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STRATEGY FOR THE DANISH MEASURES AGAINST PIRACY AND ARMED ROBBERY AT SEA 2015-2018

**STRATEGY FOR THE DANISH EFFORT
AGAINST PIRACY AND ARMED ROBBERY AT SEA
2015-2018**

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SUMMARY

Piracy and armed robbery at sea is a challenge of global proportions and a joint global responsibility - a responsibility, which Denmark is strongly committed to fulfil. For a seafaring nation as Denmark, which is responsible for more than ten percent of the global transport measured in value, the problem of piracy and armed robbery at sea is substantial. Furthermore, piracy and armed robbery at sea has great personal costs for people held hostage and their relatives, as well as those who work on ships passing through the areas impacted by piracy.

The government is committed to combat the problem of piracy and armed robbery at sea. The overall aim of this strategy is to contribute to the security of the Danish and international shipping industry and seafarers in waters where Denmark has significant shipping interests

The strategy for 2015-2018 builds on experience from recent years of Danish counter piracy engagement off the Horn

of Africa and the earlier strategy covering the 2011-2014 period.

An effective international effort, to which Denmark has contributed significantly, has resulted in a strong decline in pirate attacks off the Horn of Africa over recent years. Despite this positive development, the pirates still have the capacity and the intention to commit piracy and the root causes for piracy in Somalia still exist. The piracy activity can rekindle if the international presence is withdrawn. Therefore, a continued Danish commitment off the Horn of Africa is necessary.

While pirate attacks have been on the decline off the Horn of Africa, piracy and armed robbery at sea in the Gulf of Guinea has been a cause of increasing international concern, as the attacks often involve great risk to the crew on the captured ships, whose lives are often secondary to the value of the cargo for the pirates. Denmark has considerable trading interests in West Africa, not least, as

a seafaring nation, as well as a comprehensive development commitment. The Gulf of Guinea is therefore included as a new focus area in the strategy.

However, piracy is a global challenge and Denmark will continue to participate in and contribute to the combating of piracy and armed robbery at sea in other regions where significant Danish shipping interests are at stake.

A long-term and sustainable solution to piracy and armed robbery at sea requires a comprehensive development effort on land. There is a need to tackle the root causes for piracy such as conflict, instability, organised crime, lack of or weak state structures, poor governance, unemployment and poverty. These are challenges that require broadly-based and integrated stabilisation and development efforts, which must be implemented in parallel with other initiatives described in this strategy.

THE STRATEGY FOCUSES ON DENMARK'S CONTRIBUTION TO

- Promote international coordination and focus on combating piracy and armed robbery at sea as well as to integrate approaches and a strengthened regional cooperation and ownership.
- Continue efforts to combat piracy off the Horn of Africa by using the military involvement needed, including contribution of staff, naval vessels, maritime helicopters and military surveillance aircraft as well as military capacity building efforts.
- Building capacities so the countries themselves can tackle the challenges in the long term, including supporting the regional maritime cooperation and building concrete coastal guard capacities.
- Contribute to selected partners' activities in the Gulf of Guinea in order to develop the knowledge of maritime security in the region and ensure the best basis for decision-making in a possible future Danish military effort.
- Find practical solutions to the legal challenges involved in combating piracy.
- Continue the international effort to target the pirates' kingpins, including through initiatives against money laundering.
- Control of ships' compliance with the Best Management Practice (BMP).
- Prepare joint guidelines for foreign seafarers' rights and obligations in relation to piracy as well as the handling of the seafarers' rights after release.
- Promote the Danish regulations on increased protection of the seafarers in the event of piracy at an international level.



Source: Danish Defence

1.

INTRODUCTION

Piracy and armed robbery at sea is a challenge of global proportions and is a joint global responsibility - a responsibility which Denmark is strongly committed to fulfil. The global challenges of piracy comprise a threat to international trading and transport, which hinders the free flow of goods and undermines regional stability and development. For a seafaring nation as Denmark, which is responsible for more than ten percent of the global transport measured in value, the problem of piracy and armed robbery at sea is substantial.

In recent years, piracy and armed robbery at sea has constituted a considerable threat to the global commercial shipping industry. Furthermore, it has great personal costs for people held hostage and their relatives, as well as those who work on ships passing through the areas impacted by piracy.

The government is committed to combat the problem of piracy and armed robbery at sea. The government's ambi-

tion is to ensure the Danish shipping industry the best possible framework and offer the seafarers a modern working life with good working conditions in a safe workplace.

The overall aim of this strategy is to contribute to the security of the Danish and international shipping industry and seafarers in waters where Denmark has significant shipping interests.

Denmark has significant experience in providing military, political, legal and financial contributions to counteract the piracy threat. In 2011, the first Danish strategy for combating piracy was launched. This created a general framework for Danish efforts to combat piracy, which was mainly aimed at the piracy threat off the Horn of Africa. This strategy for 2015-2018 builds on the experience of combating piracy off the Horn of Africa. The geographic focus of the future effort will be extended to include West Africa where Denmark will initiate an effort against piracy and

armed robbery in the Gulf of Guinea. The strategy will also affect the efforts in other regions where significant Danish shipping interests are at stake.

A long-term and sustainable solution to piracy and armed robbery at sea requires a comprehensive development effort on land. There is a need to tackle the root causes of piracy such as conflict, instability, organised crime, lack of or weak state structures, poor governance, unemployment and poverty. These are challenges requiring broadly-based and integrated stabilisation and development efforts, which must be implemented simultaneously with other initiatives described in this strategy.

2.

STRATEGIC CONSIDERATIONS

The strategy has four main objectives:

1. To protect Danish and international shipping and seafarers.
2. To combat piracy and armed robbery at sea.
3. To build capacities in the regions in order for the affected countries to be capable of handling the piracy challenge in the long term.
4. To promote regional and international cooperation for a well-coordinated and effective joint effort against piracy and armed robbery at sea.

A multi-based, integrated effort

Piracy and armed robbery at sea are complex challenges. In cooperation with partner nations and based on recent years' experience combating piracy off the Horn of Africa, Denmark has developed a variety of mutually supporting initiatives, which have proved effective in combating piracy and armed robbery at sea.

Thus, the Danish effort partly consists of the deployment of military contributions, which have a preventive effect and provide the opportunity to stop and apprehend pirates. Likewise, the Danish effort to establish the necessary frameworks for prosecution of the pirates and their kingpins is significant. Furthermore, capacity building aims to develop the affected countries' and regions' competencies in order for them to handle the piracy challenge, in the long term. Finally, it is crucial to acknowledge that an effective Danish effort requires multiple efforts. Therefore, well-coordinated international cooperation is required to handle the transnational threat of piracy.

Geographic focus

Geographically, the government has chosen to focus the strategy and its means on the Horn of Africa as well as the Gulf of Guinea where piracy and armed robbery at sea is a particularly serious challenge.

A great deal of the Danish shipping industry sails through the waters off the Horn of Africa where Somali piracy constitutes a serious threat. In addition, Denmark has a comprehensive development commitment in the region and thus a continued interest in as well as an opportunity to support the development of a stable Somalia with respect for international law and order and a positive influence on the rest of the region.

An effective international effort has resulted in a significant decline in pirate attacks off the Horn of Africa over recent years. There have been many contributing factors, including naval presence in the waters off the Horn of Africa, the industry's compliance with Best Management Practice (the so-called BMP4) as well as prosecution of pirates. The international effort has been adapted regularly to the ongoing development. Despite this positive development, the pirates still have the capacity and the intention to commit piracy and the root causes for piracy in Somalia remain.

If the international presence is withdrawn and steps are not taken to address the socio-economic problems constituting the underlying causes of the threat, piracy activity can rekindle. Therefore, the Horn of Africa will remain a focus area in the strategy.

The Gulf of Guinea is included as a new focus area for the strategy. Denmark has considerable trading interests in West Africa, not least, as a seafaring nation. At the same time, Denmark has development cooperation with countries in the region and consequently an interest in establishing stability and sustainable economic development. Over the past years, piracy in the Gulf of Guinea has been a cause for increasing international concern, as the attacks often involve great risk to the crew on the captured ships, whose lives are often secondary to the value of the cargo for the pirates. Thus, there is a risk of brutal use of violence and therefore severe consequences for the seafarers off the West African coast.

However, piracy is a global challenge and Denmark will continue to participate in and contribute to the combating of piracy and armed robbery at sea in other regions where there are significant Danish shipping interests at stake.

THE DEFINITION OF PIRACY AND ARMED ROBBERY AT SEA

Piracy is defined in the UN Convention on the Law of the Sea (UNCLOS) article 101 from 1982 as a crime that takes place on open sea - i.e. outside of the states' jurisdiction. Similar crimes in states' territorial waters are not regulated in the Convention on the Law of the Sea, but are often described as "armed robbery at sea". The distinction between actions on open sea (piracy) and actions in a state's territorial waters (robbery at sea) are significant in relation to the states' rights, obligations and possibilities to intervene in the crime. In this strategy, the term "piracy" is used generally and also for situations that are formally defined as "robbery at sea".

Time frame

The strategy will apply for a four-year period (2015-2018) and sets the framework for the broad-based Danish commitment to combat piracy. This provides a stable basis for planning and implementing the efforts needed. However, a mid-term evaluation of the effort will be performed in 2016, which will ensure that the implementation takes significant developments in the international and regional context into consideration. The evaluation will coincide with the expiry of NATO's and the EU's anti-piracy operations off the Horn of Africa and is a good starting point for adjustment of the effort.

The government expects to allocate a portion of the funds through the Peace and Stabilisation Fund's programme to the Horn of Africa (total of DKK 215

million) for long-term capacity building efforts to combat piracy. At the same time, up to DKK 15 million has been reserved in the period 2015-2017 for maritime security in West Africa. In addition, the Danish Ministry of Defence has reserved resources for military efforts against piracy and armed robbery at sea. In 2015, the Danish Armed Force's naval and air contribution to combating piracy is expected to amount to a total of DKK 80 million (estimate of the overall additional costs) and expenses for the Armed Force's military capacity building initiative are expected to comprise approx. DKK 7 million in 2015. Furthermore, the government will reserve up to DKK 450 million in the period 2015-2017 for the Somalia country programme, which addresses several root causes of piracy.



Source: Danish Defence

3.

HORN OF AFRICA

3.1 The situation and challenges on the Horn of Africa

The political situation and piracy in Somalia

Piracy off the Horn of Africa originates from Somalia, which is one of the world's most fragile countries. The country is recovering from more than two decades of civil war and state collapse, where instability, poverty and lack of rule of law have enabled the growth of widespread and organised piracy. The growth in piracy is thus closely connected to the political and socio-economic development in Somalia.

However, in 2012 the foundation for a more stable and democratic state was laid with the establishment of Somalia's federal government, a new provisional constitution, a new parliament as well as a peaceful election of the current president. An ambitious New Deal national agreement on Somalia, the Somalia Compact, was also adopted in Brussels

in September 2013. It sets political, security and development goals in order to promote a secure, democratic, independent and federal Somalia.

With international assistance, Somalia has made concrete progress in recent years. The African Union Mission in Somalia (AMISOM), in joint operations with Somalia's own armed forces, has successfully liberated large parts of southern and central Somalia from the terror organisation, al-Shabaab. This has made it possible to further stabilise the country and has created the basis for a more democratic future through political and economic reforms. Therefore, it has also improved the possibility of inhibiting Somali piracy.

However, Somalia is still affected by the political conflict between the various regions and clans, which creates a fragile situation with limited enforcement of law and order, making piracy possible. While Somaliland is relatively peaceful,



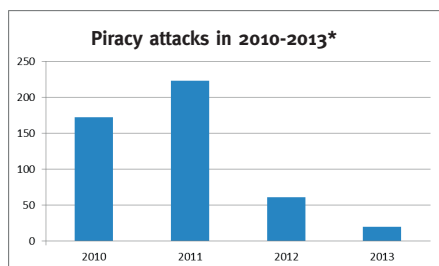
Source: Danish Defence

the situation in large areas of southern and central Somalia, including Juba, and to some degree also Puntland, is more unstable. Despite AMISOM's military operations, al-Shabaab has continued control over considerable parts of Somalia where the central government's legitimacy and governing ability is consequently often strongly limited.

Lack of law and order in Somalia, which was a strong contributing factor to the growth of piracy, continues to be a challenge in large parts of the country and there is no prospect of a sustainable solution to the root causes for piracy in the short and medium term.

The development in the piracy situation

The International Maritime Organisation (IMO) estimates that the number of pirate attacks off the East African coast has dropped from 223 in 2011 to 20 in 2013.



Source: IMO* contains fended off as well as successful attacks

The change is attributed to a number of factors, such as the shipping lines' changed sea routes, implementation of so-called BMPs (recognised procedures for the protection of the shipping in-

dustry), armed guards on board and the international naval efforts on the Indian Ocean and the Gulf of Aden. In addition, there has been an incipient effort from the Somali coastal guard and Somali pirates can now be convicted and transferred to serve their sentences in Somalia as a result of a comprehensive legal sector effort.

At the end of 2014, hostages are still held captive in Puntland and many actors involved in piracy remain unpunished in Somalia and without the risk of prosecution. These people and networks constitute a risk of new piracy actions at sea.

3.2 An active Danish role in the international cooperation

GOAL:
TO PROMOTE INTERNATIONAL KNOWLEDGE-SHARING AND COORDINATION OF COMBATING PIRACY OFF THE HORN OF AFRICA.

The piracy challenge requires a coordinated international effort. There are many international stakeholders involved in combating piracy and, in recent years, the overall international effort has led to a decline in the number of successful pirate attacks. Denmark will continue to participate in the international cooperation aiming to promote effective knowledge-sharing and coordination to combat piracy and armed robbery at sea off the Horn of Africa.

The UN plays an important role in combating piracy off the coast of Somalia. Through resolutions, the UN Security Council has set the frameworks for international efforts¹.

¹ This includes, among others, 1851 (2008), 1897 (2009), 150(2011), 2039 (2012), 2125 (2013), 2184 (2014)

The naval forces in the area operate off the Horn of Africa on a mandate from the UN, which encourages states and organisations to participate in combating piracy off the Horn of Africa with naval forces and aircraft. A range of the UN organisations have initiated efforts against piracy, which Denmark has supported. This includes the UN Office on Drugs and Crime (UNODC), the UN International Maritime Organisation (IMO), the UN Development Programme (UNDP), the UN Office of Legal Affairs (OLA) responsible for the law of the sea and the UN Assistance Mission in Somalia (UNSOM). It will continue to be a Danish priority to work for an active UN engagement on the Horn of Africa to combat piracy and armed robbery at sea.

The Contact Group on Piracy off the Coast of Somalia (GCPCS) is responsible for the coordination of the international community's efforts. The contact group's function has been adapted regularly to the situation and consists of a number of working groups that are tasked with capacity building, legal challenges, handling the issue of pirate kingpins etc. Denmark considers the group instrumental to the international coordination and contributes to the group's work. For instance, the legal working group was under Danish

chairmanship until 2014, and Denmark is playing an active role in the working group for capacity building. Continued participation in the contact group and similar international coordination fora will be a Danish priority.

The EU has formulated a strategy for the efforts on the Horn of Africa, which has combating of piracy as a key element. The EU has also launched a number of initiatives for the combating of piracy through capacity building in the region, including via EUCAP Nestor, among others. EUCAP Nestor is explained in section 3.4. Denmark considers an active EU commitment on the Horn of Africa, which prioritises efforts against piracy and armed robbery at sea, as a significant contribution to the international cooperation.

The African Union (AU) focuses on maritime issues and has adopted an African Maritime Strategy (2050 Africa's Integrated Maritime Strategy), to which Denmark has contributed (see section 3.4). On the basis of this strategy, the regional organisations on the continent have adopted or commenced the development of regional maritime security strategies. At the regional level, the East African cooperation organisation, Inter-governmental Authority on Develop-

ment (IGAD), has focused on combating piracy and its root causes on land in Somalia. This includes a strategy which is part of the regional piracy strategy for the 'ESAIO' region encompassing eastern and southern Africa as well as the Indian Ocean region.

The 'Djibouti Code of Conduct' initiative has established cooperation between countries in the region with a view to information sharing and capacity building in relation to combating piracy. IMO has been responsible for the implementation of cooperation, which will gradually transition to regional control, thus comprising an important platform for the regional efforts².

It will continue to be a Danish priority to support an active regional commitment to combat piracy through specific contributions to the regional processes.

With the adoption of 'The Somali Compact', Somalia and the international community established a framework for the prioritisation of Somali efforts and developments within peace, stability and state-building. The Compact is a good basis for the dialogue with the federal So-

² The international cooperation on the more specific capacity building will be explained in section 3.4.

mali government concerning the expectations Denmark and the international community have for the effort to combat piracy and prosecute the pirate kingpins. Furthermore, with assistance from the international community, Somalia has adopted a Maritime Resource and Security strategy. The strategy has provided guidance to the sub-working group, Capacity Building, under the CGPCS contract group with respect to capacity building. Denmark will continue to participate actively in this sub-working group.

SPECIFICALLY, DENMARK WILL

- Work actively to keep combating of piracy off the Horn of Africa on the agenda in relevant organisations and with relevant partners.
- Promote international coordination of the combating of piracy, including continued active participation in the international Contact Group for Piracy off the Coast of Somalia (CGPCS) and other relevant international fora.
- Ensure local ownership by designing the Danish efforts to support the implementation of the African strategies and in close coordination with regional and local stakeholders.
- Work for greater regional ownership and coordination of combating piracy in relevant fora.

3.3 Combating of piracy off the Horn of Africa

GOAL:
TO PROMOTE MARITIME SECURITY OFF THE HORN OF AFRICA AND ON THE INDIAN OCEAN

THE MILITARY EFFORT

The frameworks for the military effort

Since 2008, as one of the first countries, Denmark has actively participated in the international efforts to protect the shipping industry and combat piracy off the Horn of Africa. At the start of the effort in 2008, Denmark escorted ships under the auspices of the UN World Food Programme with emergency aid to Somalia. Denmark has continuously increased and adapted its military contribution to the international effort in accordance with the growth of the piracy problem.

A number of Security Council resolutions adopted in the period provides the states that cooperate with the transitional government in Somalia the authority to use the necessary means to combat piracy. It is a prerequisite in the Security Council resolutions that operations



Source: Danish Defence



Source: Danish Defence

against pirates comply with human rights obligations.

Three international operations contribute with naval forces for the protection of civilian merchant vessels and combating of piracy off the Horn of Africa. This includes NATO's Operation Ocean Shield, the EU's Operation Atlanta and the American-led maritime coalition force, Combined Maritime Forces (under which Task Force 151 focuses on combating piracy).

Moreover, India, China, Russia, Japan and Iran, among others, have contributed naval assets of their own. The international effort is coordinated between the naval forces and the shipping industry at regular meetings under the framework of the Shared Awareness and Deconfliction (SHADE) forum, which meets in Bahrain.

Since the first Danish anti-piracy strategy was adopted in 2011 and over several periods, Denmark has contributed to Operation Ocean Shield with a ship including a maritime helicopter, a Special Maritime Insertion Unit as well as a surveillance aircraft. Meanwhile, Denmark has also contributed to, and led, the Combined Task Force 151 several times.

The results of the military effort

The international naval forces' presence has made it increasingly difficult for pirates to carry out their attacks. Moreover, the cooperation between international forces and private stakeholders has had a positive effect. This is done, for example, by sharing information on the maritime situation with merchant vessels through the NATO Shipping Centre. At the same time, detained pirates are now prosecuted and sentenced to a greater extent than before. Finally,

the negotiation procedures concerning the release of hostages and ransom payment have generally become longer. As a result, it takes a long time for the pirates' investments to yield a return while the risk of conflict and operations to rescue hostages increases. To sum up, these conditions have contributed to making piracy a far less lucrative business where the risks outweigh the profits.

Additionally, there has been a significant reduction in the pirates' use of so-called mother ships, i.e. larger captured ships used by the pirates for new hijackings. This development has limited the pirates' area of operation as the smaller vessels the pirates are now using, are less suitable for operations far from the coast. Reports from the International Maritime Bureau show that the average distance from shore to where the attacks were carried out, dropped from 400 km in 2010 to 50 km in 2013. Furthermore, the use of the smaller vessels means that the pirates' activity is, to a higher degree, limited to the periods between the monsoons where the weather conditions allow operations with smaller vessels.

On the background of the drastic reduction in pirate activity, NATO has decided to adapt Operation Ocean Shield so

that from 2015, NATO will be present with naval forces in inter-monsoon periods (from mid-March to end of May and mid-September to end of December). This is an adaptation, which Denmark finds appropriate. There are considerations to reduce the effort further. At the same time, the force generation of ships - after the drop in attacks - will be a challenge for the international effort. Going forward, Denmark will continue to work on keeping combatting of piracy on the agenda and identify flexible solutions, which our partners can support.

Danish naval and air force efforts up to and including 2016

Denmark will continue to counter piracy off the Horn of Africa and on the Indian Ocean. The fight against piracy must be kept on the agenda. In order to attract future partners in the fight against piracy, Denmark must be able to provide flexible solutions that are able to draw on all military resources. The goal for the Danish effort is to maintain international military commitment as long as necessary so that piracy does not constitute a substantial threat against the free movement and safety at sea.

On this basis, the government will ensure that Denmark is still be able to contribute naval and air forces to combat piracy up to and including 2016 after which the Danish contribution will be reviewed in light of the development in the area of operation.

Up to and including 2016, the Danish Armed Forces will continue to have the possibility to use different military capacities, such as the deployment of staff officers, naval assets, including maritime helicopters, Special Maritime Insertion Units and aircraft contributions to counteract piracy off the Horn of Africa.

In addition to the Danish naval and air force contribution, Denmark will also continue to participate in the coordination of the international cooperation on piracy combating and prevention, which occurs in the various staffs under the framework of, e.g. NATO and the coalition headquarters for the Combined Maritime Task Force in Bahrain. Therefore, the Danish Armed Forces will also deploy personnel to the various relevant operational staffs and headquarters.



Source: Danida

SPECIFICALLY, DENMARK WILL

- Deploy military assets as needed, including staff contributions, naval vessels including maritime helicopters as well as military surveillance aircraft.
- Reconsider the military contribution for the period 2017-2018 in light of the current piracy threat and the general situation in the region.
- Deploy personnel to relevant operational staffs and headquarters as well as coordination fora for the international effort.
- Work to retain combating of piracy on the agenda of contributing partners and relevant organisations.

The legal effort

It has been a Danish priority to contribute to ensure practical solutions to the legal challenges, arising from the combat of piracy. From 2009 to 2014, Denmark held the chairmanship of the legal working group (WG2) under CGPCS. In this period, the legal working group has achieved a range of specific results.

The working group has focused on ensuring prosecution of alleged pirates, which is a key challenge in combating of piracy. Somalia does not have a legal system yet that can ensure prosecution of pirates in accordance with fundamental legal principles. Therefore prosecution has had to take place in other countries in the region. In particular Kenya and the Seychelles have proved willing to receive and prosecute alleged pirates.

The most significant problem of prosecution in the region has been limited prison capacity rather than a lack of courts. As a result, the legal working group has contributed to establishing the legal and practical frameworks for prisoner transfers ('post-trial transfer system') so that pirates who are convicted in a country in the region are subsequently transferred to serve their sentences in prisons in Somalia.

The system has so far resulted in the transfer of 96 convicted prisoners from the Seychelles to Somalia to serve their sentences.

Along with a number of other donors, Denmark has provided support for an expansion and improvement of the prison capacity in Somalia (Puntland and Somaliland) so that Somalia can receive convicted pirates to serve their sentences. Serving sentences in Somalia presupposes adequate human rights protection and regular international monitoring of the prisons has been initiated. Going forward, a continued Danish engagement regarding prison capacity will be necessary, including a commitment to ensure a proper standard (see section 3.4).

The international legal effort over recent years has thus focused on establishing a framework for the handling of the most significant international legal challenges connected to combating piracy. In May 2014 the working group was turned into a virtual forum, but will continue to function as a platform for knowledge-sharing between the affected countries. Denmark will continue to participate in the cooperation within the frameworks of the virtual platform.

Denmark has also participated in the international cooperation on the coordinating of the prosecution of pirates under the auspices of Interpol, Europol and Eurojust. The State Prosecutor for Serious Economic and International Crimes (SEIC), which attends to the prosecution of people suspected of piracy if they can be prosecuted in Denmark, has a special role in this regard. As with other types of criminality, it is crucial that there is necessary evidence to go through with a criminal case. Therefore, SEIC participates actively in a Law Enforcement Task Force (LETF) which, in 2014, was established within the frameworks of CGPCS with the purpose of increasing international cooperation on prosecution of the pirate kingpins. The cooperation in LETF is promising and can also contribute to investigators and prosecutors, who work with the investigation and prosecution of piracy cases, being able to exchange information and organise cooperation in the specific criminal cases.

Since 2013, SEIC has processed specific criminal cases against people suspected of piracy and has participated in preventative initiatives against piracy off the Horn of Africa.

In 2014, the Ministry of Justice, the Public Prosecutor and SEIC, with the involvement of the Danish National Police, the Ministry of Defence, Defence Command Denmark and the Ministry of Foreign Affairs of Denmark, prepared a number of special guidelines that apply to the detention of and use of coercive measures against alleged pirates in cases with Danish criminal jurisdiction. The guidelines are included as part of the regulations for the handling of detainees in the Royal Danish Navy's maritime security operations outside of armed conflict and consequently sets the framework for an important aspect of the Danish combating of piracy.

The international legal effort has thus yielded good results. Denmark will continue to participate in the international community's efforts to ensure legally sustainable solutions for the combating of piracy. Denmark will simultaneously continue to work for effective prosecution of pirates in cooperation with relevant partners in the region. Going forward, efforts will be focused on prosecution of the pirate kingpins who, until now, have escaped prosecution.

Since 2011, inter-ministerial working groups have regularly drawn up and updated guidelines for the Danish Armed Forces on the detention and use of coercive measures against alleged pirates when there is Danish criminal jurisdiction. The guidelines contain specific instructions for the procedure for gathering evidence and for the communication between the involved Danish authorities. Moreover, an inter-ministerial working group will be established with participation of the Ministry of Foreign Affairs of Denmark, the Ministry of Justice and the Ministry of Defence which will – initially regarding cases outside Danish criminal jurisdiction - consider possible law adjustments of the Danish Armed Forces' investigation and prosecution of pirates.

In addition, supporting the combat of kingpins and financing of piracy in the region will continue to be a priority. See the section on capacity building.

SPECIFICALLY, DENMARK WILL

- Retain and, as needed, develop the legal cooperation with relevant countries in East Africa on the prosecution of pirates.
- Continue to contribute to the resolution of legal challenges related to the international community's combating of piracy.
- Contribute to ensure proper standards in the prisons where pirates, originally detained by Danish ships, serve their sentences.
- Actively participate in coordinating and knowledge-sharing in relation to specific cases of piracy, including through participation in LETF, in similar fora and in bilateral dialogue with relevant partners.
- Work to maintain focus in relevant fora and in cooperation with partners - including the Somali government - on the prosecution of the piracy kingpins.

3.4 Capacity building

GOAL:
TO BUILD CAPACITY IN ORDER FOR THE COUNTRIES IN THE REGION TO BE ABLE TO HANDLE THE CHALLENGES OF PIRACY IN THE LONG TERM

A long-term and sustainable response to the piracy threat off the Horn of Africa requires the countries in the region to build their own capacities in order to handle piracy and other maritime security challenges.

Over a number of years, Denmark has participated in the international cooperation and supported capacity building in nations in and around the Horn of Africa so that they will be able to manage their own maritime security and combat piracy off the Horn of Africa in the long term.

There are four areas where Denmark will continue to play a role by extending existing activities and cooperation. Firstly, there is a need to support regional stakeholders in their efforts for knowledge-sharing and formulation of a joint response to the piracy threat.

Secondly, there is a need for building maritime competencies and awareness in the region such as coast guard capacities with a view to making the countries better able to handle the exercise of traditional maritime authority. Thirdly, it is essential to continue the work within the legal and security sector in Somalia so that pirates can be prosecuted and serve their sentences in the country. Finally, there is an ongoing need for a targeted effort in order to inhibit the pirate kingpins in their activities, including countering the financing of piracy. These are all efforts that require a willingness to take risks, patience and persistence. These four areas are reviewed below.

a) Regional cooperation

Since 2013, Denmark has had a maritime planning advisor stationed to the AU, who has assisted and advised the African Union (2050 AIM Strategy Task Force) in the development of the first African Integrated Maritime Strategy (2050 AIM Strategy) with a view to strengthening the AU member countries' capacity to implement and further develop the exercise of maritime authority. Denmark will continue to support the AU in the implementation of the strategy and contribute to a coordinated approach to capacity building at nation-

al, regional and continental levels. The advisor has established a network which gives Denmark good insight into the continental African needs and plans in the maritime area.

There is a continued need to strengthen the cooperation between the affected countries in the region as well as in the regional organisations. These organisations can act as liaison in a strengthened coordination and cooperation in the combating of piracy. An element of this is Denmark's continued joint Nordic support to the Eastern Africa Standby Force (EASF) with a view to strengthening the one to two-man African maritime staff capacity, among other things. Looking forward, focus will be on supporting EASF's own ability to independently implement the necessary training and education through the educating of local trainers and instructors.

IMO has been responsible for the implementation of the 'Djibouti Code of Conduct', which supports information sharing and capacity building related to the combat of piracy and, among other things, is responsible for the construction of the training centre in Djibouti (Djibouti Regional Training Centre). The 'Djibouti Code of Conduct' is an important platform for dialogue and cooperation on regional capacity building, which Denmark will cooperate closely with.

b) Maritime capacity building

It is essential to build up the maritime capacity in the region. This applies to Somalia as well as other countries in the region affected by Somali piracy.

This involves basic maritime capacities such as ships and communication equipment to more advanced systems to



Source: Danish Defence

establish Maritime Domain Awareness (MDA).

Denmark continues to support UNODC's coast guard programme financially. The programme has the aim to strengthen the Somali coast guard capacities. This includes boats, spare parts, equipment and training of personnel as well as establishing the relevant legal frameworks for the coast guard.

The Kenyan navy has received support in the form of training and education as well as technical support for maintenance facilities and spare parts, which has helped to increase the Kenyans' ability to operate at sea, including in anti-piracy operations on the Indian Ocean. The cooperation will be expanded in 2015. Additionally, in 2015 Denmark will investigate the prospects for supporting the Kenyan maritime authorities' establishment of MDA, which will increase the ability to deploy the necessary capacities for the exercise of authority in relation to countering piracy.

Denmark has a number of specific competencies that can be included in bilateral capacity building initiatives on the Horn of Africa. Among these, Denmark can assist local maritime authorities in

their participation in so-called IMO Audits (IMO Instruments Implementation Code), which will be mandatory for all IMO member countries from 2016. The audits are a system for quality assurance of the individual countries' shipping administration, which will support a certain level of maritime security in the region. Denmark has considerable experience from the area and will be able to support the countries in East Africa in their preparation of IMO audit.

As a naval nation, Denmark has strong competencies within coast guarding and will be able to contribute with counselling and training activities. The Danish Armed Forces has previously provided bilateral support to the Seychelles through financial support for the purchase of smaller patrol boats and to Somalia through counselling.

It is crucial that the effort is coordinated with international, regional and local stakeholders so they interact optimally with ongoing or planned efforts. Denmark will actively explore the possibilities to implement training activities within the framework of the programmes and initiatives implemented by the partner countries in the region.

MARITIME DOMAIN AWARENESS (MDA)

An early identification of any threat at sea is important for a state's ability to take action proactively within the maritime domain. The maritime domain covers all areas and objects on, above, under or by the sea as well as related activities, infrastructure, persons and goods. The threat here is perceived very broadly and is not limited to intentional actions, but could be a contamination catastrophe as a result of an accident at sea, for example.

MDA is an ideal condition where you are aware of all activities throughout the maritime domain that can impact one or more of the aspects (security, welfare, environment and economy) that are included in MDA. MDA is thus about the ability to achieve broad situational awareness through the gathering of large volumes of data and information and being able to convert this into knowledge by which it is possible to react effectively and timely vis-à-vis any threats to security, welfare, economy and environment within the maritime domain. Consequently, MDA plays an important role in the suppression of piracy and armed robbery at sea.

It is noted that different definitions of MDA exist internationally.

This applies to the American-led African Partnership Station (APS), responsible for a number of capacity building initiatives in the region, including in relation to the handling of maritime challenges like piracy.

c) The judicial system

Denmark has supported the building and rehabilitation of Somali prisons as well as the training of relevant personnel. This has been done through UN-ODC. In 2014, the Garowe prison was opened in Puntland with Danish support. The prison has room for 500 prisoners, of which the main part is reserved for pirates. Denmark's support to Somali prisons has contributed to the transfer of convicted Somali pirates to Somali prisons. The risk of convicted pirates returning to piracy after their release is reduced by ensuring them proper conditions and vocational training. The possibility of serving a sentence in Somalia is a prerequisite for the country's willingness to prosecute pirates. The work will continue to be a Danish priority in the future effort in Somalia, including ensuring that the necessary prison standard is maintained. There will be regular international monitoring of the prisons.

d) Countering the financing of piracy

Until now, it is primarily the lower rank-

ing pirates who have been prosecuted and sentenced, while the kingpins have, most often, gone free. They still have the capacity and the intention to commit piracy, which is one of the reasons why the positive development in piracy off the Horn of Africa is considered as reversible. An effort against the pirate kingpins is therefore crucial to ensure an effective tackling of piracy in the long term.

Denmark has contributed to tightening the grip around the pirates' kingpins through the support for training of Kenyan and Somali police authorities and reporting units in the combating of money laundering. At regional level, Denmark has supported capacity building of the Ethiopian ministry of justice as well as the financial intelligence unit to strengthen the combating of money laundering on the Horn of Africa. Among other things, the Danish support has contributed to Ethiopia being removed from the international organisation, Financial Action Task Force's list of high-risk countries in October 2014. This is due to major progress in the handling of money laundering and terror financing. Denmark will continue to support this work on countering money laundering in the region.

SPECIFICALLY, DENMARK WILL

- Support the African Union with a maritime advisor in Addis Ababa for the implementation of the AIM 2050 strategy in the African member countries.
- Continue supporting the capacity building of the maritime staff element in EASF.
- Continue the support for the building of specific maritime capacities and coast guard functions in the region, including in Somalia as well as other affected coastal states.
- Investigate the possibilities to support the development of Kenyan navy and civil maritime institutions' ability to exercise MDA as the basis for Kenyan execution of maritime authority.
- Continue the support to Somali prisons, including ensuring that the necessary prison standard is maintained.
- Investigate the possibilities for bilateral cooperation, including offering relevant coastal states assistance to conduct IMO audits as well as training and instructions within coast guard functions.
- Continue to determinedly pursue the pirate kingpins and their money, including considering whether the experiences from Ethiopia and Kenya can be transferred to other places in the region.



Source: Corbis

4.

THE GULF OF GUINEA

4.1 The situation and the challenges in the Gulf of Guinea

The political situation and piracy in West Africa

The challenges in the Gulf of Guinea are essentially different from piracy off the Horn of Africa, not least, due to different political dynamics and another type of geography. The maritime regional architecture in the Gulf of Guinea stretches over 6,000 km of coastline from Senegal to Angola and includes 18 sovereign states. Parts of the Gulf of Guinea is affected by a combination of factors, which make it sensitive to piracy, armed robbery at sea and other forms of organised crime. A number of countries around the Gulf of Guinea are characterised by instability, widespread corruption and post-conflicts with ineffective governments, weak judicial systems, insufficient naval forces and coast guards. The Gulf of Guinea is home to one of the largest off-shore oil fields in the world containing 4.5 percent of the world's oil reserves. Nigeria, Gabon,

Ghana and other countries in the Gulf of Guinea are responsible for a third of Africa's oil production. The transport of oil and natural resources from the region to the rest of the world, combined with the mentioned challenges in the region's countries, attract criminality, which



Source: Danish Defence

manifests itself especially in piracy and armed robbery at sea.

The challenges in the Gulf of Guinea are transnational with criminal activity tran-

scending the territorial borders of the coastal states. Hence, close coordination and cooperation between the affected states is required. The UN has adopted resolutions, which make it clear that the states in the region have a leading role to play and that the international community should support the effort against maritime criminality in the region. In 2013, the states took initiative to establish the principles and a framework for future measures against piracy and armed robbery at sea in the region. The effort is in its early stages and the respective states are presently taking concrete initiatives to further the practical work in cooperation with international partners.

The development in the piracy situation

Over recent years, focus on piracy in the Gulf of Guinea has grown. In 2013, 74 pirate attacks were reported in the Gulf of Guinea, of which 11 led to hijackings. However, this number is encumbered with some uncertainty due to a lack of reliable statistics.

As a result of the situation in Nigeria's waters, ships have begun to lay anchor further west of Nigeria, Benin and Togo, which have subsequently become more important destinations for the exposed part of the shipping industry in this connection.

The attacks in West Africa differ on several points from the piracy off the Horn of Africa. The majority of attacks take place in the countries' territorial waters and are not, from a legal point of view, acts of piracy but rather armed robbery at sea. Attacks within the territorial waters are a matter for the relevant state and comprises the main part of the incidents in West Africa. The question of whether the attacks take place within or outside of the territorial waters is thus significant in relation to the states' rights, obligations and possibilities to intervene.

The attacks in West Africa are mainly acquisitive crime with focus on raw oil, which over recent years appear more organised. It is estimated that 200,000 - 300,000 barrels of oil are stolen daily, corresponding to an annual loss of USD 4-6 billion. The main part of the attacks occurs in Nigerian waters, but especially Benin, Togo and the Ivory Coast have also been affected. A large part of the pi-

racry in West Africa arises in connection with already existing criminality within the region's oil sector. It is assessed that without the fast growing black market for oil in the region, attacks would be drastically reduced. West African pirates are characterised by the use of advanced weapons, exercising aggravated assault and deprioritising the crew's well-being, given that the crew is of no value to the pirates as opposed to piracy in East Africa. In contrast to East Africa, attacks and hijacking in the Gulf of Guinea are brief and often last from a few hours to a few days and only in rare cases more than ten days.

4.2 An active Danish role in the international cooperation

GOAL:
TO PROMOTE INTERNATIONAL
KNOWLEDGE-SHARING AND
COORDINATION OF COMBATING
PIRACY IN THE GULF OF GUINEA

Experience from the Horn of Africa has shown that piracy is best countered as part of a larger international effort. Moreover, maritime security in the Gulf of Guinea is not only a matter for the affected countries in West Africa. The challenges in the Gulf of Guinea are of importance for a large number of other stakeholders who have commercial, security or development interests in the region and who can contribute positively to the combating of piracy in West Africa.

As mentioned, at the initiative of Benin, Nigeria and Togo, the UN Security Council has adopted resolutions³ that encourage the states in the west and central African region to take on a responsibility to secure their coastlines and to determine an overall regional strategy.

³ 2018 (2011) and 2039 (2012)

Denmark supports this African ownership and commitment. The Security Council has also encouraged the region's international partners to continue to support the effort in the Gulf of Guinea. Denmark intends to live up to this call for increased international commitment.

A number of UN organisations are already actively working to counter piracy in West Africa, including for example, UNODC's involvement within the legal sector. Across the board, IMO aims to raise the countries' coast guard capacities, ranging from the protection of the environment to combating smuggling and piracy. The organisation has recently launched a trust fund, which aims at strengthening regional capacity building within maritime security in the Gulf of Guinea. Denmark will work for a continued active UN commitment in the Gulf of Guinea in order to combat piracy, including through the support of the UN's efforts in the region.

In March 2014, the EU adopted a strategy for maritime security in the Gulf of Guinea, which Denmark has actively contributed to formulating. The strategy focuses on the threats against the coastal states in the region and against the EU. It defines initiatives which the EU, along

with international partners, can take in order to support the countries in the region. The EU is also involved in a number of projects that have the purpose of providing support to the sea transport sector in West and Central Africa and to ECCAS on security questions. In the future, a continued and active EU involvement in the Gulf of Guinea will be a Danish priority.

The African Union (AU) has committed to the handling of maritime security with, among other issues, the adoption of the African Integrated Maritime Strategy (AIM 2050). With the starting point in this strategy, the economic coalition of West African states (ECOWAS) has adopted its own maritime strategy. Denmark will continue the support to the AU's implementation of AIM 2050 (see also section 3.4).

The heads of state and government from ECOWAS, ECCAS and the Commission for the Gulf of Guinea (GGC) decided, as mentioned, at a summit meeting on maritime security in June 2013 in Yaoundé, Cameroon, to strengthen the coordination and cooperation in the area. This will be done, partly, by establishing strategic, planning and legal frameworks for a cohesive, coordinated and effective regional effort against pi-

racy and maritime criminality. This is known as the Yaoundé process and is in accordance with resolutions from the UN Security Council, the African Peace and Security Architecture (APSA) and the joint EU strategy. Efforts within the framework of the Yaoundé process are therefore a priority in the future Danish commitment in the Gulf of Guinea.

One of the most important channels for cooperation between the international community and the region on the piracy question is the G7++ Friends of the Gulf of Guinea (FoGG) group, which put the question of maritime security on the agenda in 2011. The group consists of the G7 countries, regional states and a number of interested third countries (Australia, Belgium, Brazil, Denmark, the Netherlands, Norway, Portugal, the Republic of Korea, Spain and Switzerland). G7++ FoGG supports the Yaoundé process and Denmark considers the group one of the most significant international fora for strategic discussion and coordination of the efforts in the region.

The practical regional cooperation that aims to prevent and combat piracy is under development and has led to the establishment of the Interregional Coordination Centre (ICC) in Cameroon,

which will function as the focal point for the coordination of the regional efforts, including naval operations regarding maritime security. This is closely connected to already existing international cooperation measures in the area (see section 4.4). ICC is an appropriate platform for dialogue on the joint efforts against piracy in the region. Therefore, Denmark will work to further the cooperation between the Centre and relevant international partners.

The bilateral dialogue with the coastal states in West Africa is instrumental in clarifying the possibilities for cooperation and the establishment of joint visions for the future Danish effort in the Gulf of Guinea. Therefore, Denmark will actively use its diplomatic presence in West Africa to strengthen the bilateral dialogue with leading countries in the region, including through the newly established embassy in Abuja, the trade office in Lagos as well as the embassy in Accra. In addition, Denmark will station a maritime growth consultant in Accra, which will give the possibility for a strengthened dialogue with authorities and trade interests on maritime security in the Gulf of Guinea.

In West Africa Denmark will also utilise its experience regarding international coordination and knowledge-sharing from the work in CGPCS.

SPECIFICALLY, DENMARK WILL

- Work actively to keep the combating of piracy in the Gulf of Guinea on the agenda in relevant organisations and with relevant partners.
- Promote international coordination of the combating of piracy in the Gulf of Guinea, including actively participate in G7++ FoGG as well as similar international fora.
- Ensure local ownership by designing the Danish efforts to support the implementation of the African strategies and in close coordination with regional and local stakeholders. This includes supporting dialogue and coordination within the framework of the Yaoundé process.
- Actively use the Danish diplomatic presence in West Africa to promote dialogue and cooperation on maritime security with leading countries in the region as well as with relevant partner countries, such as France, United Kingdom and the USA.
- Station a maritime growth consultant to Accra who can participate in the dialogue with trade interests and local authorities on piracy.

4.3 Combating piracy in the Gulf of Guinea

GOAL:
TO PROMOTE MARITIME SECURITY IN THE GULF OF GUINEA

The frameworks for a future military effort

The international effort against piracy in West Africa involves significantly different conditions than in East Africa. Primarily because the attacks in the Gulf of Guinea mainly occur in territorial waters, which means that international efforts can only be done by invitation from the relevant countries. Therefore, international law and the laws of the sea cannot be similarly used in the same way as on the Horn of Africa.

Regionally, it has proved difficult to combat piracy in the Gulf of Guinea. At the same time, the coastal states' governments have not yet given permission for foreign state and military vessels' presence in their territorial waters with a view to countering armed robbery at sea. The majority of the coastal states only allow the use of local armed guards and thus not the use of armed guards from civilian companies or other nations in



Source: Danish Defence

their territorial waters. Therefore, the military solutions that have yielded good results in East Africa cannot be used in West Africa and the international military effort is expected, first and foremost, to focus on capacity building and support for the coastal states' own navy and coast guard forces (see section 4.4). French experience, however, indicates that military presence in international

waters can have a deterring effect even though the pirates most often operate in territorial waters.

Considerations on the future effort

Denmark does not rule out a future military engagement that goes beyond capacity building if this is required regionally. However, given the political and security challenges in the region,

such an effort must be carefully considered. Denmark has limited experience with military engagement and military cooperation with the coastal states in the region. Therefore, the Danish effort will initially focus on establishing a better understanding of the challenges and the stakeholders in the region. This can be done by cooperating with other partners operating in the region as well as through participation in military exercises.

The establishment of a Danish embassy in Nigeria in August 2014 can contribute to this, including increased dialogue with West African maritime authorities and naval units. The Danish Defence will investigate the possibility of establishing a position in the region in order to be able to advise on maritime security.

Denmark will work on deploying Danish staff officers to selected partner countries who operate in the area with the aim to gain knowledge of the regional context and to create an overview of how a Danish effort would be most effective. Moreover, Denmark will regularly consider initiatives that can strengthen dialogue and cooperation with maritime authorities and units in West Africa.

SPECIFICALLY, DENMARK WILL

- Contribute with Danish staff officers for selected partners' activities in the region and in doing so create a better decision-making basis for a possible future Danish military and capacity building effort.
- Seek participation in international and regional military exercises in order to contribute to capacity building and to gain knowledge on the challenges and stakeholders in the Gulf of Guinea.
- Investigate the possibilities of establishing a position in the region in order to advise on maritime security.

4.4 Capacity building

GOAL: TO BUILD CAPACITY IN ORDER FOR THE COUNTRIES IN THE REGION TO BE ABLE TO HANDLE THE CHALLENGES OF PIRACY IN THE LONG TERM

In order to safeguard the shipping industry and the seafarers in the Gulf of Guinea, it is crucial that the coastal states build their own capacities to be better able to handle the challenges of maritime security. In this regard, there are three areas in particular that need support. Firstly, this concerns strengthening the regional cooperation in the maritime area so the coastal states will improve their ability to effectively counter cross-border threats from pirates and armed robbery at sea. Secondly, there is a general need to strengthen the maritime competencies in the coastal states, including the establishment of MDA in the region in order to create a common understanding of the situation at sea. Finally, it is necessary to build expertise within the judicial system so that alleged pirates and other criminals can be prosecuted and sentenced for crimes committed at sea.

Regional cooperation

The region is facing a large number of challenges in relation to exercising authority in the coastal guard and law enforcement area. Many of the countries in the region have insufficient institutions and there is a lack of common standards concerning the training of military and coastal guards, structures for information sharing and cooperation. In addition, the responsibility for maritime security at national level in the territorial waters is shared between several authorities, including the naval force, coast guard and police. This can further complicate an effective response to specific attacks. Thus, there is a need for an integrated approach where a number of national authorities are strengthened and at the same time, an increased regional cooperation on e.g. information sharing and coordination of activities within maritime security.

In addition to the political support for the Yaoundé process through G7++ FoGG, Denmark will also be able to support the implementation of declarations from ECOWAS and ECCAS on increased cooperation and coordination within maritime security in cooperation with the African partners.

This could include support for the newly opened interregional coordination centre (ICC) in Yaoundé, Cameroon. ICC will create the strategic framework for the regional maritime coordination centre, which is planned in a number of maritime zones from Angola to Senegal. In the longer term, it is expected that ICC will be the strategic platform for the exchange of information and co-ordination of activities in all zones, and therefore constitutes an opportunity for support of specific initiatives under the regional cooperation on maritime security.

As mentioned in section 3.4, Denmark has had a maritime advisor deployed to the African Union in Addis Ababa in order to provide support for the formulation of a maritime strategy for the African continent. The support to the AU is expected to continue while other options for secondments in regional organisations and initiatives such as ECOWAS, ICC, etc. will be taken into the consideration for the future Danish effort.

a) Maritime capacities

Even though the coastal states, to some extent, have formal maritime authorities, the assessment is that a number of



Source: Danish Defence

maritime capacities continue to be weak in West Africa. For example, this applies to the ability to establish MDA as well as capacities for and experience of implementing concrete anti-piracy and sea rescue operations. The building of maritime capacities will therefore be a Danish priority in the Gulf of Guinea.

A special priority will initially be the establishment of MDA, which is a prerequisite for the effective exercise of

maritime authority. In Ghana, the newly established information sharing centre - the Maritime Trade Information Sharing Centre (MTISC) - contributes namely to a strengthened MDA in relation to the threat from piracy and armed robbery at sea. The initiative is a cooperation between private maritime organisations and is supported by IMO, INTERPOL and a number of countries (e.g. Norway, the UK and the Netherlands).

The centre is a platform for the voluntary exchange of information for private companies and can, among other things, send a warning to other ships in the area in the event of attacks or suspicious behaviour as well as notify national authorities. Denmark considers MTISC as complementary to ICC, which is established in Cameroon within the framework of the Yaoundé process. It will be a Danish priority to promote initiatives, such as MTISC and in the long term, ICC, which contributes to a strengthened MDA in the Gulf of Guinea.

IMO has established a multi-donor trust fund dedicated to capacity building within maritime security in the Gulf of Guinea, which is supported by the UK, Norway, Japan, Nigeria and China. However, piracy is just one of several challenges from a maritime security perspective and the trust fund will work with a broad variety of capacity building tools. Therefore, support via multi-donor trust funds or multilateral organisations will be part of the Danish considerations to support capacity building efforts.

As mentioned in section 3.4, Denmark has a number of specific competencies that can be supportive of bilateral capac-

ity building initiatives. Consequently, in West Africa as well, Denmark can assist the local maritime authorities in their participation in IMO Audits (IMO Instruments Implementation Code) and offer training and advice within general shipping administration.

There are several different international military efforts in the area that are showing good results in relation to capacity building of naval and coast guard forces in the region. For example, the American navy has taken initiatives for regional capacity building and support for the coastal states' own naval forces based on the international cooperation in the Africa Partnership Station (APS). The effort contributes to render the local naval units and personnel able to handle, for example, piracy in the long term. APS comprises a possible platform for maritime capacity building, which Denmark will consider participating in.

b) The judicial system

As mentioned, combating piracy in West Africa differs in many ways from the challenges off the Horn of Africa where, at Somalia's request, the Security Council resolutions 1846/2008 and 1851/2008 gave the international community a judicial starting point to com-

bat piracy off the coast of Somalia. As a basis, West Africa is assessed as not having the same legal challenges as was the case in relation to piracy off the coast of Somalia because the West African countries' foundation for handling the threat of piracy is better than Somalia's.

However, several countries in the Gulf of Guinea acknowledge that effective prosecution and sentencing of pirates is essential. They have requested support for capacity building in this area. This regards the handling of specific cases on piracy, armed robbery and other forms of maritime criminality in relation to the gathering of evidence on board ships, questioning of alleged pirates and hostages, transfer of evidence to police and prosecutors and deciding on the question of jurisdiction and cases of extradition to neighbouring countries. Moreover, there is a need for the adoption of national laws that criminalise piracy and armed robbery at sea as well as the implementation of national standards and guidelines.

Furthermore, Denmark will regularly assess whether there are other focus areas that are relevant to the effort in West Africa.

This assessment will also take into consideration the experience from the effort on the Horn of Africa and will therefore, in the long term, be able to include efforts to counter the financing of piracy, an area which Denmark has experience in. Compliance of human rights will be incorporated as an element in Danish capacity building initiatives.

SPECIFICALLY, DENMARK WILL

- Plan Danish support for capacity building in the region with special attention to efforts within (i) the regional cooperation on maritime security, (ii) maritime capacities, and (iii) the judicial systems. Contributing to the strengthening of MDA will be an initial priority.
- Work actively to promote capacity building efforts that prioritise local ownership in the region, including support for the Yaoundé process.
- Investigate the possibilities for support through multilateral organisations and multi-donor trust funds for capacity building efforts in the Gulf of Guinea.
- Investigate the possibilities for bilateral cooperation, including in relation to Danish contributions, in order to create more well-functioning local naval and coast guard forces and assist the relevant coastal states' implementation of IMO Audits.
- Regularly consider which experiences from the effort on the Horn of Africa can be advantageously brought into play in West Africa. This includes focus on the Danish experience of countering the financing of piracy and efforts within the legal sector.

5.

THE DANISH EFFORT OUTSIDE OF THE FOCUS AREAS

GOAL: TO CONTRIBUTE TO THE COMBATING OF PIRACY IN OTHER REGIONS WHERE THERE ARE SIGNIFICANT SHIPPING INTERESTS AT STAKE

Piracy is a global challenge. Denmark will continue to actively contribute to the combating of piracy in other regions where there are significant Danish shipping interests at stake.

For example, Denmark participates actively in the Asian-based international anti-piracy organisation Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). ReCAAP is a framework for initiatives that contribute to inhibiting and combating piracy and armed robbery at sea in Asia. The work is based on three fundamental cooperation components; exchange of information, capacity building, and operational cooperation in the region with a view to combating piracy and armed robbery at sea. Since the beginning of the ReCAAP

cooperation, there has been a long period of reduction in the number of piracy incidents in the region.

As a member state, Denmark has also actively supported IMO's global work with maritime security and piracy, including the issue of armed guards on merchant vessels. Furthermore, Denmark has an active part in a number of relevant policy processes, including in the development of the EU's maritime security strategy and in the prioritising of the maritime area within NATO.

Denmark will also continue the cooperation with other states and international organisations, including the maritime industry, in order to strengthen the standards and initiatives to combat piracy. For example, this applies to the UN, the EU and NATO.

SPECIFICALLY, DENMARK WILL

- Retain the combating of piracy as a priority in international fora and with international partners globally, including in particular, the UN, the EU and NATO.
- Continue the Danish involvement in ReCAAP to combat piracy and armed robbery at sea in Asia.
- Continue to actively participate in IMO's work on maritime security, with the combatting of piracy as a Danish priority.

6.

PROTECTION OF THE SHIPPING INDUSTRY AND THE SEAFARERS

GOAL:
TO CONTRIBUTE TO THE PROTECTION OF DANISH SHIPPING AND DANISH SEAFARERS

Danish ships and Danish seafarers find themselves in waters threatened by piracy every single day, all year round. Piracy

and armed robbery at sea has considerable impact on the commercial shipping industry and, not least, on the people who are working on ships that sail through areas impacted by piracy.

One of the most important factors of whether a ship is attacked is the ship's

physical characteristics combined with the visible use of a number of precautionary measures. In the efforts to increase the protection of the shipping industry, it has thus been essential to involve the shipping lines who have taken responsibility for the safety of the ships by using precautionary measures to prevent piracy.



Source: Danish Defence

On this basis, there will continue to be focus on Danish ships' compliance with the international recommendations on precautionary measures when sailing in piracy areas, the BMPs, which constitute an important element in the prevention of piracy. Since the beginning of 2012, Danish ships have been required to register and report their sailing in high-risk areas off the coast of Somalia to the Maritime Security Centre Horn of Africa (MSCHOA)⁴ and the United Kingdom Marine Trade Operations (UKMTO)⁵, and Danish shipping lines must, to the relevant extent, take the other parts of the BMP recommendations into consideration in relation to procedures for the prevention of piracy. It will be a Danish priority to continue the control of BMP compliance. In the event Danish authorities receive reports that a Danish ship has not complied with the recommendations, the authorities will investigate the incident further.

⁴ Maritime Security Centre Horn of Africa (MSCHOA)
The centre was established by the European Union's naval forces off the Horn of Africa (EU NAVFOR) and advises ships that sail through the Gulf of Aden on anti-piracy.

⁵ United Kingdom Marine Trade Operations (UKMTO)
The British maritime office in Dubai, which acts as the connection between military forces in the region and merchant ships. They also administrate a voluntary system where ships can report their course and position.

In March 2011 the government decided to allow for the use of civilian armed guards on Danish ships in light of the deteriorating situation in waters off the Horn of Africa. Consequently, the shipping lines can get permission to use civilian armed guards on board a Danish ship if this is considered as a requirement on the basis of the general threat assessment of the area. Moreover, other relevant information on the case must not contradict granting such permission.

Such individual permission is given to the shipping line for a number of named guards on board a specific ship during a detailed sailing route in a high-risk area to possess, bear and use specific weapons with associated ammunition with the aim of exercising self-defence in the event of a pirate attack.

In June 2012, the Danish Parliament adopted an amendment to the law on weapons, which aimed at ensuring that shipping lines could obtain faster and more flexible permissions to use civilian armed guards on board Danish ships in areas where there is a risk of piracy and armed assault. The shipping lines can obtain a one-year permission to use civilian armed guards on Danish cargo ships that sail in areas where there is a

risk of piracy and armed assault. Such a general permit, in contrast to an individual permit, will not be associated with a specific sailing route, a specific security company, named guards or specific weapons.

The revised piracy strategy places increased focus on the protection of the seafarers. As part of the government's Growth Plan for The Blue Denmark, amendments to laws have already been made regarding seafarers' employment conditions, which constitute a solid basis for their protection. This concerns new regulations that give seafarers and their relatives better security in instances of piracy and which enhance the shipping lines' obligations in relation to prevention, preparation and handling of piracy. Hence, the high Danish international profile will be maintained while the international level of seafarers' protection is raised.

Denmark will continue to work to improve the working conditions for the seafarers, not least, in relation to ensuring the best possible protection while sailing in the waters where the threat of piracy and armed robbery at sea is predominant.

On this background, Denmark will work in the ILO to raise the new Danish regulations on increased protection of the seafarers in the event of piracy to an international level. The employment of foreign seafarers without residence in Denmark places special requirements on ensuring that these seafarers know their rights. On this basis, instructions will be drawn up precisely for these seafarers on their rights and the regulations concerning piracy.

In this regard, an initiative will be taken to complete a joint action plan for the handling of the seafarers' rights after release. The purpose is to gather the authorities' and organisations' efforts with the aim of clarifying the respective stakeholders' and authorities' responsibilities. The action plan will be completed jointly between affected authorities and organisations.

Furthermore, Denmark will at an international level promote the "Interim Guidelines on Measures Relating to the Welfare of Seafarers and their Families Affected by Piracy off the Coast of Somalia", which was formulated by the industry working group (WG3) under CGPCS. The guidelines provide instructions to the broad circle of parties

who, most often, participate in the handling of a piracy incident. This includes which steps these parties should take to provide effective and fast support to the seafarers and their families.

It is crucial that seafarers who are, or who have been, in the pirates' custody are not forgotten. Therefore, Denmark has contributed to the Piracy Survivor Family Fund. The fund, which is established within the UN, is aimed at providing medical or social support to seafarers who have been held hostage by Somali pirates.

SPECIFICALLY, DENMARK WILL

- Retain focus on the ships' compliance with BMP.
- Work in ILO to raise the new Danish regulations on increased protection of the seafarers in the event of piracy to an international level and to promote "Interim Guidelines on Measures Relating to the Welfare of Seafarers and their Families Affected by Piracy off the Coast of Somalia".
- Prepare joint instructions for foreign seafarers' rights and obligations in relation to piracy and for the handling of the seafarers' rights after release.
- Referral is also made to the previously mentioned capacity building initiatives that can be of crucial importance to the protection of shipping and the seafarers.

7.

KNOWLEDGE BUILDING

Combating piracy and armed robbery at sea are complex challenges, which require a carefully calibrated combination of efforts. Therefore, it is important to ensure the government the best basis for decision when prioritising the Danish effort through knowledge building and research.

Since the Danish effort in the Gulf of Guinea is a new focus area for Denmark, there is a particularly pronounced need for knowledge building. The Danish presence in Accra, the newly established embassy in Abuja and the trade office in Lagos pave the way for more dialogue and cooperation with relevant partners within the maritime industry, West African maritime authorities, civil society as well as relevant educational and research institutions in the region.

A more targeted knowledge building effort, including the gathering of existing research or initiating new research regarding piracy in West Africa, will be a priority. Obvious partners for new knowledge building will be internation-

al and local research institutions. Cooperation with local institutions like the Kofi Annan International Peacekeeping Training Centre (KAIPTC), the Maritime University in Accra, the Institute for Security Studies in Dakar as well as the Nigerian Defence Academy in Abuja will give valuable insight into regional dynamics as well as ensure local ownership of the effort. International stakeholders and institutions like IMO, Chatman House and Oceans Beyond Piracy might contribute with comprehensive knowledge on issues regarding piracy and armed robbery at sea globally. Targeted research will give valuable input and provide guidance to the Danish and international efforts in the Gulf of Guinea.

It will be a Danish priority to continuously identify possibilities for specific initiatives for knowledge building on piracy and armed robbery at sea, including for example, in dialogue with civil society, industry organisations, educational and research institutions.

8.

RISK ELEMENTS

The counter-piracy efforts are associated with certain political, security and financial risks.

The military effort naturally entails security risks to the Danish personnel, for the pirates and for the hostages who are detained by the pirates. It cannot be ruled out that the pirates, as a result of international military efforts that threaten their income basis, will escalate the situation by threatening to execute hostages. In that case, Denmark and the international community will be faced with a new situation, which will require renewed considerations.

In relation to capacity building, concern for sustainability will pose a challenge. In regions comprising fragile or weak states with low capacity and relatively high levels of corruption, there is a risk that launched initiatives will not have the intended effect. Furthermore, uncoordinated efforts cannot yield results without sufficient regional or local ownership. Efforts to reduce the fi-

nancial risks include working through other stakeholders and programmes that can perform an audit on site.

The Danish effort will also involve certain political risks as a result of the difficult and unpredictable development in the pirates' activities and the resulting risk that the effort will not yield the desired results. The effort on the Horn of Africa has been in operation for a number of years now but the fragile situation in Somalia is still a risk factor. Efforts in West Africa will also involve a certain risk as effective cooperation with the respective coastal states is essential to a successful effort. If an agreement cannot be reached on the content and modus for the cooperation, this will inhibit the effort significantly. This requires particularly close coordination and balancing of expectations with the coastal states affected by the effort. However, this will be handled with a regular assessment of the results of the strategy's goals and with subsequent adjustments of the effort.

9.

MONITORING AND REPORTING

The responsibility for the implementation of the strategy lies with the Ministry of Foreign Affairs of Denmark, the Ministry of Defence, the Ministry of Justice and the Danish Ministry of Business and Growth, each of which will monitor the effort for combating piracy. In regards to ensuring a full overview and thus the possibility to assess the usefulness of the effort, the connection between the various initiatives and the need to possibly adjust the strategy in light of developments, will be reported to the Danish Parliament annually within the frameworks of the annual security policy report to the Danish Parliament.

Furthermore, for this strategy a mid-term evaluation of the effort will be conducted, which coincides with the mandates for the two naval missions off the Horn of Africa. Consequently, there will be the possibility for a more comprehensive adjustment of the effort halfway through the strategy's four-year period.

Abbreviations

AIM Strategy	African Integrated Maritime Strategy	KAIPTC	Kofi Annan International Peacekeeping Training Centre
AMISOM	African Union Mission in Somalia	LETF	Law Enforcement Task Force
APSA	African Peace and Security Architecture	MDA	Maritime Domain Awareness
AU	African Union	MSCHOA	Maritime Security Centre Horn of Africa
BMP	Best Management Practices	MTISC	Maritime Trade Information Sharing Centre
BMP ₄	Best Management Practices for Protection against Somalia Based Piracy	OLA	United Nations Office of Legal Affairs
CGPCS	Contact Group on Piracy off the Coast of Somalia	NATO	North Atlantic Treaty Organisation
EASF	East African Standby Force	PSG	Peace and Statebuilding Goals
ECCAS	Economic Community of Central African States	ReCAAP	Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia
ECOWAS	Economic Community of West African States	SHADE	Shared Awareness and Deconfliction
ESAIO	Eastern and Southern Africa and Indian Ocean Region	SEIC	The State Prosecutor for Serious Economic and International Crime
EU	European Union	UKMTO	United Kingdom Maritime Trade Operations
EUCAP Nestor	European Union capacity building effort in the Horn of Africa and the Western Indian Ocean	UNDP	United Nations Development Programme
EU NAVFOR		UNODC	United Nations Office on Drugs and Crime
UN	United Nations	UNSOM	United Nations Assistance Mission in Somalia
GCCS	Global Center on Cooperative Security	WG ₂	Working Group 2 – Contact Group on Piracy off the Coast of Somalia
GGC	Gulf of Guinea Commission	WG ₃	Working Group 2 – Contact Group on Piracy off the Coast of Somalia
G7++FOGG	Friends of the Gulf of Guinea Group		
ICC	Inter-regional Coordination Centre		
IGAD	Intergovernmental Authority on Development		
ILO	International Labour Organisation		
IMO	International Maritime Organisation		
ISSP	IGAD Security Sector Programme		
IUU	Illegal, Unreported and Unregulated fishing		

