With the collapse of the Soviet Union and the Eastern Bloc in the late 1980s it was confidently assumed that the international system was on the threshold of an era of unprecedented peace and stability. Politicians, academics, and diplomats alike increasingly began to forecast the imminent establishment of a “new world order” that would be managed by liberal democratic institutions and which would develop within the context of an integrated global economy based on the principles of the free market. As this unprecedented inter-state structure emerged and took root, it was assumed that destabilizing threats to national and international security would decline commensurately.

However, the initial euphoria that was evoked by the end of the cold war has been systematically replaced by the growing sense that global stability has not been achieved and has, in fact, been decisively undermined by new transnational security challenges, or so-called “gray area phenomena.” The geopolitical landscape that presently confronts the global community lacks the relative stability of the linear cold war division between East and West. Indeed, few of today’s dangers have the character of overt military aggression stemming from a clearly defined sovereign source.

The maritime realm is particularly conducive to these types of threat contingencies given its vast, largely unregulated, and opaque nature. Covering approximately 139,768,200 square miles, most of this environment takes the form of high seas that lie beyond the strict jurisdiction of any single state. These “over the horizon” oceans are fringed and linked by a complex lattice of territorial waters, estuaries, and riverine systems, which in many cases are poorly monitored and, in terms of internationally
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recognized jurisprudence, exist as entirely distinct and independent entities. The re-emerging specter of maritime piracy, a scourge long thought consigned to the annals of history, is increasingly animating the minds of security analysts, politicians, and law enforcement and intelligence officials. Although problems have been manifest since the late 1990s—especially in the waters of Southeast Asia—attention has become particularly marked over the last two years in reaction to attacks perpetrated by gangs operating in and around the wider Somali basin. Incidents in this region have reached unprecedented proportions and are now influencing the perceived viability of key sea lanes of communication that are of critical importance to the global maritime commercial system.

This article will discuss the scope and dimensions of contemporary piracy off the Horn of Africa (HoA), focusing on the groups involved, their modus operandi, the manner by which vessels are ransomed, and the general utility of the international response that has been assembled to mitigate attacks in the region. The paper argues that the root causes of piracy off the HoA are complex and multifaceted. Furthermore, the current suite of naval responses are shortsighted and largely irrelevant to the land-based “push” factors associated with maritime crime in this part of the world. The article concludes with some tentative policy recommendations for further refining and enhancing the thrust of counter-piracy action in Somalia.

For the purposes of this article, piracy is defined as “an act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in furtherance of the act.” This conceptualization is used by the International Maritime Bureau (IMB) and is wider than the one adopted under the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which restricts its focus exclusively to attacks that take place on the high seas. This delineation is problematic as the majority of pirate incidents occur either in territorial or coastal waters. The IMB definition also abolishes the traditional “two-ship” requirement for classifying an act, meaning that attacks from a raft or the dockside would be counted as piratical.

Scope and Dimensions of Piracy off the Horn of Africa

Between 2008 and 2009, a total of 322 actual or attempted acts of piracy were recorded off the HoA, Gulf of Aden, and southern Red Sea. This figure represented 46 percent of all global incidents recorded during the period (see figure 1). In 2008, roughly one attack was reported every 31 hours, rising to one every 29 hours in 2009. While the concentration of piracy remains greatest near Somali shores, incidents are now taking place as far as 500 to 1000 nautical miles from Mogadishu’s waters and in some cases ships...
have been hijacked as far south as the Comoros, Madagascar, and the Seychelles.\(^9\)

Groups operating off the HoA vary by size and complexity, ranging from small subsistence entities that consist of one or two personnel and a skiff, to larger organizations of several hundred. Gangs generally revolve around a respected leader (typically a “veteran pirate”) who recruits from a single clan, although a number of gangs are known to have actively recruited across lineage lines to ensure they have the best and most experienced individuals available. Costs are usually borne by the leader (who also takes most of the ransoms), shared among the members, or met by outside investors.\(^10\) In all three cases, however, the pirate commander will be connected to his community and thus able to draw upon an extensive personal network for protection and problem solving.\(^11\)

**Figure 1: Regional Breakdown of Global Piracy, 2008-2009**

Historically, the Hoboyo-Haradhere cartel (sometimes referred to as the Somali Marines or Somali Coastguard) dominated the piracy scene in Somalia. Largely the product of one man, Mohammed Abdi Hassan “Afwyne,” the group operates out of El-Huur and El-Gaan (roughly 400 kilometers north of Mogadishu) and by the end of 2006 had a militia of 75 to 100 and a flotilla of at least 100 skiffs.\(^12\) Although still a major player in the Haradhere region, the group now competes with a diffuse mosaic of groups based in six main coastal hamlets along the 1,900-mile Somali coastline: Eyl, Garard,
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Bosasso, Ras Asir, Alula Cape, and Chismayu (Kismaayo). These gangs average between 12 and 35 members who are typically, though not always, split into attack, hold, and reconnaissance teams. As a rule the attack teams garner the most respect and receive the lion’s share of any negotiated ransom. The first to board a ship receives considerable social prestige. In the words of one gang member: “When you capture a ship people welcome you like a president.”

Somali pirates are well-armed with access to a wide assortment of combat weaponry including assault rifles, heavy and light machine guns, anti-ship ordinance, and rocket propelled grenades (RPGs). Most of these arms are procured from illegal bazaars in Somalia, Ethiopia, and Sudan where munitions are both plentiful and relatively cheap. According to a self-confessed Mogadishu-based trader, one alleged pirate transaction in May 2008 included 10 AK-47s and 140 boxes of ammunition; eight PK machine guns and 190 boxes of ammunition; four RPGs and 60 rounds; two DShK heavy machine guns and 200 boxes of ammunition; and 60 hand grenades.

Although equipped with an array of weaponry, Somali pirates are generally low-tech. Contrary to popular wisdom, the use of night vision goggles, Global Positioning Systems (GPS), satellite phones, and ship identification units is rare. By contrast, most gangs simply pick targets according to their size and calculated vulnerability, including low free board (the distance from the upper deck to the waterline); slow speed (generally less than 15 knots); the absence of on-board defensive measures (such as barbed wire and fire hoses); and medium to large tonnage (which are presumed to elicit higher ransom demands).

While the actual cost associated with an act of piracy will obviously vary by operation, a basic, opportunistic hijacking will probably amount to no more than $500, assuming the gang already owns its boats. By far the most expensive part of any hijacking is the maintenance of the ship after it has been seized: food and water has to be supplied for the captives and their guards; local police need to be bribed; and fuel has to be provided to power on-board generators. Combined, these expenses can total upwards of $100 a day depending on the size of the vessel in question and the number of hostages being held. Assuming a 40-day negotiation process, the full maintenance cost could therefore be as high as $4,000.

Attacks typically occur during the day (over 93 percent) and last between 30 and 45 minutes on average. Incidents also closely mirror seasonal weather conditions, following the transition between the northeastern and southwestern monsoon periods. “Mom and pop” feeder crafts that make short runs up the Gulf of Aden are especially favored, accounting for around 65 percent of all attacks in the wider Somali Basin. However as noted above, gangs have certainly not been averse to operating further out to sea, particularly in response to the increased international naval presence off the
HoA since 2008 (see below). Somali syndicates have also exhibited a capacity to capture extremely large ocean-going carriers. The Saudi-registered *MV Sirius Star*, which was hijacked in November 2008 while carrying two million barrels of crude oil, was three times the size of an aircraft carrier. An even bigger supertanker, the Greek-owned *MV Maran Centaurus*, was captured in November 2009. With a dead weight of some 300,000 tons, it is believed to be the largest vessel ever seized by an act of piracy.

Somali pirates avoid harming crew or causing structural damage to a captured ship because the basic objective of a hijacking is to elicit as large a ransom payment as possible. In most cases, hostages are treated well and reports of forced starvation and abuse appear unfounded. This was certainly the opinion of Colin Freeman, the chief correspondent for the United Kingdom’s *Daily Telegraph* newspaper, who was kidnapped along with his photographer in November 2008 and held for six weeks. During their time in captivity, both were treated well and fed goat’s meat. According to Freeman, this reflects the general practices of Somali pirates who have mostly “been at pains to treat their hostages well, knowing that a businesslike approach makes it all the more tempting for the ship owners to resolve things by ransom than by force.”

Ransoms for hostages have steadily increased as larger vessels have been seized. Whereas settlements in the late 1990s and early 2000s were in the hundreds of thousands of dollars, sums today are in the millions. Indeed, as of the end of 2009 only six seafarers had lost their lives to piracy.

Negotiations for the release of captives are generally made through a third party communicator who generally has no direct organizational connection to the pirates but typically comes from the same clan. Ransoms for hostages have steadily increased as larger vessels have been seized. Whereas settlements in the late 1990s and early 2000s were in the hundreds of thousands of dollars, sums today are in the millions. In 2008, pirates were estimated to have earned anywhere between $30 and $150 million from hijackings. With 12 ships and 263 mariners still being held as of the time of this writing, and industry apparently showing no reluctance to accede to the demands of the pirates, profits for 2009 will likely top this figure.

The rise in piracy off the HoA has been reflected in significant increases in insurance rates for sailing in the region. The cost of a “binder” (a temporary contract that provides proof of coverage until a permanent policy is issued) for vessels currently transiting the Gulf of Aden is around $20,000 per voyage, excluding injury, liability, and ransom coverage. According to the U.S. Department of Transportation, the premium in 2007 and early 2008 would probably have been only $500—representing a forty-fold rise. Global shippers have also been forced to increase their own surcharges for transporting goods around the HoA. In February 2009, the United Arab Shipping
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Company announced a new levy of $22 per twenty-foot equivalent unit (TEU) while in December the French-owned CMA CGM said it would charge $41 per TEU, up from $23 per TEU in January 2009 (an increase of 44 percent).³¹

**UNDERLYING DRIVERS FEEDING PIRACY OFF THE HOA**

The underlying causal factors for the surge of piracy off the HoA are complex and multifaceted. The principal motivating influences seem to be connected to the following four main drivers. First, and perhaps most fundamentally, is the lack of a viable sovereign entity in Somalia. Experts unanimously agree that the scale and incidence of maritime criminality in this region is, at root, an extension of the land-based violence, lawlessness, and general poverty that has plagued Somalia since the fall of the Said Barre dictatorship in 1991.³² As Roger Middleton of the UK-based Chatham House Institute observes: “Piracy has been a problem in Somali waters for at least 10 years. However, the number of attempted and successful attacks has risen over the last [several] years. With little functioning government, long, isolated sandy beaches and a population that is both desperate and used to war, Somalia is a perfect environment for piracy to thrive.”³³

The fact that Somali-sourced attacks briefly declined under the rule of the Islamic Courts Union (ICU) between 2006 and 2007 further demonstrates the critical influence that central and local institutions can play in managing piracy.³⁴ Donna Nincic of the California Maritime Academy directly takes up this point in her detailed assessment of piracy in west and east Africa:

> During their brief tenure in power, the ICU took a firm stand against maritime piracy. They were also able to extend their military control over the known “pirate bases” of Haradheere and Hobyo. The capture of Haradheere was particularly significant: the Somali Marines pirate group operating there had the most sophisticated capabilities of any of the pirate groups operating in the country. With the ability to operate the furthest offshore, they were believed to be responsible for most of the attacks on larger vessels, including hijacking for ransom. As the ICU exerted its control, they declared piracy a crime and imposed strict penalties (including cutting off both hands); as a result, piracy dropped to only ten attacks in 2006.³⁵

Second, poverty also contributes to the problem. In a country where the average person earns less than $2 a day, the potential rewards from hijackings have become increasingly difficult to resist. This is true even for fishermen (who are reasonably well-off compared to most Somalis), many of whom complain that it has become increasingly difficult and expensive to make a living due to the depletion of off-shore protein stocks from poaching and illegal dumping of toxic waste.³⁶ The willingness of ship owners to
pay ransoms exacerbates the situation. Most companies aim to arrive at a negotiated settlement with pirates as quickly as possible, both to ensure against the loss of vessels, cargo, and crew, and to minimize the time that a carrier is sitting idly and not making money.\textsuperscript{37} As noted, settlements for the release of seized vessels now typically run into the millions. For many gangs the prospect of windfall profits such as these far outweigh any attendant risk of being caught or otherwise confronted by naval and coast guard patrol boats—especially when considering the problems associated with detention and prosecution (see below).\textsuperscript{38}

Third, the dire humanitarian crisis in Somalia—brought about by civil war combined with a series of devastating droughts—triggered a major international relief effort that at its height amounted to the delivery of 32,000 tons of emergency aid every month. Humanitarian relief vessels transporting these supplies provided an array of vulnerable, tempting targets that pirates were quick to capitalize on. Over ten such ships were targeted in prominent attacks off the Somali coast between June 2005 and November 2009. The more recent of these attacks are set out in Table 1.\textsuperscript{39}

Table 1. Prominent Attacks Against Humanitarian Relief Vessels Off the HoA, June 2005-November 2009

<table>
<thead>
<tr>
<th>Date of Attack</th>
<th>Vessel</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 2008</td>
<td>Two WFP vessels</td>
<td>Two WFP vessels were stolen from the port of Merca. Police later reported that one of the ships was discovered crashed in Jazeera.</td>
</tr>
<tr>
<td>May 2008</td>
<td>MV Victoria</td>
<td>The vessel was attacked again, this time off Mogadishu. The ship was transporting sugar from India that had been donated by Denmark.</td>
</tr>
<tr>
<td>April 2009</td>
<td>MV Maersk Alabama</td>
<td>The vessel was attacked on its way to Mombasa, a port critical to WFP programs across the Horn of Africa. The incident triggered a stand-off with the U.S. Navy, which was eventually resolved when SEAL snipers shot and killed three hijackers, capturing a fourth.</td>
</tr>
<tr>
<td>Date</td>
<td>Vessel</td>
<td>Event</td>
</tr>
<tr>
<td>--------------</td>
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<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>April 2009</td>
<td>MV Sea Horse</td>
<td>The vessel was attacked 700 kilometers from Mogadishu; the ship was en-route to pick up 7000 tons of maize for the WFP from Mumbai, India.</td>
</tr>
<tr>
<td>April 2009</td>
<td>MV Liberty Sun</td>
<td>The vessel was carrying 27,000 tons of food for the WFP relief efforts in Somalia in addition to 3,000 tons for World Vision and other NGOs in Uganda. The ship was attacked after it had made a delivery at Port Sudan; however it was not boarded and proceeded to Mombasa under U.S. escort.</td>
</tr>
<tr>
<td>November 2009</td>
<td>MV Alabama</td>
<td>The vessel was attacked once again 600 nm off the northeast coast of Somalia en-route to Mombasa. However, this time on-board security guards managed to thwart the raiding party.</td>
</tr>
</tbody>
</table>

Source: Adapted from Nincic, “Maritime Piracy in Africa: The Humanitarian Dimension.”

Fourth, aside from WFP vessels, numerous other attack opportunities exist off the HoA. At least 20,000 ships pass through the Gulf of Aden every year transporting roughly 12 percent of the world’s petroleum. Many of these vessels lack even the most rudimentary safety measures (passive or active) and onboard security protocols—if they exist at all—are generally not practiced or understood by the crew. This state of affairs reflects a mindset on the part of owner operators who have been largely unwilling to invest more time and resources into “hardening” their vessels, both because of the costs of doing so and the relatively low probability of being attacked, which is less than 0.5 percent when measured against the number of transits in any given year. Moreover, developments in maritime navigation as well as a desire to reduce operating costs have encouraged a trend toward “skeleton” crews. Many of the carriers sailing off the HoA have no more than 20 to 26 mariners on board. While certainly efficient, this reduced manpower has both reduced the options for concerted anti-piracy measures and made the task of gaining control of ships that much easier.
Fifth is the ready availability of light weapons in wider East Africa. Originating from unregulated arms bazaars and former and on-going conflict zones, weapons are widely prevalent, cheap, readily transportable, easy to handle, and durable. These munitions are perfectly suited to the designs of Somali gangs, providing them with the necessary “hardware” to take on, seize, and hold even the largest ocean-going carriers. Just as importantly, the firepower currently available to pirates has prompted strong resistance on the part of the shipping industry to arm crews or hire professional guards lest this provoke a weapons race and escalate what hitherto has been a relatively non-violent (in terms of deaths and injuries) phenomenon. John Clancey, chairman of Maersk Inc., the parent company of Maersk Line, made this point explicit during a testimony to the U.S. Senate Foreign Relations Committee on April 30, 2009: “Arming merchant sailors may result in the acquisition of even more lethal weapons and tactics by the pirates, a race that merchant sailors cannot win.”

The International Response to Piracy Off the HoA

The rapid escalation of armed attacks off the HoA has triggered unprecedented counter-piracy action on the part of the international community. In January 2009 Washington U.S. Naval Forces announced the creation of a new Combined Task Force (CTF) 151 to monitor a self-defined Maritime Security Patrol Area (MSPA) in the Gulf of Aden. The aim is to have this form the basis of a multinational coalition anti-piracy force. CTF 151 currently consists of four vessels—the USS Anzio (the flag ship) and USS Mahan from the United States; HMS Portland from the United Kingdom; and HMAS Warramunga from Australia—with a command staff that also includes personnel from Turkey, Pakistan, and Greece. According to Vice Admiral William Gortney of the U.S. Naval Forces Central Command, the hope is to have as many as 14 countries participating in the joint task force by 2010.

CTF 151 compliments an EU combined Naval Force (EUNAVFOR) operation named ATALANTA that was deployed in December 2008 and is currently led by Spain. The flotilla consists of seven frigates, three corvettes, one submarine, and four aircraft and coordinates assets and personnel from the United Kingdom, France, Spain, Germany, and Greece. Its current mandate runs through to the end of December 2010. Specific tasks slated for ATALANTA include:

- the protection of vessels of the World Food Program (WFP) delivering food aid to displaced persons in Somalia
- the protection of vulnerable vessels cruising off the Somali coast
- the deterrence, prevention, and repression of acts of piracy and armed robbery off
NATO has also sent vessels to the HoA. The first mission, codenamed *Operation Allied Provider*, was dispatched to work with ATALANTA in protecting WFP vessels. The current deployment, *Operation Ocean Shield*, commenced operations on 17 August 2009. In addition to undertaking anti-piracy patrols, the NATO force will assist regional states in augmenting their own ability to conduct effective maritime surveillance and interdiction in their territorial waters.

Apart from CTF-151, EUNAVFOR, and NATO, a number of other states have sent frigates to protect and/or escort shipping in the Horn of Africa, including India, China, Russia, Pakistan, Saudi Arabia, the Netherlands, and Malaysia; South Korea, Japan, and the United Arab Emirates are all expected to add to this complement by the end of the year. At the time of writing, roughly 14 national navies were operating in the Gulf of Aden with a collective deployment of around 30 ships patrolling the region at any one time.

On the legal front, the United States, United Kingdom, and European Union have all entered into agreements with Kenya whereby Kenya will act as a third-party to prosecute individuals suspected of engaging in armed maritime crimes. The accords reflect the uncertainties associated with trying pirates in domestic courts. They are also primarily designed to provide prominent flag states with the option of putting maritime bandits on land where legal consequences can be administered. Kenya was deemed a viable candidate to prosecute piracy because of its geographic proximity to Somalia and the HoA, the existence of appropriate domestic statues penalizing piracy, the country’s standing security and counter-terrorist cooperation with the United States and United Kingdom, and the government’s willingness to take in suspects in exchange for Western development assistance dollars.

Finally, the United Nations has been instrumental in moving to foster collective action against armed maritime violence around the HoA. In January 2009, a Contact Group on Piracy off the Coast of Somalia (CGPCS) was created to address the regional situation. Working with CTF-151, the forum has four working parties designed to facilitate and coordinate action in the general areas of information sharing, judicial capacity-building, situational awareness, diplomatic outreach efforts, and criminal financial tracking. One measure that the CGPCS has been particularly focused on is the development of a Best Management Practice (BMP) guidance document to provide specific advice for masters operating vessels in the waters off the HoA; the BMP is now in circulation and has full industry backing.

The Security Council has also passed several resolutions germane to piracy off the HoA. The most important are UNSCR 1816, 1846, and 1851, which collectively...
sanction “cooperating” states to take all necessary measures that are deemed appropriate to suppress Somali-sourced piracy and armed robbery at sea. 1816 and 1846 authorize search and interdiction of suspect vessels in the country’s coastal waters while 1851 legitimizes actions to disrupt territorially based dens. The resolutions are unprecedented in the level of authority they grant the international community to counter threats in the maritime realm—extending, in principle, to the use of armed force on land. They are also legally binding on all states.\textsuperscript{59}

**Assessing the International Response**

To a certain extent, the various measures outlined above have found some success. EU and NATO escort ships have helped to ensure the safe delivery of WFP relief supplies and humanitarian aid to Somalia. Given that the number of ships willing to transport food aid to the country had been halved by 2007, this is no small feat.\textsuperscript{60} Moreover, coalition forces have been instrumental in thwarting several attempted hijackings. According to U.S. and IMB officials, there has been a notable decline in the number of successful attacks in areas of the Gulf of Aden where the international naval presence has been visible.\textsuperscript{61}

No less importantly, the international response represents an unprecedented level of inter-governmental cooperation that has been achieved in a remarkably short period of time—frequently between sovereign entities that have rarely, if ever, operated on a common footing. This collaborative action not only gives concrete expression to the reality that maintenance and regulation of the seas ultimately relies on joint interstate and agreement and enforcement, but it also provides the U.S. Navy and partner nations a unique opportunity to engage one another and work out issues of interoperability and coordination. Properly developed, this could lay the foundation for an effective regime of maritime order that is able to address piracy and other transnational threats, such as illegal fishing, drug trafficking, and environmental degradation.\textsuperscript{62}

That said, current international anti-piracy initiatives fall short in several respects—at least with respect to the specific challenge off the HoA. One obvious practical problem concerns the size of the area to be monitored (roughly two million squares miles in the case of the MPSA) and the number of vessels that transit the region (at least 20,000 a year). To comprehensively cover this expansive and heavily trafficked maritime space would require a massive naval deployment, far more than the 30 ships currently patrolling the Gulf of Aden. Difficulties have become even more attenuated as the locus of attacks has moved to the southern and eastern coasts of Somalia, where patrols are virtually non-existent, as well as further down the Indian Ocean towards the Seychelles.\textsuperscript{63} These geographic shifts readily underscore the “balloon effect” associated
with attempting to counter a threat that is highly fungible and adaptable in nature. A related problem has to do with cost. The direct expenses associated with deploying a single frigate to the HoA amount to around $1.3 million a month. In 2009 the European Union budgeted $450 million to help run the ATALANTA flotilla. Costs of this magnitude bring into question the sustainability of the current naval flotilla, especially if there is no discernible decline in attack levels. Moreover, every dollar spent on trying to contain piracy necessarily means there is less money to invest in other, potentially more viable land-based solutions, which most commentators universally agree has to be an integral part of any long-term strategy. The cost of deploying one frigate to the Gulf of Aden for six months, for instance, could theoretically cover the wages of 100,000 police officers over the same period.

The cost dimension of the naval containment strategy takes on further relevance when one considers that it has no dual-use payoff in terms of addressing other threats such as illegal fishing or environmental degradation. As Hansen observes, the current tack could, in fact, exacerbate these challenges: “International involvement [off Somalia] might actually promote illegal fishing by decreasing the deterrent effect pirates have on illegal fishers since it scares away the former.”

The judicial agreements with Kenya also pose difficulties. The country’s court structure is inefficient, corrupt and, with over 800,000 cases still pending, already stretched to its limit. The security resolutions are likely to give rise to equally difficult challenges, especially if they are used to sanction military raids and air strikes in Somalia itself. Given that pirates are largely indistinguishable from the wider local communities in which they interact—how, for example, are marauders differentiated from ordinary fishermen—action of this sort would likely result in civilian collateral damage. At the very least this would cause widespread anti-Western sentiment and could, conceivably, trigger a backlash that serves to dangerously politicize what is presently a largely non-violent economic phenomenon.

The international response has also been somewhat crippled by the enduring legacy of sovereign interest. Many countries patrolling off the HoA only became involved in the region when their own flag assets were attacked and continue to view their mandate in national as opposed to truly collaborative terms. This has been reflected by the continuing reluctance of prominent maritime states such as China and Russia to join CTF-151 and gives rise to the prospect of their departure once their own vessels and citizens are no longer deemed to be under threat.
Perhaps the most fundamental weakness of the international strategy response, however, is the fact that it is premised on containing piracy at its endpoint—on the seas, rather than addressing it at its root—on land. Frigates and other naval deployments have little if any relevance to many of the territorial “push” factors that give rise to armed maritime crime and violence off the Horn of Africa: unemployment, lack of economic development and, particularly the absence of sovereign governance.\textsuperscript{72}

**Conclusion**

Long considered a thing of the past, piracy remains an enduring and, indeed, growing threat to maritime shipping, trade, and commerce in the wider Gulf of Aden. Well-armed gangs now routinely operate far from shore and are clearly capable of seizing even the largest ocean-going carriers. While attacks have to be seen in the context of the overall magnitude of the international maritime industry, it is clear they carry important ramifications for human, economic, political, and potentially, environmental security. Managing this particular manifestation of transnational crime will require a response by the international community that goes well beyond the militaristic actions currently being witnessed off the Horn of Africa. Far more nuanced and innovative non-kinetic strategies are necessary to defeat piracy. To this end, there at least five things that could be usefully done.

First, greater focus should be given to boosting the coastal monitoring and interdiction capabilities of littoral states abutting pirate-infested waters. Provision of surveillance assets, training, and technical support by major flag states would be a good start. The United States could play a pivotal role in this regard, not least by broadening and fully funding the “Global Train and Equip” program under Section of 1206 of the National Defense Authorization Act of 2006.\textsuperscript{73}

Second, increased support should be given to nascent sub-regional arrangements that have been instituted to deal with piracy. One promising initiative is the Djibouti Code of Conduct, which was signed on 30 January 2009 by eight African states: Djibouti, Ethiopia, Kenya, Madagascar, the Maldives, the Seychelles, Somalia, and Tanzania. The agreement, which was informed by the Japanese-sponsored Regional Cooperation Agreement Against Piracy in Asia (ReCAPP) accord, allows the right of hot pursuit between signatories and in certain instances sanctions joint anti-piracy operations.\textsuperscript{81} More importantly, the code of conduct calls on member states to enact appropriate legislation to facilitate the arrest and prosecution of suspected pirates.

Another potentially useful regional arrangement is the Maritime Search and Rescue Coordination Centre (MRCC).\textsuperscript{74} Based in Mombasa, Kenya with branches in Victoria, Seychelles and Dar es Salaam, Tanzania, the MRCC provides a much needed
surveillance and search and rescue capability for seafarers whose vessels transit the waters of the Indian Ocean along the East African coast. The center is sponsored by the International Maritime Organization (IMO) and currently receives financial backing from the International Search (ISR) Fund. The international community could usefully supplement this support to help develop the MRCC into a truly first-class facility that can link with its namesake in Cape Town, South Africa.

Third, shipping companies must be given greater financial incentive to institute basic security protocols—including avoiding dangerous routes, maintaining constant anti-piracy watches, keeping in close contact with shore and nearby vessels, and developing and practicing anti-piracy contingency plans—through the offer of lower insurance premiums, or the threat of higher ones. Sponsoring public-private partnerships aimed at better commercializing and marketing communication and non-lethal defensive technologies could also help. One way of achieving this would be for member states of the IMO to expand the Maritime Trust Fund, which, among other things, provides financial support to facilitate the fusion of public and private security efforts in the wider shipping industry.

Finally, and admittedly most vexing, more attention needs to be devoted to ameliorating the underlying political and socio-economic drivers that give rise to piracy off the HoA. In Somalia these include poverty, underdevelopment, and lack of governance. While wholesale nation building would be an extremely expensive and lengthy endeavor—not to mention a politically sensitive one given the ignominious retreat of UN and U.S. forces from the country in 1993—there are several smaller, more targeted initiatives that could pay dividends:

- Provide incentives to local coastal communities that play a prominent role in supporting pirates—notably Haradhere and Eyl—to desist from doing so. “Soft” socio-economic objectives aimed at protecting local fishing grounds and supporting small-scale industry and cooperative businesses that do not rely on the piracy “financial lifeline” seem to be the most viable means of achieving this objective.

- Foster the nascent Somali Coast Guard (SCG), which graduated its first 500 recruits in September 2009. Although a positive development, the force is completely dependent on international funding, and only has a dozen vessels at its disposal. Without more concerted backing there is little prospect of the SCG achieving its projected size of 5,000-person cadre.

- Support local institution-building in the semi-functioning areas of Somaliland and Puntland. The former has already demonstrated a proven ability to institute a durable and efficient onshore remedy against piracy while the latter has elements of governance that exist close to or even in criminal harbors such as Garad and Eyl.
Supporting institutions in Somaliland and Puntland would not require a large military campaign; relevant bodies of administration already have community support and, therefore, buy-in as well as access to local knowledge and intelligence.83

It remains to be seen whether the international community will adjust to the realities of the underlying drivers of piracy off the HoA and institute measures of the sort outlined above. However, in the absence of a more balanced, nuanced and relevant response, the incidence of armed maritime robbery in this part of the world is likely to grow, adding yet another destabilizing dimension to what is an already complex regional security milieu.

NOTES


3. This equates to some 2.42 times the planet’s terrestrial surface area.


10. In Puntland, local researchers have identified 51 pirate investors—mid-level businessmen who mostly come from the clans of the respective gangs they support.


17. Royal Australian Navy (RAN) officer, Canberra. Interview by Peter Chalk. (July 2009); See also National Security Council, Countering Piracy off the Horn of Africa: Partnership & Action Plan: 5.


24. This is in contrast to the situation that holds in Southeast Asia ich gangs typically do not seize and hold vessels. The fact that syndicates in the region largely eschew hijackings probably reflects the absence of viable regional safe areas to hold a vessel after it is seized. Although there have been periodic instances of groups abducting large bulk carriers, this has mostly been to avail fraudulent trade through the so-called “phantom ship” phenomenon. For more on this see Peter Chalk, The Maritime Dimension of International Security: Terrorism, Piracy and Challenges for the United States (Santa Monica: RAND, 2008): 6; and Jayant Abyankar, “Phantom Ships,” in Eric Ellen ed., Shipping at Risk (London: ICC, 1997): 58-75.


31. “Potential Hikes in Shipping Rates Involving Gulf of Aden Transits”; “Shipping Lines Raise Levy to Offset Piracy Losses,” *Business Daily Africa,* 3 December 2009, http://www.searates.com/news/5195; IMB, 2008 42; Nincic 5. Despite these increases, it is still far cheaper to transit the Gulf of Aden than re-route around the Cape of Good Hope in South Africa. This alternative passage is between 10-20 days longer and would add $1.5 million to $2 million to the cost of an average shipment in terms of extra fuel, time and labor.


34. Hansen: 27.


40. GLG, “Potential Hikes in Shipping Rates Involving Gulf of Aden Transits.”


44. *Maersk Line* owns the MV *Alabama,* the first U.S. owned vessel to be seized off the HoA (on 8 April 2009). As noted in Table 2, this incident galvanized world attention as it led to a widely publicized stand off with the American Navy. For more details see Robert McFadden and Scott Shane, “In Rescue of Captain, Navy Kills 3 Pirates,” *The New York Times,* 14 April 2009; and Keith Bradsher, “Captain’s Rescue Revives Debate Over Arming Crews,” *The New York Times,* 13 April 2009.


46. Prior to the creation of CTF-151, the task of conducting maritime patrols in the Gulf of Aden fell to Combined Task Force 150 (CTF-150), which was established at the outset of Operation Enduring Freedom (OEF) in 2001. However, this flotilla was mandated only to address threats such as terrorism, drug smuggling and weapons trafficking and had no independent authority to conduct anti-piracy operations *per se.* Information available on-line at http://www.navy.mil/local/CTF-151

47. RAN officer, Canberra, interview by Peter Chalk (May 2009). See also Chip Cummins, “U.S.
Peter Chalk


53. Piracy is defined under international law as a crime of universal jurisdiction, meaning all sovereign states have the right and responsibility to detain or arrest any person who is caught in the prosecution of the act. Although this legal framework would seem to provide an adequate basis for prosecuting pirates, its practical application depends on whether national governments have appropriate domestic legislation (not to mention political will) to actually bring pirates to justice—and many do not. During the first eight months of 2008, for instance, 320 pirates were captured by naval forces off the HoA but 175 of those were simply disarmed and released due to the difficulties of establishing a viable case against them that would stand in a court of law. Chalk, Smallman and Burger 1; Kraska and Wilson, “Somali Piracy: A Nasty Problem, a Web of Responses,” 227; Boot, “Pirates Then and Now,” 105-106.


55. Comments made during the “Reconsidering Piracy in the Modern Era” Workshop.

56. The CGPCS includes representatives from Australia, China, Denmark, Djibouti, Egypt, France, Germany, Greece, India, Italy, Japan, Kenya, South Korea, the Netherlands, Oman, Russia, Saudi Arabia, the Somali Transitional Federal Government (TFG), Spain, Turkey, the United Arab Emirates (UAE), the
United Kingdom, the United States and Yemen. In addition it includes observers from the African Union (AU), the EU, NATO, the UN Secretariat, and the International Maritime Organization (IMO).

57. The United Nations, “Contact Group on Piracy off the Coast of Somalia,” 14 January 2009; National Security Council, Countering Piracy off the Horn of Africa: Partnership & Action Plan: 8. The four working groups are as follows: WG 1, which is led by the UK in collaboration with the IMO, addresses activities related to military and operational coordination, information sharing and the creation of a regional coordination center; WG 2, which is led by Denmark, focuses on the judicial aspects of piracy with the support of the UN Office on Drugs and Crime (UNODC); WG 3, which is led by the US with the support of the IMO, aims to strengthen shipping self-awareness and other capabilities; and WG 4, which is led by Egypt, is devoted to improving diplomatic and public information efforts on all aspects of piracy.


61. Gortney, transcript of news briefing with the Department of Defense, Office of the Assistant Secretary of Defense; Viscusi, “Pirate Attacks Cut Dramatically By Navies, U.S. Admiral Says”; McDonald, “Record Number of Somali Pirate Attacks in 2009.”


63. McDonald, “Record Number of Somali Pirate Attacks in 2009.”


68. Ibid., 50.


70. Advocates argue that military action is sanctioned by UNSCR 1851, which authorizes essay to counter piracy emanating from Somalia’s territorial space.

71. Very, “Bad Order at Sea: From the Gulf of Aden to the Gulf of Guinea:” 21. It has been suggested that the whole impetus for action off the HoA was driven by political imperatives. Certain commentators believe that countries such as the UK, Spain, and Germany only started pushing for a EU taskforce after France had dispatched vessels to the Gulf of Aden and that the subsequent U.S. decision to form CTF-151 was a desire not to be “outdone” by Europe. Comments made during the “Countering Piracy in the Modern Era” workshop, RAND, Arlington, March 2009.

72. A number of commentators have suggested that the readiness of the international community to institute a containment strategy to deal with piracy off the HoA directly reflects unwillingness to undertake the more problematic task of dealing with poverty and lack of governance in Somalia itself.

73. Kraska and Wilson, “Diplomatic Efforts Against the Gulf of Aden Pirates.” The program aims to address emerging, rapidly developing and acute threats by equipping and training local and regional forces to independently preempt problems before they become full-blown crises that require outside interven-
tion. Support includes development of coastal surveillance infrastructure, provision of patrol boats and help with boosting and maintaining an effective maritime interdiction capability. It should be noted that there is some speculation that section 1206 will be eliminated in 2010, which would mean that maritime assistance of this type would have to be done under a different funding profile.

74. ReCAPP is a Japanese-led cooperative initiative that was first launched in 2001 to address piracy and armed robbery in the Asia-Pacific. The agreement was finalized in Tokyo on November 11 2004 and came into force on 04 September 2006. The agreement obliges signatories to: (1) share intelligence and information; (2) interdict vessels that are suspected of committing or attempting to commit an act of piracy; (3) ensure that individuals suspected of engaging in piracy are apprehended and prosecuted; and (4) review their own national legislation to ensure they have appropriate statutes for criminalizing piracy and armed maritime violence. ReCAPP currently includes the ten Association of Southeast Asian Nations (ASEAN) member states, Japan, China, the Republic of Korea, India, Bangladesh, Sri Lanka and Norway. For a transcript of the agreement see Japanese Ministry of Foreign Affairs, “Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships”

75. The MRCC was opened in May 2006


78. Possible technologies that are routinely suggested include ShipLoc (a basic but effective satellite tracking system that has long been endorsed by the IMB); SecureShip (a non-lethal electrical perimeter fence designed to prevent unauthorized boardings); and long-range acoustic devices that emit loud disorienting blasts of sound. See, for instance, National Security Council, Countering Piracy off the Horn of Africa: Partnership & Action Plan, 9; and IMB, Piracy and Armed Robbery Against Ships: Annual Report 2008; and “Piracy and Armed Robbery Against Ships: Annual Report 2008 diplomatic Efforts Against the Gulf of Aden Pirates.” Thus far, the fund has been used mostly to finance training on compliance with the International Ship and Port Facility Security Code (ISPSC).

79. Because only about 10 percent of the proceeds from piracy are returned to local communities, it should be possible to foster local business practices that represent a more secure, lucrative, and long-term source of income.

80. The coast guard has its headquarters in Mogadishu and currently has three additional bases in the ports of Bosasso, Berbera, and Kismayo.


82. Jay Bahadur Hansen, Piracy in the Greater Gulf of Aden, 56; Daniel Howden, “Africa’s Best Kept Secret,” The Independent (UK), 6 May 2009. Thus far, the international community has largely shunned moves to support Puntland and Somaliland in preference for trying to shore up the power of the Government of National Unity (GNU) in Mogadishu. However, this entity currently controls only six of the sixteen districts of the capital city and with the exception of the nascent coast guard has yet to make any definitive progress in the fight against piracy.


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