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Another Failed State in the Gulf of Aden

Applying scenario-planning methodology on piracy in the Gulf of Aden.

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This bachelor thesis comprises 18 ECTS and is included as a compulsory part of the Swedish National Defense College Officers' Program 2011-2014 (180 ECTS) at the Military Academy Karlberg, Stockholm

The European Union's ERASMUS Exchange Program, Royal Military Academy Brussels, May 2014

Abstract

The Gulf of Aden holds one of the strategic chokepoint along the important Eurasian maritime trade route. On both sides of the Gulf of Aden lie countries in need of political stability. In the south lies Somalia, one of the worlds longest failed states and hosts of pirates violently disrupting maritime trade in the region. On its northern shores lies Yemen, one of the poorest countries in the world and home to the terrorist movement Al-Qaeda in the Arabian Peninsula.

This thesis aims to look deeper into what effect on piracy another failed state in the region would have and to illustrate that the thesis describes a scenario where Yemen has followed Somalia's footsteps and developed into a failed state. Applying Lindgren and Bandhold's method of scenario planning and through a quantitative analysis, recent trends affecting piracy development were identified. Through a scenario cross four different scenarios were developed to illustrate the effects a failed state Yemen would have on piracy leading to which new challenges the EU might be faced with in the region.

The overall conclusions are that a failed state Yemen would have a negative effect on the efforts in mitigating piracy and pirates, driven by opportunity and profit, would benefit from further instability in the region. The thesis supports previous research regarding the connection between maritime piracy in the Gulf of Aden and failed states and illustrate the multifaceted challenges the EU could face as a consequence of the new development of piracy.

Keywords: Somali piracy, Yemen, Failed states, maritime trade, EU, Gulf of Aden

List of Acronyms

AQAP	Al-Qaeda in the Arabian Peninsula
BMP	Best Management Practices
CFSP	Common Foreign Security Policy
CGPCS	Contact Group on Piracy off the Coast of Somalia
CSDP	Common Security and Defense Policy
CTF	Combined Task Force
ESS	European Security Strategy
EU	European Union
EUCAP NESTOR	European Union’s Capacity building effort in the Horn of Africa and the Western Indian Ocean
EUNAVFOR	European Union Naval Force
EUTM	European Union Training Mission
GPS	Global Positioning System
IMO	International Maritime Organization
OODA	Observation, Orientation, Decision, Action
NATO	North Atlantic Treaty Organization
TAIDA	Tracking, Analyzing, Imaging, Deciding, Acting
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNSC	United Nations Security Council

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1.1 Introduction

90% of the European trade is carried by sea, and the trade routes between the European Union and Asia are recognized as one of the most important in the world. The main route, extending from the Suez Canal all the way to Shanghai, has to pass several strategic chokepoints; one of them is the Gulf of Aden and the Bab-el-Mandeb.¹ Every year almost 30 000 vessels pass the narrow strait and 30 % of Europe's oil and petroleum products pass there every day, hence the regions strategic importance for the European Union. However, one of the most visible signs of disruption for maritime traffic has recently erupted, namely piracy. After 2008 the Gulf of Aden has been regarded as the worlds 'epicenter' of piracy.² The international community has responded with several military operations to secure the shipping in the Gulf of Aden and to prevent piracy in the area. Since December of 2008 the European Union Naval Force OPERATION ATALANTA³, NATO's OPERATION OCEAN SHIELD, the Combined Maritime Forces CTF-150, and unilateral missions have been launched in the region, resulting in up to 20 warships from over a dozen nations working together relying on the same UN resolution, in an attempt to stop piracy in the Gulf of Aden⁴. However the strategic contribution of navies is their activity on the seas, but nothing that happens at sea matters unless it impacts the thinking and actions of those living on shore,⁵ something the naval presence in the Gulf of Aden has not been able to do as piracy continues to flourish, disturbing valuable trade and regional security.

This thesis analyses the opportunistic aspect of piracy by applying a scenario method to previous research to try to look into the future and see how Somali piracy could take advantage of the situation of further instability in the Gulf of Aden region. Further instability is referring to a

¹ Rogers, James; *From Suez to Shanghai: the European Union and Eurasian maritime security*; Paris; European Union Institute for Security Studies (EUISS), 2009. P 22,24

² Directorate-General for External Policies, Policy Department; *The Maritime Dimension of CSDP: Geostrategic Maritime Challenges and their Implications for the European Union*; European Parliament; Brussels, 2013. P 39

³ EUNAVFOR Somalia; Mission; <http://eunavfor.eu/mission/>; visited 2014-03-20

⁴ Report of the Secretary-General on the situation with respect to piracy and armed robbery at sea off the coast of Somalia: United Nations Security Council: 21 Oct. 2013, p 9.

⁵ Moran, Daniel; Geography and Strategy; *Strategy in the Contemporary World*; Baylis, John. Wirtz, J James, Gray, S Colin (edt.), 124-140; third edition; Oxford; Oxford University Press; 2010. P 130

fictional state where Yemen is regarded as a failed state where the insecurity on shore spills over at sea, leaving Yemen without capabilities to maintain maritime security in its territorial waters. By applying a scenario planning method on former research this thesis found four different scenarios showing different developments of piracy in the Gulf of Aden that would affect the European Union. The research shows that an instable Yemen would have a negative effect on piracy and Somali pirates are very likely to take advantage of the situation of further insecurity in the area, as it would benefit their objectives. This will pose a great threat towards the European Union's interests in the area. Facing several threats in the region not only from piracy, the European Union will most likely have to consider further military actions to restore stability in the region and to secure the vital maritime trade which is dependent on freedom of the seas.

1.2 Purpose of study and research question

The European Union has an increasing role as an international security actor regarding the problem of Somali piracy and is currently conducting both military and civilian operations in an attempt to diminish piracy in the area and address its root causes.⁶ The root causes of piracy have been identified by the United Nations as instability, lawlessness and a lack of effective governance in Somalia⁷.

On the opposite side on the Gulf of Aden lies a country that is affected by security problems and risks developing in the same direction as Somalia, namely Yemen. The internal development in Yemen, with rebel Houthi groups in the north, separatist movements in the south and the presence of Al-Qaeda, has caused instability in the country and impaired the state's battle against illegal activities. Adding to that, due to a very low level of economic and social development in the country, its population has been forced to engage in criminal activities as well as cooperation with Somali pirates.⁸ The presence of Al-Qaeda in Yemen is of special interest to the United States and they have stated that, "...eliminating the threat posed by trans-national terrorism emanating from Yemen is a key national security priority."⁹ The European Union has also expressed its concern about the ongoing situation in Yemen¹⁰ and states that instability in the

⁶ Kaunert, Christian. Zwolski, Kamil; Somalia versus captain "Hook": assessing the EU's security actorness countering piracy off the Horn of Africa; *Cambridge Review of International Affairs iFirst*; 1-20, 2012. P 16

⁷ Ibid. p 15

⁸ Atarodi, Alexander; *Yemen in crisis – Consequences for the Horn of Africa*; Foi report 2968; Mar 2010, p 17.

⁹ Sharp, Jeremy M; *Yemen: background and U.S. Relations*, Congressional Research Service, Feb 2014. P 5

¹⁰ Council conclusions on Yemen – Foreign Affairs council meeting Brussels 10 February 2014, Council of the European Union, Feb 2014. P 1f.

region poses a growing challenge not only to the security in the area around the Horn of Africa but also to the rest of the world.¹¹

As piracy off the coast of Somalia has been a popular subject to many researchers many aspects of the problem have already been researched, including root causes, enablers, suitable responses from the international community and links to other types of organized crime and terrorism; so it would seem little can be added to the subject. However regarding the amount of research conducted on the Yemeni connection to Somali piracy and the possible effects further instability in the region could have on the matter there is not much to be found. The existence of a connection between the two are often mentioned but little research is to be found on the actual effects an instable Yemen could have on piracy other than the conclusion that it will be a negative one. To fill the gap of Yemeni effects on piracy in the Gulf of Aden this study will analyze the following question:

- How could the course of action in piracy develop in area A over the next two years if Yemen becomes a failed state?
 - What indicates that Somali pirates would take advantage of the situation of a failed state in Yemen?
 - What are their objectives?
 - How could a failed state in Yemen favor their objectives?
 - What military means could be employed by the European Union to diminish the new piracy situation?
 - What are plausible scenarios for the use of military means off shore?
 - What are plausible scenarios for the use of military means in-shore?

¹¹ European Union, *Council conclusions on the Horn of Africa*; 3124th FOREIGN AFFAIRS Council meeting; Brussels, november 14th, 2011. P 1

1.3 Limitations

The thesis will apply basic methods of scenario planning in an attempt to see in which direction piracy could develop within a limited area during a two year period with not only one failed state but two in its vicinity. The two-year limit provides the thesis with a defined future perspective influencing the findings and the scenarios. The limitation of time is deliberately chosen, as the method of trend-based scenarios is more suitable for short-term perspectives. The short-term perspective is also regarded as appropriate when the focus is on action.¹²

The thesis will analyze different actors; Somali pirates, AQAP, Yemeni fishermen and the European Union. The three first actors will provide the actors of analysis regarding the development of piracy and maritime terrorism in the area and the European Union will be analyzed with the perspective to look at plausible reactions from an actor in the international community. The exclusion of other actors, for example the United States and Saudi Arabia who play an important part in Yemeni security development, does not marginalize their influence on the situation but is rather a way to specify the area of research to fit the physical limits of the thesis.

1.4 Literature Review

As stated earlier prior research on piracy off the coast of Somalia is not difficult to find. Many have also studied the EU military response and its effect on piracy and most of them agree on the fact that a naval response does not address the root causes and therefore cannot diminish piracy. This thesis relies mostly on research conducted on the relationship between state failure and piracy; however Murphy's research about piracy also constitutes an important linchpin in understanding the roots of piracy development and will be used as a tool for analysis.

1.4.1 Previous research on piracy

Daxecker and Prins have researched the relationship between failed states and piracy and find that, for attacks in states' territorial waters, a state's weakness increases the incidence of piracy; where democratic states with low fragility experience little piracy, in democratic high-fragility states piracy thrives. Furthermore they conclude in general that state weakness provides pirates with a favorable environment as governmental weakness reduces the capability to combat piracy.

¹² Lindgren Mats, Bandhold Hans, *Scenario planning – the link between future and strategy*, 2nd edition, New York, PALGRAVE MACMILLAN, 2009. P 44

They support the fact that improvements in governance quality could be an effective way to bring piracy to an end.¹³

Another interesting fact Daxecker and Prins' research has identified is the individual incentives to get involved in piracy; namely economic opportunities in coastal areas. They found that states with reduced values in fishing industries are more likely to experience piracy. Fishermen possess desirable navigational knowledge needed for piracy and therefore the lack of labor opportunities in the fishing sector drive individuals to piracy.¹⁴

Looking at the research conducted by Murphy he states that the low-risk, high-reward criminal activity of piracy occurs mainly due to opportunity. Murphy means that to see poverty as the main reason for piracy is to simplify a complex issue. He has found seven major factors that enable piracy to develop into a lucrative business. These are:

- Legal and jurisdictional weakness
- Favorable geography
- Conflict and disorder
- Under-funded law enforcement/inadequate security
- Permissive political environments
- Cultural acceptability
- Promise of reward¹⁵

According to Murphy legal and jurisdictional weakness helps to increase the risk of piracy and its main obstacle is state sovereignty since states in general are reluctant to allow foreign coastguards and police to operate within their territorial waters. Murphy also highlights the limitations in international law on piracy, UNCLOS, as a part of the legal weakness aspect. Regarding the favorable geography, Murphy regards piracy as an opportunity based crime and says that piracy attacks general occur in narrow straits where ships are forced to move close to shore, which provides opportunity, and furthermore straits usually have higher traffic density, which also provides targets. Piracy and other maritime crimes need conflict and disorder to thrive; and as desperate times demand desperate measures people tend to draw towards criminal activity during desperate circumstances. Murphy further states that the lack of security and law enforcement, enabling piracy to be a low-risk activity, usually is a consequence of state failure

¹³ Daxecker, Ursula. Prins, Brandon; *Insurgents of the Sea; Institutional Economic Opportunities for Maritime Piracy; Journal of Conflict Resolution; 57:6; 940-965. 2012. P 960*

¹⁴ *Ibid.* p 960

¹⁵ Murphy, Martin N; *Contemporary Piracy and Maritime Terrorism – the threat to international security*; Oxon: Routledge, 2007. p13

(which supports Daxecker and Prins' theory). Finally piracy needs to be culturally accepted within the community in which it operates. In communities where labor opportunities are scarce and means of survival are limited, even minor rewards from piracy are welcomed and piracy can make capital flow into the community.¹⁶

Apart from enablers of piracy Murphy also identifies three types of piracy:

- Parasitic – piracy that feeds on maritime trade or wealthy littorals
- Episodic – piracy that arises as a result of instability.
- Intrinsic – piracy that is a component part of a society's fiscal or commercial life.¹⁷

The findings made by Daxecker and Prins as well as by Murphy will outline the starting point of this thesis and will outline the linchpin for the scenarios on piracy development discussed later on in the thesis. The findings of this study are likely to support previous research in the connection between failed states in coastal areas and piracy as well as the strategic importance of stability in Yemen. By analyzing the case of a failed state Yemen in relation to Somali piracy this study supports the previous research stating that further deterioration of stability within the country will have consequences for the security of the entire region.

1.4.2 Previous research on Yemen

Looking for research on Yemen was not very difficult, however most of the research concerns terrorism, political instability and economical development. Locating previous research conducted on Yemen and its connection to piracy becomes more difficult, even though many articles and reports mention that there could be a connection to piracy, and especially Somali piracy there is not much actual research conducted on the subject. There is however research showing the need for the international community to address the problems in Yemen and the effect it could have on international security if the situation deteriorates. One who has conducted such research is Phillips who identifies the root causes of Yemeni political instability by looking closer into Yemeni politics and government. Absence of government, absence of the rule of law, paralyzed institutions, state intervention in justice, centralization of power and a government using crisis as a tool for foreign policy are identified as some of the reasons why Yemen lacks stability. Phillips points out that the Yemeni government has been well aware of its problem and utilized the chaos inside the country as a leverage against the international community fearing the aftermath of a failed state Yemen.¹⁸ Atarodi agrees with Phillips regarding the root causes for

¹⁶ Murphy, Martin N; *Contemporary Piracy and Maritime Terrorism – the threat to international security*. P 13-17

¹⁷ *ibid.* p 32

¹⁸ Phillips, Sarah; *Yemen and the politics of permanent crisis*; Oxon; Routledge; 2011. P 121f, 137, 139

instability as Yemen constantly being on the verge of a crisis but looks deeper into the future challenges the country could be faced with if the situation should worsen. Atarodi says that the problems that Yemen faces are multiple and interconnected further threatening the stability of the state and the government's ability to exercise power over the country.¹⁹

Atarodi discusses the affect Somali piracy has had on Yemen mostly concerning maritime transport, offshore oil exploration and fisheries. Furthermore the Somali pirates using Yemen as a logistic base for their operations poses a worrying question; whether the Yemeni government is able to address the problem and if not stretching the area of lawlessness to the other side of the Gulf of Aden. Atarodi agrees with Daxecker and Prins in the connection between piracy and weak states and implies that piracy will worsen unless the region becomes stable. Further outbreaks of piracy will force Yemen further into instability as well as simultaneously strengthen piracy and this will attract major criminal elements, in turn risking impoverished youths joining pirate gangs, and thus Yemen pirate expeditions may develop reaching the same extent as their Somali counterpart.²⁰

Building upon this research the thesis aims to further look into what effects a failed state Yemen could have on the development of piracy in the region. Using a failed state scenario developed by Atarodi as a description of what the situation on shore may look like, four other trend-based scenarios will be developed to illustrate the effect further instability in the Gulf of Aden could have on Somali piracy development and what challenges the EU could be forced to face.

¹⁹ Atarodi, Alexander; *Yemen in crisis – Consequences for the Horn of Africa*; FoI Report 2968; Mar 2010. P 38

²⁰ *ibid.* p 21f

1.5 Methodology

The thesis has a quantitative approach to the data analyzed and the results are developed through the scenario planning methodology of TAIDA, which is presented more thoroughly later in the text. Scenario planning is most commonly used in the context of organizations and business but is an effective tool to identify challenges and opportunities, and the identified consequences identified can be a foundation for strategic options.²¹

The thesis is divided into six different parts. First previous research is presented, followed by definitions outlining the foundation of the study; secondly the methodology framework is presented describing the way the study has been conducted. The third part describes the background to the situation in the Gulf of Aden region and the current situation in Somalia and Yemen. After that a quantitative text analysis reveals the current trends regarding piracy and its development with the aim to present the underlying factors for the scenarios presented in the fifth part of the thesis. This part presents five different scenarios and each scenario is followed by a discussion regarding the challenges the European Union would have to react to and with what military means they could do so. The last part consists of a general discussion and a conclusion, summarizing the study and its results providing some thoughts on future research within the area.

1.5.1 Scenario planning

According to Lindgren and Bandhold scenario planning has its roots in futurism and strategy. In futurism the focus was more on possible and desired futures and scenario thinking was used as a method as well as scenarios being used as a way of presentation. In the 1990s futurism developed into foresight, and many governmental bodies adopted scenarios as an effective tool. As for strategy, scenarios were more of a planning instrument rather than a method of analysis, and utilized to develop strategies on how to act on different changes in the environment.²²

Like many other authors Lindgren and Bandhold also consider Herman Kahn and the RAND Corporation as the founder of scenario planning in the 1950's. Kahn developed a technique he named future-now thinking and adopted the term scenario. At first the scenarios he developed were for the US Government since RAND conducted military strategic research. Ten years later Kahn expanded his scenario method to other areas outside the military after he founded the Hudson Institute. 20 years after Kahn and the RAND Corporation many national bodies had been

²¹ Lindgren Mats, Bandhold Hans, *Scenario planning – the link between future and strategy*. P 45f

²² *ibid.* P 33ff

established to study the future. In these studies scenario planning became a central tool to explore the future. In the business sector scenario planning had a recession in the mid 70's only to bloom again in the 80's and 90's as an efficient tool to handle the future and its uncertainties.²³

1.6 Definitions

1.6.1 Scenario

Lindgren and Bandhold's definition of a scenario is "...*vivid descriptions of plausible futures*"²⁴. The scenario in itself is not an end-state but instead a description of one possible way to the future, striving more towards answering the question *what would happen if?* rather than *what will happen?* A well-crafted scenario presents an array of alternative ways the future can unfold, containing the most relevant uncertainty dimensions that ultimately reduce the greater amount of uncertainties.²⁵

Lindgren and Bandhold have set up criteria to identify a good scenario; amongst which are that they should be realistically possible, consistent and easy to remember. The scenarios should be probable and differ from one another in ways other than magnitude, to exclude the scenarios from being variations of one base scenario.²⁶

²³ Lindgren Mats, Bandhold Hans, *Scenario planning – the link between future and strategy*. p 36f

²⁴ Ibid. p 22

²⁵ ibid. p 21, 24, 69

²⁶ ibid. p 31

1.6.2 State failure

In recent years a belief that threats are likely to come from non-state actors or develop out of weak or failing states has spread and therefore the importance of addressing the problem of failing states has increased.²⁷

According to The Fund for Peace one of the most common attributes of a failed state is the loss of physical control of its territory or a monopoly on the legitimate use of force. Other attributes acknowledged by the Fund for Peace are:

“...erosion of legitimate authority to make collective decisions, an inability to provide reasonable public services, and the inability to interact with other states as a full member of the international community.”²⁸

These attributes help to envision the bigger picture of the problem of failed states but more precise indicators are needed to be able to quantitatively measure a state's stability and likelihood of failing. Therefore the Fund for Peace carries out an annual ranking of 178 nations called the Failed States Index. It is based on each country's level of stability and the pressures they face. The index is based on twelve key indicators that are grouped into either Social and Economic indicators or Political and Military indicators. The key indicators consist of over a hundred sub-indicators such as water scarcity, refugees per capita, ethnic violence, corruption, internal conflict and power struggles.²⁹ This offers a tool that enables a ranking of states in stability and likelihood of failing.

Although the definitions of failed states vary in literature they all seem to share the same core characteristics namely the fact that when a state fails it loses its ability to govern its people and therefore loses its legitimacy.³⁰ In this thesis the concept of failed state will thereby be defined as a state with no capability to perform its basic functions of governance. This definition will serve as a foundation in understanding the political environment in the fictional case of Yemen as a failed state.

²⁷ Newman, Edward, *Weak states, state failure, and terrorism*, Terrorism and Political Violence, 19:4, 463-488, Oct 2007, p 465

²⁸ The Fund for Peace: Failed States Index FAQ: <http://ffp.statesindex.org/faq>: visited 2014-03-27

²⁹ Messner J,J (edt):Failed States Index IX2013: Report/The fund for Peace: Washington: 2013. P 3,10

³⁰ Dorff, Robert H, *Responding to the failed state: The need for strategy*, small Wars and Insurgencies, 10:3, 62-81, 2007, p .63

1.6.3 Piracy

The United Nations has defined piracy in part seven in the Convention on the Law of the Sea (UNCLOS). Article 101 defines acts, actors and geographical place for piracy.³¹ The key elements to the definition are the criminal intent, the use of force, taking over another vessel against the will of its commander and with robbery as the objective. The definition also describes the fact that piracy is an act of private ends and does not have any political motives. According to Article 101, piracy occurs in international waters outside of states' jurisdiction therefore hijackings that occur in a state's territorial waters are not piracy but 'armed robbery at sea'.³² When applying this definition of piracy on the area of research for the thesis, it limits the research to the parts of the region that are not territorial waters. To enable the thesis to look into scenarios in the entire region, territorial waters included, a more flexible definition is needed. The definition of piracy used in this thesis will adopt the International Maritime Bureau's definition, which defines piracy as an act of boarding a vessel with criminal intent and with capability or intent to use force to achieve their goals independent of in which waters the incident occurs.³³ This enables the thesis to develop scenarios involving the territorial waters of, for example, Yemen in the defined area of research.

³¹ United Nations; The Convention of the Law of the Sea; United Nations; Chapter VII, Article 101: http://www.un.org/depts/los/convention_agreements/texts/unclos/part7.htm ; visited 2014-04-03

³² Potgieter Thean, Schofield Clive, *Poverty, poaching and pirates: geopolitical instability and maritime insecurity off the Horn of Africa*, Journal of the Indian Ocean Region, 6:1, 86-112, 2010, p 94

³³ Potgieter, Schofield, *Poverty, poaching and pirates: geopolitical instability and maritime insecurity off the Horn of Africa*. P 94

2.1 Methodology framework

Lindgren and Bandhold have developed a framework for scenario planning. They call it TAIDA and it stands for tracking, analyzing, imaging, deciding and acting. The framework has been used by many businesses and organizations³⁴ and is similar to the more famous, at least in military contexts, OODA Loop. The OODA Loop model was developed by the United States Air Force as an assessment method of fighter pilots learning abilities. OODA stands for observation, orientation, decision and action and these concepts are similar to the concepts of TAIDA where tracking and observation are equal, analyzing and imaging falls under the orientation part, imaging and deciding are about deciding and the final part of both methods is acting.³⁵ The framework of TAIDA will be the framework used for scenario building in this thesis.

2.2 Tracking

The main purpose of tracking is to find trends, drivers and uncertainties in the environment that could have an impact on the focal area. Prior to the tracking phase one must define the question in focus for the research, define a time period as well as get a good map of the past and present to understand the underlying conditions.³⁶

Trends are a deeper change in the environment; Lindgren and Bundhold exemplify this by comparing it to climate change rather than weather alterations to further explain what a trend actually is. The method suggests observing changes that are occurring in the present and have occurred for some time to be the foundation of trends. When trends have been identified the trends must be evaluated and analyzed. One must ask how much impact the trend could have on the focal area and estimate how predictable the trend is. With this done the trends that are left need to be deeper analyzed to define the driving forces behind them and the consequences for the question in particular.³⁷

³⁴ Lindgren, Bandhold, *Scenario planning – the link between future and strategy*, P 38

³⁵ *ibid*, p6,38

³⁶ *ibid*. p 47,55

³⁷ *ibid*. p 56ff

2.3 Analyzing

When the tracking part is done, it is likely that there are a series of trends that cover a wide area with little connection. But after a closer look it is possible to identify that some trends can be driving forces or even consequences of other trends. The analyzing phase's main objective is to identify the drivers and consequences of trends to get a wider perspective on the interaction amongst the identified trends. An understanding of the impact different trends has on each other makes it possible to create scenarios for the future.³⁸

2.3.1 Creating scenarios

The starting point in building scenarios is to make a summary of what is a relatively certain development of the future. Thereafter the creation of a timeline, explaining the development between the present up to the year of the scenario is the following step in the process. In this thesis the approach of a scenario cross, presented by Lindgren and Bandhold, will be used to develop the four scenarios presented later in the thesis. The approach of a scenario-cross starts with finding two uncertainties that drive and then combining them, developing four scenarios. The scenario develops by combining uncertainties and putting the other factors in one by one in a suitable combination. The scenarios developed are then put in a narrative description to explain how the different actors act, why they act the way they do, when do they do it and whom they act with.³⁹

To determine how the different actors might act the theory of rational choice will be used. Rational choice is defined in the thesis in the way that actors will choose the course of action that serves their aim the best. This is based on the conventional constructivist theory on the relationship between national identity and security. The theory means that it is possible to objectively examine the world from an 'out there' perspective and you can determine how a nation will act in global politics by understanding its interests⁴⁰. In this thesis the theory will be applied to the different actors to identify their interest and therefore their most likely courses of action in the scenarios created.

³⁸ Lindgren, Bandhold, *Scenario planning – the link between future and strategy*. p60,62

³⁹ *ibid.* p64,66,67,69

⁴⁰ McDonald Matt: *Constructivism; Security Studies – an introduction*; Williams Paul D. (edt); 63-76; 2nd edition: Oxon; Routledge 2013. p66.

2.4 Imaging

This is the part of the study where a desired future is presented. After analyzing what the future may look like, now is the time to look a little closer into what we actually want to achieve for the area. Is it presented in the scenarios or do the scenarios point in another direction?⁴¹ The EU has put together a list of common objectives and strategic interests. Two of them are connected to the geographical area in which this study focuses. These are;

- Securing maritime communication lines from blockade or hostile actions.
- Protecting supplies of energy and raw materials in overseas territories, including its trading system.⁴²

Therefore secure maritime communication lines and energy supplies are to be regarded as the vision for the EU in the area of analysis for this study.

2.5 Deciding

With the scenarios planned, giving a description of the future and a vision showing the goals to achieve, it is now time to decide how the vision will be reached. A strategy is needed to address the future and to see where the effort is required to achieve the vision. Lindgren and Bandhold have several suggestions for how to start the strategic planning; for example one starting point could be the vision, to serve as inspiration towards a new strategy or at least as to see where effort is most needed.⁴³ In this case, the EU already have a security strategy in order to address threats like piracy, so in this thesis the Security Strategy will be presented and used to see how the strategy provides tools for the EU to address the threats developed within the scenarios.

⁴¹Lindgren, Bandhold, *Scenario planning – the link between future and strategy*. P82

⁴² Gilli, Andrea. Rogers, James: *Enabling the future European military capabilities 2013-2025: challenges and avenues*. ISS Report No.16. Missiroli, Antoino (edt). 2013. p17

⁴³ Lindgren, Bandhold, *Scenario planning – the link between future and strategy*. p 81,85

2.6 Acting

The acting phase can have two different directions in the scenario planning process; either this is the time when the developed strategy is put into action, or it refers to the work following the scenario planning process. That work could include monitoring different important aspects defined by the scenario planning process.⁴⁴ In this thesis the acting part will be left out in the analysis but will be briefly discussed in the discussion part to see the relevance of the information revealed by the scenarios, for future studies and action.

⁴⁴ Lindgren, Bandhold, *Scenario planning – the link between future and strategy*, p92

3.1 Past and the present

3.2 Piracy in the Gulf of Aden

Piracy has existed since mankind first used the sea but the first incidents of modern Somali piracy occurred in 1989 after the Somali National Movement found themselves in need of weapons and a way to prevent the government from getting supplies; they found the busy shipping lanes outside Somalia's northern coast as a perfect way to achieve both goals. Even though the Somali National Movement had a political agenda many attacks had other objectives and many seafarers in the region warned each other about entering Somali waters, as there were risks of attacks.⁴⁵

In 2006 the UN Monitoring Group presented a report on Somali piracy stating that in the early years of piracy activity had more resemblance to armed robbery at sea since the demands were mostly for fishing nets, diesel or fish. It wasn't until the beginning of the 21st century that piracy took its organized form of today where the sole demand is for money.⁴⁶

Somali pirates attribute the outbreak of piracy in the region to dumping of toxic waste off the Somali coast and illegal foreign fishing. But even though this form of legitimacy may have served as an explanation in the early days of Somali piracy, it is now impossible to maintain that argument since pirate attacks have moved far out from the Somali coast and territorial waters out into the Indian Ocean.⁴⁷

⁴⁵ Murphy, Martin N; *Somalia, the new Barbary?: piracy and Islam in the Horn of Africa* ; New York: Columbia University Press, 2011.p11f

⁴⁶ Ibid. p 18f

⁴⁷ Haywood, Robert. Spivak, Roberta; *Maritime Piracy*; Oxon: Routledge, 2012. p14

3.2.1 Enablers of Somali piracy

Applying Murphy's seven enablers of piracy on Somali piracy it reveals that most of these enablers are present. If we begin with the legal aspect, piracy has been regarded as a crime for centuries and according to definition of UNCLOS piracy can only occur on the high seas. On the high seas any state has the legal right and obligation to take suppressive action against piracy but when similar attacks occur within territorial waters and Exclusive Economic Zones piracy is labeled 'armed robbery at sea' and are therefore under a specific state's jurisdiction. In the case of Somalia, a country that lacks a functional legal system, any ability to prosecute against pirates becomes minimal.⁴⁸ As for geography it is more than favorable. For most of known history important trading routes have passed outside the coast of Somalia which also is rich in fishing grounds which has enabled a strong maritime tradition amongst certain Somali groups.⁴⁹

In 1991 the rebellion against the Siad Barre regime brought Somalia into a civil war. The UN conducted two missions to try to stabilize the situation in Somalia but failed and in 1995 they withdraw all their forces.⁵⁰ The disorder that followed the collapse of the regime appears to have triggered piracy in the area.⁵¹ The internal turmoil of Somalia not only triggered piracy, it also offered an environment where pirates could act freely without any risk of prosecution. As for the region of Mugdug, located south of Puntland, the region's lack of resources is the main reason that the area has been able to escape attention from warlords and clan leaders, leaving the territory in the hands of pirates where they can act without interventions from any authorities.⁵² The fact that Somalia is a country with recognized territorial waters but lacks sufficient legal measures to patrol and police its waters also create a beneficial environment for piracy.⁵³

Even though piracy is not culturally acceptable in most parts of Somalia (since it has had a negative impact on citizens not able to make an honest living, and by introducing alcohol, prostitution and khat to the societies) it is tolerated because piracy offers a way to make money in a country where work opportunities are scarce. A low-level pirate does not get much of the ransom money, much of it ends up in the hands of financiers and other stakeholders, but even if a

⁴⁸ Murphy; *Somalia, the new Barbary?: piracy and Islam in the Horn of Africa*. p123

⁴⁹ Ibid. P2

⁵⁰ Sörenson, Karl, *State Failure on the High Seas – Reviewing the Somali Piracy*, FOI Somalia Papers: Report 3: 2008: p11.

⁵¹ Murphy; *Contemporary Piracy and Maritime Terrorism – the threat to international security*. P15

⁵² Weir, Gary E, Fish; Family, and Profit – Piracy and the Horn of Africa; *Piracy and Maritime Crime – Historical and Modern Case Studies*; Elleman, Bruce A, Forbes, Andrew, Rosenberg, David; (edt); Newport, Rhode Island; Naval War College Press, 2010. P208,211

⁵³ Murphy; *Somalia, the new Barbary?: piracy and Islam in the Horn of Africa*. P125

single pirate earns \$10 000 it is sufficiently more than the average \$600 per capita GDP of the country.⁵⁴

3.2.2 Recent trends in Somali piracy

Somali piracy in its modern form, as with all other events of piracy today the world over, is not a static phenomenon; pirate groups are constantly trying to find new approaches to enable them to reach their goal of profit. Evident trends in Somali piracy are their ability to reach out to far geographical areas, the rise in demanded and paid ransoms, the prolonged times of captivity and an increase in the use of violence against the hostages. To enable their geographical expansion pirates have adopted the tactic of mother ships. These mother ships transport food and fuel as well as the traditional skiffs (that have been part of the piracy tactics from the eruption of the problem in the early 1990s) that are still used for the main attack.⁵⁵

⁵⁴ Haywood, Spivak; *Maritime Piracy*. p16,19

⁵⁵ *ibid.* P104f

3.3 Yemen

While Somalia has topped the failed state index since 2005 Yemen has slowly but steady climbed the list. In 2008 Yemen was at 21 out of 177, two years later it was at 15 to climb further up the list to number eight in 2012. Last year Yemen was placed as number six on the list with an index score of 107 out of 120.⁵⁶ Yemen is one of the least developed countries in the world and the poorest country in the Middle East. With a population growth of three percent a year it is estimated that the Yemeni population will increase to about 60 million by 2050. At the same time the domestic agriculture are not sufficient to support today's population, therefore the country is dependent on external imports for food.⁵⁷

The most prominent goods of export are oil and gas, which are exploited by foreign companies amongst them the French TOTAL. All the countries export of petroleum is made by sea due to lacking pipeline connections.⁵⁸ For a long time Yemen's economy has relied on its oil assets, and now that the oil reserves are running out Yemen has few alternatives for a stable post-oil economy. Many of the problems Yemen is facing today can be linked to the lack of economic development in the country.⁵⁹

One of the factors hindering economic stability is the country's addiction to Khat. Khat is a drug containing amphetamine and the leaves are chewed causing a mild euphoria. The use of Khat is spread throughout the Gulf of Aden region but Yemen is the country with the largest amount of consumers, where almost 70% of Yemeni households reporting Khat consumption. As for the economy Khat production is believed to account for up to 25% of the Yemeni economy and 20% of national employment. The biggest problem with Khat is that for the plant to provide big harvests it consumes a lot of water. The equation simply does not add up; a country that has the lowest freshwater rate in the world simultaneously has one of the highest agricultural water consumption rates. Water scarcity has already led to some violent confrontations between different areas as wells have been raided by private companies that need to supply their costumers with water.⁶⁰ Without a stable government, food supplies, freshwater or job

⁵⁶ The Fund for Peace: Failed State Index: 2013: <http://ffp.statesindex.org/rankings>: visited 2014-03-27.

⁵⁷ Bouthé, Marc, *Advanced Staff Course Policy Brief on Yemen*, Royal Military Academy, Brussels, 2014, part 2. p1

⁵⁸ *ibid*, p2

⁵⁹ Atarodi; *Yemen in crisis- Consequences for the Horn of Africa*, Report. p11.

⁶⁰ Horton, Michael; *Economic Challenges to Stability– Yemen's Addiction to Qat; The Battle for Yemen- Al-Qaeda and the Struggle for Stability*; Mardini Ramzy. (edt.); 217-226; Washington DC; The Jamestown Foundation, 2010. P217-220

opportunities many may turn to criminal activities, such as arms smuggling and piracy, for survival.⁶¹

The possession and smuggling of small arms in Yemen has been a problem for a long time and the large coastline makes it hard for the coastguard to maintain any sufficient control. Arms flow in and out of the country and Yemen has long infringed the weapons embargo on Somalia, smuggling weapons over the gulf both to Islamist insurgents and also to pirate groups.⁶² Small arms are not all smuggled out of the country; most of the households in the country own guns and it is as commonly used for celebrations as for defense and attack. The corrupt military also contributes to the arms trade as they sell weapons to increase their low salaries, they do not fear prosecution due to inadequate record keeping and inventory. However, efforts are made to choke the weapons trade, by closing arms markets and by the Yemeni coastguard being more active along the coastline. But these actions have proven not to be sufficient, mostly because closing open markets only increases the black market trade and the coastguards' patrols are unable to monitor the entire area of the coast.⁶³

As if Yemen's domestic problems weren't enough, thousands of people arrive every month from the other side of the straits. Most of them are Somali refugees but also many Ethiopians arrive, looking for a brighter future in the Arab peninsula. It is often that the same actors that smuggle refugees over the sea are also involved in criminal activity such as arms smuggling, piracy or terrorism.⁶⁴

3.3.1 Political movements

In general the political history of the country gives tribal and regional loyalties a prominent role in rule of the country. This leading to low support for the central government in Yemen, making it hard for the government to establish control over many regions, enabling control to be seized by radical and terrorist movements. Another hinder towards economical development is the widespread tradition of corruption within the country on all levels.⁶⁵

In 2004 the central government launched an attack on a northern rebellion group Houthi, which has openly opposed the government claiming their traditional way of living to be threatened. The war between the government and Houthi has cost thousands of lives and massive destruction.

⁶¹ Atarodi, *Yemen in crisis- Consequences for the Horn of Africa*. p11.

⁶² *ibid*, p17ff

⁶³ Corbi, Kathryn; Small Arms Trafficking in Yemen: A Threat to Regional Security and Stability; *New voices in public policy*; volume 6, winter 2011/2012, p6-9,13

⁶⁴ Atarodi, *Yemen in crisis- Consequences for the Horn of Africa*. p23f

⁶⁵ Bouthé, *Advanced Staff Course Policy Brief on Yemen*. p5f

Since the battle in 2004 there have been constant attacks against Yemeni security and police.⁶⁶ Between October 2013 and January 2014 further hostilities were blooming and spreading across the northern parts of Yemen. On January 6th a peace agreement was reached between the Houthis and the Salafi community but the situation remains tense.⁶⁷

In the south secessionist movements are working towards a more equitable rule of the country. Southern Yemenis lack representation in the government but they also feel like the distribution of resources are distorted, ignoring the southern parts of the country. Even though the southern secessionist movement in 2009 launched a violent attack, violent attacks are more an exception than a rule in the south.⁶⁸ Recently in the ports of Aden and Al Mukallah the security situation has worsened.⁶⁹

There is a high terrorism threat throughout Yemen and they are getting more and more sophisticated in their techniques. They repeatedly conduct kidnappings and the targets are westerners in Yemen, in 2014 several kidnappings of foreign nationals have taken place.⁷⁰ The Al Qaeda in Yemen still launches several attacks on embassies, oil facilities and conducts suicide bombings.⁷¹

In early 2012 Abed Rabbo Mansour al Hadi was elected interim president and with backing from the international community the transition process is moving forward, but it is far from complete. The threat of terrorist activity and regional insurgent violence is still present and may intensify, preventing international investments and therefore the much needed economic growth.⁷²

⁶⁶ Atarodi, *Yemen in Crisis – Consequences for the Horn of Africa*. p 8,17

⁶⁷ Bouthé, *Advanced Staff Course Policy Brief on Yemen*, p4

⁶⁸ Jones, Clive, *The tribes that bind: Yemen and the paradox of political violence*, *Studies in Conflict and Terrorism*, 34:12, 902-916, 2011. p908f

⁶⁹ Bouthé, *Advanced Staff Course Policy Brief on Yemen*, p4

⁷⁰ Ibid, p4

⁷¹ Challita Lara, Harris Alistair, Page Michael, *Al Qaeda in the Arabian Peninsula: Framing Narratives and Prescriptions*, *Terrorism and political violence*, 23:2, 150-172, 2011,p154

⁷² Sharp, Jeremy M, Congressional Research Service, *Yemen: Background and U.S. relations*, CRS report, Feb 2014, p1ff

3.5 The European Union's view on piracy in the Gulf of Aden

Piracy is considered a threat to maritime trade and is an adaptable phenomenon posing an important challenge to the EU.⁷³ Maritime crime, such as piracy, is connected to failed states and failed states pose a threat to the EU. The collapse of a state can cause organized crime or terrorism, and is an alarming phenomenon that adds to regional instability according to the European Security Strategy (ESS). The underlying causes of state collapse are bad governance, corruption, abuse of power, weak institutions followed by lacking accountability and civil conflict. The growth of maritime piracy is viewed as a new dimension of organized crime and the strategy implies it demands further attention.⁷⁴

The ESS identifies the importance of conflict prevention and the ability to act before a crisis occurs, stressing the need for a strategic culture enabling early response.⁷⁵ The Report on the Implementation of the European Security Strategy further identifies peace-building and poverty reduction as vital tools and NGO's and civil society as important actors and partners in achieving conflict prevention.⁷⁶ The ESS also recognizes that the EU, through history, culture and geography ties the union to every part of the world, and need to ensure stability in its neighborhood thus build on the different relationships with different parts of the world through different organizations. ESS point out that there are few problems that the EU could manage alone, and therefore international cooperation is necessary, highlighting the relationship between the EU and NATO but also the relationship between the EU and USA.⁷⁷ The Report on the Implementation of the European Security Strategy also recognize other regional partners such as the African Union and stresses the important role of the UN in the international community and that the actions taken by the EU within the field of security has always been linked to UN objectives.⁷⁸

In 2011 a strategic framework for the Horn of Africa was adopted, with the eradication of the roots of piracy as one of its aims. It identifies fives areas of EU action; building robust political

⁷³ Directorate-General for External Policies, Policy Department; *The Maritime Dimension of CSDP: Geostrategic Maritime Challenges and their Implications for the European Union*; European Parliament. P10,12,19f

⁷⁴ European Union, *A Secure Europe in a Better World – European Security Strategy*. P 4,5

⁷⁵ Ibid. P7,8,11,13,14

⁷⁶ European Union; *Report on the Implementation of the European Security Strategy – Providing Security in a Changing World*. P9,11

⁷⁷ European Union, *A Secure Europe in a Better World – European Security Strategy*. P7,8,11,13,14

⁷⁸ European Union; *Report on the Implementation of the European Security Strategy – Providing Security in a Changing World*. P9,11

structures, contributing to conflict resolution, promoting economical growth and supporting regional and economic cooperation.⁷⁹

3.4.1 European military presence in the Gulf of Aden

In December 2008 the European Union launched their first naval operation, OPERATION ATALANTA. The European Union Naval force (EUNAVFOR) has the objectives of protecting World Food Program shipping, reacting to acts of piracy and armed robbery at sea, protecting vulnerable shipping and also monitoring fishing activities off the coast of Somalia.⁸⁰ Amongst other initiatives taken to protect shipping from piracy is the Maritime Security Centre – Horn of Africa. The center provides a live update about the ships in the area and monitors their transits 24 hours a day; they also provide anti-piracy guidance to the industry and encourage shipping companies to register their passages through the region.⁸¹

EUCAP Nestor was launched in 2012 with the objective to improve the maritime capacities of a number of countries, amongst them Somalia, and is a civilian mission complemented with military expertise. In Somalia the mission is to support the development of a coastal police force and the main goal of the mission is to offer a regional solution to a regional problem with the hope of reaching the end state where nations have control over their own waters.⁸²

EUTM Somalia was originally launched in 2010 and 2013 got a prolonged mandate until 2015. The mission aims to educate the Somali National Armed Forces and has educated soldiers, NCOs, as well as commanders. With the new mandate the mission also provides strategic advice and mentoring as well as military training, and in the beginning of 2014 the training could be moved from Uganda (where it had been located due to the security situation in Somalia) back to Mogadishu. EUTM Somalia works in close cooperation with the African Union Mission in Somalia as well as the UN and the US State Department.⁸³

⁷⁹ Directorate-General for External Policies, Policy Department; *The Maritime Dimension of CSDP: Geostrategic Maritime Challenges and their Implications for the European Union*; European Parliament. P 64f

⁸⁰ EUNAVFOR Somalia, About us; 2014; <http://eunavfor.eu/home/about-us> ; visited 2014-04-22

⁸¹ EUNAVFOR Somalia, MSCHOA; 2014; <http://eunavfor.eu/about-us/mschoa/> ; visited 2014-04-22

⁸² EUCAP Nestor; General Overview; 2013;

http://eeas.europa.eu/delegations/somalia/documents/press_corner/ec_brochure_finale_en.pdf ; visited 2014-04-22

⁸³ European Union External Action (EEAS); EUTM Somalia; Mission Description;

http://www.eeas.europa.eu/csdp/missions-and-operations/eutm-somalia/mission-description/index_en.htm ; visited 2014-04-22

3.4.2 European Union in Somalia

The European Union does not solely offer military assistance in Somalia but is involved in several assistance measures to ameliorate the political, security and humanitarian situation in the country. The main objective is to promote a peaceful environment to facilitate human rights and democratic institutions.⁸⁴ The EU is one of the largest aid donors to Somalia and more than half of the assistance invested in Somalia by EU focuses on governance, education and economic development. The EU helps the country to train police officers, enhancing non-state actors capacities as well as donating funds to the Somalia Constitution process. The EU has also invested in several programs to boost agriculture and education.⁸⁵

In 2009 the Contact Group on Piracy off the Coast of Somalia (CGPCS) was formed and in January 2014 the EU took over the chairmanship. The group was created to bring together different countries, organizations and industries that all share the same goal of eliminating piracy achieving for example the Best Management Practices (BMP), which is a guide for ships passing the region how to protect oneself from piracy.⁸⁶

3.4.3 European Union in Yemen

Since Yemen is neither a part of the Barcelona Declaration nor is involved in the European Neighborhood Policy, relations between Yemen and the EU are governed by a cooperation agreement. The main objectives for European Union support to Yemen are to enable a functioning government and to reduce poverty in the country.⁸⁷ To Yemen, the European Union is considered one of the most important partners for development.⁸⁸ In February this year (2014) the European Council expressed a will to continue the support for Yemen's government and constitutional development but is concerned about the security situation, the slow pace of the economic recovery and the fact that more than half the population is in need of humanitarian

⁸⁴ European Union External Action (EEAS); EU relations with Somalia; <http://eeas.europa.eu/somalia/> ;visited 2014-04-22

⁸⁵ European Union; EU engagement in Somalia; 2012; http://eeas.europa.eu/delegations/somalia/documents/press_corner/ec_brochure_finale_en.pdf ; visited 2014-04-22

⁸⁶ European Union External Action (EEAS); Message from the 2014 Chairman of the Contact Group on Piracy off the coast of Somalia; http://eeas.europa.eu/cfsp/cgpsc/index_en.htm ; visited 2014-04-22

⁸⁷ European External Action Service (EEAS); Countries; Yemen; http://eeas.europa.eu/yemen/index_en.htm ; visited 2014-04-22

⁸⁸ Bouthé, *Advanced Staff Course Policy Brief on Yemen*, p3

assistance. The European Council ended with expressing that they are ready to increase their support both to the government and the Yemeni population.⁸⁹

3.6 Partial Conclusions

The Gulf of Aden is an area of instability where its surrounding countries, mostly Somalia and Yemen, have major problems to solve in the near future. Piracy, even though not a new phenomenon in itself, got a new outburst after the fall of the Somali regime in the 1990's and gained the world's attention when merchant ships started to get hijacked. Somalia offers the permissive environment piracy needs to flourish at the same time as the Gulf of Aden provides them with a steady flow of targets making the region an ideal place for piracy. Yemen has not experienced much piracy of its own but still suffers from many problems, which could eventually lead towards further need for people to turn to criminal activities, such as piracy, to be able to provide for themselves.

The EU, regarding piracy as a new dimension of organized crime and a threat towards maritime trade has launched three military operations in response to the piracy situation. EUNAVFOR OPERATION ATALANTA targeting the actual pirates at sea, EUCAP NESTOR to provide the region with the objective to strengthen the maritime capacities in the region and EUTM Somalia which provides training for Somali military personnel. Alongside the military operations the EU is one of the largest aid donors to Somalia. The EU has identified five areas of action in the Horn of Africa, which are; building robust political structures contributing to conflict resolution, promoting economical growth and supporting regional and economic cooperation. In Yemen the EU's main objective is to reduce poverty and enable a functioning government, the EU is regarded as one of the most important donors for development in the country.

The past and the present revealed in this chapter will provide the foundation for the next chapter which aims to look further into the ongoing trends affecting piracy in the Gulf of Aden and analyze their importance for piracy development in the future.

⁸⁹ Council of the European Union; *Council conclusions on Yemen*; FOREIGN AFFAIRS Council meeting, Brussels, 10 February 2014, p1-2

4.1 Analysis

With an understanding of the past and the present it is time to look deeper into the different trends that are visible right now and how they all relate to each other.⁹⁰ In order to get a deeper understanding of the driving forces and trends in piracy a quantitative text analysis has been conducted and through that a number of trends have emerged. They have been divided into five different themes and are first presented briefly in clusters to illustrate which trend falls under which theme. Then they are to be discussed further within each different theme to visualize how they interact with each other and their relevance to piracy.

4.2 Key variables and aspects driving piracy development

THEME	TRENDS
<i>INTERNATIONAL</i>	<i>Increased maritime trade, maritime jurisdiction weakness, increased naval presence, EU dependence on maritime trade, dependence on maritime resources</i>
<i>SHIPPING INDUSTRY</i>	<i>seeking efficiency, driving down costs, willingness to pay ransoms, increasing ship security</i>
<i>TECHNOLOGY</i>	<i>maritime protection solutions, advances in maritime navigational technology, easy access to navigational technology</i>
<i>REGIONAL</i>	<i>strategic trade routes, political instability, population growth, exploitation of maritime resources, Islamist movements</i>
<i>PIRACY</i>	<i>geographical expansion, increase in violence, higher ransom payments, prolonged time of captivity, hijackings,</i>

⁹⁰ Lindgren, Bandhold, *Scenario planning – the link between future and strategy*. p40

4.2.1 International

The trade route stretching from the Suez Canal to Shanghai is one of the world's most important trade routes. It connects Europe with Asia and contains important energy reserves as well as raw material. Along the route lie several US military bases and the entire region is located in the world's strategic center of gravity. The route is of particular importance for the European Union as seven of its fifteen biggest trading partners lie along this route and maritime trade between EU and Asia is estimated to almost 27% of world container shipping traffic. 90% of European trade travels by sea and provides several millions of Europeans with sea-related jobs. Within a wider perspective the trade between the continents provides several job opportunities from shop assistants to factory workers.⁹¹ These trends of increase in trade as well as the European Union's dependence on the maritime trade make the Gulf of Aden a region of strategic importance. The consequences of this are that it offers piracy a favorable target environment.

Piracy has been regarded as a crime for a long time both within the perspective of international law as well as under national jurisdiction. Most states regard the UNCLOS definition of piracy as sufficient enough, defining piracy as acts on the high seas and armed robbery at sea within territorial waters. On the high seas any state can, and should, take suppressive action, while armed robbery at sea falls under national jurisdiction. Where the only actors recognized by international law who can take action against piracy on the high seas are governments, the instrument for governments to do so are naval capabilities.⁹² However the process of prosecution offers several obstacles. First, a domestic anti-piracy legislation is lacking or insufficient in many states. Second, Somalia is lacking a sufficient legal system removing the ability to hand over pirates to Somalia. The solution has been a catch and release policy and furthermore deals were made with countries in the region such as Kenya, Seychelles, Uganda and South Africa to hand over and prosecute Somali pirates.⁹³ The consequences of the prosecution struggles are that it enables piracy to become a low-risk action.

The development of piracy in the Gulf of Aden and the threat it imposes on the important trading route eventually led to naval action. With the support of a UN resolution many navies appeared in the Gulf of Aden and its vicinity. Today NATO, EU, USA and several other countries have a naval presence in the area to protect World Food Program shipping as well as merchant vessels.⁹⁴ The success of the naval presence is not only in the fact of limiting piracy operations, a

⁹¹ Rogers, James; *From Suez to Shanghai: the European Union and Eurasian maritime security*; Paris: European Union Institute for Security Studies (EUISS); 2009. P21f

⁹² Murphy; *Somalia, the new Barbary?: piracy and Islam in the Horn of Africa*. P123f

⁹³ *ibid.* P123ff

⁹⁴ *ibid.* P129f

proof of further importance of the navy, but it is also one of the first successful military cooperation within the EU.⁹⁵ A consequence of the increased naval presence in the region is that pirates are forced further out from the Gulf of Aden into the Indian Ocean.

Dependency on maritime resources is a consequence of population growth. Population growth accompanied by increases in market demands for resources drives states to turn increasingly extent towards the sea for energy, food and transports of goods. All this adds considerable pressure on the maritime resources, exploiting the sea with consequences of depleted fish stocks, exploitation of coastal areas as well as the increase of illicit trade. Furthermore dependency on maritime resources is likely to continue, as it is dependent on the trends of population growth, increased economic activity and the demand for maritime resources.⁹⁶

4.2.2 Shipping industry

The trend for efficiency in the shipping industry is exemplified by transporting goods in a more concentrated form with larger ships carrying bigger quantities; however at the expense of redundancy as only a few ports have the capability to dock these vessels. Enablers of this trend are the stability following World War Two, the technological advances in transportation, improvements in global communication, improvements in weather forecasting as well as the fact that piracy has been a minor problem in comparison with the outbursts of 18th and 19th centuries. The shipping industry has been able to sail the seas undisturbed for such a long time that the expectancy for the system to run smoothly is very high and the main threat towards the industry has been accidents rather than attacks.⁹⁷

The piracy situation in the Gulf of Aden only affects a small percentage of shipping with the consequence that many ship owners do not consider the economical impact is great enough to change routes or other aspects of the industry. The ransoms paid, however high they might be, are still only a small fraction of the actual worth of the cargo.⁹⁸ However as a reaction to the hijackings of merchant vessels a trend of increasing security onboard ships has developed. IMO has developed Best Management Practice (BMP) to help the shipping community with their passages through the Gulf of Aden. This had led to a more intimate liaison between merchant shipping and the present naval forces, and has lessened the risk of ships falling as prey to piracy, but it is far from a guarantee for safe transit. One of the more controversial security measures has been the embarking of armed guards, offered to the shipping industry by some commercial

⁹⁵ Percy, Sarah. Shortland, Anja; The Business of Piracy in Somalia; *Journal of Strategic Studies*; 36:4; 541-578, 2013. p 563

⁹⁶ Murphy; *Contemporary Piracy and Maritime Terrorism – the threat to international security*. p75f

⁹⁷ *ibid*. P78f

⁹⁸ Percy, Shortland; The Business of Piracy in Somalia. p564

security companies. However even though it has been used on a small scale most shipping companies have chosen not to implement guards onboard.⁹⁹ The willingness to pay ransoms as well as the increasing measures of security onboard have consequences to piracy in the form of higher ransom demands due to the fact that pirates know that the shipping industry is willing to pay, and also an increase in violence to adapt to the ships security measures.

4.2.3 Technology

To provide security onboard, commercial security services offer a variety of solutions ranging from specially made water hoses, barbed wire, night-vision equipment and safe rooms. However they also offer general consulting in how to implement the IMO recommendations as well as providing negotiation management.¹⁰⁰

As a result of advances in maritime navigation technology most merchant ships today operate with a minor crew of a dozen up to twenty people. This makes it hard for the already stretched crew to maintain extra antipiracy watches advised by the BMP and therefore have difficulties in spotting pirates as they initiate an attack. A small crew also makes it easier for pirates boarding as they can quickly seize control of the ship.¹⁰¹ Furthermore it is apparent that pirates utilize modern technologies such as Global Positioning System (GPS), mobile and satellite phones to facilitate their attacks.¹⁰²

⁹⁹ Sörenson, Karl. Widen, J.J; Irregular Warfare and Tactical Changes: Case of Somali Piracy; *Terrorism and Political Violence*; 0:1-20, 2014. p15,17

¹⁰⁰ Ibid. p15

¹⁰¹ Chalk, Peter. Hansen, Stig Jarle; Present Day Piracy: Scope, Dimensions, and Causes; *Studies in Conflict and Terrorism*; 35:7-8; 497-506, 2012. p 502

¹⁰² Beri, Ruchita; Piracy in Somalia: Addressing the Root Causes; *Strategic Analysis*; 35:3, 452-464, 2011. p454

4.2.4 Regional

The four trends identified in within the theme of regional trends have a great impact on piracy. While some of them are driving forces on piracy, some are consequences and some of them even both. If we start with the strategic trade routes, the Gulf of Aden and the Suez Canal form one of the strategic chokepoints for the European and Asian maritime trade route.¹⁰³ An estimated 30,000 vessels pass through the narrow Gulf of Aden every year and are therefore in close range of Somali piracy, offering both opportunity as well as a wide range of targets.¹⁰⁴ The usage of strategic trade routes acts not only as a trend but as a driving force of piracy and it is also dependent on the trend of increasing international maritime trade as well as the fact that shipping industries seek to make their business effective and keep the costs down. Piracy does not have enough impact on the economy of international trade for shipping companies to change routes or any other aspect of their business.¹⁰⁵

The political instability in the region is considered both a driving force and cause of piracy, but political instability is at the same time a consequence of piracy.¹⁰⁶ Where political instability, accompanied by weak law enforcement, insufficient economical development, corruption and unemployment, all offer the permissive institutional environment that provides the security and protection piracy needs to thrive.¹⁰⁷ The trend of political instability is also a consequence of piracy due to the negative impacts piracy have in society such as inflation and disrupting legal maritime business, for example fishing. Port employments also disappear, as shipping companies no longer risk mooring due to the threat of hijacking.¹⁰⁸ Furthermore, political instability on land will eventually develop into instability at sea, giving pirates the maritime insecurity they need all the way from shore into the high seas.¹⁰⁹

Both Somalia and Yemen have an annual population growth of 2.6%¹¹⁰ respectively 3%.¹¹¹ The trend of a growing population in combination with the trend of political instability followed by

¹⁰³ Rogers; *From Suez to Shanghai: the European Union and Eurasian maritime security*. p24.

¹⁰⁴ Beri; *Piracy in Somalia: Addressing the root causes*. p 455

¹⁰⁵ Percy, Shortland; *The Business of Piracy in Somalia*. p565

¹⁰⁶ Oliviera, Carvalho, Gilberto; 'New wars' at sea: A critical transformative approach to the political economy of Somali piracy; *Security Dialogue*; 44:3; 3-18, 2013. p 4

¹⁰⁷ Daxecker, Prins; *Insurgents of the Sea: Institutional Economic Opportunities for Maritime Piracy*. p942

¹⁰⁸ Murphy; *Somalia, the new Barbary?: piracy and Islam in the Horn of Africa*. P112

¹⁰⁹ Very, Francois; *Bad order at sea: From the Gulf of Aden to the Gulf of Guinea*, *African Security Review*; 18:3, 17-30, 2010. p22

¹¹⁰ UN data, Somalia, United Nations Statistics Division, 2014,
<http://data.un.org/CountryProfile.aspx?crName=Somalia>, visited 2014-04-29

¹¹¹ UN data, Yemen, United Nations Statistics Division, 2014,
<http://data.un.org/CountryProfile.aspx?crName=Yemen>, visited 2014-04-29

the consequence of huge unemployment rates is depriving people of income and the ability to support themselves and their families, making poverty a widespread problem on both sides of the Gulf. With a large population suffering from poverty non-legal economy will rise, where people seek personal gain outside the regulation of the state. Driven by non-military motives it provides not only personal gain but can also provide some assistance to communities as well as finance for warring fractions.¹¹² Piracy is one form of such an economy but it also includes other criminal business such as different types of smuggling. The trend of population growth also provides piracy and other criminal activities with a large pool of eager recruits.¹¹³

For a long time the fish production in the Gulf of Aden and the Western Indian Ocean has followed the global trend of over-fishing and over-exploitation of fish stocks where the Western Indian Ocean is one of the regions suffering hardest from overexploitation.¹¹⁴ After the fall of the Somali regime in the 1990s several foreign fishing vessels exploited the situation by continuously entering the unprotected Somali waters depriving the local fishing community of its income. The trend of exploiting maritime resources offers a form of legitimacy for the pirates and furthermore it is seen as a contributory factor for the uprising of piracy in the region in the first place.¹¹⁵

Al-Qaeda in the Arabian Peninsula (AQAP) operates mostly from Yemen and has become more and more aggressive against the Yemeni government, taking advantage of the mistrust the people have against the government adding further instability in a country on the edge of failing.¹¹⁶ On the other side of the Gulf, the Islamist movement Al Shabaab has control over vast rural areas in central and southern Somalia pledging allegiance with AQAP.¹¹⁷ The strategic location of Somalia makes the country a convenient outpost for terrorist seeking targets in Europe, South Asia or towards American interests. Furthermore, the extensive weapons smuggling across the Gulf of Aden between Somalia and Yemen provides the different actors with any artillery they need, raising a concern about the links between piracy and terrorism.¹¹⁸

¹¹²Oliviera; 'New wars' at sea: A critical transformative approach to the political economy of Somali piracy. p7

¹¹³ Daxecker, Prins; *Insurgents of the Sea: Institutional Economic Opportunities for Maritime Piracy*. p 949

¹¹⁴ *Republic of Yemen Fisheries Investment Project*; The International Fund for Agricultural Development; Project final design report; Vol I, 2010. p 5

¹¹⁵ Murphy; *Somalia, the new Barbary?: piracy and Islam in the Horn of Africa*. P 18

¹¹⁶ Phillips; *Yemen and the politics of permanent crisis*. P28

¹¹⁷ Mantzikos, Ioannis; *Somalia and Yemen; The links between terrorism and state failure*; *Digest of Middle East Studies*; 20:2; 242-260, 2011. p 250

¹¹⁸ Beri; *Piracy in Somalia: Addressing the root causes*. p 456

4.2.5 Piracy

As described in the previous chapter there are some evident trends that have taken place in Somali piracy in the recent years. All of these trends are a sign of a tactical development in Somali piracy. As the pirates' incentive to gain profit from hijackings was challenged by naval force and shipping security measures, they needed to develop tactically and therefore moved the attacks further out to sea, leaning more on the capability of endurance rather than mobility by employing mother ships as a solution.¹¹⁹ The fact that the Somali shoreline provides several places to anchor a ship within its territorial waters undisturbed, and the lack of adequate ports to offload cargo may be causes that hijacking has become the favorable modus operandi (compared to other forms of piracy and robbery involving theft of cargo, robbery of ships' valuables or the ship itself where the asset is onboard rather than the crew).¹²⁰

As for the trends of increasing time in captivity, larger sums of ransom as well as the increased used of violence, these have developed out of the greater intent from the military as well as from the shipping industry to use force against pirates.¹²¹

¹¹⁹ Sörenson, Widen; Irregular Warfare and Tactical Changes: Case of Somali Piracy. P4,18,19

¹²⁰ Haywood, Spivak,; *Maritime Piracy*. P13

¹²¹ Ibid. P105

4.3 Partial Conclusions

The piracy situation is very complex and dependent on several different trends. However piracy is an organized crime based on opportunity and is basically a land-based crime spreading out to the sea. Pirates need coastal connections to thrive, which explain why many trends happening onshore affect crimes committed at sea. The regional trends have a major influence on piracy since they take place in its vicinity. The development of piracy in the region owes much to the availability of targets, enabled by the international dependency of maritime trade and the fortunate location of a strategic chokepoint directly off its shores. By rerouting the shipments away from the Gulf of Aden pirates in the area would find themselves deprived of targets for their opportunity-based criminal activities; but considering the dependency the shipping industry has for reducing time for shipments, avoiding the Suez Canal seems highly unlikely, which provides pirates with the targets they need. Other trends that are likely to continue are the exploitation of marine resources in the area, amongst regional trends moving right into the pirate's hands and providing pirates with a narrative garner recruits, and depriving fishermen of an honest living.

Many of the trends discussed above and in the analysis have tendencies to continue in the wrong direction. With political instability still a major concern around the Gulf of Aden, no intentions of rerouting international trade, continued maritime exploitation, poverty and population growth it looks like piracy has many opportunities to continue developing in the region.

In the next chapter the thesis will further analyze the trend of political weakness to illustrate how further instability in Yemen could effect the piracy development in the Gulf of Aden and what challenges that poses to the EU.

5.1 Case-specific analysis: How could a failed state Yemen affect the development of Somali Piracy?

As presented in the last chapter the development of piracy is dependent on several trends. Looking at the regional part of the trends the utmost important is the trend of political instability. As shown in the research of Daxecker and Prins, state weakness provides the environment needed for piracy, especially if it is a fragile democratic state and the higher level of instability the probability of all forms of piracy increases.¹²² Therefore in this chapter we will look further into what could happen if the region becomes even more instable. Since piracy is a maritime criminal activity with its roots on land¹²³, the scenarios will present the aspect of political instability merely occurring on land as well as the fact that insecurity spill out over territorial waters. To further look at the courses of action the thesis will illustrate what courses of action might be probable if hijacking remains as the most important income or if other types of piracy, maritime crime or terrorism gets a more prominent role. Even though that trend may not have the most impact on other trends, it is very important in analyzing which piracy courses of action could develop in the area, and thus what challenges are posed towards the EU.

Initially, before looking specifically on the piracy development in the area could unfold, a general scenario describing the situation on shore is presented. The failed state scenario developed by Atarodi will serve to demonstrate the other issues than piracy that may occur simultaneously. The scenarios are broadly illustrated to visualize the different developments in the region and to illustrate the different tasks presented to the European Union, after each scenario a discussion follows looking into the affect the different developments of piracy will have on the European Union.

¹²² Daxecker, Prins; *Insurgents of the Sea: Institutional Economic Opportunities for Maritime Piracy*. p 959f

¹²³ Sörenson; *State Failure on the High Seas – Reviewing the Somali Piracy*. p 43.

5.2 The failed state scenario

- Refugees
- Humanitarian aid
- Violent uprisings

Even though Yemen has enjoyed relative stability for almost two decades it has drastically changed over recent years, labeling Yemen as a failed state on the verge of collapsing. Al-Qaeda has developed from a local chapter into a regional actor in the country causing concern in the international community. The multiple problems of Yemen with violent clashes in the north, separatist movements in the south, poverty, lacking economical development and the Al-Qaeda dimension drawing parallels to Afghanistan. Yemen is, just like Afghanistan, a land of conflicting authorities, experiencing foreign intervention (although not in the same scale as Afghanistan) and civil war.¹²⁴ The civil war causes a humanitarian disaster putting the already impoverished population suffering from water scarcity in immediate need of humanitarian aid for protection and basic needs for survival. The instability in the country also puts pressure on the surrounding countries as refugees pour out along the boarder.

5.2.1 European Union military response

The international community agrees on the chaos that could follow a Yemeni collapse¹²⁵ thus a failed state Yemen would need a military response from the EU and the international community.

EU will condemn the situation in Yemen and initial actions will involve sanctions towards members of the government. The EU has a general interest in stability on the Arabian Peninsula, which is mostly related to terrorism and free and accessible trading routes. Amongst the EU's member states Britain and France has a special interest in the stability of Yemen, Britain with its historical connection and France have an interest in protecting their oil business in Yemen.¹²⁶ Other states that have an extra interest in the stability are the US in its war on terror and China who want's to secure the trading routes around the Arabian peninsula to further enable the shipping of goods to Europe but also to secure its supply of oil form the region.¹²⁷ Britain, France, USA and China are therefore interested in a rapid stabilization in the area, they are all

¹²⁴ Atarodi; *Yemen in Crisis*. P27f

¹²⁵ Phillips; *Yemen and the politics of permanent crisis*. P137

¹²⁶ Bouthé, Marc, *Advanced Staff Course Policy Brief on Yemen*, p7

¹²⁷ *ibid* p 7

permanent members in the UNSC and this combination might benefit military action to the situation in Yemen. The EU work in line with UN objectives and with a mandate issued by the UNSC the EU have to seriously consider contributing with military forces to a peace operation in Yemen.

With Yemen as a fully developed failed state the increasing threat from terrorism worries the international community, especially the US. The EU, in its security strategy, explains its four-pronged approach to terrorism, which include pursuing terrorists and responding of the aftermath of an attack.¹²⁸ However it deems a more credible response on an attack within the EU's borders and a EU military contribution to anti-terrorist actions in Yemen will find it hard to find enough public support to make such an operation probable. It is more likely the EU will contribute to a UN peace operation but will not act alone. The EU states that it needs to strengthen its strategic partnership with NATO, especially concerning shared security issues.¹²⁹ The EU also states that there are few problems it can deal with on its own regarding security and stresses the need for multilateral cooperation and partnership with key actors, such as NATO.¹³⁰ Yemen could well fit the part of a shared security issue and a EU military presence in Yemen would probably be in cooperation with NATO forces, drawn from experience from the Afghanistan deployment, focusing more on stabilization and providing security and humanitarian aid to the Yemeni population rather than an anti-terrorist operation.

¹²⁸ European Union; *Report on the Implementation of the European Security Strategy – Providing Security in a Changing world*. P4

¹²⁹ *ibid.* p11

¹³⁰ European Union, *A Secure Europe in a Better World – European Security Strategy*. p.13

5.3 Scenario cross

After looking at the general consequences of a failed state Yemen the study will now look further into the effect it could have on piracy in the region. To determine the future trend-based scenarios two uncertainties has been chosen. They have been chosen due to their impact on many of the other trends and their relevance to piracy development.¹³¹The first uncertainty is however maritime security can be maintained along the Yemeni coast and the other will be if hijacking will continue to be the most lucrative way of business or if other courses of action will be. These two uncertainties will be put in a scenario cross to develop four scenarios showing how piracy could develop in the area.

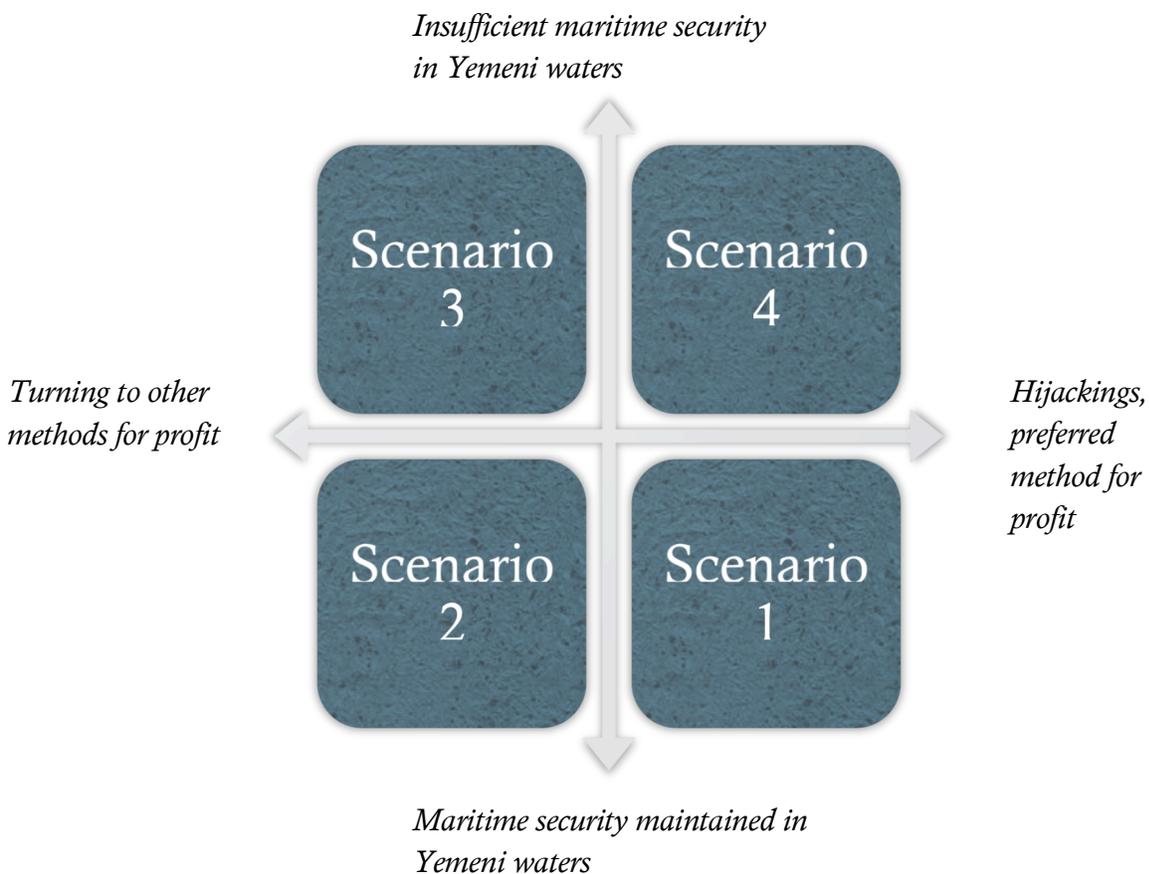


Figure 1.1 Scenario-Cross.¹³²

¹³¹ Lindgren, Bandhold; *Scenario planning – the link between future and strategy*. P114

¹³² *ibid.* p72

5.4 Scenario 1, “Same, same but different”

Maritime security capabilities are maintained at the same time as piracy continues the hijackings.

- Still targeting merchant vessels by hijacking but with an increase in violence
- Using Yemeni coast occasionally for logistics
- Continuing piracy operations as a consequence

Even though the Yemeni government is malfunctioning and the situation in the country is deteriorating the situation has not spilled over at sea. With support from the United States the Yemeni coastguard has been able to achieve some form of maritime security patrolling the coast looking for suspicious pirates and smugglers. This makes it harder for Somali pirates to operate from Yemeni waters without being noticed and therefore they keep mostly to the Somali coast, although occasionally use Yemeni ports for logistics, usually in combination with smuggling. Hijacking is still the preferred course of action but the increasing naval presence and missions within Somalia has limited the pirates to southern Somalia for anchoring ships awaiting ransoms, reducing the acts of piracy inside the Gulf of Aden. The main targets are still merchant ships, as ransom money still being paid by the shipping community but smaller fishing vessels are also targeted as the pirates still rely on the capability of endurance and seek their targets far out in the Indian Ocean. There have been an escalation in violence and that is mostly because the pirate gangs are getting more organized and are no longer built up by old fishermen, rather militiamen from the war torn central Somalia have joined the business.

5.4.1 European Union military response

There are few alternatives to continuing anti-piracy operations around the Horn of Africa regarding the protection of vital shipping lanes.¹³³ The EU regards the naval presence in the Gulf of Aden as a success, both in forms of the EU’s abilities to conduct a mission as well as reducing acts of piracy in the region. The French defense secretary, Morin expressed EUNAVFOR as “*it is a great symbol of the evolution of European defense, and I would say, of its coming of age.*”¹³⁴ Thus a prolongation of OPERATION ATALANTA is inevitable. However the mission does not target the root causes of piracy which means that the second the naval components leave the area, piracy will flourish once again. The Gulf of Aden is facing severe political, military,

¹³³ Directorate-General for External Policies, Policy Department; *The Maritime Dimension of CSDP: Geostrategic Maritime Challenges and their Implications for the European Union*; European Parliament. P46

¹³⁴ *ibid.* p33

economical and environmental challenges in the years to come.¹³⁵ This at a time where the EU are going through a financial crisis accompanied by its member state's cuts in military budgets and capabilities. Leaving further questions about how capable the EU is in delivering military response. The ongoing shift of power today leaves the EU with two choices in its actions along the Eurasian trade route, in which the Gulf of Aden are a strategic part of. Either keeps its reliance in the US and therefore becoming dependent of US geostrategic perspectives and strategies or the EU develop capabilities to provide an own credible defense and become a strategic partner to the US and to other actors in the international community. Taking a closer look towards the Gulf of Aden the EU should strengthen its European partnerships, looking towards India and China.¹³⁶ Even though China's objective might appear a little unclear further approaches in involving them into multilateral cooperation should be taken, and India has proven a force to be reckoned with in its naval operation outside the Gulf of Aden sharing the same objectives as the EU.

As capabilities of a gang increase or when criminality becomes more organized the threat towards international interests becomes more substantial. A highly organized pirate gang is likely to gain the capability to pursue larger and more significant targets, i.e. an oil tanker.¹³⁷ Therefore further funding to EUCAP NESTOR is provided to speed on the process of establishing law and order along the Somalia coast.

Furthermore the current development in Yemen raises great concern, besides the humanitarian disaster on shore, regarding the piracy situation in the Gulf of Aden. Further development of piracy in Yemen could undermine the state even more presenting further risks to regional- and international security. The risk is considerably higher in a region with valuable resources such as oil, minerals and fish¹³⁸ and further instability in the country poses more challenges toward the EU's peace operation conducted in the country. To prevent outburst of episodic piracy along the Yemeni shore, stabilization along the coast is identified as a linchpin in mitigation piracy in the region. Thus the EU in bilateral cooperation with the US, who is already supporting the Yemeni coastguard, provides support to Yemen by technological support and deploying surveillance assets. Much of these capabilities already exist in the area through operation EUCAP NESTOR and bilateral cooperation between some EU member states and Yemen, so the *modus operandi* developed for the operation is applied to the similar situation in Yemen.

¹³⁵ Directorate-General for External Policies, Policy Department; *The Maritime Dimension of CSDP: Geostrategic Maritime Challenges and their Implications for the European Union*; European Parliament. P45

¹³⁶ Rogers; *From Suez to Shanghai: the European Union and Eurasian maritime security*. P 40, 33ff

¹³⁷ Murphy; *Contemporary Piracy and Maritime Terrorism – the threat to international security*. P. 33f

¹³⁸ *ibid.* P34

5.5 Scenario 2 “environmental disaster”

Maritime security capabilities are maintained at the same time as piracy turns to other courses of action.

- Desperation in measures as hijacking is not lucrative anymore
- Pirates are willing to take higher risks
- Environmental disaster and increase in violence as a consequence

As the shipping community has had success in implementing anti-piracy measures such as water hoses, chains towed after the ship, barbed wire etcetera it has been more and more difficult for pirates to succeed with boarding vessels, with the result in fewer hijackings and therefore creating desperate pirates along the Somali coast, looking for new ways of profit. As hijackings are not considered as a reliable income anymore amongst Somali pirates they start looking into other criminal activities such as smuggling and kidnappings on shore. The effect noticed in the Gulf of Aden is desperate pirates taking higher and higher risks in trying to accomplish a successful boarding of a vessel, leading to an increase in attempted attacks inside the Gulf of Aden. An increased willingness to use violence and desperation eventually leads to, what has been feared amongst the international community for a long time, an attempted attack on an oil vessel in passage through the Gulf of Aden goes wrong leading to the tanker running aground. The inevitable consequence consists of large amount of oil leaking out into the sea causing a huge environmental disaster affecting all nations in the vicinity, with a special impact on Yemeni and Somali shores and fishing industry, which already suffers great from the exploitation of the maritime resources in the region.

5.5.1 European Union military response

Environmental security is a security factor imposing a great challenge to the EU, rising from the increase in shipping potentially resulting in maritime accidents and oil spills. The threat towards the marine environment by pollution exploitation¹³⁹ and an environmental disaster have long been feared by the EU and the international community and many rates the dangers following the aftermath of such a disaster as potentially more serious than any other threat posed by piracy.¹⁴⁰

¹³⁹ Directorate-General for External Policies, Policy Department; *The Maritime Dimension of CSDP: Geostrategic Maritime Challenges and their Implications for the European Union*; European Parliament. p20,21,38

¹⁴⁰ Murphy; *Contemporary Piracy and Maritime Terrorism – the threat to international security*. P 39

The disaster can also be seen as a ‘threat multiplier’¹⁴¹ and the consequence an oil leakage have on the local fishing industry may abruptly leave coastal communities without any source of income and thus turning individuals to piracy for survival.¹⁴² As the short-term actions towards such an event require little military response, military capabilities, such as air patrols to get a full scope of the disaster, could be used in the process of getting the situation under control. However, looking at the long-term consequences of an environmental disaster and the affection it may have on the stability in the area could lead to the need for further military action on and of shore in the region. Since the entire region of Eurasia from Suez to Shanghai and its constellations of power are of critical importance to the EU, maintaining that area stable and calm should be a priority for the EU since the area are very likely to host future conflicts.¹⁴³ Since a comprehensive solution to the Somali conflict still remains and adding the instability development in Yemen a continuation of international presence is required in the area surrounding the Gulf of Aden.¹⁴⁴

The EU, taking on a management role coordinating the aftermath of the disaster is now faced with several operations in the region, covering the whole spectrum of military and civilian operations in an attempt to solve problems stretching from ensuring political and regional stability, humanitarian aid, maritime security and environmental disaster and its aftermath.

¹⁴¹ European Union; *Report on the Implementation of the European Security Strategy – Providing Security in a Changing world*. P5

¹⁴² Murphy; *Contemporary Piracy and Maritime Terrorism – the threat to international security*. P 32

¹⁴³ Rogers; *From Suez to Shanghai: the European Union and Eurasian maritime security*. p 40

¹⁴⁴ Directorate-General for External Policies, Policy Department; *The Maritime Dimension of CSDP: Geostrategic Maritime Challenges and their Implications for the European Union*; European Parliament. P 42

5.6 Scenario 3, “Jihad at sea”

Loosing maritime security capabilities at the same time piracy turns to other courses of action.

- Indigenous piracy occurs since the fishing industry can not be secured at shore or at sea
- AQAP conducts an act of maritime terrorism.
- Maritime terrorism and indigenous piracy as a consequence

As the violence and instability progresses in Yemen it eventually reaches the coastal areas and despite the efforts of international support the coastguard cannot maintain any efficient patrols along the Yemeni coast, the instability in the country is simply to grand for the system to work. At first, signs of Somali pirates using Yemeni coasts as logistical bases are shown, leading to an increase in piracy in the Gulf of Aden. However, as the situation deteriorates the instability along the coast reach such a level, the pirates no longer feel that the Yemeni coast can provide them with what they need and moving back to previous tactics of using Yemeni waters as a launching point but keeping Somali territory as bases and logistics.

At the same time the local fishing industry are suffering severely from the instability with foreign aid workers leaving the country and development projects are put on hold. Yemeni fishermen struggle to maintain their business profitable but eventually many turn to other businesses such as smuggling and eventually piracy. Initially some reports of Yemeni fishermen boarding vessels demanding valuables from the crewmembers occur, at the same times attacks on ships inside Yemeni ports increase. The Gulf of Aden now faces other types of piracy than hijackings and they are mostly occurring in the immediate vicinity of Yemeni shores. The main issue is that it is affecting the much-needed aid towards the Yemeni population as well as its dependency on secure ports for import and export.

AQAP, blamed for recent attacks on important petroleum production chains in Yemen's neighboring petroleum providing countries, have had some but no major effects on oil prices nor the distribution of petroleum in the area. After successfully recruitment of unemployed fishermen and an increasing sophistication in attacks, the terrorist acquire navigational skills eventually leading up to a successful attack on a passing vessel in the Gulf of Aden. The aftermath of the attack spurring on the war on terror, drawing more attention from the international community to the region.

5.6.1 European Union military response

The Gulf of Aden and its sea lines of communication represent a small part of the Eurasian trading route on which the world is so dependent. Piracy disturbs the vital maritime trade but does not pose enough of a threat for the shipping industry to seriously consider diverting routes away from the area. However, as terrorism is regarded as a major threat towards the EU¹⁴⁵ as well as for NATO the occurrence of maritime terrorism in the Gulf of Aden raises great concern and with another failed state in the region, it would be hard to mitigate piracy to a tolerable level. An uncontrolled piracy outburst in the Gulf of Aden could spur on the development of an Arctic route, as the shipping industry is reliant on speedy transports at sea.

As the stability of the region is of great importance to many actors in the international community they agree on the necessity of a military anti-terrorist reaction. As such an ongoing operation already occurs on shore, led by the US, the mandate for OPERATION ATALANTA is reinforced enabling the naval forces to act against actions of maritime terrorism. With a reinforced mandate and the overall instability spreading in the area, an increase in naval presence around the Gulf of Aden occurs. The EU does not solely present the increase in naval presence; India and China intensifies its presence as well as both countries seek influence in the area.¹⁴⁶ Chinas intensified presence in the area offers a strategic problem for the US, who's focusing its strategic attention towards Asia, for the EU it raises questions in what ways China could be integrated into the global maritime governance architecture.¹⁴⁷

A stable Yemen is beneficial for all actors, except illicit ones such as pirates and terrorists. The EU states that the core of its security approach should be early warning and conflict prevention, peace building and poverty reduction being the essential part of the approach.¹⁴⁸ Funding development is the correct approach but whether it ends up in the right hands is questionable. What has posed as good solutions for the Yemeni government has in the past not benefitted the Yemeni population.¹⁴⁹

¹⁴⁵ European Union; *Report on the Implementation of the European Security Strategy – Providing Security in a Changing world*. P4

¹⁴⁶ Directorate-General for External Policies, Policy Department; *The Maritime Dimension of CSDP: Geostrategic Maritime Challenges and their Implications for the European Union*; European Parliament. P44

¹⁴⁷ *ibid.* p 44,45,92

¹⁴⁸ European Union; *Report on the Implementation of the European Security Strategy – Providing Security in a Changing world*. P9

¹⁴⁹ Phillips; *Yemen and the politics of permanent crisis*. P146

5.7 Scenario 4, “The wild, wild Gulf”

Loosing maritime security capabilities at the same time pirates continue the hijackings.

- Hijacking merchant vessels outside Yemeni coast
- Spread of piracy organizations and a rise in criminal activity in the region as a consequence

Somali pirates start to use Yemeni waters as a launching point for attacks more frequently, evidently resupplying in Yemen. Leading up to an increase in attacks in the Gulf of Aden on the Yemeni side where ships prefer to go to avoid the Somali coast. The main targets are continuously merchant ships and an increase use of Yemeni fishing skiffs for conducting attacks occur. Leaving questions however if it really is Somali pirates conducting the attacks or if the piracy phenomenon has spread over the Gulf. The captured pirates however, indicate that there are still Somali pirates conducting the attacks but eventually the first capture of Yemeni pirates occur. Learning from their Somali neighbors they board ships, anchor them outside the coast and awaits ransom. Inland tribes have used kidnappings as a mean of reaching political goals but these hijackers do not seem to be interested in anything else but profit. Looking at the similarities among the Yemeni pirates and their Somali counterparts indicate that there is probably a former Somali pirate behind or helping the Yemeni pirate organizations. An increase of hijackings occurs in the Gulf of Aden as well as an increase in attacks in the Red Sea.

At the same time an increase in criminal smuggling occurs. Several boats smuggling arms, drugs and people travel across the Gulf and however the profit goes to pirates or ideological movements are unclear, but probably both.

5.7.1 European Union military response

As piracy is a symptom of state weakness¹⁵⁰ it is a useful indicator of the level of security. The recent rise in piracy activity in the Gulf of Aden indicates that the stabilization efforts made on shore are not enough and piracy can occur uninterrupted along both sides of the strait. The EU has recognized NGO's and civil society as a vital role as actors and partners¹⁵¹, thus civil-military operations are launched to hamper the situation form deteriorating. Coastal communities lacking economical opportunities, especially within the fishing sector, poses as an incentive for

¹⁵⁰ Murphy; *Contemporary Piracy and Maritime Terrorism – the threat to international security*. P 86

¹⁵¹ European Union; *Report on the Implementation of the European Security Strategy – Providing Security in a Changing world*. P9

individuals to get involved in piracy.¹⁵² The EU considers the fishing around the Gulf of Aden and the Indian Ocean as a main interest in the area, a part from maritime trade.¹⁵³ Recognizing the Yemeni fishing industry, as a key factor in restraining the act of indigenous piracy in Yemen an approach towards sustainable fishing in the area should be further developed and engages Yemeni society at grass-root level.

The main objective of EUCAP NESTOR becomes strengthening the capabilities of law enforcement along the northern Somali coast, this to make criminal activities such as smuggling more difficult across the Gulf of Aden, making it harder for pirates and other organized crime to make profit as well as the ability for them to gain access to weapons. To obtain that goal further cooperation with the African Union is developed and they become an important contributor to the operation.

With its potential source of natural resources, the Indian Ocean is getting more and more attention from other parts of the international community, especially from China, which is regarded as a worrying development from an Indian perspective.¹⁵⁴ The growing rivalry amongst the two countries could, if it intensifies, have destabilizing affects in the region as small countries with geostrategic positions, like Yemen, could be manipulated from countries seeking influence in the area.¹⁵⁵ The EU closely observes the actions of China and India as further instability is the last thing needed in the area.

¹⁵² Daxecker. Prins; *Insurgents of the Sea: Institutional Economic Opportunities for Maritime Piracy*. P960

¹⁵³ Directorate-General for External Policies, Policy Department; *The Maritime Dimension of CSDP: Geostrategic Maritime Challenges and their Implications for the European Union*; European Parliament. P 45

¹⁵⁴ *ibid.* P 45

¹⁵⁵ Rogers; *From Suez to Shanghai: the European Union and Eurasian maritime security*. P29

5.8 Partial Conclusion

There are many countries with an interest in the Gulf of Aden, especially regarding the potential source of natural resources in the Indian Ocean and the petroleum production in the Arabian Peninsula. Britain, France, USA, and China are some of them and these countries would be interested in a rapid stabilization in the area in case of security deterioration to secure their interests in the region. These countries are all permanent members of the UNSC, which could enable a mandate for further military action in Yemen. For the EU this means seriously considering participation in another military operation in a time of financial crisis and decreasing defense budgets.

Regarding the piracy development in the area, piracy is a business dependent on opportunity and that opportunity is largely created by the failure of weak states.¹⁵⁶ Was Yemen to turn into a failed state there is little indicating that Somali piracy would not take advantage of the situation. With profit as sole objective Somali pirates would benefit from further instability on the other side of the Gulf of Aden as it provides them with operational opportunity with easier access to targets. Recent trends in Somali piracy indicate that they have no intention in ending their lucrative business any time soon. Piracy, in itself, poses a small threat towards international security; it is largely a local issue that affects littoral states and local fishing industries.¹⁵⁷ However, the increase in piracy in the Gulf of Aden is a worrying problem. The EU's dependency on maritime trade and interests in the strategic area surrounding the Gulf of Aden makes piracy an indirect threat towards European interests. Furthermore everything is connected; piracy is a sign of instability and with instability terrorism, corruption, regional conflicts and organized crime follows. These poses a more serious threat towards the international community than piracy alone, making targeting the root causes for piracy the modus operandi for success.

¹⁵⁶ Murphy; *Contemporary Piracy and Maritime Terrorism – the threat to international security*. P 86

¹⁵⁷ *ibid.* p 42

6.1 Conclusion

This thesis has studied the future of piracy in one of the chokepoints along the most important trading route in the world, namely the Gulf of Aden. By applying Lindgren and Bandhold's scenario planning method TAIDA four scenarios were developed, illustrating the consequences a failed state Yemen could have on piracy and what challenges that would pose to the EU.

Previous research acknowledges the connection between piracy in the Gulf of Aden and political weakness and failed states, thus further instability in the region surrounding the Gulf of Aden would have a negative effect on the efforts in mitigating piracy. The analysis reveal that piracy is dependent on several different trends and that these trends continue to play right into the pirate's hands. Piracy continues to act in a permissive environment while the world's dependency on maritime trade increases, both providing a vital key to why piracy occurs in the Gulf of Aden.

Results from the trend-based scenarios indicate that a failed state Yemen would benefit Somali pirates but could also spur the development of similar maritime crimes such as robbery at sea and maritime terrorism. Furthermore the stability in Yemen is of high importance in maintaining stability in the entire region around the Gulf of Aden and the fact that the Gulf of Aden is of strategic importance for the EU, hosting a strategic chokepoint in the Eurasian trade route, Yemen's stability is of interest for the EU as well. If Yemen were to turn into a failed state the EU would be faced by several challenges where piracy outline merely a small part of the problem. The Eurasian trading route is a perfect example where the EU is affected by actions taking place far away from its borders, leaving the EU in need to expand its geostrategic horizons. In reaching the vision of securing the maritime lines of communication the EU must prepare for long-term naval presence but should also maintain its approach towards regional development and regional solutions to prevent further instability in the region and thus prevent further military actions needed in the area. The EU speaks of the importance of early warning and conflict prevention as well as security as a precondition for development. For the EU, Yemen poses an opportunity to use that approach and address the problems before they deteriorate and spread across the region.

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Annex 1

Area A, geographical limitations of the thesis.



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¹⁵⁸ <http://www.kidsmaps.com/geography/Africa/Topographical/Gulf+of+Aden+Map> : visited 2014-05-22