Justice with co-author Lennart Landman, entitled: “In search of a Sustainable and Coherent Strategy: Assessing the Kaleidoscope of Counter-piracy Activities in Somalia”, 10 (4), 2012, pp. 727–748; a presentation given in Mumbai on 24 November 2012 on the occasion of the port visit of the HNLMS Rotterdam; and a paper providing food-for-thought on the future of the Contact Group on Piracy Off the Coast of Somalia commissioned by the Dutch Ministry of Foreign Affairs, written with Frans-Paul van der Putten.
The Problem of Piracy Off the Coast of Somalia

Somalia is the classic example of modern state collapse. Since the fall of the Siad Barre regime in 1991 and the bloody civil war that followed, there has been a state of chaos and lack of state authority, which has allowed piracy to grow into the structured form in which it is now presented to us. One of the main challenges in terms of Somali society stems from the lack of agreement on the structure of the political system and how the system should accommodate the claims to power of rebel groups of warlords and others, that also find their basis in the clan system and the egalitarian structure of the primarily pastoral and agro-pastoral Somali communities. Moreover, the growing power of pirate groups destabilises the authority of local governments by forcing the latter to choose either to support such pirate groups or lose the financial resources which they can bring to the community. Young pirates, who have recently become wealthy, might moreover call into question the power of clan leaders. Speaking of one Somalia, in terms of one sovereign state with effective control over its territory, is not possible. In particular the regions in the north, Somaliland and Puntland, function quite autonomously. Somaliland, which declared independence in 1991, has always been opposed by the Transitional Federal Government (TFG) and most of the international community. Puntland was established in 1998 as a non-secessionist federal state.

Furthermore, the ‘official’ government in Mogadishu is struggling with the militant Islamic group Al Shabaab, which controls large parts of South-Central Somalia, and was moreover struck by a major drought and famine in recent years. Puntland in particular is considered the epicentre of piracy, harbouring most of the pirates, and home to the ports where ships dock during ransom negotiations. As most members of the international community do not

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5 Lang, *op. cit.*, n. 4 paras. 19–20.