



Navigating Changing Currents

A forward-looking evaluation of efforts to tackle
maritime crime off the Horn of Africa

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The Centre for Military Studies (CMS) is a research centre at the Department of Political Science at the University of Copenhagen. The Centre undertakes research on security and defence issues as well as military strategy. The United Nations Office of Drugs and Crime's Global Maritime Crime Programme (UNODC GMCP) has been working in the Horn of Africa (HoA) region to strengthen the ability of criminal justice systems to address threats of maritime crime through a multiplicity of activities since 2009.

In 2017, CMS established a partnership with UNODC GMCP. This partnership was established to make use of UNODC's unique access to primary data on crime trends in the HoA region on the one hand, and, on the other hand, CMS' expertise in carrying out policy-relevant research to inform security policy in complex and interconnected security environments.

The Government of Denmark has supported the GMCP since 2011 under the Peace and Stabilisation Programme (PSP). After more than seven years of programme delivery, the Royal Danish Embassy in Nairobi commissioned the present report to conduct an evaluation of activities delivered under the latest PSP (2015-2017) in view of counter-piracy objectives, but also of trends in other types of maritime crime.

The purpose of this report is to inform Danish policies with regard to combating maritime crime in the HoA region. It contains an analysis based on academic research methodology. Its conclusions should not be understood as a reflection of the views and opinions of the Danish Government, the Danish Armed Forces, UNODC or any other authority.

Read more about CMS and its activities at <http://cms.polsci.ku.dk/>.

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Abbreviations

AFRICOM	United States Africa Command
AIS	Automatic Identification System
AMISOM	African Union Mission in Somalia
AS	Al-Shabaab
AQAP	Al-Qaeda in the Arabian Peninsula
BAM	Bab al-el-Mandeb Strait
BIMCO	Baltic and International Maritime Council
BPMPU	Bosasso Port and Maritime Police Unit
BPP	Bosasso Port Police
CGPCS	Contact Group on Piracy off the Coast of Somalia
CMF	Combined Maritime Forces
CMS	Centre for Military Studies
DIIS	Danish Institute for International Studies
DRC	Danish Refugee Council
DT	Detention and Transfer Programme
ENACT	European Union Project: Enhancing Africa's Response to Trans-national Organised Crime
EUCS	EUCAP Somalia
EUNAVFOR	European Union Naval Force
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organization
GI	The Global Initiative against Transnational Organised Crime
GMCP	Global Maritime Crime Programme
GPS	Global Positioning System
HoA	Horn of Africa
HQ	Headquarters
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IED	Improvised Explosive Device
INTERPOL	International Criminal Police Organization
INTERTANKO	International Association of Independent Tanker Owners
IOC	Initial Operational Capability
IOM	International Organisation for Migration
IUU	Illegal Unregulated and Unreported Fishing
KMPU	Kenyan Maritime Police Unit
MCP HoA	Maritime Crime Programme for the Horn of Africa
MDA	Maritime Domain Awareness
MLE	Maritime Law Enforcement
MPTF	Multi Partner Trust Fund for Somalia
MPU	Mogadishu Maritime Police Unit
NGO	Non-Governmental Organization
NM	Nautical Miles
NMRs	Nelson Mandela Rules
OBP	Oceans Beyond Piracy

OECD-DAC	Organization of Economic Development, Development Assistance Committee
OEF	One Earth Future Foundation
PAG	Piracy Action Group
PEW	PEW Charitable Trusts
PSMA	Agreement on Port State Measures
PSP1	Peace and Stabilisation Programme 2011-2014
PSP2	Peace and Stabilisation Programme 2015-2018
RMIFC	Regional Maritime Information Fusion Centre in Madagascar
RUSI	Royal United Services Institute
SEMG	Somalia and Eritrea Monitoring Group
SLCG	Somaliland Coastguard
SMRs	UN Standard Minimum Rules for the Treatment of Prisoners
SMRSS	Somali Maritime Resource and Security Strategy
SOLAS	International Convention for the Safety of Life at Sea
SOPs	Standard Operating Procedures
SRP	Southern Route Partnership
TEPIDOIL	Training, Equipment, Personnel, Information, Doctrine and concepts, Organisation, Infrastructure, Logistics
TiPSoM	Trafficking in Persons and Smuggling of Migrants
TNT	Trinitrotoluene
UAE	United Arab Emirates
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMAS	United Nations Mine Action Service
UNODC	United Nations Office on Drugs and Crime
UNSOM	United Nations Assistance Mission in Somalia
UNSC	United Nations Security Council
VBSS	Visit, Board, Search, and Seizure
VEO	Violent Extremist Offenders
VMS	Vessel Monitoring System
WBIED	Water Borne Improvised Explosive Device
WFP	World Food Programme
WHO	World Health Organization
WIO	Western Indian Ocean

Executive Summary

This report is made up of three separate sections. Section 1 offers an analysis of maritime crime trends off the Horn of Africa (HoA). Section 2 is an evaluation of a set of past programmes aimed at countering maritime crime. Finally, section 3 combines findings from sections 1 and 2 to make recommendations on how to shape future engagements. The summary below highlights key findings from each of the two analytical sections of the report and presents the main challenges identified in section 3.

Section 1: Summary of findings of Trend Analysis

Since 2012, the problem of Somali piracy has been largely suppressed through numerous concerted efforts by Somali, regional, and international actors. A number of failed hijacking attempts in 2017 have been seen by some as indicating that a resurgence of piracy may be on the horizon. Others, however, argue that the integrity of the business model for piracy off the coast of Somalia has been broken and that those who were once involved in piracy have moved on to other ventures. Regardless of whether a resurgence of Somali piracy is at hand, there are numerous other threats to stabilisation in the HoA region emanating from the maritime domain.

This report looks specifically at *developments and drivers* of six types of maritime crime and maritime insecurity, namely: Piracy, Trafficking in Persons and Smuggling of Migrants (TiPSoM), Weapons Smuggling, Illegal Unregulated and Unreported Fishing (IUU), Drugs Smuggling, and Armed Violence at Sea. It is found that each of these forms of crime negatively impact stability in the HoA region. We call this the *maritime crime-stability nexus*. Criminal networks and terrorist groups in and around Somalia thrive in lawless space, both on land and at sea. Compounding the problem is the fact that maritime crime fuels the operations of these actors, which allows them to grow in strength. This is, for example, seen in the case of arms smuggling via maritime routes where many of the weapons reaching Somalia are likely to end up in the hands of groups such as Al-Shabaab. Governance structures and rule of law are thus at risk of being undermined, which invigorates a spiral of insecurity.

Beyond individual forms of crime, this report also looks at the broader *crime complex at sea*, which is characterised by *interconnectivity* between different types of crime and dynamics, causing crime to reposition thematically (into other types of criminal ventures) and/or to reposition geographically when pressures of deterrence are exerted. These dynamics are referred to as *ballooning effects*. By way of example, there is evidence that former piracy action groups have moved into other types of crime as the piracy business model came under pressure due to various measures of deterrence. The mutually reinforcing effect of naval patrols, industry self-protection, and regional prosecutions rendered piracy a dangerous and non-profitable business. The advent of these new circumstances roughly coincided with the rapid destabilisation of Yemen, which led to TiPSoM becoming a more profitable and less risky business for former pirates, and others, to engage in. Indirect linkages are also important to consider. Highlighted in this report is

particularly how smuggling of weapons, heroin, and other contraband such as sugar and charcoal, finance terrorist groups in various locations ranging from Afghanistan to Somalia – and, more recently, Mozambique.

Having looked at the broader crime complex at sea, the main conclusion from section 1 is that it is not useful to tackle individual types of maritime crime in isolation. Since the crime complex seen off the HoA is dynamic and interconnected, interventions aimed at building stability through countering maritime crime should be equally agile and/or comprehensive both in terms of the types of crime being targeted and the geographical scope. *Reflections* revolving around these notions round off section 1.

Section 2: Summary of findings of Evaluation

In section 2, focus is centred on specific interventions delivered by UNODC's Global Maritime Crime Programme (GMCP) in Somalia from 2015-2017 with funding from the Danish PSP. Two engagements related to corrections and maritime law enforcement are evaluated against three parameters, namely whether *objectives* have been met, with what *impact*, and whether the *rationale* for them remains valid. This evaluation is based on findings from interviews carried out with criminal justice actors who have received GMCP support (recipient respondents) and counterparts from organisations involved in related fields of work (peer respondents). Substantiation of conclusions derived from interviews has been secured through triangulation of findings through secondary sources such as parallel assessments, monitoring reports, and reports from key actors working with criminal justice in Somalia.

In the area of *corrections*, UNODC GMCP was tasked with ensuring that prison conditions for piracy prisoners transferred from third party states to Somali prisons are humane and secure. As custodian to the 'Nelson Mandela Rules' (NMRs), UNODC seeks to support Member States in attaining the UN Standard Minimum Rules for the Treatment of Prisoners (SMRs). Danish support to the GMCP was targeted at Garowe and Hargeisa Prisons, which both hold piracy prisoners transferred from Seychelles under the Piracy Prosecution Model. Programme delivery focused on ensuring that basic conditions of incarceration are humane and secure; that prison management follows the basic principles enshrined in the NMRs, and that prisoners receive training and support to bring about rehabilitation. In addition to material support for training programmes, a key part of GMCP's programme is the placement of two embedded mentors in each of the two prisons. These mentors work alongside staff on a day-to-day basis, deliver training programmes, and continuously monitor conditions.

Concerning the *objective* of ensuring compliance with the NMRs, it was found through our synthesis of primary and secondary data, that there are concrete examples of positive change in behaviour among prison staff. According to respondents, GMCP mentors have been an important contributing factor in achieving this change. While many challenges remain in the two prisons, statements by peer and recipient respondents suggest that conditions are considered humane and secure. When analysing the *impact* of GMCP's support, several respondents refer to conditions in prisons where UNODC is not present as a way of exploring the counterfactual question of how conditions may have been had the programme not existed. The conclusion is that detention standards in Hargeisa and Garowe Prisons are higher than in other detention facilities in Somalia. This in turn, suggests that standards achieved in Hargeisa and Garowe are to a large degree attributa-

ble to efforts of the GMCP. Again, respondents highlight that the presence of the mentors contributed enormously to the level reached in the two prisons. Finally, with regard to whether the *rationale* of the engagement remains valid, a few points for consideration are put forward.

Firstly, with regard to basic conditions, it is important to recognise the local context in which the programme is delivered when setting success criteria for support to the prison sector. Considering the Somali context, expectations for living standards for prison inmates should be compatible to the living conditions of the general Somali public which are considerably low. In terms of improvement of prison management, what might receive more attention in future engagements is increased systematisation of administrative procedures. Having a paper trail documenting the handling of complaints, sanctions, and medical emergencies for example, could bring increased accountability. This is, however, challenged by the fact that 80% of prison staff are estimated to be illiterate. Exploring how technological solutions can help overcome challenges related to written communication is suggested as a way forward. Another possibility is to consider making more strategic use of the vantage point of the mentors as intermediaries between the prison sector and international community actors supporting Somali corrections. Other areas which the programme might increase attention on relate to prisoner radicalisation, conditions for minors, healthcare including mental health in prisons, and risk of early release.

The second engagement considered in section 2 relates to UNODC GMCP support to *Maritime Law Enforcement* (MLE) units in three locations – Berbera, Bosasso, and Mogadishu. This engagement has included delivery of equipment, infrastructure, and embedded mentoring and training. The *objective* of the project was for Somali MLE authorities to carry out operations in line with basic principles on the use of force and firearms and the code of conduct for law enforcement officials. According to these principles, operations must at all times be carried out with respect to human rights and law enforcement officials are obligated to “apply non-violent means before resorting to the use of force and firearms.” At outcome level, the target was for supported units to reach ‘Initial Operational Capability’ (IOC). Thus, UNODC GMCP’s role was to support skills development of officers and provide equipment needed for this operational level to be reached while adhering to the basic principles.

To ascertain whether the programme met this objective, the analysis has been broken down into three parts. With regard to ‘patrol and control’, the conclusion from data synthesis is that the units have moved from having no capacity for at-sea operations to being at basic IOC level. Patrols are carried out at regular intervals, though these differ from unit to unit. Patrols are both routine and carried out in response to emergencies. There are also few examples of patrols being intelligence-led, however, these could usefully be stepped up. With regard to ‘adherence to basic law enforcement principles’, none of the statements made by recipient respondents suggest any deliberate application of these. This notion reverberates in statements from peer respondents. Finally, with regard to the level of ‘deterrence’ of the three MLE units supported, it was found that their presence did have some deterrent effect albeit limited to a range of approximately 100 km for each of the three units. In sum, the objective of the programme was met, though just barely.

Concerning the *impact* of GMCP's support to MLE units, the perception is that the progress made is attributable to two things: (1.) external support to the units and, (2.) the leadership within each unit. With regard to the latter, the most important factor in determining progress is perhaps the degree of ambition and drive to orchestrate change within each unit. One example is the Bosasso Port and Maritime Police Unit (BPMPU), which, when mentors first arrived, was basically only tasked with port inspection. Through strong leadership and engagement, officers in this unit have undergone professionalisation and a resultant expansion of mandate. The Mogadishu Maritime Police Unit (MPU) has, similarly, gone from being a small group of police officers primarily tasked with life-saving at Lido Beach and port security, to taking over some responsibilities related to security management around Mogadishu International Airport from troops of the African Union Mission in Somalia (AMISOM). This handover of responsibility from AMISOM to Somali security forces is a noteworthy achievement as it is the first instance where this has happened. On the contrary, lack of leadership and command vision at an institutional level is regarded, across the board, as an important inhibiting factor for progress in all MLE units supported.

Finally, looking at the *rationale* for the engagement, it seems that progress achieved could easily be lost if the programme was to stop. GMCP's approach to supporting Somali MLE is characterised by gradual professionalisation of a limited number of officers and procurement of equipment determined by their level of proficiency. This approach is deemed appropriate. Further to this point, while recipient and peer respondents highlight the need for bigger boats, it is vital to be mindful of the risk of reliance on external actors to assume maintenance responsibilities. Finally, it would be useful if the programme was underpinned by a clearer strategy which sets realistic targets in light of the unengaging political environment and limited time frame.

The broader conclusion from the evaluation is that the objectives of GMCP's engagements under the Danish PSP have been met. The progress made is, however, precarious and reversible. In terms of impact, one conclusion to be drawn is that GMCP's model of placing mentors with frontline criminal justice actors is impactful. Looking forward, both the corrections and MLE sector in Somalia would benefit from continued and perhaps more comprehensive support. Future programming should, however, be designed with an ultimate aim of self-sufficiency.

Section 3: Conclusion – Challenges and Recommendations

This final section builds on findings from sections 1 and 2 and serves as the conclusion of the report. This approach is premised on the view that combining an analysis of current trends and past delivery offers a useful platform for making recommendations for future engagements. Focus is centred on *ten key challenges* identified in the amalgamation of the two previous sections. Five of these challenges relate to preconditions. These include:

1. *Changing currents*: As the maritime crime complex is dynamic, countermeasures should be correspondingly flexible if they are to be effective in navigating changing currents in maritime crime.

2. *Under-prioritisation of maritime security:* Countering maritime crime is not a top priority at government level in Somalia. This is a precondition for maritime security efforts, which needs to be acknowledged.
3. *Divergent visions for maritime governance:* The prevalence of divergent visions for how the Somali maritime domain is to be managed implies a difficult balance to strike for donors.
4. *Corruption as a fact of life:* Corruption is an important precondition to consider when formulating interventions to counter maritime crime; not only does it have implications at programme level, it is also a factor that contributes to shaping maritime crime trends.
5. *Risk of misconduct in the Somali criminal justice system:* Some degree of misconduct is likely to occur within the Somali criminal justice sector.

Five challenges are related to weaknesses, deficiencies, and gaps. These are as follows:

6. *Weak state presence and ungoverned spaces:* Ungoverned spaces at sea and on land are exploited by criminal groups.
7. *Impunity in the absence of legal finishes:* A unifying factor for all types of crime analysed, bar piracy, is the lack of 'legal finish.'
8. *Non-payment of salaries:* Lack of sufficient finances in the criminal justice sector does not only hamper efforts to establish functional institutions, it also has security implications as trained security personnel may join armed groups if they do not receive their salaries.
9. *Lack of leadership and command structures:* There is an imminent need for well-educated middle and senior managers to take over once leadership is handed over from an ageing senior command.
10. *Insufficient coordination of programmes:* Insufficient donor coordination is an obstacle to gaining multiplier effects from the investments made in criminal justice and maritime security endeavours in the region.

Each of the ten challenges comprises aspects that are within the remit of different actors to address. Accordingly, the recommendations offered are divided into the following three sub-categories to explicate which type of actor they are addressed to: recommendations requiring *Collective action*, recommendations targeted at individual *Donors*, and finally, recommendations for *Implementing* agencies delivering programmes to counter maritime crime off the HoA. Recommendations are thus presented for each of the ten challenges described in section 3.

Introduction

More than half a decade has passed since pirates last profited from hijacking vessels off the coast of Somalia and holding crews hostage for ransom. While the number of failed hijacking attempts in 2017 has been seen by some as indicating that piracy action groups are testing the waters before making a comeback, others are more careful to draw such conclusions. Regardless of whether a resurgence of piracy is on the horizon, evidence suggests that piracy has served as a gateway to other forms of maritime crime for those who were once pirates. Moreover, there are numerous other threats to stability in the HoA region emanating from the maritime domain, including in the Southern Red Sea and wider Western Indian Ocean (WIO), which merit equivalent if not greater attention than piracy.

Unprecedented seizures of heroin consignments on the southern maritime smuggling route from the Makran Coast to East Africa indicate an increased use of this region as a transit hub for the onward movement of narcotics to consumer markets in Europe and America. Not only is this trade a primary source of terrorist financing Afghanistan, the ramifications of this trade are also felt in the detrimental increase in drug dependency in trans-shipment countries along the East Africa coastline. In fact, according to UNODC's 2017 World Drug Report, the increase in heroin use in Africa is among the sharpest globally. This is seen as a spill-over effect of heroin trafficking along the Southern Route. Recently, heroin trade has even been linked to the emergence of a new violent extremist movement in Mozambique.

With regard to threats at sea, the continued destabilisation of Yemen and spill-over of conflict into the maritime domain, particularly around the narrow passage of the Bab el-Mandeb (BAM) Strait, is perceived to represent a greater threat to freedom of navigation and safety of seafarers than piracy. These are but two examples of other types of maritime crime in the HoA region which have clear nexuses to regional stability. One of the arguments presented in the report is that, following a decade of counter-piracy efforts off the HoA, it is important to ensure that the focus of future efforts is targeted at current threats to stability deriving from the maritime domain and these are by no means limited to piracy. As maritime crime threats off the HoA are both interlinked and in constant flux, focus also needs to be raised from individual threats to the broader maritime crime complex at sea and the dynamics at play within this.

In addition to current maritime crime trends, the report looks at past efforts aimed at addressing maritime crime threats. Assessment is made of whether objectives have been met, with what impact, and whether the rationale for engagements remain valid. The purpose of this exercise is to examine whether activities carried out thus far remain pertinent in addressing current maritime crime threats or whether adjustments may be warranted given changes in the crime complex at sea. Report findings can help inform decisions on future programme activities to address maritime crime threats in the HoA region.

With reference to the title of this report, the aim of the analyses provided below is essentially to create a vantage point from which to better *navigate the changing currents* of maritime crime off the HoA.

Structure and Reader's Guide

It is useful to consider both the past and present when planning for the future. In this report, past and present factors are therefore examined in the context of a foreign assistance programme. As the Danish PSP is a continuous engagement, which has so far run for seven years, the report commissioned needed to look at how activities already delivered to target maritime crime off the HoA have worked and what their current status is. The intention of having these three components (i.e. past, present, and future) incorporated into a single report is to establish a strong foundation for policy-makers to take informed decisions about future action. Following the line of reasoning outlined above, the report is made up of three sections, with the first two being entirely separate.

- Section 1: Analysis of Present Maritime Crime Trends: This in-depth analysis of current maritime crime trends around the HoA has been carried out using sources of information uniquely available through the GMCP as well as other supplementary sources of information. The purpose of this exercise is to have a thoroughly researched set of data on *developments, drivers, interlinkages* and *dynamics* at play within the maritime crime complex off the HoA, insofar as it affects stability in the region.
- Section 2: Evaluation of Past Activities: This section offers an assessment of whether GMCP activities in Somalia, that have been funded under the Danish PSP to target maritime crime, have met the *Objectives*, what *Impact* they have had, and whether the *Rationale* for these activities remain valid.
- Section 3: Recommendations for Future Action: In section 3, key *Challenges* to current counter maritime crime efforts are identified based on Past activities and Present maritime crime trends. *Recommendations* for how international actors can confront these challenges are also offered.

It is important to note that sections 1 and 2 are not directly connected. Each section can easily be read in isolation if the reader is only interested in one of the two. With regard to the distinctive model used in this report, however, it is the combination of the (1) Trend Analysis and the (2) Evaluation that together amounts to what CMS terms a (3) Forward Looking Evaluation: looking at past activities in light of current trends in order to inform future activities. Essentially, section 1 + section 2 = section 3. Thus, section 3 concludes the report based on findings from sections 1 and 2.

Terminology

The term 'maritime crime' covers a broad range of activities, including (a) crimes that use the sea to transport illicit cargo, (b) criminal exploitation of resources at sea, (c) crimes that specifically target objects at sea, and (d) crimes that use the sea as a dumpsite.¹ It is important to appreciate the breadth of criminal activities covered by the term 'maritime crime' in order

to discern how these can come to represent a threat to regional and international security. The impact of maritime crime on stability is referred to as the 'maritime crime-stability nexus'.

Methodology

CMS applies stringent quality assurance procedures which entail defined standards for data collection and analysis, regular internal review throughout the drafting process, and an external anonymous review (double blind peer review) of the final report as a means of validating findings. These quality assurance mechanisms have been applied throughout the process of data collection, analysis, and drafting of this report and all sections have been subject to internal and external review to ensure academic quality. While section 1 has been subject to an additional midway internal review and a validation workshop with international specialists, data collected in section 2 has been processed using quality assurance software.

As the Trend Analysis and the Evaluation are two distinct genres, we distinguish between the methodological approaches applied in each of the two sections.

Trend Analysis

To undertake a systematic analysis of current trends in maritime crime around the HoA, we draw on information obtained from a mix of the following primary and secondary sources.

Interviews and workshops: In part, the findings presented in this report are based on data obtained through observations at expert workshops (ENACT workshop in Nairobi, expert workshop in Copenhagen) and conferences (SafeSeas Symposium, Nairobi), as well as on a total of 26 interviews with various actors including pirate inmates, a former hostage, maritime police units, actors collecting and recording data from various sources, international experts and front line criminal justice actors.² We have deliberately incorporated views from a broad and diverse range of actors, including UN agencies, multilateral actors, Non-Governmental Organisations (NGOs), regional actors, UNODC staff (in Somalia and elsewhere), front-line criminal justice actors, as well as imprisoned pirates, former hostages, and others. To minimise the risk of influencing interviewee responses, all interviews were kept *conversational* in nature guided by only two, deliberately open-ended questions. These two key questions were (1) "What upward- and downward-going trends characterise maritime crime around the HoA and in the Western Indian Ocean (WIO)?", and (2) "What trends can be observed in terms of interlinkages between different types of maritime crime in this region?" Due to the sensitive nature of some of the issues addressed in this report, the source of some statements will be kept anonymous.

Reports and statistics: Findings presented in this section are also based on statistics from various sources on piracy attacks, heroin seizures, and migration flows and on various reports including flash reports on incidents of maritime crime from regional information centres, risk assessments from navy coalitions and industry, workshop background documents, weekly and annual reports from various UN bodies (the International Maritime Bureau (IMB), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Somalia and Eritrea Monitoring Group (SEMG), etc.) as well as

evaluations from several key actors, and more.³ Finally, a number of academic publications, research articles and reports are used to offer important perspectives on preceding developments of relevance.⁴ Thus the data upon which this report is based, includes a wide range of both primary sources (for example, reports with recordings of events based on information from actors involved in handling them) and secondary sources (for example, reports synthesising data from existing rather than original sources).

Having multiple sources of information enables substantiation of individual statements through a process of cross verification. This methodological principle is commonly known as *data triangulation*. The combination of primary and secondary sources also allows for overall conclusions to be drawn on key developments (reflected in numbers), whilst at the same time acknowledging the importance of detail and contextual factors⁵ that are more likely to be discovered in qualitative data.

What we present in section 1 is a synthesis of the information obtained from the primary and secondary sources of information described above. Key factors attended to in this synthesis are developments, drivers, interlinkages, and dynamics of maritime crime and how these affect regional stability. The reason for focusing on these particular factors is based on the view that they are important when designing future engagements aimed at enhancing maritime security off the HoA.

Evaluation

The methodological approach upon which the evaluation presented in section 2 is based on three main sources: the Organisation of Economic Cooperation and Development Guidelines (OECD-DAC), UNODC's Handbook for Evaluation, and various academic sources.

According to the OECD-DAC Guidelines, evaluation is: "an assessment, as *systematic* and *objective* as possible, of an *on-going* or completed project, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, development *efficiency*, *effectiveness*, *impact* and *sustainability*. An evaluation should provide information that is credible and useful, enabling the *incorporation of lessons learned into the decision-making process* of both recipients and *donors*".⁶

This overall definition has guided the methodological approach taken in section 2. More specifically, the evaluation examines whether objectives have been met, with what impact, and whether the rationale of the engagements remain valid. In terms of the approach taken to ensure that the assessment is systematic and objective, the evaluation team has been made up of members that are both external and internal to the programme being evaluated. The internal component has enabled access to key stakeholders to the programme being delivered. And the external component, namely CMS, has ensured academic rigour in procedures related to data collection and analysis as well as quality assurance of findings and conclusions. This is in line with the approach taken in Participatory Evaluation⁷ in which "representatives of agencies and stakeholders, including beneficiaries, work together in designing, carrying out and interpreting an evaluation".⁸

Crucially, in the process of carrying out this evaluation, the best efforts have been made to draw in a wide array of perspectives in order to give as nuanced a picture of programme delivery as possible. To that end, one of the main methods used is Stakeholder Interviews based on interview guides

tailored to measure whether targets set for each activity have been met. To assess this, interview guides were developed on the basis of original result frameworks.⁹ The 22 interview respondents include two types of stakeholders with different perspectives on programme activities depending on their involvement and proximity:

1. *Recipient Respondents*: criminal justice actors who have received programme support;
2. *Peer Respondents*: counterparts from organisations involved in related fields of work, deliberately including organisations likely to represent a diverse set of perspectives, including critical views.¹⁰

While interviews have been carried out on the principle of anonymity in order to encourage open and honest responses, they have been audio-recorded with a view to carry out an analysis of the interview data through the qualitative data analysis software NVivo. This has, in turn, helped to ensure consistency and methodological rigor in the analysis of interview data which has been reviewed by two researchers independently of each other. Findings from interviews have then been triangulated using secondary sources of information, such as parallel assessments, monitoring reports, and reports from key actors working with criminal justice in Somalia.

Therefore, linking the above cited definition with the methodological approach just accounted for, and recalling that the purpose of the evaluation is to inform future engagements aimed at countering maritime crime, the evaluation contained in section 2 represents a structured assessment of the *efficiency, effectiveness, impact and sustainability* of ongoing activities, with the aim of *enabling the incorporation of lessons learned into the decision-making process of donors*, which seeks to institute learning and improvement.

Scope

With regard to section 1, the geographical focus is the HoA. With Somalia as the epicentre, the study looks at threats in the Southern Red Sea, the Gulf of Aden, and further into the WIO insofar as they impact stability around the HoA. It is important to underline that general references to Somalia and separate references to Somaliland should not be interpreted as any form of stance on statehood on the part of CMS.

The Evaluation carried out in section 2 looks specifically at activities delivered by the GMCP under the second iteration of the PSP (PSP2), all of which are within Somalia. This focus has been set by the Royal Danish Embassy in Nairobi in connection with the commissioning of the report. It is important to underline that no assessment of financial management will be made as that rather belongs in an audit report.

Since the purpose of this report is to establish a platform for international community actors to address maritime crime challenges as they affect stability, recommendations are addressed to this segment specifically. This is not to ignore the primary role of regional actors in securing their maritime domain and mitigating threats to stability in the HoA region. However, while ways in which regional actors can counteract maritime crime threats should be explored further, it falls outside the scope of this report.

1

Section I: Current Trends in the Maritime Crime Complex off the Horn of Africa

The maritime crime complex at sea is in constant flux, evolving according to changing geo-political circumstances and adapting to overcome pressures arising from deterrent measures. Given the nature of this complex, interventions designed to help counter maritime crime in the HoA region should be informed by a thorough consideration of both the developments and drivers of individual types and of the broader interlinked drivers at play within the complex. This section seeks to map out the maritime crime complex by taking both a narrow view at individual crimes and a broad view at the dynamics and links within it.

Focus and Structure

The first chapter in this section focuses narrowly on six types of maritime crime and maritime insecurity off the HoA. These six segments relate to Piracy, Trafficking in Persons and Smuggling of Migrants (TiPSoM), Weapons Smuggling, Illegal Unregulated and Unreported Fishing (IUU), Drugs Smuggling, and Armed Violence at Sea. Since the focus of the report is on efforts under the PSP, this section centres more strongly on Somalia than on other countries in the HoA region. This focus is reflected in the order in which the six types of maritime crime and maritime insecurity are presented – moving from Somalia-centred crimes to threats that have a wider geographical scope in the Red Sea/Gulf of Aden and into the WIO. The sequence should, therefore, not be seen as indicative of the level or severity of the different threats nor as a normative judgement of their respective importance or preferred prioritisation.

Each of the six segments provides a brief status of recent *developments* within the respective area of crime. Subsequently, an analysis is presented of *drivers* behind each category viewed through the prism of (1) deterrents, (2) criminal networks, and (3) enabling onshore factors. Finally, each segment is concluded with an analysis of how it affects national and/or regional stability, i.e. *the maritime crime-stability nexus*.

The second chapter in this section offers a broader picture of the overall crime complex at sea, focusing on *interlinkages* between different forms of maritime crime and insecurity and dynamics. With regard to *dynamics*, the analysis is centred around the tendency of different types of crime to adjust to changing conditions either by moving into new types of crime or by relocating geographically. This dynamic is referred to as ‘ballooning’ effects. It is important to recognise both ballooning effects and interlinkages between the different types of maritime crime when seeking to formulate targeted counter measures that go beyond pushing crimes into other areas, either thematically or geographically.

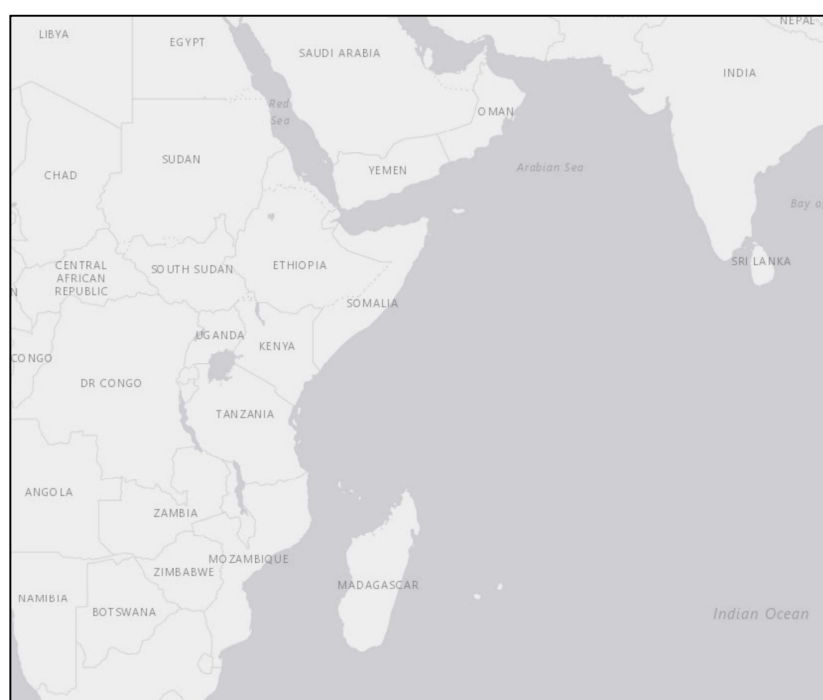
Considering the foregoing analysis of developments, drivers, interlinkages, and dynamics, section 1 is rounded off with a chapter offering general reflections on maritime crime trends. Finally, a brief conclusion closes section 1. These are therefore used in section 3 of this report to offer recommendations on how international actors might improve future action to counter maritime crime in the HoA region and further into the WIO.

Background

The political situation in Somalia is an important contextual factor for the analysis of maritime crime presented below. Whilst progress towards stability in Somalia is slow and at times difficult to appreciate, advances have been made in the past decade. Peaceful elections in 2017 highlighted the steady progress of the Federal Government to take hold in Somalia with power transferred from one administration to another. Concerning progress towards a safer Somalia, an interviewee noted how “in 2008, Mogadishu was a war zone. Somalia in general was an extremely dangerous field of operation and international actors working in Somalia faced lethal threats on a daily basis. Today, this place has changed! Markets are bustling with people and there is a real belief in change”.¹¹

Nevertheless, Al-Shabaab (or the Harakaat al-Shabaab al-Mujaahidiin) continues to have control over certain parts of the country and a militant group aligned to the Islamic State of Iraq and the Levant (ISIL) has also emerged in the Bari region of Puntland.¹² State fragmentation and fragility combined with drought, periodic severe flooding, and lack of viable livelihood options also continue to prevent advances in stability from cementing beyond a precarious stage. Major terrorist attacks in Mogadishu in 2017, for example, showed continued strength and increased sophistication of Al-Shabaab.¹³ In terms of maritime security, there is still very little capacity for Maritime Law Enforcement (MLE) in Somalia despite the implications that maritime crime has for stability. Furthermore, and in view of the threat posed by Al-Shabaab, neither piracy nor maritime security in a broader sense is a significant political priority.

Figure 1:
Geographic focus: Southern Red
Sea, Gulf of Aden and Western Indian Ocean



Looking further into the WIO, 639 incidents of maritime crime and maritime safety were registered in 2017.¹⁴ Only 24 of these were cases of piracy and armed robbery at sea.¹⁵ This demonstrates that whilst the suppression of piracy has been successful, other types of maritime crime are rampant including the types of crime addressed in this section. These criminal activities, which together form the maritime crime complex off the HoA, thrive in the absence of effective maritime governance and contribute to the perpetuation of instability either directly or indirectly.

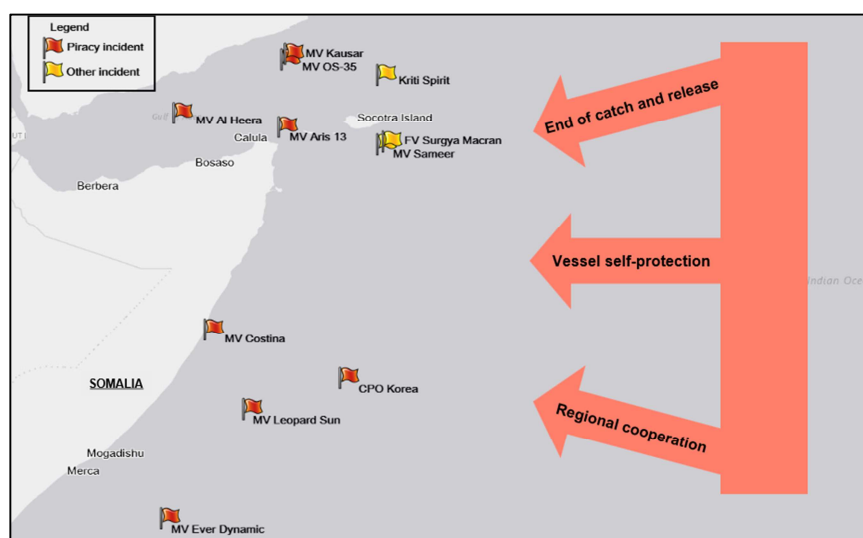
1.1

A Narrow View: Developments and Drivers

Piracy off the coast of Somalia

Successful suppression of piracy off the coast of Somalia is evidenced by the stark decline in attacks since 2012. As a number of unique factors were key in paving the way for effective action to counter Somali piracy, an assessment of the current threat of piracy must take account of these. They include: (A) Interventions by *the international community* to tackle the problem through naval patrols and support for the prosecution of Somalis suspected of piracy in regional states.¹⁶ (B) The substantial *engagement of the maritime industry* to tackle the problem through self-protection of vessels, including development of and adherence to Best Management Practices,¹⁷ which was a deciding factor in making hijackings virtually impossible and very dangerous. (C) Finally, the *commitment of states in the region* to suppress piracy, including Somalia but also regional states that assumed the task of prosecuting and incarcerating Somali nationals, which was key to ending impunity for assailants and the practice of 'catch and release' of suspected pirates by Navies.¹⁸ The adoption of the Djibouti Code of Conduct (and its subsequent 'Jeddah Amendment')¹⁹ is also an indication of the commitment of regional states to tackle the issue. Some factors may have been more influential than others in deterring piracy. As illustrated in the figure below, it is, however, the mutually reinforcing effect of (A), (B), and (C) that amounted to an effective push to suppress Somali piracy, rendering the business a high risk/low profit (and therefore unattractive) enterprise.

Figure 2:
Suppression of Piracy and Recent Activity



Status

Statistical data points towards an 'uptick' in piracy activity from the inter-monsoon season of 2016 onwards, primarily around Socotra Island off Puntland. The 2017 State of Piracy Report from Oceans Beyond Piracy (OBP) notes that the number of incidents of piracy and armed robbery against ships in East Africa has almost doubled compared to 2016.²⁰ This comes after five quiet years and coincides with the very public withdrawal of NATO forces and the general reduction in naval presence off the coast of Somalia.²¹ Several interviewees stressed that some of the recent incidents appear to be 'probing attacks' carried out to ascertain the possibility of successful hijackings.²² Another view is that some of the incidents in 2017 may have been reprisal attacks or vendettas "by Somali fishermen directed against Iranian fishermen accused of illegal fishing" and therefore wrongfully recorded as piracy.²³ These include the 2017 attacks on the Iranian fishing vessels FV Sameer and the attack on the FV Surgya Macran – both about 40 NM off Socotra. Others still speculate whether certain interests in exaggerating the threat level encourage erroneous reporting of incidents. Finally, Yemen experts have expressed concern that piracy could shift to the Yemeni coast, observing that Al-Qaeda in the Arabian Peninsula (AQAP) currently controls 50 percent of the coastline and many commercial vessels navigate close to the coast. Since the attack on MT Leopard Sun on 22 February 2018, "several analysts have heightened the threat of 'piracy' in the southern Somali Basin".²⁴ As this incident took place far from the Somali coast, there is speculation that the threat from piracy may not be limited to the coastal areas of Somalia.²⁵

The ambiguities implicit in the above highlight the notion that statistical data should not be seen in isolation. Statistics should rather be considered alongside an analysis of the drivers behind crime including enabling on-shore factors, composition and modus operandi of criminal networks, and deterrents currently in place to counter the crime. As these factors are important to consider to understand drivers of all categories of maritime crime analysed in this section, an overview of these factors is provided for each of the six segments below.

- Deterrents: The readiness of regional states to engage in counter-piracy efforts, including support for prosecution of suspected pirates, remains. Six suspects were, for example, handed over to Seychelles for prosecution in November 2017. The international naval presence off the coast of Somalia has, however, been reduced significantly. On land, while some advances have been made in terms of raising operational capabilities of Somali MLE, there is still no investigative capacity to pursue criminal networks. Establishment of effective law enforcement capacity is also challenged by the fact that salaries are both insufficient and payment is irregular – a factor which inevitably opens up for corrupt practices. Nevertheless, the fact that the three 'founding fathers of piracy' (Afweyne, Boyah, and Garad) are no longer in business for various reasons may have some deterrent effect.²⁶ With regard to industry self-protection, which has arguably been the most powerful deterrent for piracy, some ships passing the coast of Somalia have become lax in their application of Best Management Practices as they, for example, sail closer to the Somali shore at lower speed. The attacks seen in 2017 from Puntland is an example of ships carelessly passing

close to the Somali coast and pirates 'testing the waters' to see what self-protection measures they would need to overcome in order to successfully complete a hijacking.²⁷ Ships do, however, seem to be maintaining protection teams on board and that is a factor that remains decisive in warding off attacks.²⁸

- Criminal networks: Various attempts by pirates to hijack vessels off the coast of Somalia in recent years are seen to confirm the notion that while counter-piracy efforts were successful in suppressing piracy, not all piracy networks were eradicated.²⁹ While the 'founding fathers of piracy' are out of the picture, multiple sources indicate that two main Pirate Action Groups (PAGs) are still active in Somalia, although not exclusively engaged in piracy.³⁰ The first is the PAG based out of the Alula district in the remote north-eastern part of Puntland around the villages of Murcanyo and Dhurbo run by Issa Yuluh and Aragoste,³¹ who profited greatly from past hijackings.³² The second PAG is run by Garfanje out of Hobyo in Galmudug.³³ Garfanje is an important regional power broker who virtually controls the entire Galmudug coast. This position makes him and many from his gang untouchable.³⁴

Importantly, various sources suggest that PAGs do not limit their activities to piracy. They are businessmen, gangsters, and 'Swiss army knife' criminals³⁵ who engage in various activities involving a weapon and a boat, depending on which is the most profitable activity of the day.

Finally, with regard to criminal networks, an attack on a Panama-flagged container ship and a Seychelles-flagged fishing vessel in November 2017³⁶ should be mentioned as it briefly raised two concerns.³⁷ Firstly, that a new PAG could be at play since the attack was carried out with a departure point at Merca.³⁸ Though piracy networks operated in this area for a short period around 2005, piracy activity here is a novelty. There seems to be no reason to think that Merca will become a new piracy hotspot, however.³⁹ The second concern was whether there might be a link between pirates and Al-Shabaab since Merca is known as an Al-Shabaab-controlled area. Again, there seems to be no evidence of such a connection⁴⁰ beyond the fact that PAGs are subject to the same forms of taxation (*zakat*) as other business operators in Al-Shabaab-controlled areas. Any deeper connection between piracy groups and Al-Shabaab is seen as unlikely since they are ideologically incompatible.⁴¹

- On-shore factors: Writing in 2011, Gjelsvik and Bjørgo note that "the problem of piracy may be understood both as an outgrowth of the war economy and an outcome of a weak or non-existent state power and an inadequate police and coast guard".⁴² As accounted for in the introduction, advances have been made in terms of Somali Governance since 2011 which has arguably effected a slight move away from a war economy and strengthened state-level power projection (including at sea). Tensions between the Federal Government and regional states and consequent alienation of clans such as the Ali Suleiban clan still limit the incorporation of certain sections of the country into the national security architecture. Tensions are also reflected in the inability of the National Security Council to formalise the organisational division of responsibilities in the maritime sector as a whole. As these factors

remain influential, pockets of lawless spaces where PAGs can operate freely still exist.

Also, the prevalent 'Robin Hood' narrative of pirates being a force for protection against illegal fishing in Somali waters resonated among coastal communities in the early days of piracy and, arguably, militated against firmer action on the issue. It is important to note, however, that, while pirates may initially have enjoyed the support of coastal communities, this quickly faded. Rather than being a source of positive community development, pirate money negatively impacted communities bringing with it drugs, khat, and alcohol.⁴³ Other conditions that enabled piracy to thrive still exist, however. These include lack of state control in isolated coastal areas, socio-economic disparity⁴⁴, and weak institutions. As stated by a convicted pirate who will remain anonymous: "the international community has done a lot to counter piracy but the measures taken will only have an effect in the short term. Naval patrols, armed guards, and prosecutions is a great short-term fix, but if you want to stop piracy in the future, you need stability in Somalia itself, particularly political stability. The Harardhere area, where piracy has always been very active, is not under government control and pirates are still able to move around freely. Unless the Government can extend its reach to these areas, piracy will always be a problem for Somalia."⁴⁵

As is often the case, poverty and lack of licit employment opportunities push people into criminal activities.⁴⁶ Concerns have even been raised in the past of law enforcement officers being tempted to engage in piracy due to insufficient and irregular payment of salary.⁴⁷ This is naturally an important on-shore factor which may have been exacerbated by the persistent drought which has hit Somalia hard in recent years. As another interviewed piracy prisoner stated, "the thing that could have stopped me from becoming a pirate is employment from the Government. If the Government creates more opportunity for the youth, it would be a good measure to counter piracy."⁴⁸ It is important to also acknowledge, however, that the reckless urge for adventure is a common characteristic among youth anywhere. Gjelsvik and Bjørge further argue that the need for young Somali men to protect their self-dignity and masculine reputation enhances the appeal of criminal and armed groups.⁴⁹ One piracy prisoner states that "the young people that were attracted to piracy had bad habits – social vices such as smoking, drinking, and chewing khat. Feeding these habits was one of the main drivers for their going out to sea because they wanted to get rich quick."⁵⁰ Another statement to that effect is the point that "piracy was never something that was supported by the family. It was something you would hide from your family – something adventurous."⁵¹ With ransom payments reaching upwards of USD 10 million, the attraction of engaging in piracy for youths with poor prospects is plain.

Several interviewees also mentioned impunity for piracy kingpins as a critical obstacle to effective counter-piracy efforts by the international community. The explanation of this lack of redress is to be found in the socio-political context in Somalia which is characterised by inter-clan power negotiations. Both Garfaje and Yuluh have significant political influence, which protects them from prosecution.⁵² Gar-

fanje has been apprehended numerous times but always quickly released again – once upon issuance of a diplomatic passport.⁵³

Finally, another important on-shore factor is the threat posed by Al-Shabaab, and the extent to which that threat, understandably, means that fighting maritime crime – including but not limited to piracy – is not a top priority at Government level. As stated at a Maritime Crime Symposium in Nairobi, “Al-Shabaab kills our people, pirates don’t”.⁵⁴

Maritime Crime-Stability Nexus

The frequency of piracy attacks is now back to pre-2008 levels and attempted hijackings have not been successful.⁵⁵ Although the view that piracy can easily flare up again has been put forward by numerous interviewees,⁵⁶ there are divergent views that challenge this position. Two main reasons why piracy is not likely to return were put forward at a workshop in Copenhagen in May 2018. One is that piracy kingpins have now invested in more legitimate businesses and would not want to jeopardise those investments by re-engaging in piracy.⁵⁷ Another reason is that ships have become such hard targets that all other revenue streams would have to be turned off to make the piracy model attractive again.⁵⁸

Notwithstanding these different views, what seems to be clear is that two PAGs still operate out of Puntland and Galmudug and they have the funds, weapons, skiffs, and militia to carry out attacks if a genuine opportunity to take a ship was to present itself. Looking forward, it is therefore important to recognise that if measures of deterrence are relaxed by international actors as well as by industry and if onshore conditions remain unchanged, there could potentially be another upsurge in piracy. Also, although these PAGs have not been able to hijack a ship, they are engaged in other illicit activities which negatively impact stability in Somalia.

Human Trafficking

People have always moved between the African continent and the Saudi Peninsula via the Gulf of Aden. Today, however, these flows form the foundation of a big business of TiPSoM. Writing in 2011, Bahadur noted that: “the stretch of the Gulf of Aden linking northern Somalia and Yemen is one of the world’s busiest human smuggling routes.”⁵⁹ Of all the maritime crimes analysed in this chapter, TiPSoM is replete with the most horrific accounts of cruelty and human suffering, which is both an effect and a driver of instability.

Status

It is noteworthy that, despite armed conflict, humanitarian crisis, and extremely high levels of violence, a significant number of migrants are still determined to use the migration route through Yemen to Europe.⁶⁰ In a somewhat counter-intuitive way, it seems the conflict in Yemen has, on the one hand, prompted more TiPSoM activities across the Gulf of Aden while at the same time exacerbating the threats migrants face. Generally, there are two⁶¹ migration groups:

1. *North-bound*: principally migrants from the HoA bound for wealthy countries in the Gulf and Europe.⁶² The Danish Refugee Council (DRC) refers to this as the Eastern Route⁶³ between Somalia and Yemen. While

there are significantly more people being trafficked from the HoA to Yemen, than the other way,⁶⁴ International Organisation for Migration (IOM) data shows a reduction in migration flows from Somalia to Yemen from 111,500 in 2016⁶⁵ to around 87,000 in 2017.⁶⁶ This is corroborated by the DRC who note that, due to deportations from Yemen, “the number of migrants arriving into Yemen from the HoA via the Red Sea, the Arabian Sea, and the Gulf of Aden were slightly lower than in 2016”.⁶⁷ Numbers might, however, rise again if political shifts in both Eritrea and Ethiopia push more people to cross.⁶⁸ Recently, there have been reports that those trafficked to Yemen have – upon discovering that ‘Yemen is impossible’ – decided to embark upon another journey either to Egypt or to Sudan.⁶⁹

2. *South-bound:* populations fleeing cholera epidemics, famine, and armed conflict in Yemen. They primarily move via the ports of Aden and Al-Mukallah.⁷⁰ This group is predominantly made up of Somali migrants living in Yemen who decided to return to Somalia due to insecurity in Yemen and, to a lesser extent, Yemenis fleeing conflict.⁷¹ According to the DRC, approximately 34,990 Somali refugee returnees and 10,776 Yemeni refugees and asylum seekers arrived in Somalia between 2014 and 2017. Notably, the migration flow from Yemen seems to have risen in 2017 compared to 2016.⁷²

Figure 3:
Migration Routes in the HoA



While the number of migrants transiting through Yemen has fallen slightly in 2017, levels of abuse have increased with amplified levels of lawlessness in Yemen.⁷³ Indeed, the Head of UNODC GMCP has received reports from both the European Union Naval Force (EUNAVFOR) and the Food and Agriculture Organization (FAO) of people being trafficked on fishing vessels in extremely bad conditions – clearly against their will. Migrants from the HoA in Yemen report having been kidnapped by criminals who were waiting for them upon their arrival and who forced them to make phone calls to relatives pressuring them to send money. There are also frequent reports of rape and torture⁷⁴ and the level of abuse seems to be determined according to ethnic background.⁷⁵ Correspondingly, Eritreans are increasingly using the Eastern Route while Christians prefer to go through Sudan.⁷⁶ A newer trend

is that traffickers throw migrants overboard as they approach the Yemeni coast.⁷⁷ In August 2017, for example, 300 migrants were thrown overboard within 24 hours. As explained by UNHCR, “migrants were forced by their smuggler to jump overboard a few hundred meters away from the shore to avoid a possible inspection by the Yemeni Coast Guard.”⁷⁸ UNHCR has launched the information campaign #DangerousCrossings to warn communities in the HoA region of the dangers migrants face when traveling to Yemen to deter migrants from making the journey across the Gulf of Aden.

- Deterrents: International navies patrolling in the Gulf of Aden and around the BAM Strait tend to stay away from TiPSoM,⁷⁹ although International Convention for the Safety of Life at Sea (SOLAS)⁸⁰ obligations have led to instances of rescue at sea.⁸¹ The Somaliland Coastguard and the BPMPU are frequently required to respond in cases of overloaded ships arriving from Yemen with dehydrated and famished people on board. There have also been cases of capsizing for which rescue at sea operations have been launched both from Somalia and Yemen.⁸² In addition to search and rescue operations, there have been arrests of smugglers – particularly in Puntland.⁸³ Since launch sites are within reach of MLE authorities in Puntland, however, more effective intervention should be possible.⁸⁴ On the Yemeni side, as noted above, there have been instances where migrants have been thrown overboard as smugglers caught sight of the Coastguard. A concern in that context is that efforts to build capacity of the Yemeni Coastguard might inadvertently aggravate this problem.⁸⁵
- Criminal networks: UNHCR describe the networks behind TiPSoM in Yemen as “well-established, transnational smuggling and human trafficking networks that actively promote their services to migrants and profit from Yemen’s weakened governance”.⁸⁶ As noted above, TiPSoM is highly profitable. Indicative of how lucrative the business is, the DRC estimates that Ethiopian migrants moving to Yemen via Somalia pay traffickers up to USD 1,540 for the journey.⁸⁷ Ethiopian and Somali migrants most frequently cited prices between USD 100 and USD 250 for boat crossings to Yemen.⁸⁸ Considering the volume of migrants moving via this route, this journey generates significant sums of money for smuggling networks. It is also worth noting that migrants tend to pay upon arrival. This indicates the involvement of financiers, which points towards an elevated level of organisation.⁸⁹ An important reason why numerous individuals are willing to travel to Yemen is that smuggling operators convince migrants that the conflict has made Yemen a ‘free run’,⁹⁰ omitting information about the dangers they will face upon arrival.⁹¹ On the Somali side, smuggling networks operate in coastal areas using fibreglass boats that are small enough to enter shallow waters (waist high) so that they can pick up people without the direct scrutiny of port authorities.⁹²
- On-shore factors: Key drivers of migration from Somalia to Yemen stem from many of the same on-shore factors that drive piracy: insecurity, political instability, humanitarian emergency caused by drought, and lack of opportunities. In Bosasso, which is an important transit point for migrants traveling to Yemen,⁹³ local communities hold smugglers in contempt. This is due to the drain of young men and women

who are persuaded to leave and the economic burden this imposes on the families who have to sell property and borrow money to pay for the journeys.⁹⁴ As a last resort, families hand youths who are determined to make the journey to corrections services in Somalia in order to prevent them from leaving.⁹⁵

Maritime Crime-Stability Nexus

Interviewees have raised two key concerns about the potential for a wider impact of TiPSoM on regional stability: one relates to the significant sums of money that criminals gain from being involved in the business of irregular migration which is liable to build very powerful criminal syndicates. There is a general lack of knowledge about what happens to this money but the notion that the TiPSoM model is based on financiers is an indication that the networks already have considerable strength and organisation. The second concern relates to the lack of capacity to manage irregular migration in the region as an 'enabling on-shore factor' for violent extremism. The fear is that radicalised elements may take advantage of the lack of capacity in Somalia and Yemen to register all cross-boundary movements and move undetected on the same routes. Indeed, a number of interviewees noted the risk that 'criminal elements' may be able to move freely amid migrant flows as a key concern when asked about trends in human trafficking in the HoA region.

A number of interviewees also connect human trafficking to other types of maritime crime, notably weapons smuggling and piracy. We elaborate on such linkages in the second chapter of this section.

Weapons Smuggling

Weapons smuggling was highlighted as a prevailing form of maritime crime in numerous interviews carried out for this report.⁹⁶ Generally, three types of weapons smuggling can be distinguished: (a) weapons smuggling involving organised criminal networks, (b) 'ant trade', which alludes to how some weapons smuggling "is accomplished through numerous small-scale transfers"⁹⁷, and (c) weapons smuggling where state actors are involved.

Status

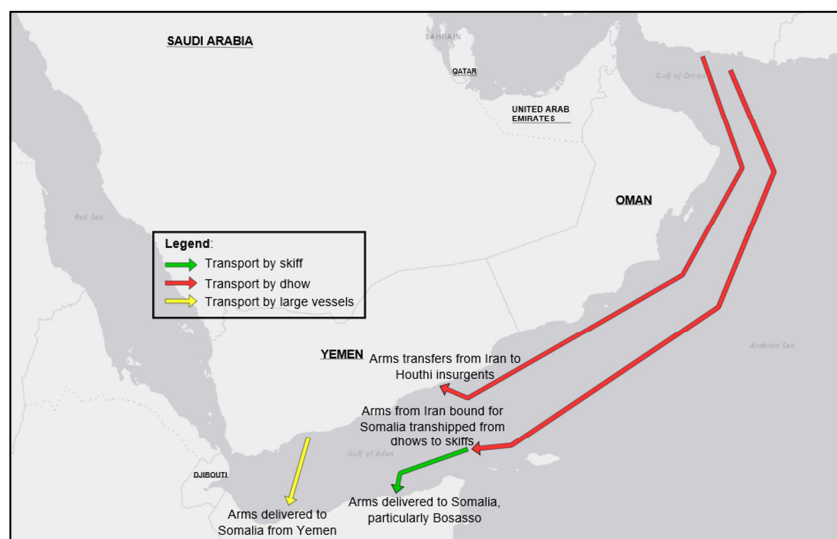
Yemen is, according to various observers, emerging as a "key trafficking hub" for the smuggling of illegal weapons⁹⁸ and, according to European Union Capacity Building (EUCAP) Somalia, "it seems to be on the rise in the waters off the coast of Somalia." Weapons are generally smuggled via maritime routes from the Makran Coast to Yemen and Somalia – with lighter weapons going to Somalia and heavier weapons to Yemen.⁹⁹ A Conflict Armament Research report from 2016 points to the "existence of a weapons pipeline extending from Iran to Yemen and Somalia, which involves the transfer, by dhow, of significant quantities of Iranian-manufactured weapons and weapons that plausibly derive from Iranian stockpiles".¹⁰⁰

The conflict in Yemen has caused a heightened demand for weapons and, as a result, illegal trafficking of weapons has intensified. Iranians seem to be using dhow traffic to send weapons to the Houthi faction.¹⁰¹ The Conflict Armament Research Group has established a match between weapons seized at sea by Combined Maritime Forces (CMF) and weapons recovered in Yemen by United Arab Emirates forces which is seen to confirm that weapons enter Yemen via maritime routes.¹⁰²

Conversely, Yemen is also a point of origin of maritime weapons smuggling, particularly to Somalia.¹⁰³ Some of the weapons smuggled are stolen from weapons depots in Yemen that are easy to break into.¹⁰⁴ The Somalia and Eritrea Monitoring Group (SEMG) estimates that one or two small-scale shipments of weapons from Yemen arrive to Somalia by skiff every month¹⁰⁵ with Puntland as the primary entry point.¹⁰⁶ An important pull factor for this trade is the demand for weapons from actors in Somalia, notably Al-Shabaab. An attractive feature of light weapons smuggling as an occupation is that only very limited equipment is needed – just a few speedboats.¹⁰⁷ Also, it seems that people smugglers optimise profits by investing their smuggling fee in weapons in Yemen where they are then loaded onto their boats on the journey back to Somalia and sold for considerable profit.¹⁰⁸ Seizures have also been made of much larger-scale consignments headed for Somalia in contravention of the weapons embargo¹⁰⁹. From May to June 2016, for example, three small-arms shipments destined for Puntland were identified as originating from the Yemini port Mukalla.¹¹⁰

Larger shipments of weapons also arrive in Somalia directly from the Makran Coast in medium-sized dhows. Dhows reportedly trans-ship smaller consignments to 12-18 feet, high-speed skiffs¹¹¹ at seven points along the Somali coastline: Maydh, Qandala, Alula, Xaafu, Eyl, Lebed, and Kismayo.¹¹² Concerning heavier weapons, an Australian Navy frigate intercepted a dhow carrying 2,197 weapons (including assault rifles and RPG-7-pattern rocket launchers) in February 2016, apparently headed for Alula in Puntland.¹¹³ The following month, a French frigate seized a similar amount of Iranian-manufactured assault and sniper rifles¹¹⁴ on a dhow that “was spotted heading toward Somalia” by a CMF helicopter.¹¹⁵

Figure 4:
Weapon Smuggling Routes
in the HoA



- Deterrents. The formulation of mandates is a critical issue for actors involved in combatting weapons smuggling in the WIO region. While CMF has a clear United Nations Security Council (UNSC) mandate to enforce the weapons embargo and prevent weapons flowing into Somalia, many of the nations that contribute to CMF interpret this mandate restrictively, which means that they cannot address weapons smuggling into Yemen.¹¹⁶ Curtailing the availability of weapons in

Yemen,¹¹⁷ however, seems to be crucial to ensuring stability in the region. The issue of restrictive mandates, therefore, unhelpfully limits the deterrent effect that can be achieved through coalitions such as CMF Task Force 150.

In September 2017, the Puntland Maritime Police Force (PMPF) interdicted a skiff upon receipt of intelligence from EUNAVFOR's maritime patrol aircraft indicating that it was carrying a concealed consignment of weapons. Although a successful operation in the sense that it was launched in response to intelligence shared by EUNAVFOR, the navigators of the skiff were not apprehended by the PMPF¹¹⁸ and, according to the SEMG, the weapons were not properly seized and may have ended up in the buyers' hands after all.¹¹⁹ The reason for the failure to enforce the weapons embargo is unclear, but it sends a problematic message to smugglers that, even under the scrutiny of EUNAVFOR and the SEMG, there are no legal repercussions for offenders. The view that weapons seized should be cut in half in order to make sure that they are not sold on was put forward at a workshop in Copenhagen. Destruction of weapons is, however, not as simple as ivory and drug incineration, as it is difficult to rule out that there may be a legitimate owner. Adding confusion is the poor implementation of the partial lifting of the weapons embargo and inconsistent notification of consignments by the Federal Government to the SEMG, which makes it difficult to determine whether or not arms shipments are legal.¹²⁰

- Criminal networks. There is a general lack of knowledge about the criminal networks behind weapons smuggling as weapons are seized at sea and little is known about who the senders on land are, at least at the higher levels.¹²¹ Weapon smugglers use the same sorts of dhows as drug traffickers and fishers, namely those manufactured by the Al Mansoor Company in Iran.¹²² Research conducted by Conflict Armament Research in 2016 suggested that two out of the three deliveries that they analysed are likely to have been supplied with the complicity of Iranian security forces.¹²³ While small-scale weapons are usually destined for Bosasso and Marrero where they enter the black market, more sophisticated weapons are commonly destined for the coastal districts of Qandala and Habbo. According to UNODC's Programme Officer in Bosasso, "both former pirates and veteran weapons traffickers are engaged in arms trafficking sharing the same common motivational denominator: profit".
- On-shore factors: Lack of access to remote areas in Puntland is a deciding enabling factor for the evolvment of Puntland as a weapons trafficking hub. Also, as highlighted by Secure Fisheries, one of the facilitating factors of weapons trade is the absence of designated landing sites for fishing vessels along the Somali coast. In the absence of such sites, fishing vessels land their catch in remote locations. Since weapons are often smuggled in fishing boats, these landing sites lend themselves to covertly bringing in other product such as weapons.¹²⁴ As stated in the 2017 Report of the SEMG, "weak governance of the fishing sector and a lack of institutional capacity for more effective maritime security, including the monitoring of perhaps more than 200 Iranian and Yemeni fishing dhows operating off the coast of Punt-

land, exacerbates the risk of fishing dhows being used for illicit purposes, including small arms trafficking.”¹²⁵ On the Yemeni side, a combination of corruption within the military and a strong tradition for weapon ownership provides for both high supply and demand in the weapons trade.

Maritime Crime-Stability Nexus

More effective deterrents are needed to combat illicit weapon trade around the HoA as it has a very direct and damaging impact on security and development in the region. Indeed, at a workshop in Copenhagen in May 2018, it was suggested that this issue needs to be further ‘securitised’¹²⁶, pointing to the ramifications of the continued proliferation of weapons in the HoA region, which are not properly recognised. It is, conversely, hard to see how the issue could become further securitised as it is already subject to a Security-Council imposed arms embargo with a dedicated monitoring group. Nevertheless, the security implications of the weapons trade into Somalia are unquestionable. These are for example evident in the development of Puntland as a Somali hub for weapons smuggling as well as a hub of nascent ISIL affiliates.¹²⁷ The fact that numerous US drone strikes have been directed at targets in Puntland underlines the gravity of the threats in this region.¹²⁸ According to findings in a 2017 Report by Stable Seas, the flow of illicit weapons into Somalia also “arms Al-Shabaab and is a direct threat to the survival of the Federal Government of Somalia.”¹²⁹ The Report goes on to note that “illicit arms trading in the Somali region amplifies threats to governance, both within the Somali region and well beyond it.”¹³⁰ It is with reference to such effects that weapons seizures are considered to significantly contribute to “the stabilisation of the region”,¹³¹ but sporadic interdictions at sea alone, cannot solve the problem.

In the long run, it is important to widen the scope of counter arms trafficking efforts to also include components required to manufacture Improvised Explosive Devices (IEDs). Until now, bombs used by Al-Shabaab have typically been armed with trinitrotoluene (TNT) scraped off old military munitions at specific dump sites in Mogadishu.¹³² Once the availability of TNT in this fashion runs out, it is likely that bombs will be made with chemicals such as fertiliser. These bags of chemicals would come by sea and would be much more difficult to identify than arms. They would, nevertheless, be hugely destructive.¹³³

Illegal Unregulated and Unreported Fishing

To justify their attacks on foreign vessels, Somali pirates notoriously argued that they defended Somali waters from foreign fishers that ruthlessly depleted fish stocks and attacked Somali artisanal fishers.¹³⁴ While this may have been a sincere argument in the very early days of piracy, the applicability of illegal foreign fishing¹³⁵ as a justification for piracy ended when pirates began to hijack containerships in international waters, as this was clearly not aimed at deterring illegal fishing in Somalia.¹³⁶ It would also be erroneous to consider the problem of illegal fishing as one confined to Somalia. On the contrary, IUU affects all states in the WIO and is perceived as one of the primary threats facing the region along with heroin trafficking.¹³⁷

Status

According to the Stimson Center, the profits from IUU fishing are valued at an estimated USD 15.5 to USD 36.4 billion a year globally.¹³⁸ Indian Ocean states are generally heavily reliant on the blue economy with large parts of their populations employed in industries that pertain to the oceans such as industrial and artisanal fishing and coastal and marine tourism. Fish is also an important food source in coastal communities. As large-scale IUU depletes fish stocks and destroys marine life, the problem directly threatens the livelihoods of whole population sections in the WIO.¹³⁹ The Kenyan Maritime Police Unit (KMPU) in Malindi noted that they were frequently required to respond to cases of Tanzanian fishermen transgressing into Kenyan marine protected areas. This trend was also noted by the Regional Maritime Information Fusion Centre in Madagascar (RMIFC) as happening generally around the Indian Ocean – perhaps as an indication that artisanal fishers are finding it increasingly hard to survive off the fish stocks that remain in their traditional fishing grounds. As put by the RMIFC, “unlike the cases of IUU fishing observed between fishermen from neighbouring states, there are cases that highlight the existence of *organised illegal fishing*. These fleets, particularly trawlers, have a direct impact on the food resources on which traditional fishermen depend.” By destroying the livelihoods of coastal communities, large-scale IUU drives people into crime or – ultimately – migration.¹⁴⁰ Indeed, IUU fishing is linked to national and regional political instability and growing insecurity.¹⁴¹

If we zoom in on the case of Somalia, IUU is a muddier issue, which continues to be portrayed very differently by different actors.¹⁴² On the one hand, illegal fishing is often raised as a serious problem which requires the assistance of the international community. On the other hand, Government action to manage fisheries does not reflect the notion that it is an issue of primary importance.¹⁴³ Because of the prevalent narrative of IUU in Somalia as a justification for piracy, however, there is in the Somali context a security nexus which gives the issue a different character than in other WIO states.

- Deterrents: According to the RMIFC, there is a “violent depredation of the Somali population of marine resources by Iranian and Asian fishing fleets, acting freely since Somali authorities have a limited ability to deploy law enforcement assets”.¹⁴⁴ In consequence, seven incidents, all involving Iranian fishing vessels, were reported in 2017 of Somali fishermen engaging in “IUU self-policing” – that is Somali fishermen that use force to divert foreign vessels which they consider to be fishing illegally. This practice can easily lead to retaliation and an ensuing escalation of violence at sea that can inadvertently spin out of control. These actions are also sometimes wrongly associated with piracy¹⁴⁵ and therefore contribute to distorting data on Somali piracy.

Taking a broader look at possible deterrents to IUU, new measures have been developed. The introduction of FAO’s Port State Measures Agreement (PSMA),¹⁴⁶ which came into force in June 2016, engages port authorities around the world to coordinate systematic denial of port access to notorious IUU vessels. This means that they are unable to land their catch and make a profit. Use of satellite-based technology to track IUU fishing vessels also has the potential to expose IUU vessels that hide behind flags of convenience and fake vessel IDs.¹⁴⁷ Even for vessels that do not appear on Maritime Domain Aware-

ness (MDA) monitoring equipment tracking the signals that vessels transmit (which can be switched off), there is an increasing application of satellite images¹⁴⁸ in the detection of non-compliant vessels as well as algorithms that layer both vessel signals and images to pin-point suspicious activity.¹⁴⁹

As with other types of maritime crime described in this report, one of the great challenges with addressing IUU is the legal finish, or lack thereof. In most states, IUU is treated with fines and penalties that are far too lenient to make a dent in the business model of IUU operators. Detaining vessels and crew, however, has severe implications for profitability. Many organisations working to counter IUU, therefore, propose the 'multi door approach'¹⁵⁰ – exploring every possible legal venue for prosecution in order to keep vessels in port and 'out of IUU action'. This can be everything from detaining a vessel for tax evasion, SOLAS infringements, or pollution – to more serious offences such as forced labour. Fish-i-Africa, an NGO that organises a network between eight states in Eastern Africa to combat IUU in the WIO, has been working with this approach to increase prosecutions for IUU and associated crimes with quite some success.¹⁵¹

In terms of at-sea operations at national level, it is clear that interdiction at sea is a costly form of deterrence. A country such as Seychelles, for example, has a population of ca 90,000, a landmass of 459 km², and an Exclusive Economic Zone (EEZ) of 1,374,000 km². Despite being a middle-income country, patrolling such a vast maritime space is extremely challenging. For Somalia, having the longest coastline in continental Africa, power projection at sea is currently limited to 'ink spots' around a few key ports. At-sea patrols to interdict IUU fishers will probably never be a viable deterrent in and of itself in Somalia. One approach to finding more effective deterrents has been to make use of technology and work with regional partners in order to build targeted and intelligence-led operations for more effective fishery inspections and interdiction at sea.

- Criminal networks behind the most severe forms of IUU, namely large-scale IUU fishing, are highly organised transnational syndicates akin to drug cartels.¹⁵² According to the Stimson Center, "illicit networks are known to participate in IUU fishing, such as those linked to piracy and terrorism, as well as trafficking in drugs, arms, and people. These groups often co-opt workers in the legal fishing industry, use fishing vessels to disguise operations, and take advantage of disenfranchised fishers to facilitate their illicit business."¹⁵³ As drug syndicates, they make use of document forgery, bribery, money laundering, high-level fraud, as well as tax havens and complex shelf company structures that conceal beneficiary owners.¹⁵⁴
- On-Shore Factors: In the context of IUU, the important enabling factors are found at sea. Generally, vast and anonymous ocean spaces are ideal to carry out illicit activities with little risk of detection. Although most large vessels are required to transmit two types of signals, the Vessel Monitoring System (VMS) and the Automatic Identification System (AIS), transponders can easily be switched off if there is a wish to 'go dark'. In addition, IUU fishers have a number of methods at hand to conceal the identity of vessels, including use of flags of convenience

and manipulation of vessel IDs. Another factor which works in favour of IUU fishers is the difficulty of proving whether a catch is either entirely, or partially, caught illegally, unregulated, or misreported. An IUU catch can, for example, be mixed, or 'white washed'¹⁵⁵, with legal catches through trans-shipments at sea. Skilfully forged or duplicated licences are also often used.

There are also more localised on-shore conditions that enable IUU. Despite the economic importance of the blue economy and the need for sustainable fisheries, corruption-related challenges seriously obstruct efforts to effectively address IUU. In the context of Somalia, the ambiguities related to issuance of inshore fishing licences is also an important enabling onshore factor.¹⁵⁶ Also with reference to Somalia, the RMIFC notes that "the support of local authorities [make] the activity semi-legal by delivering licences or simply tolerating it".¹⁵⁷

Maritime Crime-Stability Nexus

In relation to Somalia, efforts to analyse overall trends in IUU simply do not add up to a coherent picture. What is found is rather a multitude of contradictory views and information. In the absence of coherent evidence to support a constructive debate on the issue, IUU is widely utilised to perpetuate misconceptions to promote political agendas. This is particularly problematic because of the perceived nexus between IUU and piracy and the security implications of this incendiary narrative. More broadly, however, it is also regrettable because fisheries are in reality one of very few renewable resources that can generate revenue in Somalia and promote economic development.

Security issues aside, it must be underlined that IUU fishery is not a problem that exclusively or even particularly affects Somalia. According to the RMIFC, incidents of IUU reported in 2017 were comparable for Somalia, Seychelles, and Comoros. There is, nonetheless, an urgent need to regulate fisheries more effectively and end large scale IUU. The gravity of the issue has in fact prompted a movement to have large scale IUU formally considered a Transnational Organised Crime.¹⁵⁸ Compounding the issue is the fact that IUU is often associated with a range of other types of organised crime including corruption, money laundering, fraud, smuggling of various contraband, and exploitation of labour – in some cases amounting to slavery. When IUU and Transnational Organised Crime coincide, it is popularly categorised as "Fish Crime."¹⁵⁹

Drugs Smuggling

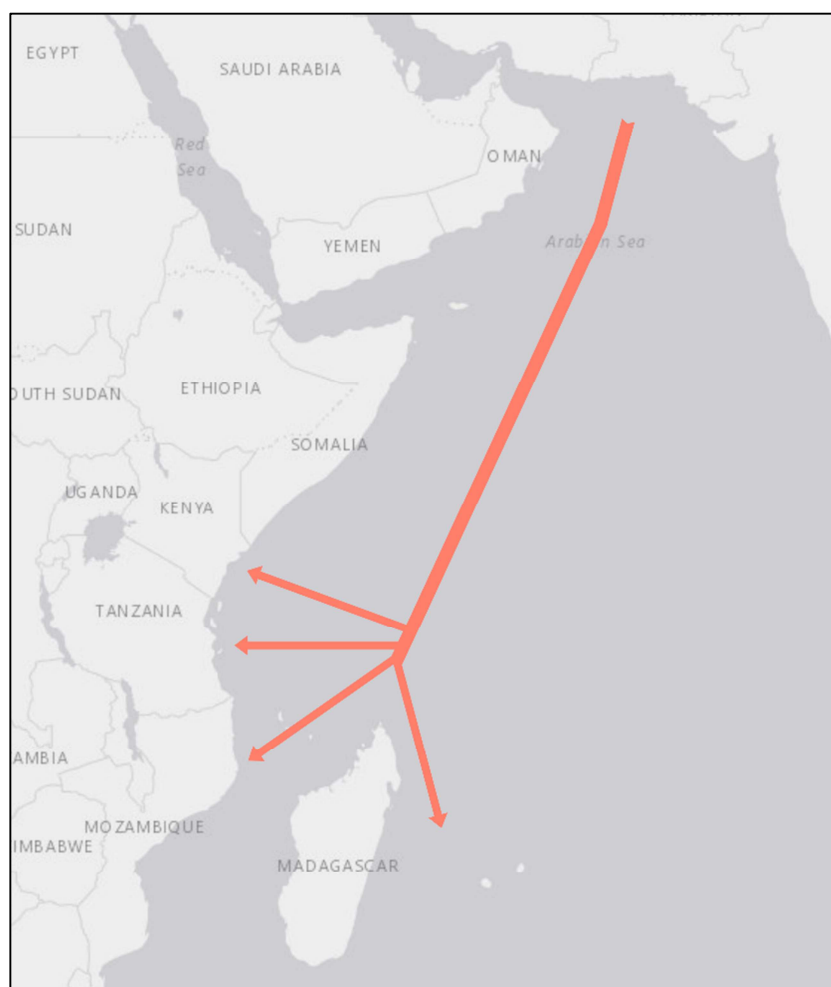
The primary focus for this segment is heroin smuggling as this trade has the gravest implications for stability. Double dynamics of violent conflicts and embargoes affect the routes along which drugs are smuggled. Whilst low-level conflict and some degree of instability may facilitate drugs smuggling, intense violent conflict may inversely impede drugs smuggling. With the primary consumer markets for Afghan heroin being in Europe and Russia, three routes have routinely been used to transport the product:

1. *The Northern Route*, through Russia. Access to Europe along this route is obstructed by the EU trade embargo imposed as a result of the Crimea conflict which entails thorough searches of all containers crossing into Europe.

2. *The Balkan Route*, crossing Iran and Turkey. Being on opposite sides of the Syrian conflict, border security between these countries has been intensified.
3. *The Southern Route*, Afghan heroin is transported to the Makran Coast from where it is shipped to the Indian Ocean island states and countries along the East Africa coast where it is believed to be containerised and shipped on to Europe.¹⁶⁰

As conflicts and embargoes have effectively blocked the Northern and Balkan routes, smugglers seem to have adapted accordingly, now using the Southern Indian Ocean Route – also known as the ‘smack track’ and ‘hash highway’ – as the primary smuggling corridor.¹⁶¹ According to RMIFC, heroin trafficking is the number one maritime crime affecting countries in the WIO region.

Figure 5:
The Southern Indian Ocean Drug
Smuggling Route



Status

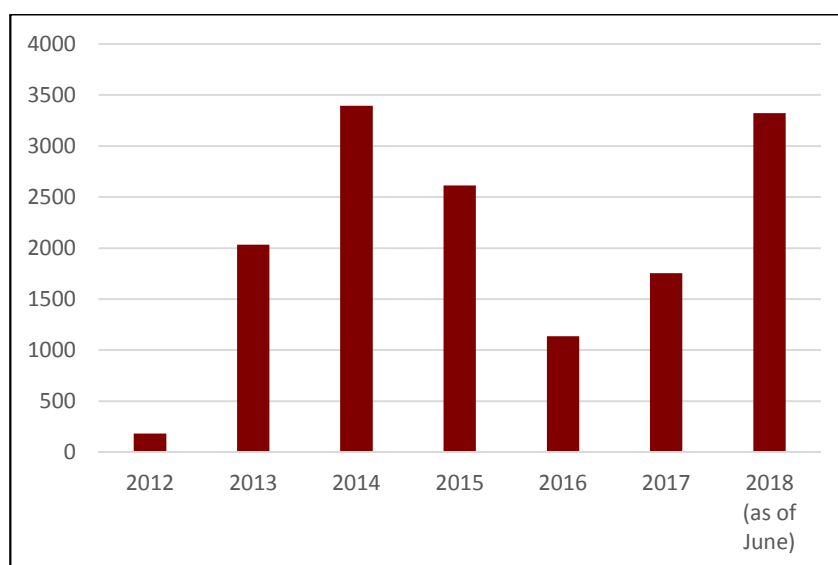
High yields in poppy production between 2016 and 2017 have caused an 87% rise in heroin production.¹⁶² With a six-month processing time, this heroin is now being trafficked – most likely on the Southern Route. In terms of calculation of volume, the rule of thumb in drug enforcement is to assume that about 15% of drugs trafficked on a given route are seized and 85% passes through to consumer markets. Due to poor enforcement capa-

bilities on the Eastern African coast, there are only very few significant seizures on land. Conversely, enormous drugs seizures have been made at sea by CMF both in 2017 and 2018 (see table). In late May 2018, the Combined Task Force (CTF) 150 also seized “6.2 tonnes of hashish in two separate interdictions in the space of two days”.¹⁶³ What is difficult to determine is whether the increase in the volume of drugs seized is an indication of successful application of advanced methods of identifying shipments or simply that more product is being moved on the route.¹⁶⁴ The branding put on 1 kg bags of heroin by producers are called drug stamps.¹⁶⁵ These stamps are monitored and used to track downstream movements of heroin. Drug stamps on bags seized by CMF have, for example, been identified six months after interception on streets in the UK. This data is used to extrapolate what the volume getting past enforcement efforts at sea is likely to be. Recently, CMF has noted a rise in heroin prices at street-level in the UK, which might be seen as an indication that seizures have significantly lowered product availability in consumer markets.¹⁶⁶

Information from drug stamps is also used to track drugs ‘upstream’ to investigate the criminal networks that own the stamps. Isotope testing is further used to determine the geographic origin of the poppy used in a consignment, as isotope values are strong indicators of where the poppy gum was grown. Both isotope readings and drug stamps from CMF seizures suggest that the origin of the heroin smuggled along the Southern Route is Taliban-controlled areas in Afghanistan.¹⁶⁷ As such, there is a link between terrorist-financing and drugs smuggling.¹⁶⁸

The volume of narcotics flowing to Eastern African states is detrimental to the social fabric of the affected countries. Facilitators in trans-shipment countries such as Kenya and Seychelles are often paid ‘in kind’ with product. As their profit comes from selling heroin to local consumers, this ‘leaks’ heroin into local markets.¹⁶⁹ Secondary effects of this trade thus include the development of consumer markets in trans-shipment countries like Pakistan, Kenya, Mauritius, and Seychelles causing increased drug dependency.

Figure 6:
CMF CTF-150 Heroin Seizures in
International Waters



Source: Wright¹⁷⁰

- Deterrents: Maritime drugs smuggling in the Indian Ocean is a type of crime characterised by a stark absence of effective deterrents. One obstacle is the fact that not all international actors operating in the WIO – and not even all nations contributing to CMF – have mandates, which allow them to undertake counter-narcotics operations. Flag verification boarding on commercial vessels are difficult to carry out and so the targets for inspections are typically dhows, even though steel-hulled vessels are also known to smuggle drugs (including the Al Noor, which was seized in Kenya).¹⁷¹

Another form of deterrence which is currently under-exploited is prosecution. There is currently no 'legal finish' to drug interdictions. As in the early days of piracy, what is seen is a practice of 'catch and release' – in most cases, interception simply results in drugs being thrown overboard. The risk run by actors involved in heroin smuggling is therefore too trivial to serve as an effective deterrent.¹⁷² Since only a limited number of skippers are sufficiently skilled to navigate along the long Southern Indian Ocean Route and also willing to take the risk involved in the drugs trade,¹⁷³ apprehending captains and seizing ships seems to be one effective way to disrupt the business model of smuggling networks.

- Criminal networks: As opposed to the criminal networks behind most of the other maritime crimes presented in this chapter, the networks behind drugs smuggling are "specialised purpose networks" that are well-established at both exit and entry points of the trade.¹⁷⁴ The type of vessel most commonly intercepted by CMF is the traditional Iranian dhow, typically produced by the Al Mansour 'leasing' company in Iran.¹⁷⁵ Important seizures have also involved other types of vessels including container ships (for example, MSC IVANA)¹⁷⁶ but these are rare.¹⁷⁷

Since Iranian dhows do not transmit signals that can be detected by satellites, they are difficult to spot using MDA systems that track VMS and AIS data.¹⁷⁸ As with weapons smuggling, drugs will often be trans-shipped from dhows onto smaller boats at sea, which then carry the product to shore, landing at concealed locations including border areas. CMF reports of clusters of dhows loitering for several days around handover points quite far out.¹⁷⁹ Drug trafficking was highlighted by the KMPU as a key challenge. Keeping shipments from reaching the coast is nearly impossible as remote landing sites are out of reach to the KMPU and because smugglers have far more powerful engines that can outrun KMPU boats.¹⁸⁰ The amount of heroin going directly into Kenya and Tanzania seems to have gone down as a result of counter-measures taken – particularly in Tanzania.¹⁸¹ This has stimulated a repositioning of the trade to Mozambique.¹⁸²

Although Mozambique has long been a transit point for narcotics¹⁸³ with a few key families of Asian descent controlling the trade,¹⁸⁴ recent involvement of Islamic extremists in this trade is a development which is currently attracting growing concern.¹⁸⁵ Islamist militants, including individuals from the Mozambican Somali community and Tanzanian nationals¹⁸⁶, are now reported to be at the heart of the heroin trade in Mocímboa da Praia in the northern district of Cabo Delgado¹⁸⁷ and around the port of Nacala where containers laden with

drugs arrive.¹⁸⁸ These militant groups allegedly get a cut of the profits from the heroin trade in exchange for protecting shipments. A number of affiliations to terrorist organisations have been proposed including 'Mozambique Al-Shabaab' (which are not to be associated with Al-Shabaab in Somalia) and 'Swahili Sunnah'.¹⁸⁹ While the Mozambique Government approach towards tackling heroin trafficking has been rather relaxed so far,¹⁹⁰ this might change with the escalation of violence that comes with an incursion of violent extremists.¹⁹¹

Drugs trafficked through Mozambique ultimately end up in South Africa, which is believed to be the primary location for the onward movement of heroin to consumer markets – typically concealed within shipments of bulk export products such as wine and oranges.¹⁹² Smugglers moving product in containers continuously find new ways to conceal consignments. One example is the 'rip on, rip off' technique where drugs are placed in containers without the knowledge of the owner using forged seals.¹⁹³ Anecdotaly, there are reports of drug parcels with Global Positioning System (GPS) transponders having been dropped along the East Africa Coast and carried by ocean currents as far as South Africa – effectively blindsiding deterrent efforts to interdict trans-shipments at sea.¹⁹⁴

While heroin is primarily landed along the East Africa coast and on Indian Ocean islands, there are anecdotal accounts of heroin being trans-shipped in coastal areas in Somalia and on Socotra Island. Suspicion is that, rather than moving product across land, heroin is moved on to Yemen from where it is trafficked on Red Sea routes to Egypt. Given lack seizures, however, there is little evidence to corroborate these statements. It is, nonetheless, an issue which merits further research.¹⁹⁵

- On-shore factors: There seems to be a geographic delineation for land-based drugs smuggling which is, as mentioned above, determined by the double dynamics of violent conflicts and embargoes. The conclusion from all interviews is that Somalia as a corridor for drugs smuggling seems non-existent.¹⁹⁶ Three main reasons for this are emphasised. Firstly, as opposed to sugar, the consumer market for heroin is neither in Somalia nor in Kenya but rather in Europe. Moving product over land from Somalia into Kenya, therefore, adds a superfluous transit point to the journey. Secondly, the infrastructure required for onward movement of drugs is not ideal in Somalia. On the contrary, improved roads and ports in countries like Kenya are seen as a factor, which, unintentionally, has made Kenya a more attractive point of transit. Finally, Somalia is not used as a transit country because it is deemed too unstable. Traffickers gravitate towards a 'sweet spot' in terms of instability. An interviewee termed this the 'Goldilocks rule' as the security climate for heroin smuggling can be neither too hot, nor too cold – it has to be *just right*.¹⁹⁷ The present complex political landscape in Somalia simply means that there are too many security actors one would have to bribe to ensure collaboration – unnecessary complications considering other routes are open.¹⁹⁸

The extent of political elite involvement and corruption associated with the drugs trade is impossible to ignore as a crucial facilitating factor for illicit trade to go unhindered at different points of entry. The

relationship between corrupt state actors and drugs trafficking networks can be characterised as symbiotic. An example of this is that 'drug money' paid to gain unhindered access to ports helps to fund political campaigns.¹⁹⁹ Such transactions create mutual dependency between criminal networks and political elites, a relationship which is very difficult to break. Whilst an increasing number of serious cases of drug trafficking have been heard in the Court in Mombasa, no convictions have yet been meted out.²⁰⁰ This has largely been attributed to the protection afforded to persons involved in drug trade due to their influence on the political elite.

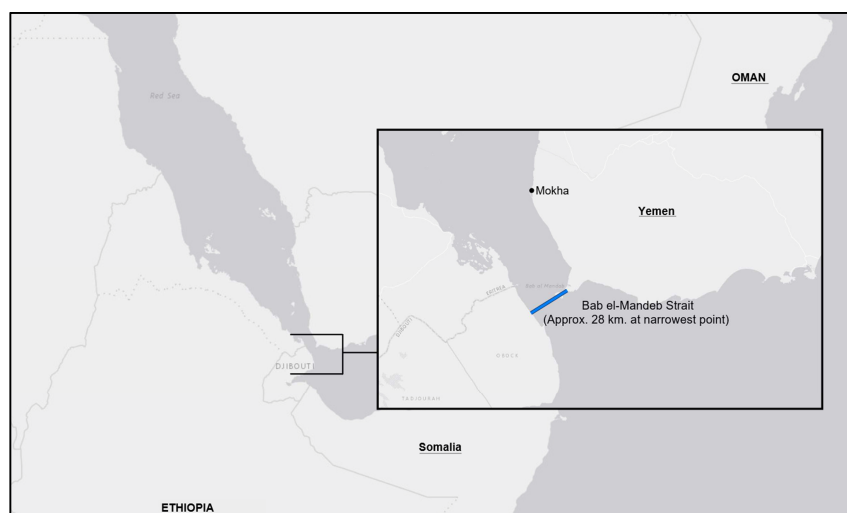
Maritime Crime-Stability Nexus

The set-up of criminal networks and onshore factors work in harmony to make drug-trafficking through Eastern Africa a profitable business, which is further aided by the fact that there are hardly any effective measures of deterrence. As terrorist networks seem to be involved in both production and trafficking of heroin, there is no question that heroin trade is an important source of terrorist financing – from the Afghanistan/Pakistan region to Eastern Africa through the Southern Indian Ocean smuggling route. Corruption associated with drug trafficking is also of great concern as this permeates the state apparatus in affected states to the extent that it undermines the checks and balances that are essential for democratic structures to function. Compounded by the increasing rates of drug dependency, drug trafficking can have serious implications for regional stability.

Armed Violence at Sea

In this segment, we shift the focus from the five above-mentioned types of maritime crime to looking at a different category of maritime insecurity which it is impossible to overlook when assessing current trends in insecurity at sea, looking beyond the coast of Somalia. In short, we move from maritime crime to Armed Violence at Sea. According to EUNAVFOR, "spill-over effects of the Yemeni crisis into the maritime domain led to a deterioration of the maritime security environment in the Southern Red Sea and the BAM Strait".²⁰¹

Figure 7:
The Bab el-Mandeb Strait



In fact, “industry is more concerned about Red Sea threats to maritime security than they are about Somali piracy”.²⁰² As insecurity around the BAM is an emergent issue which is not yet fully understood by security actors operating in the area, what is provided below is an overview of the issues rather than an analysis of drivers. Therefore, in place of the analysis of deterrents, criminal networks, and enabling on-shore factors used in previous segments, we distinguish between three categories of violence at sea in this segment. These categories are armed violence related to:

- Maritime activities of terrorist groups in Somalia
- Attacks by non-state actors on vessels around the BAM Strait
- Armed Conflict between Houthi forces and Saudi Coalition forces.

Maritime Activities of Terrorist Groups in Somalia

The SEMG considers Al-Shabaab to be the most immediate threat to peace and security in Somalia.²⁰³ In 2016, Al-Shabaab carried out an attack on Gaarcad, Puntland, with militants arriving by boat and taking over neighbouring coastal villages.²⁰⁴ Although Puntland forces launched a counter-offensive dubbed ‘Operation Thunder’ restoring control over the area, the attack demonstrated the capabilities of Al-Shabaab to operate from the sea.²⁰⁵ Since this attack resulted in major defeat and many casualties for the group, the SEMG deems it highly unlikely that Al-Shabaab will attempt to launch another sea operation in the future.²⁰⁶ In Kenya, however, according to RMIFC, Al-Shabaab militants beheaded three fishermen in Lamu in August 2017, subsequently fleeing in skiffs towards Somali waters.²⁰⁷ The KMPU also report, on numerous occasions, having interdicted ‘foreign fighters’ attempting to enter Somalia from Kenya by sea to join Al-Shabaab. These are mainly nationals of the Democratic Republic of Congo who, according to the KMPU, are promised USD 1,000 per day to fight for Al-Shabaab.²⁰⁸

Also, regarding terrorist activities in Somalia with maritime dimensions, the ISIL-aligned faction in Puntland, which is reported to have grown significantly in strength in 2017,²⁰⁹ allegedly owns skiffs and is known to receive supplies by sea.²¹⁰ With a current estimated capacity of 200 fighters of mixed nationalities, SEMG assessed that the capability of the faction remains limited but signalled that a potential influx of foreign fighters fleeing military pressures in Iraq, Syria, and beyond, would present a significant threat to the region.²¹¹ As such, the concern is that Somalia could become a new home for ISIL as they are pushed out of Syria. Others, however, deem this unlikely as the faction currently only has support from the Ali Suleiban clan, which is not enough to establish a stronghold in Somalia. In addition, according to SEMG, there is no noteworthy funding currently directed at the faction. Yet, it is something that the SEMG keeps an eye on.²¹²

Attacks by Non-State Actors on Vessels around the Bab el-Mandeb Strait

There has, particularly since the onset of conflict in Yemen, been a number of incidents targeting civilian vessels passing through the narrow passage between Djibouti and Yemen, called the BAM Strait, which seem to come from non-state actors. Such attacks increased in 2018 and it is civilians from small boats that have been the primary victims of these attacks with more than 60 Somali migrants and fishing crew killed in 2017.²¹³ The suspicion is

that non-state actors, based out of Yemen, are trying to carry out a 'spectacular attack' in the Strait. The main concern to vessels transiting the Southern Red Sea is the risk of 'exploding ships'. This risk can take two forms. One is the use of water-borne IEDs which are rammed into vessels transiting through the Strait.²¹⁴ An example is the *Galicia Spirit* incident on 25 October 2017 where a small, allegedly remotely controlled skiff, laden with explosives, reportedly attacked before exploding roughly 20 NM from the vessel.²¹⁵ The second is 'suicide boats' that are also laden with explosives but manned by an attacker.²¹⁶ These two types of attacks have also been combined in the two separate incidents on 6 January 2018, 45 NM off the port of Al Hudaydah in Yemen.²¹⁷ They generally seem to have targeted the stern of the ships, which is where safe rooms are located. This is where the crew assemble when there are signs of a threat.²¹⁸ While there is no conclusive evidence on the source of the 'exploding ships attacks', they point to an emerging maritime terror threat from non-state actors based out of Yemen.

Armed Conflict between Houthi Forces and Saudi Coalition Forces

The conflict between Houthi forces and Saudi Coalition forces has, on various occasions, spilled into the maritime domain, particularly around the port city of Mokha at the entrance to the BAM in Yemen. As stated at a Conference in Nairobi in March 2018, there is "a continuous militarisation of the Red Sea". A maritime intelligence report from late 2017 finds that a worrying development in the safety of shipping lanes in the Southern Red Sea is "the deployment of sea mines by the Houthis" which, despite being "targeted towards the Saudi coalition", may nonetheless have an effect on civilian vessels transiting close to the coastline.²¹⁹ If such mines, which are essentially indiscriminate, are not identified and removed by the Saudi forces, they "will, in time, break free from their moorings and drift".²²⁰ They can then drift into any ship transiting the area.²²¹ Secondly, there is also the concerning use of missiles fired by Houthi rebels against Saudi military targets at sea which have been used with much accuracy as regards targeting.²²² In October 2016, for example, an anti-ship missile fired from the shore and, claimed by Houthi rebels, damaged a United Arab Emirates (UEA) supply vessel. Further highlighting the threat that conflict in Yemen may spill over into the maritime domain was the attack on a World Food Programme (WFP) vessel on 3 June 2018.²²³ The WFP vessel was attacked after having delivered a shipment at Yemen's Hodeidah Port.²²⁴ According to EUNAVFOR and CMF, it is unlikely that this attack was piracy-related – rather they believe that it most likely was related to the conflict in Yemen.

There is clearly a risk of collateral damage as armed conflict moves to one of the narrowest and busiest shipping lanes in the world. The view that failures to achieve effect will deter perpetrators from attempting attacks in the future was contradicted at a workshop organised by CMS in Copenhagen. Participants were rather convinced that, considering the potentially dramatic effect of a large-scale incident at sea, Houthis will continue to try and the different assailants are learning from each other's failures.²²⁵ EUNAVFOR also confirms that the risk for merchant vessels operating in the area is increasing. Whilst it is considered unlikely that merchant vessels are deliberately targeted, there is a risk of misidentification.²²⁶ Adding to this is the assessment that "Yemen's civil war shows no sign of abating."²²⁷

Maritime Crime-Stability Nexus

There is an escalation of violence at sea in one of the world's busiest choke points for maritime activities. Self-protection measures adopted for piracy such as armed guards and safe havens will not be effective in mitigating the risks associated with these attacks. Moreover, international navies can only serve as a very limited source of recourse and as important providers of intelligence to the shipping industry.²²⁸ Although there have been no large-scale incidents to date, the escalation of violence currently seen could result in everything from an environmental disaster to a mass casualty incident and even a maritime security incident that triggers an international conflict.²²⁹ Noting the littoral states surrounding the BAM Strait (Sudan, Eritrea, Djibouti, Yemen, and Somalia), it is clear that there is no regional capacity to manage a large-scale incident at sea. Security surrounding the Strait has, correspondingly, been at the top of the agenda in international fora such as the deconfliction meetings of CMF and EUNAVFOR (SHADE) and more research is underway by UNODC to map the concrete threat landscape.

1.2

A Broad View: Interlinkages, Dynamics, and Reflections

Whilst it is important to look at trends in maritime crime at an individual level to understand the factors that drive them, it is equally important to look at how different types of maritime crime are connected.²³⁰ Understanding such *interlinkages* is particularly useful when contemplating how to effectively counter one or more types of maritime crime. Another important notion to appreciate when considering how to address maritime crime is the *dynamics* at play within the maritime crime complex which is in constant change due to the adaptability of criminal networks. If the business model for a given crime is under pressure, criminal networks have a remarkable ability to reposition either geographically or thematically to other types of crime. We use the term ballooning effect to describe this dynamic of how countermeasures that 'push' the problem (at one end of the balloon) may unintentionally displace air (or criminal activity) to the other end of the balloon.²³¹

The importance of looking at the totality of transnational organised crime was highlighted in both interviews and workshops.²³² This means that countermeasures that go beyond pushing a crime in a different direction (either thematically or geographically) must take account of a fuller and more detailed picture of how the crime scene at sea is interconnected and what types of criminal network are behind the trade. As noted by an interviewee, piracy can only be understood "by putting in perspective the interactions with the other types of maritime activities, starting with IUU fishing and smuggling activities by sea."²³³

Therefore, based on the overview of developments and drivers for the six types of maritime crime and maritime insecurity presented in the above segments, we elaborate on how interlinkages and dynamics generated through ballooning effects are visible if looking at the totality of maritime crime off the HoA, or the maritime crime complex.

Interlinkages and Dynamics

We have introduced many key concepts and conditions in the above presentation of five types of maritime crime and an additional type of maritime insecurity. In essence, we have found that it is important to understand how *criminal networks* behind maritime crime operate, and which *on-shore fac-*

tors enable their operations in order to identify effective *deterrents*. Adding to this picture, we now take a broader look at the maritime crime complex off the HoA, looking at how crimes are *interlinked* and how *dynamics* of ballooning have manifested themselves. These are seen in two main clusters described below.

Piracy-TiPSoM-Weapons Smuggling-Terrorism

When looking at piracy in relation to broader trends in maritime crime – rather than in isolation – it seems more correct to refer to those involved in PAGs as ‘poly-criminals’ rather than just ‘pirates’. Arguably, the onset of conflict in Yemen and drought in Somalia raised the demand for criminals with navigation skills in Somalia. These developments coincided with the successful suppression of Somali piracy, which rendered the business high risk/low profit. So, whilst piracy was no longer a lucrative business, a big market for TiPSoM emerged. Essentially, former pirate networks mobilised existing logistics, manpower, and financial liquidity and ballooned into other smuggling enterprises – TiPSoM being one of them.²³⁴ Adding to this, and as indicated by the RMIFC, it makes no sense from a business perspective for a vessel to carry out one leg of a journey with an empty hull.²³⁵ Boats ferrying people between Somalia and Yemen appear to be following this logic of profit maximisation as they have been seen to smuggle people to Yemen, purchase weapons for their smuggling fee, and return to Somalia with weapons as cargo which are then sold at great profit.²³⁶

On several occasions, the BPMPU has found consignments of small arms on the same boats used to smuggle migrants north as they return from Yemen. UNODC GMCP in Bosasso takes pictures of these arms shipments which are sometimes hidden inside bags of rice, dates, and onions. Whilst this may be no more than ‘ant-trade’ run strictly for business purposes, these weapons usually end up in the hands of terrorists.²³⁷ As stated by UNODC GMCP’s Programme Officer in Bosasso, “illegally smuggled weapons primarily end up in the hands of terrorist groups like Al-Shabaab assassins called *Amniyat*”. More directly, the pirate kingpin Issa Yuluh is said to have been instrumental in supplying weapons to Al-Shabaab. The leader of the ISIL-associated faction in Puntland, Abdiqadir Mu’min, whom Yuluh is related to, also uses clan kinship to receive weapons supplies from Yemen through the Yuluh PAG, or they simply use the PAG’s skiffs and dhows.²³⁸ Conversely, the SEMG is aware of weapons that formerly belonged to Mu’min having changed hands to the Yuluh PAG in Alula after his faction was driven out of Qandala in late 2016.²³⁹

Considering the breath of fresh air this trade blows into PAGs as well as the complicity in the horrific practices of TiPSoM networks and the indirect supply of weapons to terrorist networks, this crime cluster and the individuals within it should not be overlooked as these types of maritime crimes drive instability. A key ‘take-away’ for policy developers, therefore, is that – if the aim is stabilisation – a wider focus that looks beyond piracy is required.²⁴⁰

*Smuggling-Terrorist Financing*²⁴¹

In addition to direct terror threats at sea outlined in the segment on Armed Violence above, there are a number of smuggling activities at sea that are more indirectly connected to terrorism, as revenue generated from these activities finance terrorist networks from Afghanistan across to Eastern Africa.

The linkages between maritime smuggling and terrorism are especially important to consider in section 3 of this report, as the purpose of this report is to identify types of maritime crimes that have implications for regional stability.

It is well established that illicit trade in sugar and charcoal is taxed by Al-Shabaab and have, in effect, become an important source of terrorist financing. In fiscal terms, sugar smuggling is estimated to generate a total of USD 400 million per year, which is divided between businessmen, politicians, local border authorities, and defence forces in Kenya and Al-Shabaab.²⁴² With regard to charcoal, SEMG estimates that Al-Shabaab collects at least USD 10 million annually by taxing consignments at key checkpoints.²⁴³ Although charcoal trade between Somalia and the Gulf States is banned under UNSC Resolution 2385 (2017),²⁴⁴ SEMG reports of poor implementation in 2017, pointing out that this has “facilitated Al-Shabaab financing and undermined counter-terrorism efforts in Somalia.” Reasons for the poor implementation of the embargo include challenges related to disposal of seized charcoal shipments by international actors like EUNAVFOR or CMF.²⁴⁵ Firstly, the product cannot be thrown overboard as is often done with drugs seized at sea because charcoal floats. If the cargo is taken back to Somalia, Al-Shabaab may benefit from being able to tax it yet again. If they transport it on to markets in the Gulf, there is a risk that the navies may absurdly come to facilitate the trade. Finally, destruction of the charcoal by incineration (as is done with ivory) cannot be justified due to the environmental implications this would have. One solution may be to distribute the charcoal to displaced families in Somalia through AMISOM.²⁴⁶ The challenge of how to effectively implement the charcoal ban continues to be a challenging question, particularly for UNODC, which is charged by the UNSC with identifying solutions to how the trade might be disrupted.²⁴⁷

In interviews, it was pointed out that to grasp the extent of Al-Shabaab funding from illegal trade into and out of Somalia, it was unhelpful to focus too narrowly on sugar and charcoal – Al-Shabaab does not. A one-off tax of USD 1,000-2,000 is collected per truck of goods that arrive in Somalia by sea destined for Kenya – regardless of content.²⁴⁸

Looking beyond Somalia to the heroin trade and the financing of terrorism in Afghanistan, the strength of this link is evidenced by the fact that one of the main tasks of CMF is to interdict heroin smugglers and deny the use of the high seas to terrorist and illicit non-state actors. As former CTF 150 Commander, Commodore Mal Wise, stated in connection with a heroin interdiction in March 2018: “We know that heroin seizures like today’s will have a direct impact on the operations of terrorist organisations at distribution points in East Africa. Removing heroin from circulation, reduces the funding resources available for terrorists, which then reduces their ability to inflict suffering on the communities in East Africa.”²⁴⁹

Reflections on the Maritime Crime Complex

It is clear when looking at the broader crime complex at sea, that it is not useful to tackle individual types of maritime crime in isolation. As an interviewee notes, “a narrow focus on piracy does not position the international community well in terms of tackling the wide array of other threats present in and around Somalia.”²⁵⁰ The full spectrum of crimes at sea must be taken into account when designing future interventions aimed at countering maritime crime.

In section 3, the developments, drivers, interlinkages, and dynamics accounted for in section 1 will be considered against the outcome of the Evaluation of current Danish-funded interventions to counter maritime crime by UNODC's GMCP in Somalia (section 2). To round off this chapter, however, we offer a few overall reflections engendered by the process of data collection and analysis carried out in the course of this study of the maritime crime complex off the HoA and beyond, which will also feed into conclusions in section 3.

Clusters

Looking at the linkages between different forms of maritime crime presented above, there is evidence that maritime criminal activity happens in clusters. There is, for example, a link between maritime crime between Somalia and Yemen. This includes weapons smuggling, human trafficking, and the involvement of PAGs – all of which, in some form, support terrorist activities and other sources of instability in the HoA region. A different set of linkages appear between maritime crimes in the WIO where the most prominent types are IUU and drugs smuggling, with the latter having linkages to terrorist financing from the Afghanistan/Pakistan region to Eastern Africa. Another cluster is violence around the BAM which involves a different set of actors, including possibly AQAP and Houthi rebels who seem to have similar objectives to carry out 'spectacular attacks' and who learn from each other's mistakes. This category demonstrates how maritime crime and violence at sea represents "a diversification of the threat" in the WIO.²⁵¹ Equal for all three clusters, however, is that much of the criminal activity is enabled by dhow traffic going between the Makran Coast and Eastern Africa and much of the revenue generated from criminal enterprises feed terrorist groups.

Terminology

While military definitions exist on piracy and armed robbery at sea, a point to be developed further in light of emerging types of maritime threats is that there seems to be a need to introduce new categories of crime. Definitions are, for example, needed to understand attacks on merchant shipping in the Southern Red Sea whose origins are not piracy, but related to conflict and terrorism.²⁵² This is necessary in order to accurately reflect the nature of the wide array of incidents recorded at sea in statistics and, as such, it is a prerequisite for clearly understanding events unfolding in the maritime crime complex. Accordingly, CMF and EUNAVFOR are currently working on a revised template of military maritime security event definitions. This has led to wider work being undertaken by OBP to address the absence of harmonisations of global reporting standards and definitions in the three principle locations of maritime insecurity: HoA, Gulf of Guinea, and South East Asia.²⁵³ The idea of developing additional definitions to reflect nuances in incidents recorded might indeed also be useful to better understand trends in piracy off the HoA – for example whether an incident is straightforward piracy or actually retaliation for illegal fishing. If all attacks seen off Somalia are simply labelled as piracy, statistics will not reflect the root of the challenge accurately. Since the data is there, it would make sense to expand terminology so that efforts to counter piracy make optimal use of the information at hand – and in so doing, have better chance of being effective.

Agility

Having acknowledged that ballooning enables criminal networks to persist despite deterrents targeting their operations, it may be worthwhile for international actors to draw a lesson on adaptability from their criminal counterparts. One of the pitfalls of overly narrow mandates is the risk of fragmented and ineffective responses to interconnected types of crime. While criminal networks behind weapons smuggling, human trafficking, and piracy are interconnected, for example, responders are blinkered to only focus on individual forms of crime. Indeed, a reoccurring conclusion in the individual crime segments above is that narrow mandates limit the effectiveness of actors deterring maritime crime. Adding to this rigidity is the obstacle of accessing areas where criminal activity is concentrated, which is key to fighting maritime crime. Nevertheless, the most important areas are insecure and therefore inaccessible to external actors. What emerges from this reflection is the question of how external actors might seek to broaden their mandates and access in order to respond to current and future threats as and where they emerge and evolve? This is particularly important in light of the volatility of the situation surrounding the BAM Strait, the continuous destabilisation of Yemen, and continued insecurity and humanitarian emergency in Somalia – all of which may potentially require quick and comprehensive action by international actors in the near future.

Dhows

The vessels used to transport different types of illegal goods such as weapons and drugs are Iranian dhows. Further, these are often involved in IUU fishing in the WIO region.²⁵⁴ Rather than this being indicative of a connection between the different forms of crime,²⁵⁵ it seems instead to be a question of accessibility and convenience in the dhow market.²⁵⁶ Dhows involved in maritime crime in the WIO are often manufactured by the Iranian Al Mansoor Company based in Chabahar. They are known to customise dhows according to their buyers' needs, including rigging hidden compartments and fitting extra fuel tanks. The latter is required to make the long journey to the Eastern African coast without having to refuel.²⁵⁷ While Al Mansoor dhows cater to different types of criminals, this is not in itself indicative of these crimes being linked, nor does it necessarily imply that the company is complicit in criminal enterprises.²⁵⁸

However, since Al Mansoor dhows seem to be an instrumental part of the logistical set-up for smuggling businesses, it may be worthwhile to explore whether they might form part of the solution either through dialogue with the company or the Government. The Southern Route Partnership (SRP), which Iran is part of, may be a suitable forum to seek dialogue and identify effective measures to counter heroin smuggling through Iran at a regional level. Like other trans-shipment countries for narcotics, Iran struggles with the crippling effects of drug dependency, which has grown explosively in recent years.²⁵⁹ The Government has sought to address problems with drug abuse including progressive drug treatment campaigns and attempts to control the trade, which has led to numerous casualties among police and gendarmerie officers. Given the national health hazard caused by heroin trafficking at all points of trans-shipment, coming to terms with this threat might be a common point around which cooperation can be rallied regardless of political differences. Novel approaches may also be sought to obstruct the use of the Indian Ocean as a smuggling highway. For example,

information which could be useful in identifying suspicious vessels is related to the extra-large fuel tanks rigged on smuggling dhows as they need to make the long journey without docking to refuel. Since fuel is Government-subsidised, there is a paper trail for the fuelling of dhows. Any form requesting conspicuous quantities (upwards of 42,000 l.) could therefore be flagged and information shared through the SRP network.

Counter-Intuitive Consequences

While stability, rule of law, and development are generally seen as being forces for good, they may have counter-intuitive consequences. By way of example, ENACT report that “the wide availability of good mobile telephone coverage in north-east Mozambique since about 2015, makes this a sensible model for the expansion of the heroin trade there.”²⁶⁰ As noted above, there seems to be a geographic demarcation for land-based smuggling of heroin which is drawn at the Kenya/Somalia border. All interviewees indicate that there is no heroin smuggling in Somalia. The explanation for this deviation is the ‘Goldilocks Rule’ according to which Somalia is currently too hot for drugs smuggling. But what if the ‘temperature’ in Somalia was to change to the ‘sweet spot’ that caters to drugs smuggling? Could a future scenario unfold in which improvements to security and infrastructure in Somalia coupled with effective measures to counter narcotics smuggling in other locations around the WIO could lead the trade to balloon into Somalia? And what would the societal effects be if a Somali heroin consumer market was to emerge? Although this is by no means a scenario that will unfold tomorrow, it might be worth for those monitoring trends in drug trafficking to remember that joker in the pack.

Corruption Permeation

A common denominator for the types of maritime crime analysed in this section is that they are all facilitated by corruption. Indeed, as stated by the Head of UNODC GMCP, “arguably, if you are only running one UNODC Programme in the region, it should be an anti-corruption project, because all of these things lead back to corruption. Ironically, it is the one project we are not running.” Whether piracy, human trafficking, IUU fishery, drugs, or weapons smuggling – corruption is an indispensable element of the business model. It also happens at all levels of society, from powerful political figures seeking funding for political campaigns, government officials issuing illegal fishing licences, security personnel taxing illicit goods, to the fork lift driver in the port who accepts a bribe to look the other way. The conclusion that follows from this reflection is that anti-corruption measures should have a much more prominent place in counter maritime crime strategies than what is currently the case.

Impunity

With regard to counter-piracy measures in Somalia, an important gap in efforts is arrest and prosecution of known pirate kingpins such as Garfanje and Yuluh. With their leaders at the helm, PAGs have ballooned into other trades that have destabilising effects on the region such as TiPSoM and weapons smuggling. The international community continues to push for the prosecution of piracy kingpins.²⁶¹ Nevertheless, while hundreds of pirate ‘foot soldiers’ have been successfully prosecuted and sentenced, only very few kingpins have been tried. One of the challenges is, as accounted for

above, their status as important power brokers in Somalia, which shields them from arrest by Somali law enforcement. With regard to prosecution abroad, there have been only two such cases – both in Belgium. The case of *Afwayne* gained much international attention as the kingpin was lured to Belgium to participate in a fictional film project, upon which he was arrested and charged for piracy offences along with an associate. It would be safe to assume that remaining piracy kingpins learnt a lesson in resisting such allure from that case, so it is doubtful that it could happen again. Therefore, with little chance of obtaining successful prosecution of remaining piracy kingpins in Somalia or abroad, it may be worthwhile to find other approaches to ‘removing the air from the balloons’ of the criminal networks behind piracy in order to end their destabilising influence on Somalia.

1.3

Section I: Conclusion

In the above, we have looked at specific *developments* in and *drivers* of types of maritime crime and maritime insecurity that are prevalent around the HoA. We have also looked at how each individual type of crime impacts regional stability – their maritime crime-stability nexus. Finally, we have looked at the broader maritime crime complex by mapping how different forms of maritime crime are *interlinked* and how the *dynamics* of ballooning are at play within the broader crime complex.

One key finding to be drawn from this analysis is that activities of maritime crime operatives impact regional stability. This can, for example, be seen in how maritime crime both enables operations of terrorist groups and finances them. It is also evident that maritime crime fuels corruption, undermining efforts to establish rule of law and, in some cases, negatively affecting democratic governance structures more broadly. Piracy, Armed Violence at Sea, and TiPSoM also directly threatens the lives of seafarers and migrants. What can also be drawn from the above analysis is that the crime complex seen off the HoA is dynamic and interconnected and so interventions aimed at building stability through countering maritime crime and its destabilising effects should take account of the full crime complex rather than only individual parts of it (i.e. just piracy).

In section 2, we move from a wide perspective on different types of maritime crime that currently prevail off the HoA and further into the WIO, to a more specific analysis of past activities, delivered by UNODC GMCP in Somalia with funding from the Government of Denmark. This analysis leads to an Evaluation of whether these activities have met objectives, with what impact, and whether the rationale for them remain valid.

As underlined in the introduction, this report was commissioned to contain both an analysis of current trends and an evaluation of past activities in order to establish a foundation on which to make decisions about future engagements. Conclusions regarding present crime trends (section 1) and lessons drawn from past activities evaluated in section 2 will be amalgamated in section 3, highlighting challenges that are important to be mindful of when formulating activities targeted at countering maritime crime and proposing recommendations. It is important to thoroughly underline that the analysis contained in section 2 does not derive from the conclusions made in section 1. Section 2 should rather be seen as a distinct undertaking which can be read in its own right.

The fact that section 2 zooms in on specific activities originally designed with a narrow focus to counter piracy, may seem to strikingly contradict the con-

clusion just reached on the importance of raising focus from being narrowly placed on individual crimes to encompassing the broader crime complex. Nevertheless, while activities delivered may have been intended to counter piracy, they have had more general application and so lessons drawn from these past activities are likewise of more general application in section 3, which looks at future engagements.

2

Section II: Evaluation of Past Activities

Piracy off the coast of Somalia was a key priority for Denmark in 2011 when the first Danish PSP was being developed (PSP1). National and commercial interests were at stake as Danish ships and crew were at risk of being hijacked and held for ransom when transiting along the unruly coast of Somalia. A key focus of the initial PSP in the HoA region was therefore to support counter piracy efforts off the coast of Somalia – a line which was continued in the second iteration of the Programme from 2015-2017.

As part of broader counter-piracy efforts, Danish PSP funds were, between 2015 and 2017²⁶², allocated to support UNODC activities in Somalia, including efforts to improve as well as monitor conditions in Garowe and Hargeisa prisons and UNODC's work to raise operational capabilities at sea of maritime law enforcement units in Berbera, Bosasso, and Mogadishu. The following Evaluation is focused specifically on these two activities delivered by UNODC GMCP. The selection of these particular activities is premised on the fact that this report is commissioned by the Government of Denmark to, among other things, evaluate GMCP efforts under the PSP. Evaluating these projects is important from the perspective of the donor to establish whether the supported programme activities are on track to reach their objective(s) and/or whether the programme can be improved.²⁶³ All activities evaluated below have concurrently been funded by other donors as well. The observations made and lessons drawn from this evaluation are, therefore, also of broader relevance for other stakeholders delivering programming within similar fields in Somalia.²⁶⁴

Focus and Structure

As such, two chapters make up section 2; one on GMCP's support to Garowe and Hargeisa Prisons, and one on the GMCP's support to Maritime Law Enforcement in Somalia. Each chapter is introduced with a short account of how the engagement came to be. This is followed by a summary of findings from primary and secondary data.²⁶⁵ Finally, each chapter is concluded with an analysis of the following three parameters:

1. Firstly, whether the *Objectives* of these specific engagements have overall been met
2. Secondly, what *Impact*, if any, can be observed
3. Thirdly, whether the *Rationale* of the programmes remain valid or whether adjustments are warranted.

A brief conclusion rounds off the section.

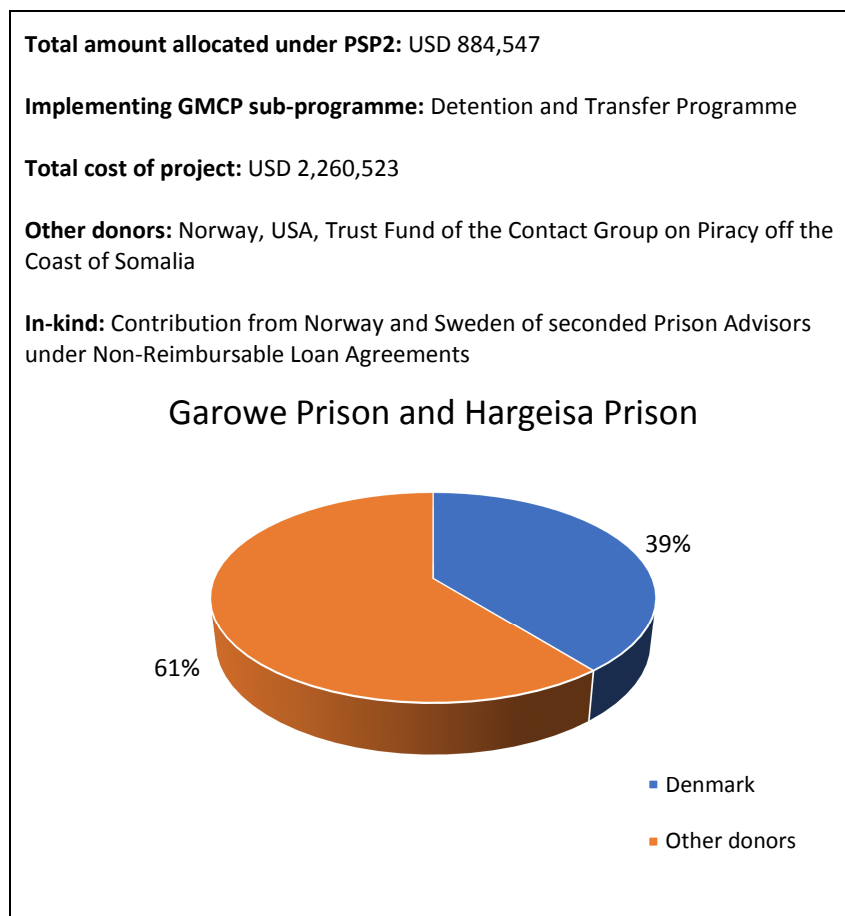
2.1

Support to Garowe and Hargeisa Prisons

Figure 8:

Detention and Transfer

Programme: funding for Garowe and Hargeisa Prisons 2015-2017

**Background**

Through the Piracy Prosecution Model, Somali nationals suspected of piracy were apprehended by international navies off the coast of Somalia and subsequently handed over to Indian Ocean states for prosecution.²⁶⁶ More than 300 Somali nationals have been tried for piracy through this model and sentences have ranged from 5-20 years.

Figure 9: The Piracy Prosecution Model in numbers.²⁶⁷

	Acquitted	Tried	Convicted	Repatriated	Transferred	Remain	Awaiting Trial
SEYCHELLES	17	152	148	20	110	7	6
KENYA	17	164	147	120	0	27	0
MAURITIUS	12	12	0	12	0	0	0

Because many of the sentences handed down were long, it became evident that the proportion of piracy prisoners, particularly in Seychelles, would put disparate strain on the prison system. At one point, Somali piracy prisoners made up 25% of the total prisoner population in Seychelles. A more viable long-term solution for the completion of sentences had to be found, therefore.

Under the Danish-chaired Working Group 2 of the Contact Group on Piracy off the Coast of Somalia (CGPCS WG2), a second component to the

Piracy Prosecution Model was therefore developed, namely a modality whereby convicted piracy prisoners could be transferred to prisons in Somalia to serve out their sentences. One of the conditions to allow for this was that Somali prisons holding transferred piracy prisoners would be internationally monitored to ensure that they were humane and secure and that sentences were carried out in accordance with court rulings (i.e. no early releases). As with the piracy trials, UNODC GMCP was tasked with making this happen.

The GMCP's Piracy Prisoner Transfer Programme was launched in 2011 with the opening of Hargeisa Prison. This was a construction project, which UNODC finished on the condition that it would host convicted piracy prisoners from South Central Somalia as the security situation at the time did not allow transfers to Mogadishu. In addition, UNODC was tasked with building a new 500-bed prison in Garowe to house piracy prisoners from Puntland. At the time, Garowe Prison, which was opened in April 2014, was the biggest construction project in Somalia. In addition to its construction, UNODC was to ensure, through training and mentoring, that prison management was in line with SMRs.²⁶⁸

Legislative reform and bilateral agreements required for the transfer of prisoners were brokered with support of CGPCS WG2 and UNODC and the first transfer flights were carried out in 2013. Since then, 110 convicted piracy prisoners have been transferred from Seychelles to Puntland and Somaliland. Only one convicted piracy prisoner remains in Seychelles as he has opted to serve his sentence there rather than being transferred.²⁶⁹

From 2011-2014, Danish contributions (alongside funding from other donors including the Netherlands, Norway, the UK, and the CGPCS Trust Fund) funded the Piracy Prisoner Transfer Programme to accomplish these goals. Danish support to Garowe and Hargeisa Prisons continued in 2015-2017 under PSP2, at which point the sub-programme had been renamed the 'Detention and Transfer Programme' (DT). It is the Danish contribution to this latter part of the programme (2015-2017), which is subject to evaluation in this report.

Evaluation Criteria

The basis for Danish support to GMCP's DT Programme is the Peace and Stabilisation Engagement Document, which was drafted by the formulation team of PSP2. Outcome A.2.1²⁷⁰ of the result framework contained in this Document relates to support to Prisons. The target for this Outcome is as follows: "Puntland and Somaliland Prisons are staffed and managed in line with minimum international norms and standards (UN Minimum Rule for the Treatment of Prisoners)." The evaluation of this engagement, therefore, explores to what degree the two prisons adhere to the SMRs. As the SMRs were revised in December 2015, the analysis below follows the most recent set of norms, which are known as the Nelson Mandela Rules (NMRs).²⁷¹

Research Findings

Basic Conditions

The norms and standards set in the NMRs should be seen as *minimum conditions* that have to be in place for detention to be considered human and secure.²⁷² At the basic level, humane and secure conditions of incarceration require prisoner accommodation to be appropriate given both climate and

cultural norms with adequate light and ventilation as well as adequate space for sleeping.²⁷³ Water and sanitation is also of primary importance in terms of ensuring safety within prisons as disease can spread among prisoners if there is no access to clean water for washing and drinking.²⁷⁴ Nutritious meals and access to medical care are also important basic requirements.

Generally, peer respondents describe conditions in both Hargeisa and Garowe Prisons positively. Recipient respondents, all of whom were prison staff, also describe conditions as good: there is enough space, light, ventilation, prisoners have clean clothes, three meals a day, the opportunity to keep good personal hygiene, and have access to family visits, etc. Peer respondents frequently contrasted the standards in these two prisons to other prisons in Somalia and in neighbouring Ethiopia as a way of putting them into a broader perspective. The conclusion in these cases was that conditions in Garowe and Hargeisa Prisons are far better than in other Somali prisons.

Whilst statements from both peer and recipient respondents were generally positive, a number of critical points were also raised. The following points sum up the most important issues related to the above-mentioned *Basic Conditions* made by respondents:

1. Risk of Unintended Discrimination: While UNODC GMCP is technically only tasked with ensuring that conditions for piracy prisoners meet NMRs, programming is designed to benefit the whole prisoner population in the prisons supported, in order to adhere to non-discrimination requirements (*Rule 2*). Yet, one peer respondent noted that discrimination may, nevertheless, happen as an unintended consequence of human rights assurances imposed by donors banning prisoners that have been given death sentences from being held in these prisons. As a result of this requirement, prisoners with the hardest sentences – i.e. those with death penalties who are often associated with Al-Shabaab or ISIL – are by default held in other prisons with worse conditions and with bad oversight. The respondent found a need to address this double standard in how people are treated in the custodial system.²⁷⁵
2. Nutritious Food and Adequate Drinking Water: In relation to food, the minimum requirement is that prisoners are offered food of nutritional value adequate for health and strength (*Rule 22*). Peer as well as recipient respondents expressed doubt as to whether the food offered in the prisons is sufficiently nutritious. Meals both in Garowe and Hargeisa seem to consist mainly of bread, rice, corn, and sometimes soup cooked with meat. In addition, prisoners can buy more food if they have money or be brought food from visitors. Although food brought from outside is usually shared, prisoners that do not have family visits – such as piracy prisoners from Mogadishu held in Hargeisa – cannot rely on this as a source of nutrition. One peer respondent mentioned that juvenile inmates from South Central Somalia held in Garowe complained about food. As they did not have any family in the area to bring them food, all they got was plain rice.²⁷⁶ Similar complaints have been made by piracy inmates in Hargeisa.²⁷⁷

In addition, a peer respondent noted that securing adequate drinking water in Garowe Prison is a challenge, as the water source at the prison is saline and the prison's reverse osmosis machine is not functioning. The need to remedy the situation with the malfunctioning of

the water purification system has also been repeatedly brought up by the International Monitoring Committee (IMC) for Garowe Prison.²⁷⁸ Responsibility for addressing the issue is assigned to the Puntland authorities, where possible, with UNODC support. No progress has, however been made since August 2017 due to “budget constraints”. According to the IMC Report of March 2018, “the limited access to drinking water leads to stomach problems, which are treated with painkillers only”.²⁷⁹ Hargeisa Prison seems to have experienced problems with drinking water during the drought. Although it is not a problem anymore, the two situations illustrate that there are vulnerabilities in the permanent water supply to both prisons.

3. Safety of Prisoners: risk of radicalisation: Prison staff in both Garowe and Hargeisa are aware of the rules for categorising prisoners (*Rule 11 (d)*). Thus, women and men are held separately and the prisoners are further divided into high-risk and low-risk.²⁸⁰ However, in terms of separation of high-risk prisoners, including Violent Extremist Offenders (VEOs), a few challenges were identified. Due to lack of space in Hargeisa, for example, high-risk inmates are sometimes distributed to blocks holding low-risk inmates.²⁸¹ The fact that high-risk inmates and low-risk inmates are not kept separate exposes the risk that VEOs may attempt to radicalise inmates that are vulnerable to such influences.²⁸² The perception of recipient respondents is that extremist groups have the resources and the possibility to carry out radicalisation in both prisons. In fact, it is openly acknowledged that radical networks are run from Block A of Hargeisa Prison²⁸³ and prison staff have found flyers being passed among prisoners.²⁸⁴ The need for improvement of the procedure for separation of VEOs was expressed as a general wish among prison staff. As a first step to improve this, UNODC GMCP is supporting the establishment of a separate block, which can house 10-15 of the 50 inmates categorised as VEO in Hargeisa Prison, but more may be needed to ensure the safety of prisoners at risk from radicalisation.²⁸⁵

The CGPCS also highlights with concern that piracy prisoners are not separated from Al-Shabaab and others convicted of serious crimes and indicate that this should be addressed in order to “prevent prisons from becoming a location where pirates are inadvertently radicalised or Al-Shabaab are drawn into piracy.”²⁸⁶

4. Conditions for Minors: Also, with regard to ‘separation of categories’, the NMRs require young prisoners to be kept separate from adults (*Rule 11 (d)*). This rule is not strictly adhered to in Somalia, including in Hargeisa and Garowe Prison. Generally, accurate age determination seems to be a challenge in Somali courts. One peer respondent noted that no one knows how to perform age determination. If the court has set a person's age to be above 18, the person is tried as an adult, even if their biological age may be 15. It is therefore likely that juvenile prisoners that are borderline adult (around the age of 15-17) are placed with the adult population.²⁸⁷ Concerns over this practice are echoed in reports of the IMC from March 2018, which note for Hargeisa that they encountered “a number of young prisoners who were underage, even under the age of criminal responsibility.”²⁸⁸ These children seemed to have been put into the custody of the prison services by their families due to issues with disobedience. They stated that they had to share cells

with adults and were afraid of the other prisoners.²⁸⁹ The IMC in Garowe also found some seemingly young prisoners in the prison whose arrest warrants, nevertheless, indicated that they were above 18 years of age.²⁹⁰ During the visit, the Minister of Justice of Puntland acknowledged that age determination is an issue stating that “determining the age of young ones is not easy as birth certificates do not exist in Somalia and age determination processes are not always accurate.”²⁹¹

On a positive note, a number of peer respondents highlighted UNODC GMCP’s role in the handling of a particular case related to minors. In March 2016, a confrontation between Al-Shabaab and Puntland forces resulted in the apprehension of a group of about 100 children aged 12-18 years. According to a peer respondent, Puntland did not adhere to agreements made between the United Nations Children’s Fund (UNICEF) and the Federal Government that juvenile detainees would be handed over to UNICEF within 72 hours of apprehension. Therefore, since there was no juvenile detention facility in Garowe, the only option was to transfer them to Garowe Prison. Although there is no dedicated facility for underage prisoners in Garowe Prison, there was an empty block, which was used to house the children separate from the adult population. Two respondents knew of initial plans for Garowe Prisons to include a juvenile facility, but both were unclear as to why it dropped off the agenda.²⁹² Notwithstanding this, the situation with these minors arose suddenly and required the immediate reaction of several UN agencies. A peer respondent described how the UN really came together when the issue of the children came about and how UNODC played an important role as the frontline protector, making sure the children were being looked after.²⁹³ According to the CGPCS, “When the Al-Shabaab youth were brought to the prison, they were placed with the general population. The mentors made them separate the Al-Shabaab adolescents from the general population.”²⁹⁴ As a point of concern, one peer respondent noted that UNODC took a strict criminal justice interpretation of the legal status of the children rather than acknowledging the protection requirements for children in armed conflict. Another peer respondent worried that young prisoners in Garowe are liable to mix with the adult prisoner population in relation to recreational activities as recreational spaces are communal.

5. Family Visits and Reintegration: Prisoners shall be allowed to communicate with their family and friends at regular intervals by receiving visits (*Rule 58*). While the access to visitors is described as good in both prisons, Garowe Prison²⁹⁵ is a bit out of town and requires a car to visit, which can make it difficult for families to visit regularly.²⁹⁶ Also, piracy prisoners from Mogadishu may not be receiving visits from their close family due to the distance and cost of transport. Instead, extended family or acquaintances visit on their behalf, but these visits are short because the prisoner may never have met these people before. Piracy inmates in Hargeisa similarly brought up the lack of contact with family as a grievance with the IMC – “They don’t get to have their families brining [read: bringing] them goods or food and even communication is not facilitated.”²⁹⁷ The separation from family may be more punitive in the Somali context than in other cultural settings. As stated by one of the piracy prisoners in an interview conducted for section 1 of this re-

port, “we’ve experienced the tragedy of losing our youth to a long prison sentence and losing contact with family members for decades.” As maintaining family ties is an important element of keeping inmates prepared for life outside the prison and preventing institutionalisation, and as there are currently no resources to run reintegration programmes for prisoners in preparation for release²⁹⁸ – there might be more focus on maintenance of family ties for prisoners from other regions in both Hargeisa and Garowe Prisons.

6. Room for Improvement in Healthcare: NMRs related to provision of healthcare services in detention are extensive (*Rule 24-35*), which underlines the importance of this responsibility for a Prison Service. Support to medical services is, however, not part of GMCP’s support to Hargeisa Prison and it has been discontinued in Garowe.²⁹⁹ Nevertheless, it is an important criterion to consider when determining whether NMRs are followed at places of detention and so concerns raised are accounted for below.

At the basic level, every prison shall have in place a health-care service tasked with evaluating, promoting, protecting, and improving the physical and mental health of prisoners. *Rule 24* states, as the first point, that “the provision of healthcare for prisoners is a State responsibility”. Although the State assumes responsibility for the safety of inmates when depriving them of their liberty, the national context cannot be ignored when setting the expectations of the level of healthcare in prisons – and in Somalia, systematic healthcare is generally not available to the public. By way of establishing a baseline for medical care in Somali Prisons, one peer respondent described how no systematic care is offered to inmates in Mogadishu Central Prison and that a handful of prisoners pass away every year. Guards even make it difficult for relatives to bring in medicine.³⁰⁰

That said, it is clear from interviews and reports that provision of healthcare in Garowe and Hargeisa Prisons can be improved. One peer respondent notes that “the prisons are far from standards when it comes to healthcare”.³⁰¹ According to recipient respondents for Garowe Prison, the doctor is only available once a week, which limits accessibility.³⁰² Concerns over medical services provided in Garowe Prison are also reflected in the March 2018 Report of the IMC. According to inmates interviewed by the Committee, visits by doctors are infrequent and medicine available is limited to painkillers. Otherwise, inmates rely on relatives to bring medicine and transport them to hospital if needed.³⁰³ While the recommendation of the previous Monitoring team was for Puntland Custodial Corps to provide a more effective delivery of medical support to all prisoners, the Monitoring team found that prisoners now receive less medical care.³⁰⁴ Also, with regard to Garowe Prison, one peer respondent mentioned that medicine procured by UNODC was not well-adapted to the needs of the prisons. The organisation, raising this point, had therefore engaged in dialogue with prison authorities and convinced them to gift expiring drugs to a hospital. They recommend that if UNODC procures drugs for the prison again, they should correspond better to needs. With regard to the children in Garowe Prison, interviewee statements generally indicate that they received appropriate medical attention. Health issues were identified and treatment was pro-

vided upon admission – including gunshot wounds.³⁰⁵ As this case received an unusual level of scrutiny by international observers, it may not be reflective of standard practice, however.

Availability of medical staff in Hargeisa Prison seems better. With support from an international organisation, the clinic has resident nurses and a doctor who visits two times per week. As in Garowe, however, painkillers seem to be the main treatment form for all medical complaints.³⁰⁶ Also, in relation to healthcare services in Hargeisa Prison, one case requires more in-depth analysis; UNODC's DT Programme, which has delivered this activity, assumes an "obligation to monitor the detention of piracy detainees who are convicted in regional states in East Africa and who are subsequently transferred to Somali prisons to serve their sentences".³⁰⁷ It is therefore worth noting that an inmate, arrested by Seychelles and transferred to Hargeisa Prison after conviction, died while serving his sentence in January 2018, aged 33.

National authorities indicate that the inmate died of "natural causes as he suffered from a lung problem" and that the cause of death was "a heart malfunction".³⁰⁸ Inmates, that shared a cell with the deceased, stated that he was "complaining about fever and a chest cough and when he became gravely ill, he was taken to the Hospital, where he died".³⁰⁹ In connection with the visit of the IMC to Hargeisa a few months later, the cell mates claimed that the piracy inmate was ill and had nevertheless been physically abused.³¹⁰ In terms of diagnosis, the deceased was tested for tuberculosis and, although this test came back negative, the admission sheet from Hargeisa hospital has recorded tuberculosis as the diagnosis.³¹¹ This admission sheet is dated 9 January, which is the day after he is said to have passed away.³¹²

Even in the best of prison systems, it is not uncommon for prisoners to pass away while serving sentences. Yet, one of the main amendments to the SMRs made with the issuance of the NMRs, which UNODC is custodian to, has to do with ensuring that investigation is made of all deaths in custody.³¹³ In this context, it is noteworthy that UNODC personnel working in Hargeisa Prison made no mention of the incident during interviews conducted for this evaluation two days after the prisoner's death, even when directly asked to comment on healthcare for inmates. Also, at the time of writing, the DT Programme is satisfied that the prisoner died of natural causes and will make no further investigation into the incident.³¹⁴

Nevertheless, the circumstances surrounding the death of this inmate would have to be clarified further if lessons are to be learnt from this case. Speculatively for example, it may be relevant to review Standard Operating Procedures (SOPs) related to hospital admittance of high-risk prisoners such as piracy prisoners, as their security status may be an obstacle to their transfer to hospital when healthcare is required. The notion that security status could have delayed the admittance to hospital of the deceased corresponds with the statements of cell mates that the inmate had been ill for a few days and was taken to hospital only when he was in a critical condition.

There is still no clear conclusion on what the inmate actually died from. While no attempt will be made at establishing the cause of death in this report, UNODC would need to uncover the sequence of events that led to the death if any lessons are to be learnt from it.

7. Addressing Mental Health in Prisons: The NMRs state that for every institution, at least one qualified medical officer should be available and that they should have some knowledge of psychiatry (*Rule 24-35*). Mental Health in Somali Prisons was a recurring theme in many interviews. As one peer respondent noted, there is very little data on mental health issues in Somalia, but research done by the World Health Organization (WHO) has set the rate of people suffering from mental health issues as the highest in the world – “so we are talking about a societal problem which no one is dealing with”.³¹⁵ In Somaliland, there are two real psychiatric doctors for 3.5 million people. The respondent went on to note that people with mental health problems are probably not getting fair trials, as doctors are not present at hearings. It is therefore safe to assume that the rate of people suffering from mental health problems in prison would be high. Presently, Garowe prison acknowledges that three prisoners out of 280 have ‘mental disabilities’.³¹⁶ In Hargeisa, the official number is 20 out of 615.³¹⁷ According to these figures, the average percentage of inmates suffering from mental health issues would be around 1-3%, which is low. It is therefore likely that the rate of prisoners suffering from mental health problems in Hargeisa and Garowe Prisons is underestimated.

Be that as it may, there are currently no medical professionals qualified in the field of mental health working in Garowe and Hargeisa Prisons. As one staff noted – it is a problem that there is no help for the mentally ill. Respondents described a specific prisoner in Hargeisa Prison who is evidently mentally ill and who has been shackled as staff are afraid of him. This is a situation that mentors have been trying to remedy, persuading staff to at least let the prisoner out of chains when he is in his cell.³¹⁸ A comprehensive assessment of prisoners’ mental health with consideration for alternatives to imprisonment for any inmate deemed to suffer from severe mental disabilities (in line with *Rule 109*) could serve to both raise safety, general wellness for the prisoner population, and reduce overcrowding. That might, in turn, alleviate issues related to separation of VEOs and minors from general prisoner population which are, to a large extent, rooted in problems with lack of space due to overcrowding.³¹⁹

Prison Management

The NMRs set out what is generally considered “good principles and practice in the treatment of prisoners and prison management”.³²⁰ Good prison management is a decisive factor in ensuring safety and security within a prison for both inmates and staff. It is therefore an important element of the NMRs and was equally a priority in GMCP support to Hargeisa and Garowe Prisons under PSP2.

The following points sum up key observations related to *Prison Management* made by peer and recipient respondents, which are worth considering in further detail as they highlight areas of possible improvement.

1. Serving of Prison Sentences According to Court Rulings: The somewhat curious formulation of the Outcome Indicator for this activity is to “ensure that sentences are carried out in accordance with court ruling requirements”.³²¹ This refers to original concerns that transferred piracy prisoners might, as frequently seen with piracy prisoners arrested in

Somalia, secure their own early release once transferred to Somali prisons and in so doing undermine the Piracy Prosecution Model.

Considering interview data, respondents' views on whether sentences are carried out according to court rulings seem divided. Almost all recipient answers can be interpreted as meaning that there is no practice of prisoners being released early or incarcerated beyond their sentence. A staff from Hargeisa Prison referred to the prisoner files as the main tool for ensuring that inmates are released when they are supposed to, as it contains the sentence calculation including remission time. After a prisoner file is raised by the administration team, it is checked and approved by the Prison Commander. However, a recipient respondent noted that sentence calculation may be poorly conducted, which can lead to wrong registration of the release date.³²² In contrast to the view that prison files ensure judicious release of inmates, peer respondents generally had more reservations. It is important to underline that no concerns were raised in interviews that piracy detainees might bribe their way out of prison. However, at the time of writing (on the 4 September, 2018), the Puntland Government has released one piracy inmate transferred from Seychelles who was only due for release in 2024 on unclear grounds. This has raised strong concerns over the signal value that such leniency transmits and resultant deflation of the deterrent effect of the piracy prosecution model.

Beyond piracy inmates, one peer respondent described how certain categories of inmates had been transferred to Galkayo, after which they would mysteriously 'be gone' – a concern raised particularly in relation to Al-Shabaab inmates.³²³ The suspicion reflected in this interview was that 'transfer to Galkayo' was synonymous with early release. As access to Galkayo prison for international observers is made almost impossible due to the high level of insecurity in the area, it is difficult to ascertain whether inmates were, in fact, transferred or simply released.

2. Inconsistencies in Prisoner File Management: An NMR requirement is that every place where persons are imprisoned has a standardised prisoner file management system (*Rule 6-10*). While interviews indicate that there are overall standardised procedures for prisoner file management in both prisons, concerns were raised about the degree to which these procedures are followed systematically. In Garowe, several respondents note that the prison will not receive prisoners unless they have a valid commitment order, which is step-one according to *Rule 7*. Information about where the prisoner is from, clan affiliation, contact details, next of kin, children, spouse, medical details, is also recorded upon arrival. An employee of Garowe Prison, however, mentions that information recorded varies from prisoner to prisoner. Another recipient respondent pointed out that they do not use the international SOPs for prison file management as these procedures are "intended for prisons in a different type of country – like for example Norway".³²⁴ Rather, Somali prisons follow their own SOP which is, however, not written down and formalised. In addition, a peer respondent also noted that they were not convinced that all prisoners in Garowe are actually registered. Several respondents highlight the pending introduction of a database management system developed by the GMCP for the two prisons as an im-

portant tool to improve these procedures. One staff respondent mentioned that the registration will be easier to complete when the new database is fully up and running.³²⁵

Another important point to mention is that, according to *Rule 9*, all records shall be kept confidential and made available only to those whose professional responsibilities require access to such records. Recipient respondents were asked to comment specifically on how sensitive information is handled within the two prisons. In Hargeisa, staff mention that documents are kept safe and that only one or two persons have access to them. It is part of protocol that prisoner files which contain private details on medical conditions, etc., are kept in the admin office and not seen by anyone other than the admin officers. Yet, whilst one staff respondent confirms that health information is kept by the doctor, another says that it is not written down but shared with intelligence services. Responses on how sensitive information is kept were thus somewhat inconsistent and the overall impression is that staff may not fully understand what is considered sensitive information. It may, therefore, be worthwhile to include lessons on handling of sensitive information in staff training and SOPs.

3. Discipline and Sanctions: use of violence by prison staff: One of the characteristics of modern prison management is the use of incentives and rewards rather than sanctions to build a safe prison environment and encourage good behaviour amongst inmates. There are, of course, situations that require the use of sanctions (*Rule 36-46*). The general rule related to such cases is found in *Rule 36* which requires discipline and order to be maintained “with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well-ordered community life”.

Firstly, statements from interviews do not provide sufficient grounds to assess proportionality between a disciplinary sanction and the offence for which it is established (*Rule 39, §2*). That being said, ‘use of sanctions’ is described by one peer respondent as being “not an acute problem” in either Garowe or Hargeisa Prisons.³²⁶ In Hargeisa, a recipient respondent described how the protocol used for sanctioning prisoners that misbehave, are violent, or otherwise break rules requires a first and second warning to be given before a prisoner is penalised. Both warnings are recorded. Depending on severity, the prisoner may have time added to their sentence. This would, however, require a court ruling.

In Garowe Prison, while rewards may be extra time in the yard and participation in education and business training, respondents had no knowledge of fixed rules on how sanctions are used. This opens up for arbitrary, or at least inconsistent, application of such measures. Concerns were raised by several peer respondents over the use of violence by prison staff in Garowe against the imprisoned minors associated with Al-Shabaab.³²⁷ A particular incident was highlighted where guards beat the children after having misbehaved, including the smallest boys. This coincided with an Al-Shabaab attack in Puntland and so one respondent speculated that the beating may, to some degree, have been a reprisal.³²⁸ Several respondents noted that the issue was difficult to tackle since beating is a culturally accepted practice in Somalia and so it is hard

to rule out beating in prison.³²⁹ In terms of resolution, one peer respondent commended UNODC mentors for how they handled the situation.³³⁰ After having brought the issue up with the United Nations Assistance Mission in Somalia's (UNSOM's) Human Rights Officers, an agreement was reached that they would monitor the practice and advise prison staff to use other methods for disciplinary action. Through persuasion by the mentors and introduction of other strategies to deal with disobedience, staff seem to treat the children better.³³¹ Had these efforts not been effective, the agreement was for UNICEF to raise the issue formally. Beating and other forms of abuse of adults, including piracy inmates, has also been reported in both prisons by respondents, in IMC reports, and in correspondence with UNODC.³³²

With regard to oversight, a peer respondent noted that generally, in Somalia, there is no consistent oversight of the prison system. However, as the International Committee of the Red Cross (ICRC) and the UN do occasionally carry out monitoring visits in prisons, oversight in that sector is better than in police and intelligence detention facilities.³³³

4. Prisoner Complaints: accountability and follow-up: According to the NMRs, every prisoner shall have the opportunity, each day, to make requests or complaints to the prison director or the prison staff member authorised to represent him or her (*Rule 56*). Having a channel through which prisoners can express grievances is crucial as, without it, there is a danger that grievances might escalate to anger and, ultimately to prison riots.

When recipient respondents talk about prisoner complaints, it is often with reference to the chain of command. In Hargeisa, a recipient respondent describes the process as follows: There are three instances to deal with prisoner complaints: Firstly, prisoners pass complaints to the block manager. He is able to deal with most complaints, however, if he is unable to deal with a complaint he will pass it on to the administration in the second instance. If the administration is unable to deal with a complaint, they pass it on to the Prison Commander or his Deputy in the final instance. It seems evident from recipient respondents, however, that complaints are generally handled orally, which hampers accountability if a complaint does not reach the competent authority. Corroborating this thesis, a recipient respondent noted that employees often say "okay" but never pass on the complaint.

Staff Training

Output A.2.1.1. of the results framework set for GMCP's support to Garowe and Hargeisa Prisons relates to staff training. The aim is to provide development and training, including in prisoner handling, human rights standards, security, prison management, human resources, and maintenance, to 250 Custodial Corps staff in each location. According to *Rule 75, §3*, "the prison administration shall ensure the continuous provision of in service training courses with a view to maintaining and improving the knowledge and professional capacity of its personnel, after entering on duty and during their career".

Comments from recipients, instructors, and peers alike describe training provided by the GMCP in positive terms. One recipient respondent finds that training has helped change workflows in a positive direction.³³⁴

Knowledge of human rights and the NMRs is specifically seen to have changed the way in which staff treat prisoners. This is noted, in particular, by peer respondents.³³⁵ An example of this is the treatment of the children in Garowe. Through the daily support and guidance provided by GMCP mentors, staff adopted non-violent ways of maintaining good behaviour and the children were treated much better as a result.³³⁶

Concerning the target of training 250 prison officials, it is not possible to give a precise answer to how many employees have participated in UNODC GMCP training. It is estimated that around 100 personnel receive training in each prison per year. This would arrive at an estimated number of 600 personnel trained for the two prisons in the course of the three years from 2015-2017. It is, however, likely that some staff have received continuous training throughout the period and so it is unlikely that 600 individuals have been trained. It seems safe to conclude, however, that the target of training 250 personnel has both been met and superseded. That being said, it is also important to highlight that staff turnover is high, meaning that many of the staff trained are no longer employed in the custodial corps.

An important notion to consider when looking at professional training of Somali criminal justice officials in general is the fact that there is a stark contrast between the level of training of Senior Management and all other staff. This is due to the fact that the educational system collapsed along with all other government functions with the fall of the Siad Barre regime in the early 1990s. One recipient respondent describes how senior officers received training in the 1970-1980s, but that no significant training has been delivered to prison staff since. Even now, there is not much training of prison staff apart from what is offered by UNODC. ICRC offers some training related to healthcare and have occasionally in the past delivered short training programmes to prison staff on international standards for the treatment of prisoners and the use of force.³³⁷ AXIOM has also delivered training to 120 prison staff in Somaliland with funding from the UK Government. UNODC GMCP training has been delivered to both junior staff and Middle Managers as a way of counterweighing the concentration of training at senior level. As most Senior Managers currently in charge are either approaching or have long passed the conventional age of retirement in most parts of the world, there is a need to prepare the next generation of managers to take on these responsibilities. Ensuring that qualified professionals succeed current leadership is challenged by Somali socio-political structures, which are characterised by informality and power politics that are negotiated primarily within clan structures. In effect, appointments and promotions are rarely merit-based. In an effort to ensure that future leaders are selected based on professional qualifications rather than clan alliances, GMCP has run a multi-year programme called the Cadetship Programme in Somaliland for a group of university graduates to prepare them for taking on middle-management responsibilities.³³⁸ Eight cadets have now graduated from this programme and taken on middle-management positions in prisons around the country, including Hargeisa Prison.³³⁹

The following sums up key points related to *Staff Training* made by respondents, which may be worth considering in further detail:

1. From Classroom to Prison Hall: applying theory in practice: Basic training has created a structure that did not exist before. Prison staff have a better understanding of their job, which has led to greater self-

confidence.³⁴⁰ The notion that staff skills have been raised is reflected in the fact that many of those trained receive promotions at a higher rate than previously. However, while it is evident that prison staff can easily respond to theoretical questions, the ability to apply theory in practice may not be as strong. Recipient respondents in Hargeisa Prison highlight the fact that there is a tendency to deal with real-life situations in a different and more inappropriate way.³⁴¹ More practical training would, therefore, be useful to add to the basic training programmes.

2. Security Management: Key for all prison staff is that they follow SOPs related to security. These can, for example, relate to inspection of visitors, communication lines, and use of prison intelligence to identify and manage risks (to name a few). Recipient respondents find that GMCP training in communication and handling prisoners has increased general safety for both prisoners and staff. An improvement in visitation skills is seen to have reduced low-level corruption in connection with visits.³⁴² The need for more thorough training of the staff that man the guard towers and gates was, however, raised by a recipient respondent for Hargeisa Prison. Another area which could receive more attention concerns the collection and use of prison intelligence to further improve safety. The need for targeted training on handling of prisoners that are likely to radicalise others was also iterated by a recipient respondent.³⁴³

Prisoner Training

An essential aim for custodial services under the NMRs is to engender social rehabilitation and reintegration in order to support offenders to lead law-abiding and self-supporting lives upon their return to society. In the interest of reducing reoffending, *Rule 4, §2*, proscribes that “prison administrations and other competent authorities should offer education, vocational training, and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature”. UNODC’s support to prisoners in Hargeisa and Garowe Prisons has included vocational training, education programmes and recreational activities. Vocational training in Garowe includes sewing, welding, and construction. Similar programmes are delivered in Hargeisa where three teachers have also delivered language and mathematics lessons to approximately 120 inmates. Educational programmes have, however, been discontinued as they were deemed unsustainable.³⁴⁴

Regarding these activities, what is being offered to inmates in Hargeisa and Garowe is far more comprehensive than what is available in other prisons.³⁴⁵ While the availability of training for prisoners in Hargeisa and Garowe was seen as positive, the following areas in which *Prisoner Training* might improve were highlighted by peer and recipient respondents:

1. For the Benefit of the Prisoner: better targeting of vocational training: Recipient and peer respondents alike expressed doubt as to the applicability and relevance of skills offered through GMCP’s vocational training programmes, particularly in the context of securing employment upon release.³⁴⁶ One peer respondent had noticed that vocational training programmes in Hargeisa were more geared towards business and generation of revenue for the prison while the objective of facilitating reintegration into society had been “pushed away”.³⁴⁷ Adding to this, the

respondent noted that it would be good to refocus these programmes on the reintegration of detainees. Another point made by a recipient respondent in Hargeisa regarded the unfortunate limitation in the number of inmates that can participate in training due to shortage of space.³⁴⁸ The CGPCS Review finds that vocational training programmes in the prison sector are relevant and need to be maintained. They, however, find that vocational training and education programmes promised to incarcerated pirates have, in some places, not been delivered and, where they are provided, it is unclear how inmates would apply skills upon their release. Finally, another point raised in the CGPCS Review is that there is no follow-up with inmates after their release due to lack of resources and accessibility to the coastal areas from which they come. This makes it difficult to assess whether vocational training offered is of any use post-release.³⁴⁹

2. Violent Extremist Offenders: Output A.2.1.4. of the results framework relates to the delivery of rehabilitation and reintegration programmes to VEOs. In Hargeisa, the number of prisoners categorised as VEO is around 100 and in Garowe around 40-50 inmates fall within this category. When asked about whether rehabilitation programmes exist for VEOs, the general response from recipient respondents was that there are no 'special' programmes. In Garowe, VEOs can take part in professional training – although there are limitations as to how many can participate. In addition, in Hargeisa, respondents mention an Imam who counsels certain prisoners. Thus, while there are a few programmes offered to VEOs, no programmes exist that directly focus on their reintegration. As one recipient respondent emphasises, none of the activities currently offered to VEOs will contribute to integrating prisoners into their families and communities.³⁵⁰

The indicator for Output A.2.1.4. is that "Religious and/or psychological counselling, vocational training, and pre- and post-release assistance is provided to selected prisoners in a safe, secure, and well operated custodial setting". What can be drawn from interview statements related to programmes for VEOs is that these have not been rolled out as intended. Nonetheless, emphasis on rehabilitation and reintegration of VEOs seem increasingly important. As a recipient respondent from Hargeisa mentions, the number of VEOs is rising and so resources to handle these inmates should also rise accordingly.³⁵¹ Considering the number of inmates with association to Al-Shabaab, including the children in Garowe, and the challenges faced, particularly in Puntland, with Al-Shabaab and ISIL insurgency, it would seem that programmes targeted at reducing risk of radicalisation as well as reintegration of VEOs remain highly relevant.

Evaluation

Based on a synthesis of findings from primary and secondary sources outlined above, an evaluation is now made of whether the *objective* for activities, delivered by the GMCP DT Programme between 2015 and 2017, has been met. Subsequently, the evaluation looks at what *impact* can be identified, which is attributable to this engagement. Finally, we look at whether the *rationale* for the engagement remains valid.

Achievement of Objectives

The Objective of GMCP's prison work in Somalia under the PSP2 results framework was to "strengthen Somali agencies promoting the rule of law, focused on prisons".³⁵² Quantifying the degree to which Somali agencies tasked to promote the rule of law have, in general, been strengthened through UNODC GMCP engagements is challenging since the predominant focus of efforts have been limited to the correctional sector. Also, since no baselines, targets, or indicators were set at the Objective level, it is hard to say whether what has been achieved sufficiently meets what was envisioned by the formulation team. What can, however, be said is that there are concrete examples of a positive change in behaviour among prison staff. According to respondents, GMCP mentors have been a major contributing factor in achieving this change.

The goal set at outcome level (A.2.1.) is, perhaps, a more useful target to measure against. It reads: "Puntland and Somaliland Prisons are staffed and managed in line with minimum international norms and standards" (i.e. the NMRs). Interview guides for both recipients and peers were designed to measure whether NMRs were met in the two prisons. Peers to the programme were asked directly whether, in their view, conditions in the two prisons meet NMRs. Recipient respondents were asked for their views on the "purpose of incarceration" as an indicator of whether these mirror overall principles enshrined in the NMRs – including the promotion of safety, security, and humane conditions for prisoners. In response to this question, only one recipient respondent indicated "punishment" as the main purpose of incarceration.³⁵³ Other recipient responses point to societal safety and rehabilitation of detainees, which is in line with the NMRs. One remarks that "those who commit crimes require some sort of rehabilitation so that they can return to society", and another finds that the purpose of incarceration is to "make sure that people who are not useful to society are transformed into people who are useful to society" and that "bad behaviour is replaced with a productive attitude and behaviour".³⁵⁴ While it is questionable whether the responses from the selection of staff interviewed for this evaluation are generally representative of all prison staff, the perceptions of "the purpose of incarceration" of most recipients interviewed seem to reflect the overall values of the NMRs. The conclusion of the IMC is that constraints still remain to operate Garowe Prison "in line with international standards".³⁵⁵

Another important measure of whether the programme has met the targets set is the physical conditions inside the two prisons and whether these can be considered "humane and secure". While acknowledging the many challenges in the two prisons, peer respondents were generally satisfied that conditions in Garowe and Hargeisa Prison are humane and secure and that NMRs are met. One peer respondent found that "conditions are quite satisfactory in Hargeisa and Garowe Prisons with the latter being the best because it is a brand-new facility". With knowledge of conditions in other prisons, they confirm that challenges are "less than in other places" and that they "dedicate efforts to remote areas with more acute challenges".³⁵⁶ Another peer respondent describes Garowe Prison as a model prison – the best in Somalia.³⁵⁷ Also, a peer respondent concludingly remarked that "all in all, conditions are better than in other Somali prisons and they seem to be trying to adhere to NMRs".³⁵⁸

Impact of Activities

Statements made by peer and recipient respondents suggest standards of detention in Hargeisa and Garowe Prisons are higher than in other detention facilities in Somalia. The question is, to what degree the standards achieved are attributable to efforts of the GMCP, and to what degree these would have existed without the support of UNODC. Interestingly, four respondents refer to conditions in prisons where UNODC is not present as a way of exploring this counterfactual question and thereby measure the role played by the Programme in maintaining NMRs in Garowe and Hargeisa. Comments by peer programmes include that “Galkayo Prison was really bad”³⁵⁹; “Bosasso Prison was dark and filthy and kids couldn’t stand up straight – they were packed in there like sardines. The worst possible conditions”³⁶⁰; and that “Gardo and Bosasso did not have as many facilities and were run down.”³⁶¹

The CGPCS Review concludes that support to criminal justice initiatives in Puntland and Somaliland to counter piracy have had positive effects on the wider criminal justice system, beyond targeting the issue of piracy.³⁶² Focusing on prison conditions, respondents for this evaluation were asked to comment on what role they thought UNODC had played in obtaining NMR compliant standards in Garowe and Hargeisa Prisons. Speaking on Garowe Prison, one peer respondent stated that “from the design of the prison, to setting up standards and training – GMCP was the main driver behind Garowe Prison”. Another stated that “the GMCP had a mainstay in setting up the NMRs in Garowe”.³⁶³ Another peer respondent found that the rigorous presence of GMCP mentors and material support as well as their own follow-up contributed to the level reached in the two prisons (particularly in Hargeisa).³⁶⁴

The importance of the mentors in stimulating application of NMRs is especially emphasised by several peer respondents. One peer respondent, for example, noted that the mentoring programme was very effective in both Garowe and Hargeisa. Having closely observed the work of the mentors in Garowe, he noted that “they [the mentors] were very professional in the way they approached their work. They went to the prison every day.” The CGPCS also notes that, “The mentors question both technical, organisational, legal, and human rights issues”.³⁶⁵ Despite the fact that Garowe Prison was constructed for adults, special arrangements were made for children. Moreover, staff training was important as it positively affected how the children were treated.³⁶⁶

Rationale

In general, an important factor to keep in mind when considering the Rationale behind a given programme is the baseline against which progress is to be measured. With regard to attaining international standards in Somali prisons, it is important to recognise that living conditions and services available to the general Somali public are also far from perfect. Therefore, imagining a scenario where all NMRs were meticulously adhered to in prisons would inadvertently imply that living conditions *for offenders* were far better than those of the general, *law-abiding*, public. They, for example, do not necessarily receive three nutritious meals per day and medical care, and live in sanitary conditions. There is, therefore, a risk of generating ‘perverse effects’ from support to prisons, which are relevant to consider when setting success criteria for support to this sector. Such circumstances are also the

reason why the NMRs are formulated as minimum standards to ensure that basic rights are met while being sufficiently flexible to fit varying national contexts.

Looking past Basic Conditions in the prisons supported, it may be pertinent to increase focus on improving administrative procedures. Some of the main areas revised in the update of the SMRs to the NMRs include respect for prisoners' inherent dignity, medical and health services, and investigations of deaths and torture in custody. Based on the statements from a broad range of respondents, as well as conclusions from several of the observations found in the above, it seems that there is a general need for better procedures for systematic recording of administrative measures.³⁶⁷ Having a paper trail documenting the handling of complaints, sanctions, and medical emergencies, for example, could perhaps bring increased accountability.³⁶⁸ This is, however, challenged by the fact that there is no strong tradition for written communication in Somalia as a country with a strong oral tradition – in fact, it is estimated that 80% of prison staff are illiterate.³⁶⁹ It may, therefore, be worthwhile to explore how technological solutions can help to circumvent challenges with written communication.

Finally, there is the question of sustainability – will staff continue to apply acquired management skills if the mentors leave or would they return to old practices if UNODC was to pull out? There is no doubt that building a self-sufficient and human rights compliant corrections system in Somalia is a long-term endeavour. It is also important to recall that the initial purpose of the Programme was to provide humane and secure detention to piracy inmates while they served out their sentences. Sustainability was therefore not a key focus. The CGPCS notes that “continued monitoring by UNODC and prison mentors is necessary to ensure pirates serve their sentences, maintain security and human rights standards, and prevent pirates from bribing or coercing their way out of prison”. It is, in other words, likely that progress made may not be retained if the programme was to pull out now.³⁷⁰ The long-term presence of the UNODC and focus on professionalisation of staff, nonetheless, seems to have merit with regard to sustainability – especially in the sense that it serves to prepare a new generation of leaders to take over from the current Senior Managers who were trained in the Barre era. With regard to this latter point, it is particularly important to consistently advocate for a gradual move to merit-based promotion rather than the current practice of nominating leadership according to clan-based power politics.

In a similar vein, it might be worthwhile to reinforce the role of Mentors as ‘frontline protectors’. Considering the positive role GMCP Mentors have played in ameliorating conditions for minors in Garowe for example, the Mentors in Hargeisa might similarly encourage better handling of minors in custody, as ensuring the wellbeing of these children and preventing abuse seems to be an acute issue. Also, the extrapolation from respondent statement is that the daily contact that GMCP mentors have with prison staff and their continuous engagement at floor level in the prisons has earned them the trust of the personnel.³⁷¹ Apart from the value of on-the-job-training, the mentors have had the added benefit of serving as an intermediate link between prison personnel and the international community. While there is an inherent reluctance to engage with international organisations for fear of criticism, the mentors have attained a level of confidence which allows them to positively influence management in ways that other actors are unable to. As pointed out by a recipient respondent in Garowe Prison, training is more

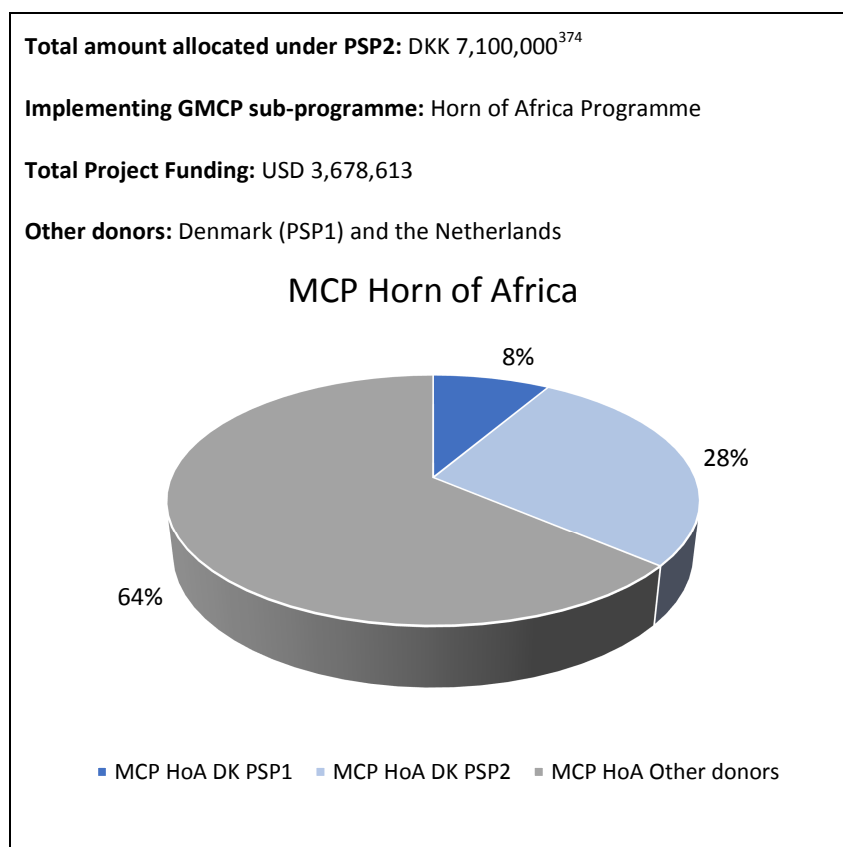
effective when performed on the 'floor'.³⁷² The daily presence of the mentors and the help and counselling they provide in real life situations is more effective than classroom training. According to interviewee statements, it seems more effective to work from within the prison where confidence is built than from the outside. It may therefore be worthwhile to consider making more strategic use of the mentors as a vehicle through which to achieve change, also on behalf of other international organisations working to improve prison management.

In addition to the long-term engagement, which UNODC GMCP already has, success requires a clear strategy/plan. There is also room for improvement in this regard. One peer respondent noted that their impression was that the programme lacked thorough planning. This was attributed to the short durability of funding which resulted in abrupt delivery.³⁷³

2.2

Support to Somali Maritime Law Enforcement Authorities

Figure 10
Maritime Crime Programme for the Horn of Africa: funding to support Somali Maritime Law Enforcement 2015-2017



Background

In 2013, with no successful piracy attacks having been carried out for a year and with a generally improved security environment in coastal areas in Somalia, the time was right to support Somali capacities to manage the maritime domain. UNODC GMCP (at that time still the Counter Piracy Programme) developed a comprehensive programme designed to improve Somali capacity to address maritime crime. First off was the drafting of an overall strategic framework for the management of maritime resources and security.³⁷⁵ This was accomplished in 2013 with the adoption of the Somali Maritime Resource and Security Strategy (SMRSS).³⁷⁶ Secondly, UNODC GMCP set out to improve the operational capacity at sea of MLE units in

three locations; Berbera, Bosasso, and Mogadishu. The latter target was approached through *three different types of interventions*, namely:

1. *Equipment*: including procurement of boats, spare parts for maintenance, oil and lubricants, safety equipment, communications equipment, furniture, computers, and much more;
2. *Infrastructure*: particularly in Bosasso where a Headquarters building was constructed for the Bosasso Port Police³⁷⁷;
3. *Mentoring*: on site, day-to-day mentoring in marine engineering, policing at sea, seamanship, and communications.

The initial strategy for this programme ran from 2014-2016. The project was delivered through the GMCP sub-programme for the HoA (GMCP HoA) and was funded by Denmark under PSP1, the Netherlands, United Kingdom, and the CGPCS Trust Fund.

In April 2015, an attack on a UNICEF vehicle in Garowe resulted in several casualties. In the aftermath of the attack, there was a long period of 'white city' security status affecting all UN operations in Somalia. Subsequently, the security level in Berbera, Somaliland, was raised from medium to high and several other system-wide security requirements were instituted. This meant a significant increase in the operational costs of the programme. In Berbera, for example, mentors who had previously moved without security escorts in regular vehicles were now required to move in armoured vehicles (which needed to first be procured) and with Special Protection Units. As a result of the costs associated with these additional security measures, a funding gap grew for programme operations in 2016.

To ensure that the programme continued despite the funding gap, the Danish Ministry of Defence agreed to cover costs for 2016 with a contribution of USD 1,038,000 under PSP2. While Dutch funding and a balance of Danish funding from PSP1 covered operational costs, this Danish contribution was specifically earmarked to cover the contracts of mentors, their travel, and some equipment for the MLE units. It is this contribution, which is evaluated below.

Evaluation Criteria

As this contribution was not part of the original Peace and Stabilisation Engagement Document, but rather a direct contribution from the Danish Ministry of Defence in response to the funding gap, the result framework is different than for the previous engagement. For this activity, it is the original programme targets that are measured against. As funds were specifically earmarked for the continuation of the mentoring programme only, all activities fall within Outcome 3 of the original result framework.³⁷⁸

The Objective of the project was for Somali MLE authorities to carry out operations in line with basic principles on the use of force and firearms and the code of conduct for law enforcement officials. According to these principles, operations must, at all times, be carried out with respect to human rights, and law enforcement officials are obligated to "apply non-violent means before resorting to the use of force and firearms".³⁷⁹ The target at Outcome level was for supported units to reach 'Initial Operational Capability' (IOC). Thus, UNODC GMCP's role was to support skills development of officers and provide equipment needed for this operational level to

be reached. IOC is therefore used as a qualitative tool to measure basic MLE capacity in each unit in view of their respective mandates and key maritime crime threats in each location. Accordingly, the interview guide for this activity was designed to explore whether each unit has received the training and equipment required to carry out operations in line with international standards and to what degree each unit has reached IOC level.

Research Findings

In the analysis below, we look at each of the units supported individually in order to capture the specific support provided in each location and the resultant development of the respective units. The following summary of findings is, therefore, divided into three separate parts. For each location – Mogadishu, Puntland, and Somaliland – we look at what training and equipment has been provided and at what their ensuing level of IOC is. Basic details on each unit are also given for context and a brief conclusion rounds off each of the three parts.

Mogadishu Maritime Police Unit

Details:

- Part of the Somali Federal Police force
- Established in 2013
- 60 Officers (5 female)
- Location: Mogadishu
- Patrols per week: 6-8 (depending on season)
- Number of officers trained by GMCP: 81³⁸⁰

Background:

The Mogadishu Maritime Police Unit (MPU) is the smallest entity supported through the Programme and it has existed for only five years. It was initially land-based, mainly tasked with life-saving at Lido Beach, a popular public beach in Mogadishu, and basic Port Security. Skills related to the latter were developed by the United Nations Mine Action Service (UNMAS) for the first year of the unit's existence until the GMCP took over from UNMAS in 2014. The Command of the unit changed four times in five years, most recently as Commander Bothan was sadly a casualty of Al-Shabaab bombings in October 2017. The MPU was reformed in 2018, resulting in a significant expansion of their mandate which now encompasses maritime law enforcement around Mogadishu. The unit still maintains officers at Lido Beach to deliver public water safety awareness campaigns and to serve as life guards.

Physical Conditions:

The MPU has no real base from which to operate.³⁸¹ The GMCP has been unable to address this need due to lack of agreement on where such a facility should be located and which authority would be in charge of it. A peer respondent described the conditions where the MPU currently operate from as "absolutely horrible – shameful in fact. Personnel are living in ransacked tents that aren't even appropriate for IDPs [Internally Displaced Persons]. There are no barracks or training grounds. In addition, there is no jetty,

which means that staff have to climb down dangerous walks to swim out to fetch their boat.”³⁸²

Equipment:

In terms of assets, the MPU has a handful of boats gifted by various donors after having been decommissioned. These are generally expensive to run and GMCP mentors find that they are not fit for the choppy waters off Mogadishu. Since none of the MPU's boats were appropriate to carry out the kinds of tasks required of the unit, UNODC GMCP material support in Mogadishu has thus far focused on supplying purpose-built boats, safety equipment, and radios.

MPU officers interviewed for this evaluation generally did not find that their equipment was adequate to operate at IOC level.³⁸³ The need for boats capable of long-range operations and effective sea patrols was expressed. Other needs expressed include equipment for navigation, communication, surveillance, crime investigations, first aid, as well as life jackets, and Personal Protection Equipment. They also lack a proper maintenance team, reliable communication equipment, illumination, fire extinguishers, and handcuffs.³⁸⁴ While these requests should be considered against the context in which the MPU operates, which does not necessarily cater to a great deal of sophisticated equipment, the security implications from not being properly resourced in some of these areas are worth considering – especially as it relates to the safety of the officers.

Training/Mentoring:

Throughout the implementation period, a team of two GMCP mentors have been in Mogadishu for periods of six-eight weeks at regular intervals. These have primarily been seamanship mentors delivering coxswain training to MPU officers. According to UNODC records, 81 officers have been trained since 2014.³⁸⁵ While recipient respondents interviewed seem to have gone through more basic police training (including cadet programmes and intelligence training) than officers from other units, no seamanship training other than what is provided by UNODC appears to be available. Accordingly, UNODC training of MPU officers seems to have been an important factor in getting the unit seaborne. As a senior MPU officer states, “all of our coxswains are trained by UNODC and no one is permitted to handle boats without the certificates of UNODC. UNODC training was also helpful to us when conducting joint patrols with AMISOM.”³⁸⁶ Another notes that Visit, Board, Search, and Seizure (VBSS) skills are being used in the operations carried out by the unit.³⁸⁷

The mentors are seen by recipient respondents to provide good support for operations and prepare “our people to do their duties in professional way”. They also assist with boat maintenance and provide spare parts and equipment for both boats and officers.³⁸⁸ One issue raised by respondents was that the mentors are not present all the time and not on a regular basis – “we are not getting them every day due to the security as they do not travel to our base on a regular basis”.³⁸⁹ Although officers interviewed feel that they have the skills required to carry out their duties, they also expressed that they would like to receive more training without being specific about what.³⁹⁰

Initial Operational Capability:

According to the officers interviewed, the MPU's main responsibilities are to carry out sea patrols, emergency responses, boarding of suspected vessels (VBSS), information gathering from civilians, public awareness on safety at beaches, lifesaving, crime investigation, and surveillance. The primary threats they face are Al-Shabaab presence, terrorist operations, pirates, sea robbery, human trafficking, smuggling, drug dealers, illegal fishing, and waste dumping.

The MPU's own assessment of IOC is that they are at 10-40% and that a lot of improvement is still needed. This is in line with the response from a peer who found that the MPU can currently only police one or two approaches to Mogadishu.³⁹¹ The projection of law enforcement authority stretches 100 km along the Mogadishu coast from Merca to Adale and 30-35 km out at sea.³⁹² In terms of frequency of patrols, recipient responses were that a boat is deployed every day for sea patrol and a small boat (the one provided by UNODC) for lifesaving operations during the weekends.³⁹³ Weekly, the MPU therefore carries out about six-eight patrols at different timings.³⁹⁴ According to a recipient respondent, some operations near Mogadishu are also launched in response to intelligence. These are planned by the deputy operations officer, verified by the operations officer, and approved by the MPU Commander.³⁹⁵

Although the MPU believe that their patrols are effective in deterring maritime crime, they raise concerns over the extended area which the unit is now responsible for securing, noting in particular that they do not have enough manpower and resources to deter threats from Al-Shabaab and other security threats in the HoA region.³⁹⁶ On a positive note, however, another respondent stated that "Somalia is trying to recover quickly with the interest of international support for maritime security. This is a very big opportunity to rebuild quickly and protect the water."³⁹⁷

The impression of UNODC support is that it has helped in achieving progress. "They are not like other agencies, they always stay with us in all the practical scenarios."³⁹⁸ A recipient respondent who has been with the unit since its formation, responded that "before the involvement of UNODC, we focused only on life-saving operations but not in an organised manner. We didn't have good knowledge on using our equipment." He goes on to express that they need more such involvement. "Right now, we are getting around 50% but we need to extend this for operational capability, effectiveness, operational planning, and skills development."³⁹⁹

Conclusion:

The MPU's assessment of their current level of IOC at 10-40% seems to be consistent with what peer respondents have found. In terms of GMCP support, the MPU has not received the equipment they need and the physical conditions in which they work are not accommodating to their needs. Nevertheless, the unit has made progress in assuming maritime law enforcement responsibilities around Mogadishu in the few years of its existence. With training provided by UNODC, the MPU seems to have raised the level of IOC to what can be considered basic, thereby meeting the Outcome Target. This underlines the notion that skills development combined with strong leadership is as, if not more, important than material support. It therefore seems likely that continued support, including material and infrastructure, would

be appropriately absorbed and contribute to developing and professionalising the unit further.

Bosasso Port and Maritime Police Unit

Details:

- Part of Puntland Police Force
- Established in 1998 (then as the Bosasso Port Police)
- 200 Officers (8 female)
- Location: Bosasso, Puntland
- Patrols per week: 21-25
- Number of officers trained by GMCP: 60

Background:

The mandate of the BPMPU is to secure Bosasso Port and its immediate vicinity, 60 miles landward to the east and west, and seaside out to 12 NM. They are under the command of the Police Commissioner for the Bari Region, whom they report directly to. Yet, they also have a parallel command line with the Ministry of Security and the Presidential Authority. They work in parallel to and, at times, jointly with the PMPF, which is a regional security force that operates in coastal areas but outside the formal security architecture.⁴⁰⁰ The BPMPU is based out of a Headquarters building adjacent to Bosasso Port which was built by UNODC GMCP in 2015.⁴⁰¹ As opposed to the MPU and Somaliland Coastguard, there has been continuity in the leadership of the BPMPU since UNODC's programme was launched there in 2014.

Physical Conditions:

Although physical facilities are good in Bosasso, there is no dedicated jetty for mooring boats at the HQ. This point was highlighted by a peer respondent. BPMPU boats are tied up along other port traffic which is not secure. Another point raised is that there is no armoury for safe storage of weapons.⁴⁰² Recipient respondents found conditions to be good, but also noted that there was room for improvement, including better dormitories for personnel.⁴⁰³

Equipment:

During the period under review, UNODC GMCP procured two boats for the BPMPU, which were built in consideration of the usual types of operations carried out by the unit and the level of seamanship skills of officers. Although these boats are being used, they are small and cannot go very far out to sea. One peer respondent noted how the small boats can only take the BPMPU around the port area in daylight conditions, and that if maritime crime is to be tackled further out to sea, bigger boats would be needed.⁴⁰⁴ The need for bigger boats was also unanimously noted by all respondents commenting on the BPMPU. One recipient respondent stated that "the boats donated by UNODC are not big. They cannot go very far so we cannot reach the Alula district, for example, which is about 100 miles from Bosasso".⁴⁰⁵ Adding to this point, another recipient respondent notes that "some-

times we see boats at sea engaged in illegal activity such as illegal migration or weapons smuggling. But since their boats are faster than ours we cannot chase them.”⁴⁰⁶

UNODC, in collaboration with Oceans Beyond Piracy and EUCAP Somalia, has established a radio room at the Headquarters (HQ) which, in addition to basic radio communications equipment, includes MDA technology (SeaVision). Two recipient respondents noted that the radar has not yet been installed and that this is a shortcoming. Also, due to the insufficient number of hand-held radios, they can only communicate with a limited amount of people: “Right now, if there is an incident at sea, we have to go there and search for our boats because we cannot communicate with them. With more hand-held radios we can immediately communicate and react.”⁴⁰⁷

Training/Mentoring:

All, bar one, recipients interviewed had gone through training prior to GMCP’s involvement, including abroad in Tanzania and Djibouti. What GMCP training seems to have offered is specialisation. According to UNODC figures, 60 officers have been trained since 2015.⁴⁰⁸ Recipient respondents interviewed have, through GMCP training and mentoring, become specialised in Engineering, Seamanship, and Communications, respectively, which now determines their roles and responsibilities. One officer noted that before UNODC training started in Bosasso, he was unable to steer a boat. Now he is a boat Captain.⁴⁰⁹ Another similarly said that he was unable to maintain boats before but now he is *the* person responsible for boat maintenance.⁴¹⁰ Of note, however, is that no female officers seem to have been trained. Also, all express need for more training including skills that fall outside their area of specialisation. The coxswain would, for example, like to be able to repair a faulty engine if it was to have problems at sea.⁴¹¹

When asked for concrete examples of how they have applied their skills in practice, one recipient respondent talked of an at-sea operation in early 2018 where the BPMPU captured an illegal Yemeni fishing boat.⁴¹² Another described how he, from the radio room at the Bosasso HQ, coordinated a rescue operation for a burning ship anchored off Bosasso. Although they were unable to save the ship, they managed to save the lives of 20 crew members thanks to the coordinated response from the radio room.⁴¹³

Initial Operational Capability:

According to both peer and recipient respondents, before UNODC GMCP started supporting the BPMPU, the unit had no functioning boats, no Headquarter Building, no communications equipment, and less personnel. At that time, the unit was unable to prevent any maritime crime such as piracy or respond to security incidents at sea.

One MLE respondent estimated that the BPMPU’s operational capacity was less than 20% before GMCP got involved. He goes on to estimate that the unit is now at 50% and that, with a working radar and communications equipment, they would reach 65%.⁴¹⁴ Recipient respondents set force projection to 12 NM seaward and the reach from Bosasso is 42 miles east to the Qandala district and 35 miles west. This reach would be wider if bigger boats were available. All recipient respondents set the frequency of patrols at three per day (morning-midday-evening) which, on a weekly basis, totals between 21-25 patrols. Yet, one peer respondent described the frequency

of patrols as limited – “they are carried out as needed and based on information passed to the unit. They also supposedly patrol up and down the coast once a month but without having a patrol schedule.”⁴¹⁵ In other words, there was some discrepancy in how peers and recipient responders assessed the frequency and nature of patrols.

All recipient respondents note migration, weapons smuggling, and terrorism as their primary maritime security concerns. In terms of whether the BPMPU effectively deter maritime crime in their area, the general view of recipient respondents was positive. Similarly, one peer respondent found that “they have a good idea of what is going on in the area and they were, with the PMPF, instrumental in helping to resolve piracy incidents and ISIS factions in Qandala”.⁴¹⁶ One recipient respondent mentioned how the fishing community had told them that illegal fishing by Iranian and Yemeni boats had dropped because of the patrols, as they are afraid to enter the Gulf of Aden. This respondent went on to say that “before this programme, the pirates were able to attack from ship around 30 km from Bosasso. They are not able to do this anymore. The programme therefore really affected this.”⁴¹⁷ This view was corroborated by another recipient respondent who found that they are effective “as we capture illegal migrants, and weapons – and pirates are really very afraid. The patrols prevent them from going to sea around Bosasso and capturing boats that pass in this area.”

Conclusion:

The conclusion that can be drawn from peer and recipient statements is that the BPMPU has developed rapidly in the past four years. This is also the view of one peer respondent who found that “the BPMPU has better leadership and is developing at a faster rate than the Somaliland Coastguard (SLCG)”.⁴¹⁸ The consistency in leadership is of note in this regard. There seems to be an overall vision for self-sufficiency for BPMPU officers. As one MLE respondent pointed out: “this programme is very important for the work we do and I think if the programme continues, we will reach a level where we can stand on our own feet.”⁴¹⁹ Given the level of absorption of the training delivered and use of equipment, it may be that the BPMPU are ready to operate bigger boats. Any procurement should, however make careful consideration of maintenance needs and operational costs such as purchase of spare parts and fuel.

Somaliland Coastguard in Berbera

Details:

- Under the Ministry of Interior
- Established in 1995
- 700 Officers (ca 30 Female)
- Location: Berbera, Somaliland
- Patrols per week: 1-2
- Number of officers trained by GMCP: 85

Background:

Out of the three units supported, the SLCG has existed for the longest and it has far more manpower than the MPU and BPMPU. The fleet of the Coastguard is made up of ca 10 boats donated by a variety of external actors after having been decommissioned. None of these boats are particularly fit for purpose and they all have different maintenance requirements – some are also beyond economic repair. The Headquarters of the SLCG is in Hargeisa and the main base is in Berbera where ca 250 personnel are based; another ca 50 personnel are in the boatyard. There are further Coastguard outposts in Mayt and Zeylac. UNODC GMCP's support to the unit started already in 2013 with placement of a Marine Engineer Mentor in Berbera under a UK-funded project.

Physical Conditions:

The Coastguard in Berbera is based in a compound next to the Port which has an admin block, classrooms, a spare parts storage room, and a computer room. There is also a dormitory for officers. While the base is of an appropriate size, the buildings are run-down and liable to collapse. This was, for example, recently seen in the radio operations room where all equipment has been destroyed.⁴²⁰ The Coastguard fleet is moored to a rickety pontoon five minutes' drive from the base. Despite the need to improve the physical conditions in which the coastguard operates, protracted plans for the development of Berbera Port have barred any comprehensive plans to develop Coastguard infrastructure.

Equipment:

Since the SLCG had boats but no maintenance capacity at the beginning of the programme, UNODC GMCP's focus since 2013 in Berbera has been to get the fleet operational by procuring required spare parts, engines, lubricants, etc. However, as recipients interviewed expressed, "we will conduct operations with whatever we have at hand but the equipment is not complete and boats are not in good condition".⁴²¹ Another respondent noted that, if the radar shows illegal activity in a location either near or far, they need to be able to reach that location on time and their boats are not fast enough. This respondent goes on to express the need for boats that can stay for long at sea with sleeping spaces, GPS, and inboard diesel engines – petrol boats currently used are expensive to run. Diesel outboards are more economically efficient.⁴²²

An important point to consider when looking at whether equipment provided to the SLCG has been appropriate and sufficient is how the equipment already supplied has been used. Concerning this point, one recipient respondent, for example, noted that the radar is not currently working because there was a problem with it.⁴²³ Also, the solar panel batteries running it are dead⁴²⁴, and the radio used to communicate with other regions also has a problem and "needs fixing" as do the ones in Mayt and Zeylac.⁴²⁵ Such statements point to a reliance on external actors to assume maintenance responsibilities. Furthermore, a peer respondent who has worked with the SLCG noted that, "while the SLCG has a lot of equipment, they do not take care of it very well".⁴²⁶

Training/Mentoring:

As noted above, UNODC support to the SLCG started in 2013 with the placement of an engineering mentor at the Berbera Base. Since then, several mentor teams have worked alongside officers, teaching engineering, seamanship, policing, and communications.

Being senior staff, the recipient respondents from the SLCG interviewed had not personally received training⁴²⁷ “as UNODC training is delivered to the (lower-level) officers that man the boats”.⁴²⁸ Training has, according to recipient respondents, included “at-sea movements and safety as well as training to solve mechanical issues”.⁴²⁹ One respondent stated that they have no record of the exact number of persons trained⁴³⁰ while another estimated that around 10 people received engineering training and 10-15 people were trained as coxswains.⁴³¹ When asked whether any female officers had received training, one SLCG respondent stated that “female officers are not soldiers but there are women who clean the offices”.⁴³² According to UNODC figures, 85 officers have been trained since 2015⁴³³ in Crewman-ship, Maritime law enforcement, Policing Powers, Use of force, Human rights, Communications, Engineering – maintenance and repair, Operations Room watch-keeping, Computer Literacy, and VBSS.⁴³⁴ It would, therefore seem that senior commanders have not been keeping abreast with the training delivered by UNODC to officers at the base nor the number of officers trained.

When asked whether further training is required, one recipient respondent of senior rank did not see any need for further training as he was trained in the Soviet Union era.⁴³⁵ He would, however, find it useful to develop his English skills as this is becoming increasingly important. Another recipient respondent found that there is a need for more training across the board.

Initial Operational Capability:

According to recipient respondents,⁴³⁶ the role of the Coastguard is to safeguard the sea and natural resources and to fight against contraband, piracy, and illegal immigration. The coastal area of Somaliland is narrow and quite easy to monitor and it is one of the safest coastal areas that ‘we have’.⁴³⁷ The Coastguard is, however, still struggling with Yemeni fishers – which they are “fed up with.”⁴³⁸ In terms of legislative framework, one respondent notes that the law, which will give the SLCG specific roles and responsibilities (such as power of arrest), is still pending with parliament.⁴³⁹ They therefore request the presence of an officer from the Criminal Investigations Department to assist with arrests.

A number of peer statements suggest that, while the Somaliland Coastguard has been well supported and may initially have appeared to be slightly ahead, their level of IOC is low.⁴⁴⁰ Though IOC has improved and the SLCG has, for example, intercepted smuggling and illegal fishing vessels, development is slower than in other places, a peer respondent pointed out.⁴⁴¹ Along similar lines, the CGPCS Review finds that, “The Somaliland Coastguard is functional although its capacity to patrol offshore is limited”.⁴⁴² Despite these somewhat moderate views on the progress of SLCG, Coastguard recipient respondents set the current IOC level of the SLCG between 50-80%,⁴⁴³ a reach of 100 km along the coast from Berbera,⁴⁴⁴ and a force projection 30 NM seaward.

Patrols seem to be carried out mostly in response to ‘emergency cases’ because the cost of fuel is very high.⁴⁴⁵ These are, for example, search and rescue situations such as burning or capsized ships, but also operations launched if information is received on illicit cargo. The SLCG also carry out planned patrols with a predetermined route and estimation of fuel consumption. Often these are based on information, for example, from telecommunication with fishermen, who have a good sense of what is happening around the sea and with whom SLCG has established good collaboration.⁴⁴⁶ Anecdotally, the SLCG’s well-established support in coastal communities, which channelled information to the Coastguard, has been connected with the successful prevention of piracy in Somaliland. The SLCG carry out a patrol at sea every ten days, but they cannot operate in rough seas. A respondent noted that while they used to do quite a few at-sea operations every week, the number of operations have decreased as the boats are no longer in a good condition.

Conclusion:

The perceived level of IOC expressed by recipient respondents of the SLCG (at 80%) does not cohere with peer respondents’ views. There is also little apparent recognition of the spectre of maritime crime threats facing the SLCG. Further, Senior Officers interviewed do not seem to be aware of the training their personnel have received from UNODC, which is, in fact, far more comprehensive than ‘at-sea movements, safety, and mechanics’. This makes it difficult for the command to make use of the skills delivered by UNODC. Also, while officers may express need for more sophisticated equipment and vessels,⁴⁴⁷ capacity and resolve to ensure proper maintenance is absent. In essence, it seems that there is a certain level of complacency with which the SLCG is currently run, which would be important to address in connection with possible future engagements.

Evaluation

Before looking at achievement of Objective, Impact, and Rationale under this activity, it is important to note the importance of this specific contribution in allowing the GMCP HoA’s programme to support the survival of MLE units in Somalia. Were it not for this contingency contribution, the project would have had to demobilise in Berbera, Bosasso, and Mogadishu. On the contrary, it is now expanding both thematically and geographically with programming planned to 2021.

Achievement of Objective

The Objective for GMCP HoA’s support to Somali MLE units is for them to “patrol and control their sea and shore, including deterring, arresting, prosecuting and detaining suspects of maritime crime while adhering to basic principles on the use of force and firearms and the code of conduct for law enforcement officials”. This Objective has three elements which will be viewed separately below.

1. Patrol and Control: In terms of the programme objective of achieving Initial Operational Capability (IOC), peer respondents described the level of IOC at the time UNODC got engaged as: low, to very low; below sea level; and ground zero – very littoral. In Bosasso, the (then) Port Police operated from small skiffs and were limited to carrying out port security.

This is in line with the baseline for Outcome 3 which sets it at: “Virtually no operational capacity”. Today, the units are described as having: basic IOC;⁴⁴⁸ limited IOC,⁴⁴⁹ and ‘ok’ IOC – but only around the Ports and surrounding areas.⁴⁵⁰ The MPU is seen by peer respondents to have achieved most progress during the time it has been supported.⁴⁵¹ The CGPCS Review similarly found that “maritime police and law enforcement actors retain a very basic, low capacity and overall command and control between the police stations and between the police and coast guard is lacking”.⁴⁵² The Review further finds that the lack of connectivity between Coastguard stations and the fact that large sections of the coast have no MLE presence is an important gap to fill in order to stop sanctuaries for criminals.⁴⁵³ In comparison, and setting aside the fact that they operate outside the official security architecture, the PMPF also has limited IOC despite being better equipped and trained than any other unit.⁴⁵⁴ They operate in rigid-hulled inflatable boats and cannot go very far out to sea.⁴⁵⁵ As one peer respondent put it, “MLE in Somalia is in its infancy but there are positive results. That being said, it is important to have a realistic view of what it is possible to achieve within a relatively short time frame and to recognise that IOC is not a ‘box ticking’ exercise but rather an ongoing process.”⁴⁵⁶

In terms of patrols, peer respondents consistently found that there is no information available on the number of patrols carried out by MLE units in Somalia and that this is a problem. The lack of recorded data on frequency of patrols was also a point of criticism in the Midterm Review for PSP2.⁴⁵⁷ The overall conclusion from interviews both with peers and recipients is, however, that patrols are carried out at regular intervals, which are distinct for each unit. The impression given by peer respondents is, however, that patrols are not based on any operational plans, but rather on circumstances such as whether fuel happens to be available at the time. The lack of application of intelligence in operations is also seen to impede the chance of intercepting criminal activity. As one peer respondent noted, “although it is nice to go for a boat ride, any notion that this has an effect in deterring maritime crime is an optical illusion”.⁴⁵⁸

2. Adherence to Basic Principles: With regard to adhering to basic principles on the use of force and firearms and the code of conduct for law enforcement officials, this does not seem to be a significant concern to MLE officers in general. When asked what key principles are important to apply during MLE operations, answers generally relate to the safety of the crew and logistics. Answers from Berbera include the following: “When you want to implement any operation, first you need a higher order/decision and the whole logistical set-up for the operation.” Another respondent stated that, “The safety of soldiers is a major concern, so it is important to keep communication with the teams at sea and stand ready to provide any support they need. The boats could have an accident or they might receive gunfire.”⁴⁵⁹ MPU officers appear slightly more cognisant of the notion of basic principles as they, for example, talk of discipline and of “upholding the law, integrity, team work, and functionality”.⁴⁶⁰ Also, a recipient respondent from Bosasso, who had received Human Rights training from another agency, noted that, “we

always protect human rights whenever we carry out arrests. We try to reduce harm. Instead of firing shots, we chase them.”⁴⁶¹

The general conclusion from peer responses corroborate the notion that there is seemingly no deliberate application of basic principles on the use of force and firearms and the code of conduct for law enforcement among MLE officials. Though MLE officers might generally treat people humanely and though operations may overall be in line with international standards,⁴⁶² this is not because of a conscious effort to apply human rights principles in MLE operations (i.e. there is no ‘human rights checklist’).⁴⁶³ One peer respondent recalls having witnessed the SLCG stopping a livestock vessel sweeping animal excrements into the water. The officer openly accepted an iPhone to settle the infraction – indicating that this was probably standard practice.⁴⁶⁴ It is, of course, important to consider the wider socio-political context which is characterised by reliance on informal rather than formal forms of redress, when examining such cases. It would, nevertheless, seem that there is room for improvement when it comes to adherence to the code of conduct for law enforcement officials.

3. Deterrence, Arrest, Prosecution, and Detention: Peer respondents were asked how they would rate the level of deterrence to maritime crime currently effected by Somali MLE units. While most recipient respondents believed that their units were effective in deterring maritime crime, all peer respondents noted that much more is required in order for MLE units to be truly effective.⁴⁶⁵ With regard to the three units supported, one peer found that, on a scale from 1-10, MLE units in Somalia would be at 3.⁴⁶⁶ Another peer respondent pointed to the need for more trained crew and platforms that can reach at least 12 NM.⁴⁶⁷ Another found that the present capacity of MLE units is limited to patrolling coastal areas around Berbera, Bosasso, and that Mogadishu is “like a needle in a haystack”, considering the long coastline of Somalia, which is “rugged, remote, and porous”.⁴⁶⁸ The CGPCS goes on to note that “to be effective in counter-piracy response, the police and maritime law-enforcement agencies must be supported within a decentralised framework, with the main focus on tackling piracy in Puntland and piracy-prone states”.⁴⁶⁹ Placing all of this in a broader perspective, one peer respondent found it to be “haphazard to talk of deterrence of maritime crime in Somalia as something to be achieved solely through ‘at-sea’ patrolling. Rather, patrols must, for example, be more targeted and intelligence-led, which requires information to be collected and shared.”⁴⁷⁰

Impact of Activities

According to a report published by Stable Seas in 2017, “international assistance in the form of patrols and capacity building efforts has made a substantial impact on the short term maritime security situation and the region’s long-term prospects for autonomous security provision. However, these efforts will need sustained political commitment and financial resources if they are to truly help the Somali region dramatically reshape its maritime security landscape.”⁴⁷¹

This latter point is also, in broad terms, the conclusion that can be drawn from UNODC GMCP’s support to MLE units in Somalia. While establishing capacity to uphold Somali maritime security is challenged by a num-

ber of factors, one of the greatest obstacles to achieving lasting impact is that maritime security is generally not a priority at the political level in Somalia and that no significant resources are invested in this sector. Top priorities are stability – countering Al-Shabaab and ISIL – and managing the effects of the drought, including food security.⁴⁷² This point was also made in numerous interviews carried out for section 1 of this report.

On a similar note, all peer respondents for this evaluation point to a lack of national leadership and ownership as an inhibiting factor. One respondent pointed to the lack of delineation of the roles and responsibilities of maritime security forces as a key challenge – “who is responsible for patrolling from 0-12 NM and from 12-200 NM and what is the chain of command? Despite multiple UNSOM option papers and push by all agencies, there has been no command decision from the National Security Council about who is in charge of and responsible for maritime security.”⁴⁷³ The lack of a command vision at an institutional level within the respective internal administrations of the MLE units was noted by another peer respondent as an obstacle to achieving progress across the board.⁴⁷⁴ Finally, another peer respondent pointed out that “since most of the MLE leadership come from land-based entities and have no maritime experience, they have no understanding of the sea or maritime law. Consequently, there is also very poor understanding of the field of operation at the command level. Adding to the lack of informed leadership is the fact that there is frequent turnover within the senior command.”⁴⁷⁵

The lack of vision and leadership affects the impact of GMCP programming. This can, for example, be seen within the Somaliland Coastguard where equipment delivered is not maintained despite spare parts being available and engineering training having been delivered to officers over several years. Instead, there is a tendency to rely on external assistance to repair equipment such as radar, radios, and boats. Therefore, while identifying targeted support which is tailored to needs is a decisive factor in achieving impact, there are other equally decisive factors that may inevitably render all other efforts futile. At local level, the most important factor is perhaps the degree of ambition and drive for change within the leadership of the units. A good example is the BPMPU, which, when mentors first arrived, was no more than a group of port inspectors. Through strong leadership and engagement, officers in this unit have undergone professionalisation and a resultant expansion of mandate. The MPU has, similarly, gone from being a small group of police officers primarily tasked with life-saving at Lido Beach and Port Security, to taking over security responsibilities around Mogadishu International Airport from AMISOM. The handover of security responsibilities from AMISOM to Somali security forces is a noteworthy achievement as it is the first instance where this has happened. On the contrary, despite having been supported by UNODC for nearly two years more than the other units, progress within the Somaliland Coastguard is negligible.

Overall, peer respondents find that GMCP's support is having an impact on the level of IOC of the MLE units, albeit a small one. While one respondent finds that the GMCP fortnightly newsletter is full of over-glossed, exaggerated, and non-factual updates,⁴⁷⁶ the general message is that GMCP is achieving some degree of progress with very limited means, but that there is a need for more of everything – training, equipment, infrastructure.⁴⁷⁷ One peer respondent states that “the few things achieved are thanks to the GMCP, OBP and EUCAP Somalia (EUCS)”.⁴⁷⁸ Perceptions of development

are, of course, different for the three units. With regard to the MPU, it is seen as having evolved considerably since 2016 in terms of quality and understanding of duties.⁴⁷⁹ The BPMPU is similarly seen to have developed significantly – “which, to a considerable degree, is a result of UNODC support.”⁴⁸⁰

Rationale

When looking at whether supporting Somali MLE authorities remains a sensible undertaking, the answer seems to be that it does. According to one peer respondent, it is crucial that engagements supporting development of MLE in Somalia continues; if funding for maritime security engagements in Somalia were to stop now, “all that has been accomplished will be lost”.⁴⁸¹ Another peer respondent finds that “the GMCP is 100% essential. It is the only programme across Somalia that does this sort of practical work in building capacity. Everyone else is at some higher strategic level as opposed to where the crime is actually happening. Without GMCP, efforts there wouldn’t be any capacity as we see it right now.”⁴⁸² Likewise, beneficiaries also express a wish for the programme to continue. A respondent from the SLCG states that “UNODC is the only organisation with which we have close collaboration. They are the only ones that have slept in this compound and eaten what we are eating. The equipment is still available in our stores so it’s very good collaboration.”

The Objective for Somali MLE agencies to effectively deter maritime crime in line with law enforcement principles also seems to remain valid. One of the recommendations from peer respondents on the GMCP’s prison work was for the programme to have a clearer strategy to meet the programme objective and to avoid ad hoc/reactive work. On a similar note, an MLE peer respondent would like to see a strategy with a clear objective for what capacity the programme is trying to develop rather than just repetition of the same activities, which do not really advance the capacity further.⁴⁸³ That said, training delivered through the programme is generally seen as appropriate, but more is needed.⁴⁸⁴ The gradual move from basic seamanship and coxswain training to more advanced skills such as VBSS is good.⁴⁸⁵ It would, however, be useful to expand training both geographically, along the coast, particularly in piracy-prone areas⁴⁸⁶ and at a distance from the coast – up to 12 NM as well as in terms of more platforms (i.e. types of boats).⁴⁸⁷ In terms of equipment, MLE units supported have *basic* equipment and materiel required to carry out maritime operations such as boats and communications equipment.⁴⁸⁸ The general view expressed by peer respondents is that equipment provided has been appropriate given the level of each unit.⁴⁸⁹ Overall, one of the main challenges facing the units is maintenance costs and the costs of fuel for operations. Therefore, as expressed by one peer respondent, “there is no sense in buying big expensive boats that the MLE units cannot afford to fuel and that they don’t have crew trained to operate and maintain. In this sense, training and logistics have to go hand in hand.”⁴⁹⁰ There are, however, still significant needs that need to be filled in order for operations to become effective, for example bigger boats.⁴⁹¹ One matter which seems to require urgent action is living conditions for staff.⁴⁹² While a project is underway in Mogadishu to establish barracks for MPU officers, rehabilitation of BPMPU dormitories should likewise be prioritised.

As one senior recipient respondent noted, “we need a senior mentor who can advise MPU Commander for a period of 6 to 12 months continu-

ously". Since strong and qualified leadership is an important prerequisite for garnering the benefit of both material and technical support to MLE units, it may be worthwhile to increase focus on these individuals even if they are appointed according to position of power rather than competence.⁴⁹³ Meanwhile, a programme akin to the Cadetship Programme delivered to the Somaliland Custodial Corps would perhaps be useful to roll out for MLE professionals in order to create a pool of middle-managers.

Finally, with regard to adjustments to the Rationale of the programme, the timeframe for when the objective can realistically be met might need to be reconfigured. According to one peer respondent, there is a general failure on the part of donors to recognise the difficulty in deploying to Somalia – "they are oblivious to local realities with regard to safety and security conditions".⁴⁹⁴ Considering this, the same respondent stressed that "donors need to temper expectations of what is possible to achieve within a limited time frame and accept that progress is hard to measure in Somalia – there is no tape measure for Somalia". Adding to this point is the notion that the political, monetary, and human resources invested in maritime security in Somalia is insufficient to make a profound impact. A lot more resources need to be invested in these units for the target of IOC to be properly met and sustained and such investment need to go hand in hand with government priorities. For example, although the SLCG would perhaps benefit from purpose-built boats and new communications and MDA equipment to plan evidence-led patrols, the complacency with which the unit is currently run seems to bar any significant progress. Therefore, rather than sophisticated equipment alone, what is needed is stronger command structures and greater ambition at the top level. This is one of the points elaborated on in section 3.

2.3

Section II: Conclusion

The support of UNODC GMCP's to corrections in Garowe and Hargeisa was aimed at achieving standards in the two prisons that adhere to the NMRs. The target for MLE support in Mogadishu, Bosasso, and Berbera was for the units supported to reach IOC and carry out operations in line with law enforcement principles. Both of these objectives have been met. However, for both prison facilities and MLE units, progress made seems precarious and reversible.

In terms of impact, one conclusion to be drawn from the evaluation of both activities is that GMCP's model of placing mentors with frontline criminal justice actors is impactful. The support offered in daily routines is particularly valuable to ensure that skills travel from classrooms to the prison floor and boat yard. The confidence they build with criminal justice officials at all levels is also valuable, as it provides an opening to positively influence practices that are out of line with criminal justice norms and standards.

Though objectives have been met, there is still room for improvement. Concerning the prisons, it was, for example, pointed out that vocational training should be better targeted to ensure that inmates can apply their skills upon release. Another point raised was the challenge that, due to lack of space, high-risk inmates are sometimes distributed to blocks holding low-risk inmates, which increases the risk that VEOs may attempt to radicalise inmates that are vulnerable to such influence. Also, concerning separation of different types of prison inmates, it was found that juvenile prisoners are not always kept separate from adults. Further, regarding conditions for minors, it

was noted that sometimes children are put into the custody of the prison services by their families due to issues with disobedience. Another challenge to be addressed. Of relevance to the entire prison population, it was noted that there is room for improvement in the delivery of healthcare services.

Concerning the MLE units, it was noted that large sections of the Somali coastline still has no MLE presence. Moreover, where MLE is present, there is still a long way to go before these units are able to effectively deter maritime crime in Somali waters. Finally, there is seemingly no deliberate adherence to basic principles on the use of force and firearms and the code of conduct for law enforcement officials. Finally, and particularly worrying in light of findings from section 1's analysis of the maritime crime complex off the HoA, there seems to be little recognition of the range and dynamics of maritime crime threats facing the SLCG.

Looking ahead, while both the corrections and MLE sector would benefit greatly from continued and perhaps more comprehensive support, it is, figuratively speaking, important to ensure that international assistance remains a 'crutch' to support the units until they gain a stronger foothold and not a 'prosthetic' without which they would fall.

On that note, the following section concludes this report by drawing on the lessons from the above evaluation and important considerations related to the dynamic maritime crime complex mapped in section 1.

3

Section III: Looking Forward in Light of Past Programmes and Present Trends

3.1

Summary of Findings from Looking at the Past and the Present

Section 1 of this report provides an overall analysis of current trends within the maritime crime complex off the HoA. It takes a narrow view of developments and drivers within five specific categories of maritime crime and an additional category of maritime insecurity off the HoA and in the wider WIO region. The main take-away from this analysis was that, although the number of piracy attacks has decreased to pre-2008 levels, other types of maritime crime are prevalent. Moreover, as with piracy, all of the types of crime considered in the section have strong maritime crime-stability nexuses. For example, in Somalia, weapons smuggling via maritime routes from Yemen and Iran arms terrorist groups such as Al-Shabaab and ISIL. Looking further into the WIO, the prevalence of heroin smuggling from the Makran Coast to Eastern Africa threatens the integrity of governance structures and represents a major health hazard for local communities in trans-shipment countries. Finally, the precarious security situation around the BAM Strait entails a number of emergent security threats including the risk of collateral damage as armed violence moves into one of the narrowest and busiest shipping lanes in the world. Subsequent to the analysis of specific types of crime, the maritime crime complex was considered from a broader perspective, looking at how ballooning dynamics and interlinkages between different types of crime affect the overall crime complex at sea. Considering the interlinkages that exist between different types of maritime crime, and the tendency for crime to balloon either thematically or geographically when pressure is exerted through measures of deterrence, a key finding of section 1's analysis was that counter measures with a narrow focus run the risk of pushing the problem into another area rather than perforating the crime. Effective deterrents to maritime crime, therefore, have to consider the dynamics at work within the maritime crime complex and comprehensively address the totality of crime.

Section 2 of this report provides an in-depth analysis of past efforts to tackle what was once considered the primary maritime security challenge in the HoA region, namely piracy. Focus is centred on two specific engagements of UNODC GMCP in Somalia under the Danish PSP2 which relate to building capacity for humane and secure detention and capacity for maritime law enforcement. With regard to the latter, what was found was that, building maritime law enforcement capacity in Somalia is a long-term endeavour challenged by prevalent state fragmentation, zenith rates of corruption, and pressing security matters, which push maritime security off the list of government priorities. Nevertheless, progress has been achieved, as the capacity of various Somali coastguards has been bolstered. With regard to corrections, ensuring that NMRs are followed is, likewise, no small undertaking.

Conditions in the two prisons supported by the GMCP were, however, seen to be markedly better than general prison conditions in Somalia. Also, the bar for detention standards within Somali prisons has to be set in light of the national context. That being said, UNODC GMCP's use of embedded mentors has had a positive impact on compliance with human rights within prison management and they have mitigated risks of abuse in concrete situations. A number of shared challenges related to leadership, administrative procedures, and finances as well as broader contextual challenges (like, for example, the current Somali security priorities) were also highlighted in section 2, as these are important to take into account when formulating future engagements.

Section 3 serves as the conclusion for this Report. It builds on findings from the overall analysis of present trends presented in section 1 and the in-depth analysis of past programme delivery provided in section 2. We argue that, together, these two analyses (of current trends and past programmes) offer a platform that allows us to make recommendations for future engagements of various actors interested in addressing – not only piracy – but also other types of maritime crime. Therefore, in the following, we look at broader contextual factors (from section 1) and specific programme challenges (from section 2) that are of relevance when designing programmes aimed at alleviating the destabilising effect of maritime crime in the HoA region. Considering the substantial analysis made in the foregoing sections, it is impracticable to integrate all findings into the limited space below. Rather, we highlight ten key challenges identified in the amalgamation of sections 1 and 2.

3.2

Conclusion: Challenges and Recommendations

In light of the lessons drawn from past programme delivery as well as the current threat landscape for maritime crime off the HoA, *five contextual factors* (Part I) and *five programme-level challenges* (Part II) are highlighted below. Concerning Part I, the four challenges that we highlight are broader contextual factors that form an important backdrop for efforts aimed at countering maritime crime – not only in Somalia but also in the wider WIO region – and which it is therefore crucial that future engagements take into consideration. Part II then zooms in on five programme-level challenges and proposes recommendations for how these may be addressed.

Whether contextual or programme-level, each of the ten challenges comprise aspects which are within the remit of different actors to address. Some aspects can be addressed by UNODC GMCP directly or by other actors implementing programmes of a similar nature. Other aspects are for donors to consider. Still other aspects are of a nature that calls for collective action. Accordingly, the recommendations offered below are sub-divided into the following three categories in order to reflect which type of actor they are targeted at:

1. *Collective*: International Community supporting Rule of Law in Somalia
2. *Individual Donor*: Donors supporting efforts to counter maritime crime off the HoA
3. *Implementers*: International actors delivering programmes to counter maritime crime off the HoA.

Preconditions and Contextual Factors

1. Challenge: changing currents as condition for efforts to counter maritime crime

The mapping exercise of the maritime crime complex off the HoA made in section 1 does not offer a fixed depiction to base interventions on. What is described is rather a constantly changing landscape, which requires flexible and comprehensive countermeasures. The adaptability on the part of criminals, is a precondition that must be taken into consideration in future endeavours aimed at combatting maritime crime. This includes, for example, the ability of former pirates to shift to other types of criminal endeavours. Programmes and policies designed to address maritime crime also need to reflect the interrelatedness of different types of maritime crime. Therefore, insofar as criminal networks adapt and balloon, it is advisable that international efforts are correspondingly flexible if they are to be effective in *navigating changing currents* in maritime crime, as leaving these linkages unacknowledged may imply that agile criminals will outrun rigid responders.

Another important point to take away from the adaptability of criminal networks is that the potential and actual geographic extension of maritime crime challenges and the consequent imperative for responses be formed with regional outlook. The risk of geographic ballooning implies that addressing maritime crime requires increased collaboration regionally. The example of heroin landing sites ballooning further south along the Eastern African coast is but one illustration of the importance of addressing these challenges both intra- and inter-regionally. With regard to the latter, as found in section 1, a number of drivers of maritime crime originate outside the HoA region. One example is the involvement of dhows manufactured in Iran in weapons and drugs smuggling as well as IUU. Thus, not only is enhanced collaboration between HoA states needed if maritime crime is to be effectively addressed, attention also needs to be paid to inter-regional dimensions of certain types of crime. Inter and intra-regional cooperation on MLE might also foster learning exchange and a sense of shared responsibility and mutual inspiration to raise performance levels.

RECOMMENDATIONS	
Collective	Increase focus on efforts that engender intra- and inter-regional dialogue and coordination to tackle shared threats within the maritime crime complex. For example, engage Iran in a dialogue to tackle shared problems with heroin smuggling.
Donor	<p>Agile responses to changing circumstances requires monitoring. It would therefore be advisable to build concrete monitoring plans into long-term programmes or policies.</p> <p>Programme design should allow for adjustments to be made according to changing circumstances.</p> <p>Build a mutually engaging dialogue between HQ level and field level to ensure flexible responses to an evolving maritime crime complex.</p>
Implementer	Facilitate efforts to engender intra- and inter-regional dialogue and coordination through concrete initiatives.

2. Challenge: Under-prioritisation of maritime security

An important contextual factor for understanding the successes and failures of efforts to tackle maritime crime in Somalia is the precedence taken by counter-terrorism efforts in all security related matters. In section 1, we highlighted that the gravity of the threat posed by Al-Shabaab, understandably, means that fighting maritime crime – including but not limited to piracy – is not a top priority at government level. In the section on GMCP's support to MLE in Somalia in section 2, respondents similarly found that maritime security is not a priority at the political level in Somalia and that no significant resources are invested in this sector. Top priorities are stability – countering Al-Shabaab and ISIL – and managing the effects of the drought, including food security. This has been a key obstacle to achieving lasting impact through MLE programmes. Whilst Somali security priorities may well change over time, under-prioritisation at the political level is, at this time, an unyielding precondition for maritime security efforts. Expectations for what can be achieved must therefore accord with this reality.

RECOMMENDATIONS	
Collective	Seek to incentivise higher prioritisation of maritime security through focusing on resource management in addition to security.
Donor	Ibid. Predicate continued support to the maritime security sector on priority of the area at government level.
Implementer	Advocate among frontline criminal justice actors the many benefits of a safe maritime space, including improved security as well as economic benefits to effect bottom-up prioritisation.

3. Challenge: Divergent visions for maritime governance in Somalia

Currently, there is no overall vision for maritime governance in Somalia. As summarised by a peer respondent, "it needs to be clear what the goal is for maritime governance in Somalia. Are we working towards a unified Somali Coastguard or a regional focus – and who is in charge?"⁴⁹⁵ Yet, the SMRSS, which was otherwise instructive, is not effectively used and the engagement of Puntland and Somaliland in the Somali Maritime Security Coordination Committee is inconsistent.⁴⁹⁶ Disputes and distrust between the Federal Government and regional states over the sharing of maritime resources also continue to be an obstacle to establishing maritime governance.

This lack of vision or prevalence of divergent visions for how the Somali maritime domain is to be managed implies a difficult balance to strike for donors. It is important to devise programmes aimed at ensuring that MLE capacities are strengthened at state level, whilst at the same time building capacity at the sub-national level. The need for a clearer vision can also be found at practitioner level. There is a need for strategies to be formulated with clear targets based on thorough situational analysis and with realistic and measurable targets.

RECOMMENDATIONS	
Collective	Support the Somali Maritime Security Coordination Committee as a vehicle through which to form and drive forward a common vision for maritime governance in Somalia.
Donor	When designing or deciding to support particular programmes (coastguard or otherwise), pay attention to the risk of divergent visions for maritime security in Somalia at the federal as well as regional level.
Implementer	Wherever possible, work towards federal integration of coastguard functions. Alternatively, work towards making such integration possible in the future.

4. Challenge: Corruption as a fact of life.

Somalia infamously ranks no. 180 out of 180 on Transparency International's Corruption Index. Being the most corrupt country in the world, unsurprisingly, constitutes an important contextual factor for the development of programmes aimed at addressing maritime crime in Somalia. Also, beyond Somalia, corruption is perhaps the number one 'enabling factor' for all the types of maritime crime in the wider region and one that permeates all levels of society from influential political figures to the fork lift driver in the port. The deep entrenchment of corruption was likewise highlighted by respondents in section 2 as affecting all programme activities in Somalia. At the same time, the problem was described as a 'fact of life in Somalia which will not be eradicated overnight'.⁴⁹⁷ Thus, corruption is an important precondition to consider when formulating interventions to counter maritime crime which not only has implications at programme level, it is also a factor that contributes to shaping maritime crime trends.

RECOMMENDATIONS	
Collective	Continue to push for increased accountability within all layers of public administration, including through implementation of structures and systems that can help lessen corruption.
Donor	<p>Reconsider support to and/or design of initiatives that contribute to corrupt practices. For example, if stipend schemes are continued, predicate these programmes on application of modes of management which engender transparency.</p> <p>Encourage anti-corruption by rewarding programmes/actors that have made advances in stemming corrupt practices.</p>
Implementer	Devise responses to tackle corruption encountered at field level.

5. Challenge: Risk of Misconduct within the Somali Criminal Justice System

Generally, there are important risks involved in building the skills of criminal justice officers, both with regard to potential breaches of human rights that these trained officers could commit given their position of power, and because such skills could be used for harm just as they can be used for good. Delivery of training can, however, achieve increased levels of professionalism of criminal justice actors. The conclusion from the above analysis is that UNODC GMCP's support to corrections and MLE in the past years has had a positive impact on the level of professionalism with which services are delivered. In future engagements, expectations of further professionalisation might be better met if they came with some incentives for the officers subject to these. Turnover of prison officers is approximately 40% per year which is no surprise considering wobbly salary payments and other demoralising factors. The situation described by one peer respondent of an SLCG officer openly accepting an iPhone to settle an infraction is indicative of this broader challenge related to insufficient and irregular salary payments, which represents a major obstacle to the professionalisation of the units.⁴⁹⁸ Similarly, staff in both Garowe and Hargeisa Prisons are underpaid, which is again problematic with regard to rooting out corruption.⁴⁹⁹ Also, living in physical conditions that are unsanitary and unworthy does not provide a good foundation for engendering discipline, tenacity, and staff retention. Improving living conditions and perhaps offering medical support to officers might provide an important incentive to raise professional standards, which could have greater impact on effectiveness than a bigger boat (for example). Another incentive, particularly related to staff retention, may be created with a gradual move to merit-based promotion.

With regard to mitigation of the risk of misconduct, it seems that the model of using embedded mentors is a good safety valve. Day-to-day mentoring is, across the board, the most effective form of technical assistance offered under the GMCP. This practical and gradual, yet continuous form of learning within the working environment of criminal justice officers has a greater chance of imparting skills that are retained than ad hoc training courses. Also, embedded mentoring does not, as residential courses do, prevent officers from carrying out their daily duties. The value of having mentors in Hargeisa and Garowe prisons was highlighted by all respondents. Moreover, their added value as frontline 'protectors' when challenging cases arise is an unforeseen positive impact. Similarly, MLE mentors in Berbera recently came across a group of Sri Lankan fishermen who were victims of trafficking and were able to assist in organising their repatriation in cooperation with IOM. The case of the deceased piracy inmate in Hargeisa Prison is an example of a situation that GMCP's mentors are well placed to help improve.

Also, in support to criminal justice in Somalia, it is important to acknowledge as a precondition that trials cannot, at this time, be considered compliant with human rights. Military courts are even more problematic as they rely heavily on confessions possibly obtained under duress; they do not give sufficient time for appeal; and there is no review processes for death penalty convictions. There is therefore predominant reliance on informal justice mechanisms for resolving disputes. While mitigation plans for misconduct are important, support to the Somali Criminal Justice sector is likely to entail some degree of misconduct. This precondition should, however, not preclude support as increasing levels of professionalism of criminal justice ac-

tors is an important undertaking to overcome this challenge in the formal justice sector.

RECOMMENDATIONS	
Collective	<p>Advocate for a move to a more merit-based system of promotion.</p> <p>Increase focus on inclusion of women in the workforce. Even though it is a male-dominated sector, diversity is beneficial in working environments.</p> <p>Reinvigorate focus on juvenile justice with Somali criminal justice authorities.</p>
Donor	<p>Define internally what degree of risk is acceptable in engagements.⁵⁰⁰ Is there willingness to accept the risk of funds being misused? That activities might not be sustainable? That criminal justice practices which do not conform to own values may occur? Or similar? Leaving such assessment up to the divergent views of individual desk officers can make for an inconsistent approach.</p> <p>Support a process of sentence review to decongest prisons of inmates incarcerated on undue grounds.</p> <p>Support efforts to establish dedicated juvenile detention facilities.</p> <p>Seek ways to mitigate the risk of conditionalities related to death penalty negatively affecting offenders with that conviction.</p>
Implementer	<p>Continue to support the professionalisation of frontline criminal justice but build (non-monetary) incentives for staff retention into future engagements, for example, decent living conditions (dormitories) and medical care and support for a gradual move to merit-based promotion.</p> <p>Entrench the role of mentors as 'frontline protectors' as a measure of mitigating risk of misconduct by criminal justice officers.</p> <p>Consider mitigation strategies for misconduct in daily workflows of criminal justice officers.</p> <p>Focus on improvement of paper trails to enhance accountability and human rights compliance. Consider how available technology may potentially help overcome challenges with illiteracy.</p>

Weaknesses, Deficiencies, and Gaps

6. Challenge: Weak state presence and ungoverned spaces

Weak state presence and power projection in the maritime domain, at times referred to as 'blue justice',⁵⁰¹ is a common theme when looking at the maritime crime-stability nexus as criminal elements exploit ungoverned spaces. In addition to destabilising effects, this lawlessness has harmful implications for both economic development (particularly the blue economy) and maritime commerce. Speaking specifically about violent non-state actors, the conclusion reached by Stable Seas is that these groups will continue to take ad-

vantage of inadequate governance at sea, affecting maritime economic development and global commerce.⁵⁰² Indeed, challenges related to state control in the maritime domain is a recurring issue for each type of crime explored in section 1.

Whilst the reach of law enforcement at sea is a challenge for Indian Ocean states alike, terrestrial law enforcement is an additional challenge in Somalia where weak government institutions and pockets of lawless coast-line allow criminals to operate unhindered. The emergence of piracy is a symptom of this as is the increasing levels of violence in and around Yemen.⁵⁰³ Another consequence of lawless spaces is that violent groups are able to tax criminals operating at sea, which, in turn, funds their operations and ultimately creates a spiral of insecurity. Building better maritime law enforcement capacity in Somalia will, however, 'only' help address part of the maritime crime complex mapped in section 1. Addressing challenges with heroin smuggling in the WIO – including negative effects at the Afghan end of the trade as well as destabilising effects in countries like Kenya, Tanzania, and Mozambique – will require a broader approach.

RECOMMENDATIONS	
Collective	Collective efforts to deter maritime crime off the HoA should target the full maritime crime complex from sea-to-shores-to-land. Collective efforts at a regional level should make more use of intelligence sharing.
Donor	Support initiatives that build trust and communication among maritime security sector personnel in the region.
Implementer	Ensure that the skills imparted are aimed at tackling the broad range of criminal activities found at sea – for example, by basing the training offered on scenarios that are recognisable to and frequently encountered by MLE authorities.

7. Challenge: Impunity in the absence of legal finishes

In section 1, when looking at on-shore factors for individual maritime crimes, a unifying factor is the lack of 'legal finish'. Although drugs and weapons smugglers are apprehended and sometimes deprived of their contraband, they are generally allowed to carry on with no significant legal repercussions. IUU fishers also get off with payment of penalties that are so insignificant that they form part of the business model for operators. Finally, piracy kingpins in Somalia are permitted to roam free and adjust criminal operations according to changes in deterrence pressures and profitability. Learning from the successes of the Piracy Prosecution Model in bringing about a legal finish to piracy could perhaps add fortitude to current measures of deterrence. In the absence of a comprehensive set-up such as the one established with the Piracy Prosecution Model, immediate measures to hinder vessels known to be engaged in maritime crime from operating with impunity might be taken by individual states with inspiration from the 'multi-door approach' taken for IUU and the Port State Measures.

RECOMMENDATIONS	
Collective	<p>Explore how the Pirate Prosecution Model might inspire the development of 'legal finishes' for other types of maritime crime – for example, heroin smuggling – in order to end catch and release.</p> <p>International and regional actors should, as far as possible, ensure that assailants apprehended are passed on to authorities which are willing and able to prosecute or, alternatively, share information which may provide grounds for apprehension or denial of port entry at next port of call.</p>
Donor	Ibid.
Implementer	Be prepared to offer support to regional trials of maritime crime offenders.

8. Challenge: Non-payment of salaries may produce insecurity

As already mentioned, corruption and under-prioritisation are preconditions to working within the Somali criminal justice sector. Closely related to these factors is the fact that Somali public finances are very limited. Budgets for operational costs within the criminal justice sector are, therefore, far from sufficient. This is, for example, seen in the lack of fuel for boats and food and medical care for prisoners. One peer respondent from Garowe remarked that, within security services, the prison service is at the bottom of the food chain and that the Prison Commissioner runs businesses on the side to make up for his insufficient budget. Efforts to build capacity within the rule of law in Somalia are undeniably challenged by the lack of public finances, which results in unsustainable practices of subsidisation.

As seen above, challenges related to the double dynamics of corruption and insufficient finances is particularly pronounced in efforts to professionalise frontline criminal justice actors in Somalia. Compounding this challenge is the fact that salaries of security forces and criminal justice officials are inadequate to cover living expenses. Not only does this hamper efforts to establish functional institutions, it also has security implications as there is a risk that security personnel trained join armed groups or get involved in maritime crime due to insufficient and/or irregular salary payment. As a peer respondent put it, "these are security forces of a failed state. I worry that MLE officers will commit human rights violations due to lack of training, salary, and leadership and that I will be blamed for it." The SEMG similarly notes that Somali security sectors are a major overall concern as trained security personnel may join armed groups if they do not receive their salaries. The CGPCS Review also highlights the risk of MLE officers becoming involved in maritime crime as salary payments are irregular.⁵⁰⁴ Indeed, the report argues that "the issue of payment of salaries must be taken seriously; without addressing this, police will be co-opted and become a source of insecurity by involving themselves in piracy and other criminal activities on land and at sea."

RECOMMENDATIONS	
Collective	Push for prioritisation of channelling public finances to the criminal justice sector on the grounds that liabilities of having unpaid security sector personnel amounts to a security threat.
Donor	Consider alternative ways of supporting the criminal justice sector and personnel within it, which do not involve subsidisation.
Implementer	Accepting under-resourcing as a precondition for MLE in Somalia, develop programmes that can help make MLE operations more cost-effective by making them more targeted –i.e. making use of technology and intelligence-led patrols in order to maximise chances of interdiction and deterrent effects.

9. Challenge: Lack of leadership and command structures

Lack of leadership and command structures within the Somali criminal justice sector is a weakness that affects the level of impact attainable within all programme delivery. An additional notion to keep in mind is the fact that most criminal justice officials currently in charge of both corrections and MLE are of the generation trained under the cold war times by the USSR and the USA. They are now well beyond what would typically be considered retirement age. While their professional training has been quite thorough, education of successive generations was next to nothing due to the break-down of government functions, including the educational system post-1990. This presents both a challenge and an opportunity. Illustrating the challenge, it is evident that the lack of leadership and command structures to pace progress within Somali MLE implies a certain level of complacency and arbitrariness in how maritime law enforcement units currently operate. Similar dynamics are seen within the custodial corps. There is, therefore, clearly an imminent need for well-educated middle and senior managers to take over command that needs to be addressed. The opportunity is to take part in shaping these future leaders who can serve as pacemakers for progress.

RECOMMENDATIONS	
Collective	Advocate for and support retirement schemes for Somali criminal justice officials.
Donor	Propose an age limit to trainees as part of earmarking of funds.
Implementer	Design long-term programmes aimed at educating middle-managers within both correction and MLE focusing on leadership skills.

10. Challenge: Lack of leadership and command structures

Insufficient donor coordination of programmes is the final challenges highlighted in this report. It is important to address as it is an obstacle to gaining multiplier effects from the investments made in criminal justice and maritime security endeavours in the region. This was highlighted by interview respondents in the corrections and MLE sector alike as well as by the CGPCS.⁵⁰⁵ Better coordination and clearer strategies based on thorough situational analysis and with realistic and measurable targets would help address this challenge.

RECOMMENDATIONS	
Collective	<p>In Somalia, support the Somali Maritime Security Coordination Committee to spearhead the implementation of donor activities under the SMRSS and its annexes.</p> <p>Continue and enhance deconfliction of maritime security endeavours (such as SHADE)</p>
Donor	<p>Ensure coordination in efforts supported with likeminded donors to avoid overlaps and rivalry between individual implementing agencies.</p>
Implementer	<p>Ensure that programmes are based on well-defined strategies that address gaps in current and planned project activities – including those delivered by other agencies. Programme delivery also needs to be clearly deconflicted between agencies.</p>

Annexes

A: Overview of Interviews for Section 1

INTERVIEWEE	FOCUS
ENACT	Drugs
Kenya Maritime Police	Drugs/Piracy/Terrorism
Shanzu Court	Drugs
Shimo la Tewa Prison	Drugs
Oceans Beyond Piracy	Piracy/Terrorism
Secure Fisheries	IUU/Piracy
Regional Maritime Fusion and Coordination Centre – Madagascar	Drugs/IUU
WFP	Maritime Crime in Somalia
EUCAP Somalia Brussels	Maritime Law Enforcement Somalia
EUCAP Somalia Garowe	Maritime Law Enforcement Somalia
UNSOM Mogadishu	Maritime Law Enforcement
UNHCR	TiP/SoM
SEMG	Weapons/Terrorism
Head of GMCP	Maritime Crime off the HoA
GMCP Programme Officer for the Indian Ocean	Drugs
Engineering Mentor + former hostage	Maritime Crime in Somalia
Engineering Mentor	Maritime Crime in Somalia
Law Enforcement Mentor 1	Maritime Crime in Somalia
MLE Officer Galmudug	Maritime Crime in Somalia
GMCP National Programme Officer Mogadishu	Maritime Crime in South Central Somalia
AFRICOM	Maritime Crime off the HoA
GMCP National Programme Officer Bosasso	Maritime Crime in Puntland
2 x Pirates Hargeisa	Piracy and connections
2 x Pirates Garowe	Piracy and connections
COPENHAGEN VALIDATION WORKSHOP PARTICIPANTS	
Alexander Meyer	Combined Maritime Forces
Jared Harlow	AFRICOM
Marco Hekkens	EUCAP Somalia
Jessica Larsen	Danish Institute for International Studies
Joanna Wright	Independent Expert
Ahmed Ali Dahir	Attorney General of Somalia (prevented from attending due to illness)
Simon Church	EUNAVFOR
Stig Jarle Hansen	Norwegian University of Life Sciences

B: Inshore and Offshore Fisheries in Somalia – An Overview

It is important, when looking at fisheries and IUU in context of Somalia, to distinguish between *Offshore* and *Inshore*. In 2016, a review of the Somali fisheries law assigned the Federal Government exclusive right to issue licences in the zone stretching from 24-200 NM – that is *Offshore Fisheries*.⁵⁰⁶ This is primarily tuna species, which are very valuable and migratory and, in effect, an important source of revenue in many WIO States which is carefully regulated by the Indian Ocean Tuna Commission. The extent to which foreign fishing vessels engage in IUU within Offshore Fisheries in Somalia seems to be very limited if looking at MDA data. Since the migration path of tuna is around the 200 NM limit of the EEZ, tuna purse seiners and long liners often ‘fish the line’ in the border zone, perhaps periodically clipping the Somali EEZ.⁵⁰⁷ There may also be ‘dark vessels’ that switch off position transmitters to intentionally fish within the Somali EEZ, but there is not much evidence of this.

Inshore Fisheries refers to fishing within 24 NM, a zone reserved for coastal fishermen.⁵⁰⁸ There are many Yemeni fishers, and Iranian fishing dhows operating within this zone.⁵⁰⁹ The main problem related to Inshore Fishing is, however, bottom trawling which is a banned method of fishing in Somalia. Crustaceans such as lobster and crayfish that are bottom feeders are essentially scraped off the ocean floor, destroying marine life.⁵¹⁰ Trawlers operate very close to shore, mainly at night with bright lights, in plain sight of coastal communities. This blatant destruction of the livelihoods of coastal communities causes much resentment towards foreign fishing vessels and also generally towards the international community, which seemingly does nothing to stop it. It is, however, not as simple as that. There is generally a lack of clarity as to who has authority to issue Inshore Fishing licences in the Regions and foreign fishing vessels operating in Somalia, for the most part, seem to have some degree of onshore sanction to do so – either having purchased a “licence” or having flagged to Somalia. The persistent confusion about the legitimacy of licences is readily exploited by individuals, including government officials, seeking to make personal profit. As an interviewee points out, there have been incidents of licences sold in Puntland, supposedly authorising a vessel to undertake fishing activity in Jubbaland. Some progress has, however, been made in 2018 with regard to Offshore Fisheries licensing from 24 NM.⁵¹¹

C: Results Frameworks

Support to Hargeisa and Garowe Prisons

Engagement	Building rule of law institutions in Somalia
Objective	To strengthen Somali agencies promoting the rule of law focused on prisons and justice.
Outcome A.2.1.	<p>Puntland and Somaliland Prisons are staffed and managed in line with minimum international norms and standards (SMRs).</p> <p><u>Indicator:</u> Correctional facilities are managed to ensure that sentences are carried out in accordance with court ruling requirements.</p>
Output A.2.1.1.	<p>Development and training provided (including in prisoner handling, human rights standards, security, prison management, human resources, and maintenance) to Somaliland Custodial Corps.</p> <p><u>Activity:</u> Develop and deliver mentoring and training schemes for Prison staff.</p> <p><u>Indicator:</u> A target of 250 prison officials have been trained in proper techniques for care of prisoners in Puntland and Somaliland, respectively.</p>
Output A.2.1.2	<p>Support including education and vocational programmes, prison engineering, oversight, inspection and support mechanisms, information management, and medical support is provided to ensure the effective operation of Garowe Prison.</p> <p><u>Activity:</u> UNODC Prison experts engaged to support the operation of Garowe Prison and equipment procured.</p> <p><u>Indicator:</u> Equipment, welfare, consumables, and training provided in Garowe Prison.</p>
Output A.2.1.3.	<p>Support including education and vocational programmes, prison engineering, oversight, inspection and support mechanisms, information management, and medical support is provided in selected Somaliland Prisons.</p> <p><u>Activity:</u> UNODC Prison experts engaged to support the operation of selected Somaliland prisons and equipment procured.</p> <p><u>Indicator:</u> Equipment, welfare, consumables, and training provided in Somaliland.</p>
Output A.2.1.4.	<p>Rehabilitation and reintegration of Violent Extremist Offender programmes are delivered in targeted prisons in Somalia.</p> <p><u>Indicator:</u> Religious and/or psychological counselling, vocational training, and pre- and post-release assistance is provided to selected prisoners in a safe, secure, and well-operated custodial setting.</p>

Support to Somali Maritime Law Enforcement Authorities

Objective	<p>The Somali operations addressing maritime crime are in line with international standards.</p> <p><u>Baseline:</u> Somalia currently lacks capacity to independently deter, arrest, adjudicate and subsequently detain suspects of maritime crime in line with international standards.</p> <p><u>Target:</u> Somalia has the capacity to deter, arrest, prosecute, and subsequently detain suspects of maritime crime in line with due process guarantees and set international standards.</p> <p><u>Indicator:</u> Somali MLE authorities patrol and control their sea and shore, including deterring, arresting, prosecuting, and detaining in line with international standards (the basic principles on the use of force and firearms and the code of conduct for law enforcement officials).</p>
Outcome 3	<p>Somali MLE personnel is applying newly learnt LE techniques and using the equipment and infrastructure improvements to effectively patrol the 12-NM Somali sea territory.</p> <p><u>Baseline:</u> Virtually no operational capacity.</p> <p><u>Target:</u> Initial operational capability (IOC) in line with pre-defined TEPIDOILS</p> <p><u>Indicator:</u> Puntland, Somaliland, (Galmudug), and South Central authorities have the knowledge, infrastructure, and equipment necessary to carry out basic MLE operations.</p>
Output 3.1	<p>Equipment provided to Somali maritime law enforcement authorities in Mogadishu</p> <p><u>Baseline:</u> No equipment available for Mogadishu MLE.</p> <p><u>Target:</u> MLE Mogadishu equipped to operate on IOC level.</p> <p><u>Indicator:</u> Equipment and infrastructure in place to make the MLE operational.</p>
Output 3.2	<p>Training/mentoring to Somali maritime law enforcement authorities in Mogadishu provided.</p> <p><u>Baseline:</u> 0 attended training.</p> <p><u>Target:</u> 30 attending training and being closely mentored by UNODC mentors.</p> <p><u>Indicator:</u> Number of MLE authorities attending the training, disaggregated by gender.</p>
Output 3.5	<p>Bosasso Police HQ is constructed and relevant equipment delivered to Puntland maritime law enforcement authorities.</p> <p><u>Baseline:</u> No equipment (and infrastructure).</p> <p><u>Target:</u> Fully equipped and operational.</p> <p><u>Indicator:</u> Equipment (and infrastructure) in place to make the MLE operational.</p>

Output 3.6	<p>Training/mentoring to Puntland maritime law enforcement authorities provided.</p> <p><u>Baseline:</u> 0 attended training.</p> <p><u>Target:</u> 30 attended training and are mentored by UNODC mentor.</p> <p><u>Indicator:</u> Number of MLE authorities attending the training, disaggregated by gender.</p>
Output 3.7	<p>Equipment to Somaliland maritime law enforcement authorities provided.</p> <p><u>Baseline:</u> Not fully equipped MLE team.</p> <p><u>Target:</u> MLE team fully equipped.</p> <p><u>Indicator:</u> Equipment provided to make Somaliland MLE team operational.</p>
Output 3.8	<p>Training/mentoring to Somaliland maritime law enforcement authorities provided.</p> <p><u>Baseline:</u> 0 attended training.</p> <p><u>Target:</u> 30 attended training and are mentored by UNODC mentor.</p> <p><u>Indicator:</u> Number of MLE authorities attending the training, disaggregated by gender.</p>

E: Admission Sheet for Deceased Piracy Prisoner to Hargeisa Hospital

Hargeisa Group Hospital
Emergency Admission Sheet

Personal Data

Name Cabdi Cali Siciid Age 30 Sex male

Resident _____ blood group _____ Date 9/11/2018

Vital Signs

BP: 120/80 PR 54 RR _____ Temp _____ O₂ sat: 77 Blood Sugar _____ FBS/RBS _____

AVPU scale (only coma patients): _____

History

Physical Examination

Lab Investigations

Diagnosis

Known case of T.B.

Management Plan

Amoxicillin
Azithromycin

Notes

- 1 See Katja Lindskov Jacobsen & Mark Winther. 'Store Masker i Små Net: Danske Bidrag til International Maritim Kriminalitetsbekæmpelse'. København: Center for Militære Studier, 2018.
- 2 See annex A for overview of interviews conducted.
- 3 Obtained from a broad range of sources, including CMF, EUNAVFOR, BIMCO, INTERTANKO, NGOs, the CGPCS, and UN agencies – including the Security Council and the Somalia and Eritrea Monitoring Group (SEMG).
- 4 For example: from SafeSeas, the Stimson Center, DIIS, CMS, RUSI, and Chatham House.
- 5 An example of this are narratives surrounding IUU fishing in Somali communities. Another example are political factors which are not visible in statistical data, but nonetheless can have powerful influence on whether and to what degree a given issue is addressed (for example, the influence of powerful political elites on the number of drug seizures).
- 6 OECD-DAC. 'Principles for Evaluation of Development Assistance'. Paris. OECD, 1991. p. 5.
- 7 With reference to Participatory Evaluation, Livingston Armytage acknowledges that, "while this model directly conflicts with positivistic notions of objectivity, detachment and impartiality, it has received much endorsement", especially among scholars who find that classic notions of neutrality cannot be achieved. See Livingston Armytage, 'Evaluating Aid: An Adolescent Domain of Practice'. *Evaluation*, Vol. 17, no. 3 (2011): pp. 272-273.
- 8 OECD-DAC. 'Glossary of Key Terms in Evaluation and Results Based Management'. Paris: OECD/DAC Working Party on Aid Evaluation, 2002. p. 28.
- 9 See annex C.
- 10 Peer Respondents involve both organisations whose work relates very closely to that of UNOCD and organisations that work in slightly different areas, but whose perspectives are nonetheless valuable. They were asked for their views on past and current conditions in places supported through the Programme as well as how GMCP may have influenced change – with an explicit request for critical views.
- 11 Interview O.
- 12 James Smith et al. 'Letter Dated 2 November 2017 from the Chair of the Security Council Committee Pursuant to Resolutions 751 (1992) and 1907 (2009) Concerning Somalia and Eritrea Addressed to the President of the Security Council'. Monitoring Group on Somalia and Eritrea, November 2017. p. 6

- 13 Smith et al., 2017: p. 6: "Laboratory analysis of the blast revealed traces of potassium nitrate, suggesting that Al-Shabaab may have begun to manufacture home-made explosives."
- 14 France Liaison Officer. '2017 Annual Report', RMIFC, 2018.
- 15 France Liaison Officer, 2018: p. 4.
- 16 These interventions were possible because the Transitional Federal Government (TFG) of Somalia was open to receiving assistance in tackling the problem and because the UN Security Council resolutions provided a mandate for international actors to assume certain enforcement and prosecution functions on behalf of the TFG.
- 17 Application of Best Management Practices (guidelines developed for ships transiting through the High-Risk Area) was very effective in obstructing attempted hijackings.
- 18 Regional states had a strong interest in engaging in efforts to suppress piracy, as the problem negatively affected the blue economy in states like Kenya and Seychelles.
- 19 The Djibouti Code of Conduct (DCoC) is an initiative of the International Maritime Organisation originally to align regional efforts to counter piracy. The Jeddah Amendment widened the remit of the DCoC to include other maritime security threats. DCoC. 'The Djibouti Code of Conduct'. International Maritime Organization, 2015.
- 20 Maisie Piggeon et al. 'The State of Maritime Piracy 2017 Report', Oceans Beyond Piracy, 2018.
- 21 Interview A.
- 22 Interviews: B; C; A.
- 23 France Liaison Officer, 2018: p. 7.
- 24 France Liaison Officer, 2018; Interview: D.
- 25 Interview: D.
- 26 CMS Validation Workshop, Copenhagen, May 2018: Stig Jarle Hansen: Afweyne is in prison in Belgium, Garad is believed to have been killed, and Boyah was briefly imprisoned in Bosasso after which he is said to have 'retired' from piracy.
- 27 Interview: B.
- 28 Interview: F.
- 29 Interviews: D; G; B; H.
- 30 Interview: G; I.
- 31 'The Lobster', also known as Malable (honey man) Interview: I.
- 32 Interview: I: This PAG was behind the attack in February 2018.

- 33 According to Interviewee H, there are indications that the Garfange Group may have split into two separate groups due to a disagreement on how to handle a group of Iranian hostages.
- 34 Interview: G: Despite having been arrested many times, it always ends with the release of Garfange.
- 35 Also known as poly-criminals.
- 36 This attack resulted in the transfer of six suspects to Seychelles for prosecution.
- 37 Interview: J.
- 38 Interview: F; B; G.
- 39 Interview: G: conversations with suspects indicate they are simply fishermen who saw an opportunity to try to take a ship but weren't very good at it.
- 40 Interviewees stressed the need to distinguish between pirates and Al-Shabaab; the motive that drive pirate activity is the prospect of financial gain, which is different from Al-Shabaab's focus on ideological objectives.
- 41 Interviews: H; G.
- 42 Magnus Gjelsvik et al. 'Ex-Pirates in Somalia: Disengagement Processes and Reintegration Programming'. University of Tromsø: Centre for Peace Studies, 2012. p. 5.
- 43 The unanimous conclusion from four interviews with convicted pirates as well as an interview with UNODC Bosasso.
- 44 Peter Bauman and Sarah Hanssen. 'Strategic Review of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia'. Contact Group on Piracy off the Coast of Somalia, 2016. p. 16.
- 45 Interview: Piracy Prisoner no. 1.
- 46 Gjelsvik et al., 2012: p. 7.
- 47 Thanks to an anonymous reviewer for highlighting this.
- 48 Interview: Piracy Prisoner no. 3.
- 49 Gjelsvik et al., 2012: p. 7
- 50 Interview: Piracy Prisoner no. 2.
- 51 Interview: Piracy Prisoner no. 1.
- 52 Interview: I.
- 53 CMS Validation Workshop, Copenhagen, May 2018.
- 54 SafeSeas. 'SafeSeas High-Level Symposium on Maritime Capacity Building'. Nairobi, 2018.

- 55 Bauman et al., 2016; France Liaison Officer, 2018; ICC International Maritime Bureau, 'Piracy and Armed Robbery Against Ships: Report for the Period of 1 January – 30 June 2018', London, United Kingdom: ICC International Maritime Bureau, July 2018.
- 56 Interviews: K; L; A; G.
- 57 There is anecdotal evidence that Issa Yuluh was involved in a major offensive against ISIL in Qandala, which may indicate willingness to support the Puntland Government and a wish to move into licit business. CMS Validation Workshop, Copenhagen, May 2018.
- 58 CMS Validation Workshop, Copenhagen, May 2018.
- 59 Jay Bahadur, *The Pirates of Somalia*, Pantheon Books, 2011.
- 60 Primarily to access Saudi Arabia and Europe.
- 61 France Liaison Officer, 2018: p. 40: The third largest migrant flow within the WIO region runs between Obock in Djibouti and Aden in Yemen.
- 62 Danish Refugee Council and Regional Mixed Migration Secretariat (RMMS) 'RMMS Annual Trends and Analysis Summary 2017, East Africa and Yemen', RMMS, February 2018.
- 63 Danish Refugee Council et al., 2018.
- 64 Interview: M; According to the Annual Report of the RMIFC in Madagascar: "Populations are either fleeing drought/lack of fish resources in Somalia or fleeing war and cholera in devastated Yemen." See France Liaison Officer, 2018: p. 15.
- 65 Deutsche Welle. 'IOM: Smugglers "Deliberately Drowned" Migrants near Yemen', 10 August 2017.
- 66 International Organization for Migration. 'Yemen 2018: Humanitarian Compendium', 7 September 2018.
- 67 Danish Refugee Council et al., 2018.
- 68 CMS Validation Workshop, Copenhagen, May 2018.
- 69 Interview: M.
- 70 Interview: M.
- 71 Interview: I; N.
- 72 Danish Refugee Council et al., 2018. p. 2.
- 73 Interview: M.
- 74 According to interviewee M: "Survivors have provided UNHCR with accounts of being shot at, suffering regular beatings, rapes of adults and children, humiliation including being forcibly stripped, made to witness summary executions, as well as denial of food." UNHCR. 'Fleeing Horn of Africa, New Arrivals Find More Peril in Yemen', 17 April 2018. See also Human Rights Watch. 'Yemen's Torture Camps'. Human Rights Watch, 25 May 2014.

- 75 CMS Validation Workshop, Copenhagen, May 2018.
- 76 CMS Validation Workshop, Copenhagen, May 2018.
- 77 Interview: M; see also Deutsche Welle, 2017: "Smugglers forced more than 120 migrants from Ethiopia and Somalia – most of them teenagers – off a boat near the coast of Yemen on Wednesday, the International Organization for Migration announced in a statement."
- 78 France Liaison Officer, 2018, p. 38: "On 9 February, passengers on a migrant ship bound for Yemen were once again forced by smugglers to go overboard a few hundred yards away from the Yemeni shores. 25 people have been missing since."
- 79 According to statements made at SHADE, CMF will, for example, not include TiPSoM (and IUU) in their mandate.
- 80 Obligations derived from the International Convention for the Safety of Life at Sea.
- 81 EUNAVFOR: CMS Validation Workshop, Copenhagen, May 2018.
- 82 For example, on 6 June 2018, IOM reported to have provided assistance to traumatised survivors of a capsized boat in Yemen. 46 migrants had drowned in the incident and 16 were missing, presumed dead. See International Organization for Migration, 'IOM Saddened as Nearly 50 Migrants Drown on Yemen's Shores, Others Still missing', 6 June 2018.
- 83 Interview: H.
- 84 CMS Validation Workshop, Copenhagen, May 2018.
- 85 CMS Validation Workshop, Copenhagen, May 2018.
- 86 International Organization for Migration. 'Yemen 2018: (...)', 2018.
- 87 Danish Refugee Council, 2018.
- 88 Peter Tinti, 'Migrant Smuggling Paths from the Horn of Africa to Yemen and Saudi Arabia'. Institute for Security Studies, November 2017; France Liaison Officer, 2018; Estimates by UNODC in Bosasso set the price lower. As smugglers are now using bigger skiffs, which are faster and can carry more than 130 people, they have lowered prices to USD 80-100 for Ethiopian migrants, which is paid in addition to the USD 250 for the journey from Wajaale at the Ethiopian border. Somalis pay USD 30-50 and prices range according to kinship as those with family connections get better deals. This is corroborated by the DRC who report that: "Somali migrants reported paying significantly less than their Ethiopian counterparts, paying between USD 100 to USD 250 for part or all of their journey." Danish Refugee Council, 2018, p. 2.
- 89 CMS Validation Workshop, Copenhagen, May 2018.
- 90 CMS Validation Workshop, Copenhagen, May 2018.
- 91 Interview: M.

- 92 Interview: H.
- 93 Smuggling boats do not leave from Bosasso per se, but from areas within the jurisdiction of Bosasso: Interview, UNODC Bosasso.
- 94 Interview: H.
- 95 This practice has frequently been seen by GMCP Mentors in Garowe and Hargeisa Prisons.
- 96 Interviews: E; O; D; G.
- 97 May Channing, 'Transnational Crime and the Developing World'. Global Financial Integrity, March 2017. Also, sources in Kenya pointed to a case where a consignment of AK47s were tied up in a sack and other interviewees similarly referred to the prevalence of small arms in Somalia – not only in the hands of criminals but as a broader challenge.
- 98 Curtis Bell and Ben Lawellin. 'Stable Seas - Somali Waters'. One Earth Future, 2017. p. 20.
- 99 Interview: G.
- 100 Conflict Armament Research. 'Maritime Interdictions of Weapon Supplies to Somalia and Yemen'. Conflict Armament Research, November 2016: p. 4.
- 101 Interview: P.
- 102 Conflict Armament Research, 2016: p. 4.
- 103 CMS Validation Workshop, Copenhagen, May 2018: The Puntland Government reports of an increase in Iranian dhows transporting weapons to Puntland.
- 104 CMS Validation Workshop, Copenhagen, 2018.
- 105 Interview: G.
- 106 Smith et al., 2017: §103.
- 107 Interview: G; Stig Jarle Hansen at CMS Validation Workshop, Copenhagen, May 2018.
- 108 CMS Validation Workshop, Copenhagen, May 2018.
- 109 UNSC. 'Resolution 2244 (2015)'. United Nations Security Council, October 2015
- 110 Bell and Lawellin, 2017: pp. 20-21.
- 111 Interview: P.
- 112 Interview: Q; Bell and Lawellin, 2017: pp. 20-21.
- 113 Bell and Lawellin, 2017: p. 21.
- 114 Smith et al., 2017: §115.

- 115 Including "AK47 assault rifles, machine guns and anti-tank weapons", Combined Maritime Forces. 'French Ship Provence Seizes Large Weapons Cache', 28 March 2016.
- 116 SafeSeas, 2018.
- 117 Bell and Lawellin, 2017: p. 21.
- 118 Smith et al., 2017: §109: "The Police Force identified two individuals on board the skiff as Dhofaye and Buruj Farah, but stated that they had evaded capture by Puntland forces."
- 119 Somalia and Eritrea Monitoring Group, Presentation at Maritime Security Conference, Copenhagen, 2 May 2018 (hosted by the Danish Ministry for Foreign Affairs, CMS and Danish Shipping).
- 120 Somalia and Eritrea Monitoring Group, 2018.
- 121 CMS Validation Workshop, Copenhagen, May 2018.
- 122 Conflict Armament Research, 2016: p. 5.
- 123 Conflict Armament Research, 2016: p. 13.
- 124 Interview: R; Notion that weapons are concealed in fishing dhows was echoed at Workshop in Copenhagen. May 2018.
- 125 Smith et al., 2017: §84.
- 126 A term coined by Ole Wæver in 1995 and connected to the "Copenhagen School."
- 127 Interview: O.
- 128 Interview: G.
- 129 Bell and Lawellin, 2017.
- 130 Bell and Lawellin, 2017.
- 131 Combined Maritime Forces, 2016.
- 132 CMS Validation Workshop, Copenhagen, May 2018.
- 133 CMS Validation Workshop, Copenhagen, May 2018.
- 134 CMS Validation Workshop, Copenhagen, May 2018: Stig Jarle Hansen.
- 135 It is important in a Somali context to note that the legislative framework surrounding fisheries is incomplete.
- 136 There is, nonetheless, considerable convergence amongst different sources that illegal fishing in Somali waters declined in the heyday of piracy. This was not simply due to the risk of piracy attacks. According to Interviewee R, the decline also coincided with the adoption of new strong measures by the EU to ban entry of IUU fish to Europe. It is very difficult to disaggregate the exact impact of either in the decline of IUU in Somalia. Much of Secure Fisheries' information comes from word of mouth, as they do not monitor the EEZ.

137 Stimson defines IUU as follows in *Casting a Wider Net*:

ILLEGAL FISHING: Refers to fishing activities by a national or foreign vessel in the waters of a country, or by flag-state vessels that are party to a Regional Fisheries Management Organization (RFMO), in contravention of conservation and management measures;

UNREPORTED FISHING: Refers to fishing activities that have either not been reported or have been misreported to authorities. Unreported fishing is not only fraudulent, but also undermines fisheries management by skewing the accuracy of fish stock assessments upon which regulations are based;

UNREGULATED FISHING: Refers to fishing activities in areas without fisheries management or conservation measures, including the high seas and areas not managed by a RFMO. Fishing vessels without nationality or vessels of a country not party to a RFMO are also considered to be participating in unregulated fishing. See Amanda Shaver and Sally Yozell. 'Casting a Wider Net'. The Stimson Center, January 2018. .

138 Shaver and Yozell, 2018.

139 Safeseas, 2018.

140 Interview: S.

141 Shaver and Yozell, 2018.

142 As such, there are no clear legal provisions in place that define IUU offences. It is therefore questionable whether one can even talk of Illegal fishing in Somalia. Strictly speaking, it would therefore be more correct to refer to Unregulated and Unreported fishing.

143 Smith et al., 2017: §86.

144 France Liaison Officer, 2018: p. 15.

145 France Liaison Officer, 2018: p. 20.

146 FAO. 'Agreement on Port State Measures (PSMA)', 2018

147 Examples of such platforms are the US Navy's SeaVision, PEW's Eyes on the Sea, and Google's Global Fishing Watch.

148 UNODC GMCP has, for example, obtained images for interdiction through EU's Copernicus project: UNODC GMCP Video.

149 For example, Vulcan Inc.'s SkyLight.

150 Also called the "full force of the law" approach, UNODC. 'Outcome of the 2nd International Symposium on Fisheries Crime, 10-11 October 2016'. UNODC, 17 May 2017.

151 See Fish-i-Africa. 'Fish-i-Africa', 2018.

152 Cathy Haenlein. 'Below the Surface'. Royal United Services Institute for Defence and Security Studies, July 2017: "There is also evidence that much of today's IUU fishing activity takes place on an organised, systematic scale across multiple jurisdictions."

- 153 Shaver and Yozell, 2018.
- 154 For example, the Greko Case: see Fish-i-Africa, 2018.
- 155 Term used by Fish-i-Africa.
- 156 See annex B for distinction between Inshore and Offshore Fisheries in Somalia.
- 157 France Liaison Officer, 2018: p. 21.
- 158 Haenlein, 2017: Recommendation 1: "Recognise large-scale IUU fishing as transnational organised crime."
- 159 For more information, see fishcrime.com.
- 160 Interview: P.
- 161 Interviews: F; P; A; Joana Wright, 'Drug Trafficking Routes Proliferate through Indian Ocean'. Jane's Intelligence Review, 2017.
- 162 UNODC. 'Afghanistan Opium Survey, November 2017'. UNODC, 2017: p. 8.
- 163 Combined Maritime Forces, 'Two Seizures in Two Days For HMAS Warramunga, 25 May, 2018.
- 164 CMS Validation Workshop, Copenhagen, May 2018.
- 165 These are images depicting, for example, a crescent moon or a tree.
- 166 CMF at Maritime Security Conference, Copenhagen, 2 May 2018 (hosted by the Danish Ministry of Foreign Affairs, CMS and Danish Shipping).
- 167 Interview: P: The Global Initiative (GI) also documents how 'chemical signatures of drugs' point back to this area of origin; Joana Wright, 'Drug Trafficking on the Southern Route', Southern Route Partnership Conference Paper, November 2017: p. 2.
- 168 Such information can provide additional grounds for prosecution to the charge of narcotics smuggling, although the science is not yet strong enough to independently be accepted as evidence in court. Interview: P.
- 169 Simone Haysom, Peter Gastrow, and Mark Shaw. 'Tackling Heroin Trafficking on the East Africa Coast'. ENACT Policy Brief Issue, June 2018: p. 3.
- 170 Chart credits to Joana Wright.
- 171 CMS Validation Workshop, Copenhagen, May 2018; Wright, 2017: p. 3.
- 172 Safeseas High-Level Symposium on Capacity Building for Maritime Security, Nairobi, March 2018 <http://www.safeseas.net/symposium/>.
- 173 Interviews P; F.
- 174 Interview: A; Joana Wright, Drug trafficking routes proliferate through Indian Ocean, 2017: p. 4.
- 175 These are also used for many other kinds of illicit activity, including IUU and weapons smuggling.

- 176 Notably, drugs are not directly shipped in containers from the Makran Coast because containers that depart from this region are classified as high-risk in Europe and subject to strict inspections. Drugs therefore need to pass through less conspicuous ports before being containerised – Interview: P.
- 177 Information about volumes of narcotics trafficked in container ships is scarce as boardings are rare. See France Liaison Officer, 2018: p. 29.
- 178 Automatic Identification System (AIS) and Vessel Monitoring System (VMS).
- 179 CMS Validation Workshop, Copenhagen, May 2018. ENACT similarly report that: “After anchoring 20 km to 100 km off the African coast in international waters, flotillas of small boats collect the drug consignments from the dhows and ferry them to various beaches, coves or islands, or offload them into small commercial harbours.” Haysom et al., 2018: p. 7.
- 180 There is suspicion that the hotel industry is involved in drug trade. Big hotels have powerful boats that are used for deep-water fishing and other tourist activities. These can go further out to sea than the vessels of the maritime police and it is suspected that they meet drug traffickers at sea to receive drug consignments. Tourists may be completely unaware of this activity. There is a reluctance to inspect these vessels. The reason for this is twofold; fear of deterring tourists from coming to Lamu; and the notion that hotels tend to accuse the maritime police of harassing tourists when they have previously made inspections, which resulted in officers being transferred to other locations. Interview: T.
- 181 According to Interviewee F, maritime drug flows into Tanzania are now assessed to be down to zero because of police efforts. This view was contested at the CMS Validation Workshop held in Copenhagen in May 2018 where the view was that the trade had likely shifted form. Drugs still seem to be containerised in Tanzania where port security is lax, especially in Zanzibar. These may also be landed in Mozambique and come into Tanzania in small boats or across land to feed the old trafficking routes.
- 182 Haysom et al., 2018, p. 12: “There is no verified figure as to how much heroin enters Mozambique this way. However, several people observing the trade along the east coast believe that the amount of heroin entering Mozambique has increased lately as a result of CMF seizures in the waters near Kenya and Tanzania, and the crackdown in Tanzania.”
- 183 Council of the European Union. ‘15457/12’. Brussels: Council of the European Union, 29 October 2012.
- 184 Haysom et al., 2018: pp. 24-25.
- 185 Interview: F; Haysom et al., 2018: p. 30.
- 186 AllAfrica. ‘Mozambique: Tanzanian Jihadists Will Be Tried in Mozambique’, 28 March 2018
- 187 Globalnyt. ‘Militante Islamister Slår Igen Til i Mozambique’, 5 June 2018.
- 188 Haysom et al., 2018: p.12

- 189 Gregory Pirio, Robert Pittelli, and Adam Yussuf. 'The Emergence of Violent Extremism in Northern Mozambique'. Africa Center for Strategic Studies, March 2018.
- 190 Interview: F.
- 191 According to Salvador Forquilha, João Pereira/Joseph Hanlon – Open University, Milton Keynes. AIM, O Pais, BBC, Club of Mozambique (in Globalnyt, 2018), 50 people were killed during a Government attack on the town of Mitumbate in December 2017 and more the 300 individuals have been arrested in response to attacks on civilians by militant Islamists.
- 192 Interview: P: Another suspicion is that the Kenyan horticulture industry facilitates smuggling of heroin. Flowers such as carnations and roses grown in Naivasha are put into freezer containers and shipped on cargo flights to markets in Europe before they fade. There is very little checking being done on these containers.
- 193 Interview: U: Traffickers break into containers and place drugs along with a forged seal. At the receiving end, other criminals enter the container, remove the drugs and shut container using the forged seal. This is known as the 'rip on, rip off' technique, and can be done in 5 min. at either end.
- 194 Recounted in sidelines of ENACT Expert Group Meeting, Nairobi, November 2017.
- 195 Joana Wright, 'Analysis of Maritime Security Threats in the BAM'. UNODC, 2018 (not publicly available).
- 196 The views offered in interviews conducted for this report are contradicted in a report by ENACT which finds that "sites in or near Ras Afun, Eyl, Obbia, El Maan, Brava, Bosaso, Kismayo, Gobwen, Cape Guardafui, Garowe and Barawa are used to offload heroin shipments. Kismayo is a major point for consolidation, and then onward shipment, by road and boat, to Kenya, often together with other contraband goods that are traded between the two countries." This black-market trade is allegedly controlled by the Kenya Defence Forces and Somali allies, who tax the goods. Haysom et al., 2018: p. 8.
- 197 Interview: B.
- 198 Interview: G: Echoes statements made in other interviews reasoning that there is simply no reason for drugs smuggling networks to take the added risks of smuggling through Somalia when far simpler options are available further down the coast. The number of security actors operating on the route by which drugs would travel are many and each would pose an obstacle – from Al-Shabaab to AMISOM to other local armed forces.
- 199 Haysom et al., 2018: p. 7: "Perhaps one of the most striking conclusions of this study is the degree to which illicit and grey economies have been a source of party-political funding in the various countries that are involved in the coastal criminal economy."
- 200 Interview: V.

- 201 Safeseas, 2018.
- 202 Safeseas, 2018.
- 203 Smith et al., 2017: p. 6.
- 204 Smith et al., 2017: §35: "Investigations suggest that the Al-Shabaab attack had been mounted to defeat the ISIL-aligned faction led by Mu'min in the Bari Region."
- 205 Smith et al., 2017: §33. "On 13 March 2016, an Al-Shabaab unit, the Khalid ibn al-Walid brigade, consisting of between 350 and 400 fighters, conducted an amphibious incursion into Puntland. Departing from Harardhere district aboard five dhows, the fighters went ashore at two points on the Puntland coast, near the towns of Garacad and Garmaal."
- 206 Smith et al., 2017: §37.
- 207 France Liaison Officer, 2018: p. 43.
- 208 Interview: T. Interviewee W talked of a decline in terrorist offenders from Somalia in Shimo la Tewa prison in Kenya since 2016, saying also that Somalia has become more stable. Along similar lines, they noted that "locally-bred" terrorism has declined as local communities, to a much lesser extent, condone offenders now that they have felt the implications of terrorist attacks on a personal level.
- 209 Smith et al., 2017: p. 14.
- 210 Interview: G.
- 211 Interview: G; Smith et al., 2017: pp. 15-16.
- 212 Interview: G.
- 213 UNSC. 'Yemen Monitoring Group Report, 2018'. United Nations Security Council, 2018.
- 214 Risk Intelligence, closed workshop, May 2018.
- 215 Maritime Asset Security and Training. 'Maritime Intelligence Report Series', Thremhall Park, UK: MAST 13 December 2017: p. 6.
- 216 Interview: D.
- 217 Two incidents on 6 January 2018, approx. 45 NM off the port of Al Hudaydah, Yemen involved suspicious approaches towards two merchant ships by two speed boats carrying armed personnel, and one unmanned boat. After the merchant ships took evasive action, the speed boats broke off their approach. The speed boats subsequently approached a tanker under escort and the escort vessel engaged the speed boats and destroyed the unmanned vessel. International Maritime Organization. 'Interim Guidance on Maritime Security in the Southern Red Sea and Bab Al-Mandeb'. International Maritime Organization, 2018: p. 3.
- 218 Maritime Security Conference, Copenhagen, 2 May 2018 (hosted by Danish Ministry of Foreign Affairs, CMS and Danish Shipping).

- 219 Combined Maritime Forces, and EUNAVFOR. "Industry Releasable Threat Bulletin" by CMF and EUNAVFOR (Not Publicly Available). Combined Maritime Forces, December 2017.
- 220 Maritime Asset Security and Training, 2017: p. 6.
- 221 As noted by the UN Panel of Experts on Yemen: "The Houthis have also deployed improvised sea mines in the Red Sea, which represent a hazard for commercial shipping and sea lines of communication that could remain for as long as 6 to 10 years, threatening imports to Yemen and access for humanitarian assistance through the Red Sea ports." Ahmed Himmiche et al. 'Panel of Experts on Yemen, Letter to the President of the Security Council (S/2018/68)'. UN, January 2018: p. 2.
- 222 CMS Validation Workshop, Copenhagen, May 2018: Having hit two ships from the same company and restricting damage to Saudi ships, it seems targeting techniques are sophisticated.
- 223 CMF and EUNAVFOR, 2017.
- 224 Reuters. 'U.N. Aid Boat Attacked off Yemen: Port Authority', 4 June 2018.
- 225 CMS Validation Workshop, Copenhagen, May 2018: Reference was made to a speech by Houthi leader.
- 226 Interview: D.
- 227 Maritime Asset Security and Training, 2017: p 6
- 228 CMS Validation Workshop, Copenhagen, May 2018.
- 229 CMS Validation Workshop, Copenhagen, May 2018.
- 230 According to the France Liaison Officer, 2018: p. 46, there are clear links between the different types of maritime crime that the Centre reports on, for example, between IUU, piracy, and smuggling.
- 231 See Jacobsen & Winther, 2018; Haysom et al., 2018.
- 232 Interview: L; A; F.
- 233 Interview: S.
- 234 Indeed, a number of interviews stressed that revenue generated from piracy has been invested in weapons smuggling businesses, which supply terrorist organisations including AS/ISIL in Somalia, for example, B; S; H.
- 235 Interview: S.
- 236 Interview: G.
- 237 Video UNODC, 'The Horn of Africa Programme', July 15, 2017: 5:50-6:56
- 238 Interview: H.
- 239 Interview: G.
- 240 Point made at the CMS Validation Workshop in Copenhagen, May 2018.

- 241 Stig Jarle Hansen: There has been indications that Aragoste 'Lobster' Kingpin is said to be involved in the heroin trade. CMS Validation Workshop, Copenhagen, May 2018.
- 242 Jacob Rasmussen, 'Sweet Secrets: Sugar Smuggling and State Formation in the Kenya– Somalia Borderlands'. DIIS WORKING PAPER. Danish Institute for International Studies, 2017: p. 8.
- 243 Smith et al. 2017: p. 7: "A conservative estimate suggests that Al-Shabaab receives at least USD 10 million each year from the illicit charcoal trade."
- 244 UNSC. 'Resolution 2385', November 2017, §26-31.
- 245 Interview: J.
- 246 CMS Validation Workshop, Copenhagen, May 2018.
- 247 UNSC, 2017, §31.
- 248 Interview: G; Smith et al., 2017: p. 14.
- 249 Combined Maritime Forces. 'CMF Seizes 132KGS of Heroin in the Arabian Sea', 9 March 2018.
- 250 Interview: L.
- 251 CMF and EUNAVFOR, 2017.
- 252 France Liaison Officer, 2018.
- 253 CMS Validation Workshop, Copenhagen, May, 2018: EUNAVFOR.
- 254 Interviews: G; B.
- 255 While smugglers that transport heroin along the Southern Route into Eastern Africa may use similar Iranian dhows to weapons and/or people smugglers, this does not prove that there is a link between the forms of criminality. Interview: P.
- 256 While a skipper may use the same dhow to smuggle weapons and drugs, this does not necessarily mean that there is a connection between the crimes or networks behind them. It may rather be an indication that the criminal networks use the same 'postal service' (the dhow skipper). Interview: P.
- 257 Interview: P.
- 258 Interview: P.
- 259 Bethan McKernan, 'Number of Drug Addicts in Iran "Doubles" in Six Years'. The Independent, 26 June 2017.
- 260 Haysom et al.: p. 13.
- 261 For example, through the Law Enforcement Task Force, which is a group made up of UNODC, INTERPOL, and EUNAVFOR as well representation by seven states which work to maintain focus on the need to prosecute a list of 11 individuals who were involved in piracy.
- 262 I.e. under PSP2.

- 263 As both projects subject to this evaluation have run prior to the time frame in focus and will continue to run beyond 2018, we are not looking at finite projects. This can therefore also, to some degree, be seen as monitoring whether the programme is on the right track to reach its objective(s) and make recommendations for how the programme might improve.
- 264 The Mogadishu Prison and Court Complex, which was also supported under PSP2, has been withdrawn from the scope of the evaluation by agreement with the Royal Danish Embassy in Nairobi as the project is not complete and therefore not yet fit for impact evaluation.
- 265 See chapter one for details on methodology.
- 266 Seychelles, Kenya and Mauritius.
- 267 Figures from UNODC GMCP Nairobi.
- 268 The UN Standard Minimum Rules, also known as the Nelson Mandela Rules, describe the Standard Minimum Rules for the Treatment of Prisoners. The intention is to set out contemporary and generally accepted standards for the treatment of prisoners while acknowledging that deviations from the described standards may occur, as not all countries may be capable of applying all standards. The UN Standard Minimum Rules include standards for health-care services, how sanctions are carried out, and the management of prisoner complaints to mention a few. UNODC. 'United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) Adopted 17 Dec. 2015. A/RES/70/175'. UNODC, December 2015.
- 269 In addition, six piracy suspects transferred to Seychelles in November 2017 await trial. Kenya has, so far, not taken action to enter into prisoner transfer agreements to allow for transfers of convicted piracy prisoners and the 12 piracy suspects tried in Mauritius were acquitted and repatriated.
- 270 See annex D.
- 271 UNODC, 'United Nations Standard Minimum Rules (...)', 2015.
- 272 UNODC, 'United Nations Standard Minimum Rules (...)', 2015, Preliminary Observation 2 (§1): "In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations."
- 273 The SMRs were formulated to be flexible in order to fit different climatic and cultural contexts. With regard to the latter, this means that while certain factors such as having beds and privacy may be important for inmates in Country A, inmates in Country B may have very different needs. In Somalia, the norm is to sleep on mats on the floor rather than in beds. Also, with a strong oral tradition and need for community engagement, being placed in a private cell in Somalia would be perceived as punishment.

- 274 Cases of cholera were, for example, seen in 2013 in Mogadishu Central Prison as potable water sources were mixed with human waste.
- 275 Interview: Peer A.
- 276 Interview: Peer A.
- 277 Francesca Caonero, 'Report of the International Monitoring Committee for Hargeisa Prison', UNODC GMCP, 22 March 2018: p. 7 (not public available).
- 278 Francesca Caonero, 'Report of the International Monitoring Committee for Garowe Prison', UNODC GMCP, 21 March 2018: Recommendation no. 3 (not public available).
- 279 Caonero, 21 March 2018: p. 6.
- 280 Interview: Garowe A; C; D; Hargeisa C; D.
- 281 Interview: Hargeisa A; B; Corroborated in Report of the International Monitoring Committee for Hargeisa Prison by Francesca Caonero, 22 March 2018: p. 5: "As for the radical prisoners, Hargeisa prison houses around 50 of them and they are all kept together without being separated according to their risk." (not public available).
- 282 Interview Hargeisa B.
- 283 Caonero, 22 March 2018: p. 6.
- 284 Interview Hargeisa B.
- 285 Caonero, 22 March 2018: p. 6.
- 286 Bauman and Hanssen, 2016: p. 32.
- 287 Interview: Peer A makes a comparison to conditions for juveniles in other prisons in Somalia where conditions for juveniles are worse than in Hargeisa and Garowe. The juvenile section in Mogadishu Central Prison seems to hold only the ones that are clearly very young while others may be placed with adults. Conditions in Bosasso are also giving cause for concern as children are put in prison by their parents for misbehaving, which underlines the need for separate facilities for juveniles.
- 288 Caonero, 22 March: p. 5.
- 289 Caonero, 22 March: p. 8.
- 290 Caonero, 21 March 2018: Recommendation no. 4.
- 291 Caonero, 21 March 2018: p. 8.
- 292 Interview: Peer B; A.
- 293 Interview: Peer C.
- 294 Bauman and Hanssen, 2016: p. 30.

- 295 According to the Report of the International Monitoring Committee for Garowe Prison, 21 March 2018: p. 5, national authorities stated that visits take place on Fridays and that each detainee is allowed up to four visitors for up to 30 minutes per visit. With regard to Hargeisa “all inmates are allowed to receive visitors for about 10 minutes per person with a maximum of three visitors at a time”.
- 296 Interview: Peer A.
- 297 Caonero, 22 March 2018: p. 7.
- 298 Interview: Hargeisa D.
- 299 Caonero, 21 March 2018: p. 9.
- 300 Interview: Peer A.
- 301 Interview: Peer D.
- 302 Interview: Garowe D.
- 303 Caonero, 21 March 2018: pp. 6-7.
- 304 Caonero, 22 March 2018: Recommendation no. 5.
- 305 Interview: Peer B; A.
- 306 Caonero, 22 March 2018: p. 6.
- 307 Caonero, 22 March 2018: annex A; UNODC, ‘GMCP Annual Report 2017’, 2018, p. 38.
- 308 Caonero, 22 March 2018: 22 March 2018.
- 309 Formal Letter from inmates with CMS for reference (not public available).
- 310 Caonero, 22 March 2018: p. 7.
- 311 See annex E.
- 312 “This prisoner died at Hargeisa prison, at approximately 2:45pm, on the 08/01/2018. He died of an illness for which he was sent to Hargeisa hospital, as attested to by the physicians present at the time.” Letter from Prison commander Hussein Abdullahi Du’aale to the High Court, Attorney General, Head of prison affairs at the Custodial Corps, Head of prisons at the Ministry of Justice, Commander-in-chief of Custodial corps, and the Minister of Justice, January 9, 2018.
- 313 Penal Reform Forum, ‘UN Nelson Mandela Rules (revised SMR)’.
- 314 Formal correspondence from Detention and Transfer Programme Manager (not public available).
- 315 Interview: Peer A,
- 316 Caonero, 21 March 2018: p. 10.
- 317 Caonero, 22 March 2018: p. 5.

- 318 According to the Report of the International Monitoring Committee for Hargeisa Prison, 22 March 2018: Recommendation no. 6, "Shackles are no longer used in the prison and those who previously were shackled have been able to enjoy lock out time in the yard under the supervision of prison officers and the UNODC mentors. Restraints [read: Restraints] are used when transporting prisoners from the prison to court".
- 319 According to figures provided by the Somaliland Custodial Corps in the Report of the International Monitoring Committee for Hargeisa Prison in March 2018, the capacity of Hargeisa Prison is 460 inmates and the prison currently holds 592.
- 320 UNODC, December 2015: Preliminary Observation 1.
- 321 Outcome A.2.1. Indicator.
- 322 Interview: Hargeisa C.
- 323 Interview: Peer C.
- 324 Interview: Garowe D.
- 325 Interview: Garowe D.
- 326 Interview: Peer D.
- 327 Interview: Peer C; A; B.
- 328 Interview: Peer A.
- 329 Interview: Peer C.
- 330 Interview: Peer C.
- 331 Interview: Garowe A.
- 332 Caonero, 22 March 2018: p. 7.
- 333 Interview: Peer A.
- 334 Interview: Hargeisa A.
- 335 Interview: Garowe A.
- 336 Interview: Garowe A.
- 337 Interview: Hargeisa A.
- 338 Funded by the UK Government.
- 339 Caonero, 22 March: p. 10.
- 340 Interview: Hargeisa A; C; Garowe C.
- 341 Interview: Hargeisa B.
- 342 Interview: Garowe D.
- 343 Interview: Garowe C.

- 344 Report of the International Monitoring Committee for Garowe Prison, 21 March 2018: p. 7: "UNODC takes the view that the provision of full-time teachers funded by UNODC is not sustainable. Therefore, alternative ways of supporting the delivery of education in prison should be sought, including fitting of libraries in the blocks and developing peer-studying mechanisms." Similarly, education programmes in Hargeisa have been discontinued according to the Report of the International Monitoring Committee for Hargeisa Prison, 22 March 2018: p. 3: "provision of education will be provided through fitting of libraries and establishment of peer-studying [read: studying] groups to ensure sustainability."
- 345 Interview: Hargeisa A.
- 346 The IMC raised the limitations to the number of inmates that can take part in vocational training as an issue in their 2018 Report for Hargeisa and recommend that vocational training be "expanded to cover a larger proportion of the prison population, including the piracy convicts, to the extent possible." Report of the International Monitoring Committee for Hargeisa Prison, 22 March 2018: p. 6.
- 347 Interview: Peer D.
- 348 Interview: Hargeisa D.
- 349 Bauman and Hanssen, 2016: pp. 31-32.
- 350 Interview: Garowe D.
- 351 Interview: Hargeisa A.
- 352 The objective is to "strengthen Somali agencies promoting the rule of law, focused on prisons and justice" – the latter referring to Outcome A.1.1: Establishment of the Mogadishu Prison and Court Complex.
- 353 Interview: Garowe D.
- 354 Interview: Garowe B; Hargeisa A; B; D.
- 355 Caonero, 21 March 2018: p. 8.
- 356 Interview: Peer D.
- 357 Interview: Peer C; Peer B: "Garowe is definitively much better than any other prison in Somalia"; Peer A: "Facilities in Garowe are better than any I've ever seen in Somalia."
- 358 Interview: Peer B.
- 359 Interview: Peer C.
- 360 Interview: Peer B.
- 361 Interview: Peer C.
- 362 Bauman and Hanssen, 2016: p. 30: "support provided as part of counter-piracy efforts has had positive 'spill-overs'. For instance, the prison infrastructure and reforms established has helped to address other issues, including al-Shabaab and separate facility for minors."

- 363 Interview: B.
- 364 Interview: Peer D.
- 365 Bauman and Hanssen, 2016: p. 31.
- 366 Interview: Garowe A.
- 367 For example, Peer A: "Transparency and oversight needs to be strengthened and lack of data collection inside the prisons is a problem."
- 368 The 'paper trail' in relation to the case of the deceased piracy prisoner outlined in §7 of the section on Basic Conditions is, for example, ineffectual.
- 369 Caonero, 21 March 2018: p. 11.
- 370 Bauman and Hanssen, 2016: p. 30.
- 371 Interview: Garowe A.
- 372 The genuineness of the request for more 'on-the-floor' training by prison staff should be seen in light of the fact that classroom training is usually preferred simply due to the fact that a free meal is often provided.
- 373 Interview: Peer D.
- 374 Funded bilaterally from the overall reserve fund of the Peace and Stabilisation Fund to cover unforeseen security-related costs in 2016. The disbursement was made in USD 1,038,000 and two no-cost extensions were granted allowing funds to be spent up to Dec. 2017.
- 375 The task of advancing the legislative framework for maritime law enforcement was taken on by EUCAP NESTOR, now EUCAP Somalia.
- 376 Endorsed in 2013 by the FGS and regional states (including Somaliland) at the Plenary meeting of the CGPCS (May); at the Somalia Conference in London (May), and at the EU's "New Deal for Somalia" Conference in Brussels (Sep.). Also endorsed in UNSCR 2125.
- 377 Now the Bosasso Port and Maritime Police Unit.
- 378 As Galmudug was not supported under the Danish grant under PSP2, it was not part of this evaluation. Outputs 3.3 and 3.4 are therefore not included either. Output 3.5 of the result framework relates mainly to the construction of the Bosasso HQ building, which was completed with the first contributions to the programme from 2014-2015. We will therefore only look at procurement under 3.5.
- 379 OHCHR. 'Basic Principles on the Use of Force and Firearms by Law Enforcement Officials'. Havana, August 1990.
- 380 While the MPU is made up of 60 Officers, GMCP has trained 81. The explanation for this inconsistency is that some of the officers initially trained have left the unit and new officers have taken their place. Also, some officers have received training several times, for example from crewmanship to coxwain to boat-handling.

- 381 The MPU's ad hoc Headquarters is shown in UNODC GMCP's video at 02:01-02:47.
- 382 Interview: Peer E.
- 383 Output 3.1. Target.
- 384 Interview: Mog. MLE A; B.
- 385 Elica Barasa, 'Report on The Somali Maritime Security Coordination Committee Meeting'. UNODC, 9-10 July 2018: p. 13 (not public available).
- 386 Interview: Mog. MLE B.
- 387 Interview: Mog. MLE A.
- 388 Interview: Mog MLE A: "They are very good and give us very good support for our operations. They help our boats for maintenance which we were lacking. Train our people to do their duties in professional way."
- 389 Interview: Mog. MLE B.
- 390 Interview: Mog. MLE A; B.
- 391 Interview: Peer E.
- 392 Interview: Mog. MLE A; B.
- 393 Interview: Mog. MLE A.
- 394 Interview: Mog. MLE A; B.
- 395 Interview: Mog. MLE B.
- 396 Interview: Mog. MLE B.
- 397 Interview: Mog. MLE B.
- 398 Interview: Mog. MLE A.
- 399 Interview: Mog. MLE B.
- 400 Bauman and Hanssen, 2016: p. 41: "The PMPF is not seen as legitimate by the FGS or the international community and currently only receives support from the UAE." UAE support to the PMPF has been controversial and previously mentioned in reports of the SEMG.
- 401 Partially funded by Denmark under PSP1.
- 402 Interview: Peer F.
- 403 Interview: Bosasso A – "restroom facility".
- 404 Interview: Peer F.
- 405 Alula, or Caalula is a known piracy hub.
- 406 Interview: Bos. MLE A.
- 407 Interview: Bos. MLE C.
- 408 Barasa, 2018: p. 14.

- 409 Interview: Bos. MLE B.
- 410 Interview: Bos. MLE A.
- 411 Interview: Bos. MLE C; point also echoed by Peer F.
- 412 Interview: Bos. MLE B.
- 413 Interview: Bos. MLE C.
- 414 Interview: Bos. MLE C.
- 415 Interview: Peer F.
- 416 Interview: Peer F.
- 417 Interview: Bos. MLE B.
- 418 Interview: Peer F.
- 419 Interview: Bos. MLE C.
- 420 Barasa, 2018: p. 8.
- 421 Interview: Ber. MLE B.
- 422 Interview: Ber. MLE A.
- 423 Interview: Ber. MLE A.
- 424 Interview: Ber. MLE A. Subsequent to the interview, the roof to the radio operations room established through collaborative efforts by UNODC/OBP/EUCAP collapsed destroying all the MDA equipment.
- 425 Interview: Ber. MLE B.
- 426 Interview: Peer F.
- 427 Interview: Ber. MLE A.
- 428 Interview: Ber. MLE B.
- 429 Interview: Ber. MLE B.
- 430 Interview: Ber. MLE A.
- 431 Interview: Ber. MLE B.
- 432 Interview: Ber. MLE B.
- 433 i.e. not counting the first years of programme delivery.
- 434 Barasa, 2018: p. 15.
- 435 Interview: Ber. MLE A.
- 436 Both Somaliland Coast Guard officers have 25+ years of experience and know conditions both before and after UNODC got involved.
- 437 Interview: Ber MLE A notes that the SLCG does not have a helicopter.
- 438 Interview: Ber. MLE A.

- 439 Interview: Ber. MLE A. According to the report of the Maritime Security Coordination Committee of July 2018, the Somaliland Coast Guard Law has been approved by the Cabinet of Ministers in April 2017 and is now awaiting parliamentary debates and final enactment procedures at the House of Commons.
- 440 Interview: Peer F; G; H.
- 441 Interview: Peer F.
- 442 Bauman and Hanssen, 2016. p. 41.
- 443 Interview: Ber. MLE A: 80%; Ber. MLE B: 50%.
- 444 Interview: Ber. MLE A.
- 445 Interview: Ber. MLE A.
- 446 Interview: Ber. MLE A.
- 447 Interview: Ber. MLE A.
- 448 Interview: Peer G.
- 449 Interview: Peer H; E.
- 450 Interview: Peer F.
- 451 Interview: Peer H; E.
- 452 Bauman and Hanssen, 2016. p. 40.
- 453 Bauman and Hanssen, 2016: p. 40: "There are neither communications nor coordination between the stations in Barbera, Bosasso, Hobyo (not constructed), Mogadishu, and Kismayo. The great need to reach the ports in between remains unfilled. Police stations to stop sanctuaries for criminals and to stop boats going to sea with bad intentions are also required as are a link between the on land police and the coast guard and for policing in the small, remote coastal communities."
- 454 Bauman and Hanssen, 2016: p. 41: "The Puntland Maritime Police Force (PMPF) has been described by some as the most capable in Somalia, with 8 bases in Puntland including in Eyl, observational capacity, and the ability to mobilize and rescue ships."
- 455 Interview: Peer H.
- 456 Interview: Peer H.
- 457 Ministry of Foreign Affairs of Denmark. 'Mid-Term Review Report, Danish Peace and Stabilisation Programme Region Horn of Africa 2015-2018'. Copenhagen: Ministry of Foreign Affairs of Denmark, August 2017: p. 13: "The RT [review team] noted that there are seemingly no records of the operations of the MPUs in Mogadishu, Bosasso and Berbera, and only anecdotal evidence of operations was presented during the meeting the RT had with UNODC."
- 458 Interview: Peer H.

- 459 Interview: Ber. MLE A; B.
- 460 Interview: Mog. MLE B.
- 461 Interview: Bos. MLE C.
- 462 Interview: Peer H.
- 463 Interview: Peer H; G.
- 464 Interview: Peer F.
- 465 Interview: Peer F.
- 466 Interview: Peer G.
- 467 Interview: Peer E.
- 468 Interview: Peer H.
- 469 Bauman and Hanssen, 2016. p. 41.
- 470 Interview: Peer H.
- 471 Stable Seas, 'Five Ways Poor Maritime Security Fuels Rebels, Terrorists, and Criminal Networks', OEF Research, 12 January 2018: p. 12.
- 472 Interview: Peer H.
- 473 Interview: Peer H: Accordingly, gaps in Maritime Security identified by UN-SOM at the 2018 meeting of the Somali Maritime Security Coordination Committee included: Delineation of roles and responsibilities of maritime forces; Establish a Maritime Administration; Maritime governance and sharing of resources agreement.
- 474 Interview: Peer H.
- 475 Interview: Peer F.
- 476 Interview: Peer H.
- 477 Interview: Peer H; G.
- 478 Interview: Peer F.
- 479 Interview: Peer H.
- 480 Interview: Peer F.
- 481 Interview: Peer H.
- 482 Interview: Peer F.
- 483 Interview: Peer F.
- 484 Interview: Peer F.
- 485 Interview: Peer H.

- 486 Bauman and Hanssen, 2016: p. 48: "in addition to ensuring the completion and sustainability of legacy programs, the TF should begin to focus on developing Somalia's Maritime Law Enforcement (MLE) capacity to secure the coastline in piracy-prone areas and address the governance issues required for maritime security."
- 487 Interview: Peer H.
- 488 Interview: Mog MLE A; Bos. MLE B; Ber. MLE A.
- 489 Interview: Peer F.
- 490 Interview: Peer H.
- 491 Interview: Ber. MLE A; Mog. MLE B; Bos. MLE B; Peer F.
- 492 Interview: Peer E: MPU officers sleep in "upturned steel ships". These would all be shut down for safety reasons according to European standards.
- 493 Interview: Mog MLE B.
- 494 Interview: Peer H.
- 495 Interview: Peer H.
- 496 Interview: J: "It is, however, essential that they are engaged in this forum to work out technical aspects of the maritime domain."
- 497 Interview: Peer H.
- 498 With regard to prison staff salaries, the Standard Minimum Rule 74, §3, prescribes that "salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work."
- 499 One of the donor strategies for addressing issues of salary payment of security sector personnel has been to subsidise these through stipends. This has, unfortunately, not always worked as intended. According to Interviewee G, there is generally a significant misappropriation of funds and goods in Somalia which is concerning. Stipends to security personnel are, for example, often collected for all officers by a single senior official with no guarantees that payment reaches individual officers. Attempts to improve these processes through use of biometrics and mobile payment have been resisted.
- 500 In the context of the PSP, the term 'risikovillighed' is frequently used although it is not well defined.
- 501 Bueger, Christian, and Timothy Edmunds. 'Mastering Maritime Security: Reflexive Capacity Building and the Western Indian Ocean Experience: A Best Practice Toolkit'. Cardiff University and University of Bristol: Safe Seas, 2018.
- 502 Stable Seas, 2018.
- 503 As noted by the UN Panel of Experts on Yemen: "The rule of law is deteriorating rapidly across Yemen, regardless of who controls a particular territory." Himmiche et al., 2018: p. 2.
- 504 Bauman and Hanssen, 2016: pp. 16-17.

- 505 Bauman and Hanssen, 2016: p. 40: "international actors working on mari-
time security are not properly coordinated in their efforts."
- 506 A Review of the Somali Fisheries Law (Law No. 23 of November 30, 1985),
19 March, 2016.
- 507 Interview: B; R.
- 508 A Review of the Somali Fisheries Law, 2016: Art. 3 (b-c).
- 509 Interview: H.
- 510 Thai Trawlers flagged to Somalia were also recently involved in IUU in the
Maldives.
- 511 Fisheries Agreement reached at the NSC February 2018.

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Interviews

Listed alphabetically by surname of the interviewer. Interviewees are anonymised.

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H-Carrasco, Julie, and Katja Jacobsen. Interview L. Skype, 26 February 2018.

H-Carrasco, Julie, and Katja Jacobsen. Interview M. Skype, 21 February 2018.

H-Carrasco, Julie, and Katja Jacobsen. Interview O. Skype, 9 February 2018.

H-Carrasco, Julie, and Katja Jacobsen. Interview P. Skype, 20 March 2018.

H-Carrasco, Julie, and Katja Jacobsen. Interview Q. Skype, 23 March 2018.

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