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**MARITIME OPERATION “ATALANTA” –
THE EXAMPLE OF THE EFFECTIVENESS
OF THE EUROPEAN UNION ACTIVITIES
IN SOLVING PROBLEMS OF FALLING STATES**

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INTRODUCTION

A very rapid technological development at the turn of the 20th and 21st century, and the transition from an industrial society to an IT society marked even more the division of the “rich North” and “poor South”. Drastic differences in the distribution of world income have caused intensification of old problems such as illegal immigration in many parts of the world, smuggling weapons, drugs, organised crime and terrorism as well as the emergence of new challenges related to the rapid development of so called “falling or failed states” especially in some parts of the world.

Among the categories of countries in international political relations, increasingly often it can be found the category of “falling or failed state”, which is not in a position to operate internally as well as on the international scene. Problems that are related to the status of the bankruptcy of a state unfortunately are not problems of such a state only, but this is a challenge for the entire international community and international organizations. For this reason the European Union, as a significant participant in world policies, cannot remain passive against these challenges

and threats so it should and shall take actions to help in the stabilization of the situation in such countries. The primary question to be asked is whether this aid and other activities are effective with respect to the future of those countries or whether it is only the ad hoc attempt trying to control the situation.

DEFINITION OF THE PHENOMENON OF “FALLING OR FAILED STATES”

There are several reasons, which can be mentioned while trying to give reasons for collapsing states. Nation-states fail because they are convulsed by internal violence and can no longer provide positive political goods to their inhabitants. Their governments lose legitimacy, and the very nature of the particular nation-state itself becomes illegitimate in the eyes and in the hearts of a growing plurality of its citizens.

The rise and fall of nation-states is not a new phenomenon in the history of the world, but in a modern era when national states constitute the building blocks of legitimate, democratic world order the violent disintegration and obvious weakness of selected African, Asian, Oceanic, and Latin American states threatens the very foundation of that system. Many international organizations and big powers consequently find themselves sucked disconcertingly into a maelstrom of internal conflict and messy humanitarian relief. Desirable international norms such as stability and predictability thus become difficult to achieve when so many of the globe's newer nation-states waver unsteadily between weakness and failure, with some truly failing, or even collapsing. In a time of terror in the 21st century, moreover, appreciating the nature of and responding to the dynamics of nation-state failure have become essential to critical policy debates. How best to strengthen weak states and prevent state failure are among the urgent questions of the twenty-first century. It should be added that the problem is strictly connected with the possibility of taking over control in such states by unwanted powers like terrorist organizations and using a state to incubate danger for international community ideas.

What is the main cause of weakness, decline of states as a consequence of their fall, it is a basic question to which finding an answer is very essential and it should be done as soon as possible, in order to prevent effectively the accumulation of such a phenomena. Why some weak states succumb to failure, or collapse, and why others in ostensibly more straightened circumstances remain weak and at risk without ever destructing.

Undoubtedly, in the opinion of many experts an element, which in a sense has helped to develop this devastating problem, was the rapid increase in the number of countries in the last century.

There were 55 countries recognized in the world in 1914. In 1919 – 59 countries, and in 1950 there were already 69. Ten years later, after gaining of independence by many African countries the number amounted to 90 recognized states. Over the next 42 years, until the end of 2002, there were officially recognized 192 countries in the United Nations (UN) and of Vatican City. In addition, there is also a list of countries not recognized officially in the international arena or recognized only by a few member (quasi State, de facto independent states), which counts dozen of such countries¹.

This rapid development of statehood was not always conducive to rapid development of these countries and, above all, their economy, economics or development in many other aspects of life. It causes that, although formally they exist on the maps of the world and are recognized internationally, their political and social condition in relation to its citizens is significantly limited.

This causes a slow loss of legitimacy of Government power, and consequently leads to the collapse of a state. Understanding the mechanisms responsible for undermining states and in the longer term bringing it to bankruptcy would help to understand the ongoing processes and at the same time notify certain reactions in other countries towards countries which show only the first signs of a weakening of Government. This would result in a more efficient aid for both, international organizations and individual countries, which concentrate on those aspects of social and

¹ The map of these states can be found at: http://en.wikipedia.org/wiki/File:Pa%C5%84stwa_nieuznawane.png, [20.06.2011].

political life, which causes the erosion of a state. While the social aspect is quite easy to define the political aspect is the most difficult element to highlight and classify. Due to the factors mentioned above, the problem of classifying the most important aspects responsible for the weakening and collapsing of a state is at the centre of attention of many organizations, which seek to include the whole spectrum of the described issues. Certainly this is a difficult task requiring continuous monitoring of all affected countries, relevant analysis in turn to capture the significant elements responsible for the predicament. As any research and analysis these require time and patience which is not conducive to improving the current state of things in many failing or failed states.

Failed states are tense, deeply conflicted, dangerous, and contested bitterly by warring factions. In most failed states, government troops battle armed revolts led by one or more rivals. Occasionally, the official authorities in a failed state face two or more insurgencies, varieties of civil unrest, different degrees of communal discontent, and a plethora of dissent directed at the state and at groups within the state. Citizens depend on states and central governments to secure themselves and free them from fear. Unable to establish an atmosphere of security nationwide, and often struggling to project power and official authority, the faltering state's failure becomes obvious even before, or as, rebel groups and other contenders threaten the residents of central cities and overwhelm demoralized government contingents².

Several institutions monitor weak or falling states using specific indicators e.g.: the United Nations, the World Bank, the British Department for International Development, the Central Intelligence Agency (CIA), the Fund for Peace and the "Foreign Policy" magazine. They take into consideration some important measurements which can be placed in three groups such as: social, economic and politics, the most significant indicators are:

- lack of State control over its own territory;
- local leaders take bloody struggle for power;

² R.I. Rotberg, *Failed States, Collapsed States, Weak States: Causes and Indicators*, http://www.brookings.edu/press/books/chapter_1/statefailureandstateweaknessinatime-oferror.pdf, [20.05.2011].

- local leaders pursue delegitimization and secession or autonomy
- the break-up of civil society and the breakdown by ethnic groups and clans;
- economic instability combined with hyperinflationary and corruption;
- demoralization and juvenile societies and elites of power;
- natural disasters, crops failure and hunger;
- lack of structured education-illiteracy;
- high unemployment (over 30%);
- non-human rights violations,
- environmental degradation,
- other states interventions and external organisations;
- uncontrolled migrations³.

It seems that the choice of these indicators clearly reflects and characterizes falling states, although the list could be extended by further elements which cannot be found in such a state for example: the lack of a medical care system, a lot of different types of disasters and natural disasters that cause the death of inhabitants, numerous and bloody attacks and taking over power in the states leading to the changing of Governments but not necessarily its legitimacy. The biggest concern is the fact that every year the list of states grows so it can be concluded that many of the weaker countries in terms of economics and economy cannot cope with the open-market rules and fall into even greater problems.

An unexpectedly quick increase in the number of countries classified in the list of failed states indicates clearly that this becomes a threat, which should be faced by the whole world and not only by the continent where the problem occurs. It is mainly connected with the fact that in falling states we can see the uprising of new international problems. At the beginning of this century the international society was a witness to the reception of an old problem of modern piracy, which started to increase rapidly in the waters around Somalia and the Horn of Africa in general.

³ J. Zawadzki, *Somalia – wyzwania dla społeczności międzynarodowej*, "Bellona" 2009, MON, XCI(III), No. 4 (659), pp. 91–100.

MODERN PIRACY IN THE SOMALI REGION

Somalia has made international headlines for almost two decades, first as a place of civil war characterized by clan warfare and humanitarian catastrophe, then as a failed state, and finally as a source of modern piracy. Somalia has been without an effective central government since 1991. In that year President Barre was overthrown by opposing clans. But they failed to agree on a replacement and plunged the country into lawlessness and clan warfare. Years of fighting between rival warlords and an inability to deal with famine and disease have led to the deaths of up to one million people. After the collapse of the Siad Barre regime in 1991, the north-west part of Somalia unilaterally declared itself the independent Republic of Somaliland. The territory, whose independence is not recognised by international bodies, has enjoyed relative stability⁴. A two-year peace process, led by the Government of Kenya under the auspices of the Inter-governmental Authority on Development (IGAD), concluded in October 2004 with the election of Abdullahi YUSUF Ahmed as President of the Transitional Federal Government (TFG) of Somalia and the formation of an interim government, known as the Somalia Transitional Federal Institutions (TFIs). President YUSUF resigned late in 2008 while the United Nations-sponsored talks between the TFG and the opposition Alliance for the Re-Liberation of Somalia (ARS) were underway in Djibouti. In January 2009, following the creation of a TFG-ARS unity government, Ethiopian military forces, which had entered Somalia in December 2006 to support the TFG in the face of advances by the opposition Islamic Courts Union (ICU), withdrew from the country. The TFIs are based in the Transitional Federal Charter (TFC), which outlines a five-year mandate leading to the establishment of a new Somali constitution and a transition to a representative government following national elections. However, in January 2009 the TFG amended the TFC to extend TFG's mandate until 2011. While its institutions remain weak, the TFG continues to reach out to Somali stakeholders and to work with international donors to help build

⁴ *Somalia country profile*, http://news.bbc.co.uk/2/hi/africa/country_profiles/1072592.stm, [16.11.2010].

the governance capacity of the TFIs and to work toward national elections in 2011⁵. The country is placed at the top of the list of falling states and looking at the unchangeable situation it might even be concluded and named as a collapsed state, causing many problems for the international community connected with piracy, which is a very popular occupation for poor and workless Somali seamen.

Piracy itself is not a new concept but as a procedure has been known for centuries and for many years in the twentieth century it was rather a problem of certain countries and areas which did not bother international community that much to arrange any international coalitions in order to deter and disrupt piracy. The problem started to get more serious at the beginning of the new millennium and has risen, particularly in some regions such as:

- Western and eastern coasts of Africa and the Red Sea;
- The Horn of Africa and the Gulf of Aden;
- The coast of south-east Asia and northern coasts of the Indian Ocean;
- The coast of south America;
- The coast of the Gulf of Mexico.

Figure 1. Piracy hot spots, <http://www.southchinasea.org/docs/Threats.pdf>, [28.12.2008].

⁵ The world factbook: Somalia, <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html>, [22.11.2010].

The most endangered region, where piracy takes its toll and has become a real hot spot is the African continent in general, the other places are in danger but in 2010 there were less incidents reported than in previous years⁶.

Somalia/Gulf of Aden/Red Sea – the Horn of Africa has seen a major growth in piracy. Somali pirates are well armed and focus on ransom of the vessel and the crew. Attacks are taking place farther and farther from the coast, indicating that pirate skiffs are now launching from larger “mother ships”. 139 attacks around Somalia, 53 in the Gulf of Aden as well as 25 in the Red Sea that gives 217 attacks in 2010. All of the above attacks are attributed to Somali pirates.

Piracy in the waters in and around the Gulf of Aden remains a global concern. Incidences of piracy on one of the world’s busiest waterways, leading to the Suez Canal – a shortcut to the Mediterranean Sea, continue to climb. In addition, these criminal enterprises contribute to lawlessness in the Horn of Africa, empowering extremist groups, some with links to transnational terrorist organizations such as Al-Shabaab⁷ or Al-Kaida.

Pirate activities in the region have focused on the Gulf of Aden, a key component of the Suez Canal shipping lane linking Asia and the West without circumnavigating the African continent and since 2010 the vast expanse of the western Indian Ocean. The gulf, with an average width of about 300 miles, flows about 920 miles between Yemen (on the south coast of the Arabian Peninsula), Somalia, and Djibouti, covering 205,000 square miles. Approximately 21,000 commercial ships transit the Gulf of Aden each year. Over 10% of the global waterborne transportation of oil passes through the gulf. About 7% of the world’s maritime commerce transits the Suez Canal. About 80% of the vessels transiting the Gulf of Aden carry cargo to and from Europe, East Africa, South Asia, and the Far East,

⁶ See more: ICC International Maritime Bureau, “Piracy and Armed Robbery Against Ships,” Annual Report, January 2010, <http://www.southchinasea.org/docs/ICC-IMB-PRC-2010.pdf>, [02.02.2011].

⁷ Harakat al-Shabaab al-Mujahideen (HSM), more commonly, but grammatically incorrectly known as al-Shabaab is a group of militants fighting to overthrow the government of Somalia, see more: al – Shabaab, <http://www.cfr.org/somalia/al-shabaab/p18650>, [20.07.2011].

although a significant portion of the cargo carried is eventually bound for the United States. Much of this commerce also indirectly affects the United States through its impact on facilitating the global supply chain of moving goods and services⁸.

The number of piracy attacks against international shipping in the Horn of Africa doubled from 2007 to 2008 and kept rising in 2009. In order to avoid the danger, some shipping began to take the long way around the Cape of Good Hope, but this added a week or two onto a transit from the Indian Ocean to Europe, which meant not only the additional time but also higher fuel and labour costs, and since the transit took longer, vessels were able to make fewer voyages. But the long route had the advantage of avoiding the Suez Canal, which charges exorbitant rates for passage. Shipping firms also were relieved of paying the high-risk insurance rates associated with transit through the Gulf of Aden and Somali waters. But due to the type of vessel, the ship's speed, and the value and type of cargo and crew, each shipper and carrier must conduct a complicated cost-benefit analysis on whether to route a particular voyage through the Canal or around the Cape. It must be underlined in this place that during the recession such a decision is not easy to make, because cutting down the costs seems logical but using shorter routes endangering a ship, cargo and crew has become quite risky. The chart 1 shows the increase of pirates attacks in the Gulf of Aden.

The international community in taking preventive action very often it is governed first and foremost by the best interests of their own safety which is endangered as a result of the political instability and lack of response to the problems of failing states from their weak or fictional Governments. Undoubtedly an example of such an action, aimed at protecting the interests of the whole of the European community and the Western World, was the reaction of the European Union to the problem of piracy in the waters around Somalia. The real threat to the safety of

⁸ *Maritime Security: Fighting Piracy in the Gulf of Aden and Beyond*, http://www.maritimeterrorism.com/wp-content/uploads/2009/06/HSP_Maritime-Security_Fighting-Piracy-in-the-Gulf-of-Aden.pdf, [10.02.2011].

Chart 1. Number of pirate attacks in Somalia and in Gulf of Aden

Source: Reports on Acts of Piracy and Armed Robbery against ships, Annual Report 2010, <http://www.southchina-sea.org/docs/ICC-IMB-PRC-2010.pdf>, 02.02.2011.

maritime transport in the Gulf of Aden, the Horn of Africa and between the South coast of Africa and the Arabian peninsula.

The EU could no longer ignore the hijackings of ships, their citizens and threats on the part of the pirates that they start murdering hostages. These threats took place in the first half of 2008, six pirates were transported to Paris France to answer allegations of hijacking the luxury yacht “Le Ponant”⁹. Although this information was not confirmed officially, but it appeared in a report on piracy in the first half of 2008, drawn up by the International Maritime Organization (IMO). These statements allowed us to draw conclusions that pirates may use such drastic measures as killing

⁹ *Le Ponant* is a three-masted, commercially operated French luxury yacht owned by CMA CGM and operated under their Compagnie du Ponant brand. On April 4 2008, *Le Ponant* was seized by Somali pirates in the Gulf of Aden while en route from the Seychelles to the Mediterranean. The ship carried no passengers at the time of its capture, but all 30 crewmembers were taken hostage; French forces were monitoring the yacht after its seizure. The hostages were released without incident on April 12. Following the release, French helicopters tracked the pirates, moved in when the pirates attempted to flee in the desert. A sniper disabled the get-away vehicle, and the commandos were able to capture six men, *Le Ponant*, <http://news.bbc.co.uk/2/hi/africa/7331290.stm>, [20.07.2011].

hostages in order to either accelerate or enforce the ransoms or to speed up the release of captured prisoners – “pirates brothers”.

Intense activities of pirates in the eastern coast of Africa was also a threat to the World Food Programme(WFP) project supported by the EU, which was to mitigate the effects of the humanitarian crisis in Somalia. The Secretary of the UN in its Resolution 1816, has called on the countries concerned with the safe usage of the sea routes off the coast of Somalia, to coordinate action to deter piracy and armed robbery for commercial units at sea in cooperation with the Interim Government of Somalia (TFG-Transitional Federal Government of Somalia).

ATALANTA OPERATION

On 19 September 2008, the Council adopted a common phrase (2008/749/CFSP-Common Foreign and Security Policy) in an EU military operation in support of resolution 1816 (2008) of the UN Security Council (EU NAVCO) and appointed as its Chairman Captain Andrés a Breijja Claura. At the same time Admiral Phillip Jones became the first of the European Union operational force commandes. The political and security Committee of the European Union, by a decision on 18 November 2008, also appointed a European Union Force Commander who was Commodore Antoniusa Papaioannou.

On the 30 October 2008, the EU submitted an offer to the interim Government within Somalia, which contained proposals relating to the exercise of jurisdiction by States other than Somalia in respect of persons falling within the territorial waters of Somalia, who have committed or are suspected of having committed acts of piracy and robbery. In the course of taking the above mentioned decisions and resolutions the process of repeated attacks of pirates was still in progress, so it was already certain that the situation was not brought under control.

On the 8 December 2008 the European Union (EU) had been conducting a military operation to help deter, prevent and repress acts of piracy and armed robbery off the coast of Somalia. This military operation, named EU NAVFOR Somalia – ATALANTA operation, was launched in support of all Resolutions 1814, 1816, 1838 and 1846 which were adopted

in 2008 by the United Nations Security Council. Its aim is to contribute to:

- the protection of vessels of the World Food Programme (WFP) delivering food aid to displaced persons in Somalia;
- the protection of vulnerable vessels sailing in the Gulf of Aden and off the Somali coast and the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.

This operation – the European Union’s first ever naval operation – is being conducted in the framework of the European Security and Defence Policy (ESDP)¹⁰.

ATALANTA’s operation mission is to:

- provide protection for vessels chartered by the WFP;
- provide protection for merchant vessels;
- employ the necessary measures, including the use of force, to deter, prevent and intervene in order to bring to an end acts of piracy and armed robbery which may be committed in the areas where they are present.

The EU Operational Headquarters is located in Northwood, in the United Kingdom. The Political and Security Committee exercises political control and strategic direction of the EU military operation, under the responsibility of the Council.

The breakthrough in the fight against piracy may be due to the fact that the UN Security Council adopted resolution 1851 (17 December 2008) aimed at sharpening the fight against pirates looting along the Horn of Africa. In the resolution the UNSC unanimously authorized the attacks on the Somali pirate bases on the land, and from the air. The resolution gives the right to “take all necessary measures” on land and in the air to deter those who make use of Somalia for the planning, assistance and carrying out acts of piracy and armed attacks at sea. Under the resolution, the military also will be able to prosecute pirates on shore in cases of so-called “hot pursuit”, i.e.: the right to continue the pursuit of foreign-flag

¹⁰ EU naval operation against piracy (EU NAVFOR Somalia – Operation ATALANTA), http://www.consilium.europa.eu/uedocs/cmsUpload/090313FactsheetEU-NAVFORSomalia-v3_EN.pdf, [25.11.2010].

vessels in international waters, where the fugitive ship sailed from not directly for the right to continue the pursuit of foreign-flag vessels in international waters, where the fugitive ship sailed at them directly from the territorial waters of the pursuing state¹¹.

The first small successes were already noticed 18. December 2008, when the British frigate HMS Northumberland effectively escorted the ship MV Semlow WFP from Mombasa in Kenya to the capital of Somalia Mogadishu. The ship brought food, capable of feeding more than 50,000 Somali, for a period of one month. Such an approach to the matter may mean that the force behind the EU to conduct ATALANTA" operation", should have in its composition such forces that will be able to continue the pursuit on land or in the air to fight the pirates effectively.

The cost of preparing the operation amounted to €60.000, and its budget was set at €8.3 million. In accordance with article 28 of the Treaty of Maastricht, the costs of EU operations having military or defence implications shall be borne by Member States on the basis of their GDP. Therefore, the sea operation is being financed by all the countries of the community, with the exception of the Kingdom of Denmark, which is in accordance with article 6 of the annex to the Treaty of Maastricht – did not participate in decisions concerning the sphere of defence of the community. The budget of the operation shall be borne by the operational headquarters and the headquarters for the forces of the European Union, and the costs of maintenance of crews, units. The operation was initially scheduled for a period of twelve months. During that period more than twenty vessels and aircraft took part in EU NAVFOR. It was extended by the Council of the European Union until December 2010, and at present again for another two years, until December 2012.

As mentioned above operational command of "EUNAVFOR Somalia – Operation ATALANTA" is located in Northwood, UK. On 22 June 2011, Rear Admiral Guido Rando, from the Italian Navy, handed over the responsibility of Deputy Operation Commander of the European Union

¹¹ *Unijna flotyła będzie chronić przed piratami*, <http://www.tvn24.pl/12691,1578956,0,1,jesli-dostaniemy-pieniadze-wszystko-bedzie-w-porzadku,wiadomosc.html>, [04.01.2009].

Naval Force Somalia, Operation ATALANTA, to Rear Admiral Christian Canova of the French Navy.

Another handover ceremony of the EU NAVFOR Force Headquarters (FHQ) will take place in Djibouti on the 13 August 2011, between Force Commander, Commodore Alberto Manuel Silvestre Correia (NRP VASCO da GAMA, Portuguese) and the incoming Force Commander, Rear Admiral LH Thomas Jugel (FGS BAYERN, German).

In the composition of the mission in April 2011, consisting of over 1,800 soldiers, twenty warships and aircrafts (frigates, corvettes, one submarine and three reconnaissance aircraft), there were forces from EU countries – France, Germany, Great Britain, Greece, Italy, Belgium, the Netherlands and Spain and Luxembourg, in addition, the operation involved two ships from Norway, Ukraine, Montenegro, Japan, Russia and even China. The following table shows the composition of ATALANTA operation in June 2011¹².

Table 1. Current total strength of EU-NAVFOR ATALANTA – 03.06.2011.

N°	Country	Type	Name
1.	Spain	Landing Platform Dock	L-51 ESPS Galicia
2.	Spain	Ocean Patrol Vessel	P-77 ESPS Infanta Cristina
3.	Spain	Maritime Patrol And Reconnaissance Aircraft	Barbo CN235 Casa
4.	Germany	Frigate	F-211 FGS Koeln Bremen T122
5.	Germany	Frigate	F-220 FGS Hamburg Sachsen Tf124
6.	Germany	Auxiliary Oil Replenishment	A-513 FGS Rhoen Elbe
7.	France	Frigate	D-610 FS De Grasse (FHQ)
8.	France	Frigate	D-612 FS De Grasse (FHQ)
9.	France	Frigate	F-717 Fs Cdt Bouan D'estienne
10.	France	Auxiliary Oil Replenishment	A-631 FS Somme Durance
11.	France	Maritime Patrol And Reconnaissance	Obelix ATL-2

¹² European Union Naval Force Somalia – Operation Atalanta <http://www.eunavfor.eu/about-us/>, [25.12.2010].

N°	Country	Type	Name
12.	France	Maritime Patrol And Reconnaissance Aircraft	F50 Falcon
13.	France	Maritime Patrol And Reconnaissance Aircraft	C2 E3F AWACS
14.	Netherlands	Auxiliary Oil Replenishment	HNLMS Amsterdam
15.	Italy	Fregate	F-572 ITS Libeccio
16.	Luxembourg	Auxiliary Oil Replenishment	Seagull Merlin III-A (Victoria)
17.	Sweden	Ocean Patrol Vessel	M-04 HSWMS Carlskrona
18.	Greece	Fregate	F-459 HS Adrias Telli
19.	Belgium	Fregate	F-931 BS Louise Marie Karel Doorman
20.	Portugal	Fregate	F-330 PR Vasco DaGama MEKO200

Source: Atalanta, <http://www.consilium.europa.eu/uedocs/cmsUpload/naviresnov.pdf>, 02.06.2011.

This composition of EU NAVFOR changes constantly due to the frequent rotation of units and varies according to the Monsoon seasons in the Indian Ocean. However, it typically comprises 5–10 Surface Combatants (Frigates/Destroyers), 1 Auxiliary and 3 Maritime Patrol Aircraft. Units are drawn from the contributing nations. The Force Head Quarters vessel rotates on a four monthly basis.

The operation can arrest, detain and transfer persons who have committed, or are suspected of having committed, acts of piracy or armed robbery in the areas where it is present and it can seize the vessels of the pirates or armed robbers or the vessels caught following an act of piracy or an armed robbery and which are in the hands of the pirates, as well as the goods on board. The suspects can be prosecuted either by an EU Member State or under the EU-Kenya agreement, which gives the Kenyan authorities the right to prosecute¹³. A website is used in coordinating both merchant shipping and military activity. This approach has been welcomed by the merchant shipping industry. Merchant vessels that follow EU NAVFOR recommendations run a much smaller risk of being attacked and/or captured.

¹³ Ibidem.

Since the start of the operation the number of attacks by pirates has diminished. This is linked to the dissuasive presence of the vessels of the EU NAVFOR ATALANTA force and to the self-protection measures which have been put in place for merchant shipping at the recommendation of the European Naval Force.

The question that should be asked is whether the operation really secures the shipping routes and if the activities of pirates in the region has been effectively compensated for? Unfortunately, the statistics indicate that pirates still continue their attacks, with more or less successfully hijackings ships and crews, and they demand ransoms for the detained individuals. In the period from January to March 2010, there were 89 attempts of hijackings and 41 ships and craft were hijacked¹⁴.

To be just and fair it should be said that there are some successes of ATALANTA operation as well, these are definitely the arrests of pirates and confiscation of the weapons found on them or the winding up of the pirates' ships, which make pirates capable to operate even 600 nautical miles from the coast of Somalia. It should also be noted that the area covered by the operation is three million square kilometres of the Gulf of Aden and the sea to the East and South of Somalia, which is a very significant body of water to patrol. According to the estimates of military experts to the full monitoring of shipping routes, for example in the area of Somalia is needed approximately 500 units equipped not only with modern systems for the detection and identification but also in helicopters. At present the coast of Somalia, is patrolled by 30 warships in total¹⁵, so as you can see it is a drop in the ocean for the need to maintain security in those waters.

During the entire ATALANTA operation, until March 2010 there were 826 pirates captured and 419 were brought to the Court. 64 Somali were killed during the operation, and 22 were wounded. Due to the previously mentioned internal trouble of Somalia as a failed states and almost bank-

¹⁴ *Status of seized vessels and crews in Somalia and the Indian Ocean 14 May*, http://australia.to/2010/index.php?option=com_content&view=article&id=2746:status-of-seized-vessels-and-crews-in-somalia-and-the-indian-ocean-14-may&catid=99:status-of-abducted-vessels-in-somalia&Itemid=132, [20.06.2010].

¹⁵ M. Janikowski, S. Zarychta, *Piractwo morskie – ogóln światowy problem*, "Rocznik Bezpieczeństwa Morskiego" Gdynia 2009, pp. 42–43.

rupt country with ineffective Government, the efficiency of this operation leaves much to be desired with confidence, especially in comparison to the costs of the operation incurred by the EU. Undoubtedly, the effectiveness of the operations to combat piracy would have been significantly improved if the Interim Government of Somalia would involve itself in the prosecution of pirates in the territory. The existence of numerous pirate bases, to which the pirates come back after attacks and can safely keep hijacked ships, is commonly known as the basic problem to eliminate if we want to talk about effective combating the phenomenon of piracy in this region of the world.

Equally important is the ability to take arrested pirates to the Court, which will fully respect human rights but will also do so administratively capable to deal with considerable number of acts of prosecution. By May 2010, the most frequent partner in Somali pirates appearing before the Court in the first instance has been Kenya. Unfortunately the possibilities of Kenya getting conviction and the enforcement of sentences is very limited or even useless. Other states which meet EU standards on human rights and are taken into consideration in the future cooperation of combating pirates are the Seychelles and Djibouti. The EU supports the Djibouti process for peace and reconciliation in Somalia, facilitated by the UN. EUNAVFOR ATALANTA is part of a larger strategy designed to help the Government of Somalia to fight piracy and bring in a State of public order and the rule of law. Major funds are being used on it in order to contain piracy but the European Union for example uses "The European Union's Joint Strategy Paper for Somalia" and pledged €216 million for development assistance from 2008–2013 in order to achieve stability in the country torn by war for over 20 years, the money should be used in three main sectors: Government, education and development of the economy, the security of shipping lanes is a priority in all these sectors and undertaken activities. The EU's joint naval endeavour, operation ATALANTA, planned to spend an estimated \$450 million in one year¹⁶.

¹⁶ R. Gilpin, *Counting the cost of Somali Piracy*, "United States Institute of Peace Working Paper" April 2009.

The result so far can be described as satisfactory but far from very good as we still hear about attempts of attacks or successful attacks in the area.

From 7 April 2010, the EU also took part in training Somali forces, who are placed in the territory of Uganda. All activities undertaken by the EU, both those at sea and on shore have one goal to lead to stability in the country in the future and help re-establish a stable Government. Without the return of Somalia to the list of countries relatively well-functioning internally, you cannot talk about eliminating the problem of piracy in its waters. This is the absolute condition that must be met in order to improve the current situation. Certainly this is a very difficult task which should engage more fully not only the EU but any organization which may assist in the rebuilding of the state in Somalia.

As the effectiveness of protection measures employed within the Gulf of Aden has increased, pirates have been learning their lessons and have started to operate in previously unexploited areas to avoid interdiction by EU NAVFOR and other counter-piracy forces. Through the 2009 inter-monsoon periods it became evident that pirate action groups were operating at an ever greater range to avoid detection. In light of these changes, EU NAVFOR has increased its area of operations to maintain pressure on the pirates and to continue to constrain their freedom of action. In doing so, EU NAVFOR endeavours to ensure that legitimate maritime traffic within the region continues to receive the best protection possible. This procedural change allows EU NAVFOR units to operate more effectively further east in the Indian Ocean, giving them a greater ability to disrupt and deter pirates in this vast area¹⁷.

CONCLUSION

The problem with Somalia as a collapsed state and Somali piracy is one of the most important issues in the XXI century. It is complex and very difficult to solve in a short time as it has been increasing for many years

¹⁷ EU NAVFOR, Press release, <http://www.eunavfor.eu/2010/09/eunavfor-atalanta-area-of-operation-extended/>, [22.09.2010].

and was neglected for most of that time by the whole international community. Society has got interested in this dilemma only because of the fact, that the maritime transport has become endangered at the beginning of this century and as it has become the back bone of our economy we cannot allow anybody or anything to hamper it or threaten, as we simply cannot afford it. Somali piracy has become such a predicament and we had to do something about it.

ATALANTA operation is the first one to deal with the problems connected with maritime transport and we all have to learn this lesson in order to be prepared better in the future. Although the steps taken seem to be expensive, not taking any steps to fight or reduce this activity would mean that we have to pay even more money for longer routes, ransoms, costly equipment and expensive insurance of ship and cargos. We cannot forget that, Somali waters are some of the most abundant fishing grounds in the world. This maritime activity as well as the economic resources and the environment of the gulf must be safeguarded as well. There is also the potential that successful piracy tactics could be "exported" to other regions and spread wildly if the international reaction to this fact was not strong enough.

It is very difficult to evaluate the operation which is still in progress. The basic idea behind this strategy is to deter pirates by making it harder to hijack ships. The approach is mainly an offshore focussed strategy, with little emphasis on onshore measures to prevent piracy, though, in practice it seems to be combined with an onshore, centralized state-building scheme. It is very hard however to build a stable central government as its power base is limited to several city quarters in the capital city Mogadishu.

Eradication of piracy must be tackled in several ways by elimination of the procedure but also, which is even more important, by offering Somali pirates some alternatives, work opportunities, otherwise ex-pirates are likely to slip back into a life of maritime crime.

Without employing local institutions, authorities fighting piracy might be a very difficult, expensive and long process, and nobody can guarantee its success. The problem has gone so far, that at the moment the international community has to spread money in two directions: on fighting existing piracy and rebuilding states causing piracy, particularly Somalia.

These actions are definitely very costly but these are the only ways to solve this predicament for the future. Rear Admiral Michael McDevitt, Vice President of the CNA's (Centre for Naval Analysis) and Director of CNA Strategic Studies said in one of the interview for newspapers, that fighting piracy is one of the most important challenges facing maritime security and developments in collaborative activities among the major powers, especially in regions where the risks to sea-borne passage and global trade are substantial¹⁸.

There is no single solution to Somali piracy, and ATALANTA operation is not entirely successful nor without merit. On the other hand we have to be aware that European-funded operations to combat Somalia-based piracy could be hit by major public spending cuts¹⁹. Many countries in Europe have serious problems with constructing their budgets or are facing bankruptcy and extra money spent on piracy might be a difficult outweigh impossible to bare for the next year or years to come. Although the financial situation and the whole world's economy seems to be in deep trouble at the beginning of the second decade in the XXI century the community must find money to fight piracy in the region of Somalia and anywhere else it happens to emerge. As it was mentioned earlier ATALANTA is our first and at the same time very difficult lesson to learn but we cannot afford to ignore the fact of piracy renaissance. The complex reaction to the problem is necessary if we want to win this battle. ATALANTA operation is the maritime aspect but there is also needed onshore reaction and activities and these might be even more expensive than ATALANTA but the international community cannot be mean in this matter.

¹⁸ *The challenges of maritime security*, <http://www.transportpolicy.org/the-challenges-of-maritime-security/>, [04.04.2011].

¹⁹ *Cuts and counter-piracy*, "Safety at Sea", 13.11.2010, Vol. 44, No. 501.