Combat Piracy in the Gulf of Aden: A Drop in the Ocean?

International Countermeasures to Reverse the Rising Tide of Maritime Violence in the Horn of Africa in the Medium Term

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Piliscsaba, 2011

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Acknowledgements

I would like to express my deepest gratitude to Kerstin Petretto, researcher of the Institute for Peace Research and Security Policy (Institut für Friedensforschung und Sicherheitspolitik – IFSH) at the University of Hamburg, whose considerable guidance and kind support enabled me to develop a thorough knowledge of the subject.

I am also thankful to Ferenc Kaiser, associate professor of the Zrínyi Miklós National Defence University, Budapest, for his general suggestions on the issues of this thesis.
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<th>Description</th>
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<tbody>
<tr>
<td>AFP</td>
<td>Agence France Presse</td>
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<tr>
<td>AMISOM</td>
<td>African Union Mission in Somalia</td>
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<td>AML/CFT</td>
<td>Anti-Money Laundering and Counter-Financing of Terrorism</td>
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<td>AQAP</td>
<td>Al-Qaeda in the Arab Peninsula</td>
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<td>BMP</td>
<td>Best Management Practices for Protection against Somalia Based Piracy</td>
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<td>CGPCS</td>
<td>Contact Group on Piracy off the Coast of Somalia</td>
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<td>CIA</td>
<td>Central Intelligence Agency</td>
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<td>CMF</td>
<td>Combined Maritime Forces</td>
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<td>CSCAP</td>
<td>Council for Security Cooperation in the Asia Pacific</td>
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<td>CSDP</td>
<td>Common Security and Defence Policy</td>
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<tr>
<td>CTF</td>
<td>Combined Task Force</td>
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<tr>
<td>DIW</td>
<td>Deutsches Institut für Wirtschaftsforschung</td>
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<td>EIU</td>
<td>Economist Intelligence Unit</td>
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<td>EU</td>
<td>European Union</td>
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<td>EU NAVFOR</td>
<td>European Naval Force Somalia</td>
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<td>EUTM</td>
<td>European Training Mission Somalia</td>
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<td>FSI</td>
<td>Failed State Index</td>
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<td>GHASP</td>
<td>Greater Horn of Africa Sea Patrol</td>
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<td>HSM</td>
<td>Harakat al-Shabaab al-Mujahideen</td>
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<tr>
<td>ICC</td>
<td>International Chamber Of Commerce</td>
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<td>ICG</td>
<td>International Crisis Group</td>
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<td>ICS</td>
<td>International Chamber of Shipping</td>
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<td>ICU</td>
<td>Islamic Courts Union</td>
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<td>IEG</td>
<td>International Expert Group on Piracy off the Somali Coast</td>
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<td>IMB</td>
<td>International Maritime Bureau</td>
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<td>IMO</td>
<td>International Maritime Organisation</td>
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<td>MEND</td>
<td>Movement for the Emancipation of the Niger Delta</td>
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<tr>
<td>MSC–HOA</td>
<td>Maritime Security Centre – Horn of Africa</td>
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<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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I. Introduction

I.1. Context

Piracy off the coast of Somalia has been a simmering problem for years now, and it would seem that Somalia has recently become a “pirates’ paradise”.\(^1\) Though maritime piracy is not a new threat, it became more prevalent with the end of the Cold War than any other time in history.\(^2\)

Pirate activity in the area of the Gulf of Aden is not a unique phenomenon, as well. Somali pirates have however established an exceptional and professional business model: vessels of all kinds, from small fishing boats to bulk carriers, container ships and large crude oil carriers are typically being hijacked underwater for the sole purpose of ransoming them and their crew back to the owners, though pirates very rarely take the vessels to shore to sell the cargo. Piracy is an emerging market in its own right, and Somali pirates have been improving their capabilities and skills to such a degree that Jack Lang, United Nations Secretary General Special Adviser on Legal Issues Related to Piracy off the Coast of Somalia, has confirmed an “industrialization of the phenomenon”.\(^3\)

Indeed, pirates who are equipped with large outboard motors to speed up fishing skiffs, different types of weapons from AKM assault rifles through hand grenades to rocket-propelled grenades (RPGs), as well as sophisticated navigation and communication technology do not seem to be spontaneous individual impoverished fishermen. Medium- and long-term detentions of crews of large freighters, and negotiations with foreign ship owners do require a significant logistical effort. Recently, Somali pirates are also believed to be using “mother vessels” (for instance hijacked ocean going fishing vessels) to conduct piracy operations farther off the coast, and launch smaller boats or skiffs to attack and hijack unsuspecting passing vessels close to Kenya, Tanzania, Yemen and Oman, but even as far as

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the Seychelles, Madagascar, Mozambique, the Indian west and the western Maldives, hundreds of nautical miles from the Somali coast. Moreover, with financial backers and profiteers found in countries all over the world including Lebanon and the United Arab Emirates, as well as criminal gangs in Yemen and global insurance companies in the West, piracy is not solely a Somali problem at all. Piracy is definitely a form of transnational organized crime.

(Includes March 2011 data)

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7 Source: Geopolicity (2011):4
However, piracy is not just a militarized conflict between pirates on the one side, and fishermen, seafarers, shipping companies and private security companies on the other. The Somali case exemplifies that it can also affect people dependent on humanitarian aid; increase security problems, for instance through the influx of small arms in already fragile situations; and challenge legitimate local and regional governance systems. Somali piracy is no longer primarily understood as a local or regional problem; it is now addressed as a threat to international peace and security.\(^8\)

As of 21 October 2011, out of the 369 reported pirate attacks worldwide, there were 208 incidents carried out by Somali perpetrators.\(^9\) Pirates tend to operate in regions with large coastal areas, high levels of commercial activity, small national naval forces, and weak regional security cooperation mechanisms all over the world,\(^10\) and the Gulf of Aden seems to possess each of these features: it is surrounded by only two countries, Yemen in the North and Somalia in the South with long, straight coastlines, limited naval capacities, and virtually no security cooperation; it is the section of the important Suez Canal waterway between the Mediterranean Sea and the Arabian Sea in the Indian Ocean with 15–20 thousand crossing ships annually\(^11\) – a vital transport route, particularly for the carriage of oil and commodities.

On the other hand, such characteristics facilitate other maritime security threats, too, including maritime terrorism, weapons and narcotics trafficking, illegal fishing and dumping, and human smuggling operations.\(^12\) Terrorist attacks on the US destroyer USS Cole in the Yemeni port of Aden in 2000, and on the French oil tanker Limburg in the Gulf of Aden in 2002 have raised fears of a systematic maritime strategy by al-Qaeda.\(^13\) Like pirates, terrorists are seen to threaten the security of ships at the Horn of Africa. There is also another potential link to terrorism: piracy might be used to finance terrorist activities through money-

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\(^12\) Ploch et al. (2009):4

laundering, or to undermine international embargoes. The combination of these threats to international cargo shipping and international security in this strategically central region drew high international attention and prompted unprecedented anti-piracy measures. The North Atlantic Treaty Organization (NATO), the European Union (EU), and additional stakeholders such as China, Russia or India have deployed naval forces in the vast coastal area of Somalia in order to protect trading vessels and combat piracy.

The success of these sea-based operations has however remained very limited, and they have so far been unable to slow the growth of piracy and eradicate the threat of terrorism in the region. Analysts\textsuperscript{14}, as well as media and political actors\textsuperscript{15} agree that piracy can only be tackled onshore, as it is a symptom of a much bigger problem: the lack of a functional central government in Somalia since 1991, the ongoing conflict, and the horrific humanitarian crisis. While concrete steps in this direction remain tentative, and the tackling of the root causes of piracy as well as the repeatedly stressed “state-building” may take a long time to achieve, pirate activity continues to flourish, and the two main actors in the region, the EU and the NATO, despite their official statements, pursue to be preoccupied with the symptom of the crisis and focus on short-term, interim measures to combat piracy.


1.2. Research Questions and Hypothesis

Are there however options which would make international efforts more effective in terms of reversing the rising tide of maritime violence in the Horn of Africa in the medium term, or the costly combat remains just “a drop in the ocean”? Guided by this main research question, the present thesis concentrates on intermediate, but also comprehensive availabilities in connection with tackling pirate activity in the Gulf of Aden.

The most important reason for choosing this path is that many researchers have already dug into the “failed-state approach” in connection with the abolishment of pirate activity off the Horn of Africa, but state-building in Somalia, and tackling the root causes of piracy indeed take a sustained and, moreover, long-term effort. It is also doubtful whether a forced, Western-type democratization process is viable on the land of “kinship and contract”\textsuperscript{16}, where the role of traditional structures is still significant both on social and political level. Though this traditional system has already been in crisis and in the risk of fragmentation, it is the glue that prevents a collapse into entire anarchy,\textsuperscript{17} because “there is only one loyalty all Somalis share. It is not Islam. It is not nationhood. It is not love of country, it is clanism.”\textsuperscript{18} The combination of the social, political, economical and humanitarian crisis means that state-building in Somalia would seem more complicated and complex than most of Western politicians and leaders believe.

Second, it seems there is no time to lose. Global economic models for assessing the costs and benefits of Somali piracy estimate that all the latest figures of the phenomenon: direct and indirect costs of piracy to the international community, the amount of ransoms and thus the total income of pirates along with the number of perpetrators are likely to double in four years, by the end of 2015.\textsuperscript{19} As a representative of the seafarers’ union Nautilus roughly but unambiguously stated:

\textsuperscript{19} Geopolicy (2011): IV
We could very quickly be reaching a point where we’re going to have to call for seafarers to refuse to sail into this area. (...) Now what will that mean for the world economy? Well that means ships can’t go into the area, that means we have an oil shortage again, maybe then people would take notice, maybe when the supermarket shelves start to empty, when there is no petrol in the forecourt, then people will realise how critical the shipping industry is.\textsuperscript{20}

Hence, this thesis starts off with the hypothesis that, apart from state-building, a number of measures can be concluded from various studies, analyses and statements of stakeholders, as well as from experience of successful counter-piracy actions in other regions, which might, parallel with long-term efforts, effectively curb Somali piracy in the medium term. Furthermore, current remedies may not necessarily be entirely inappropriate, but some adequate improvements are undoubtedly needed for future engagements.

However, what does actually maritime piracy mean? Is it a criminal act on its own, or just a sub-category of a broader phenomenon? What is the connection between maritime violence, maritime terrorism and maritime piracy? Is it only pirate activity which threatens international cargo shipping and international security in the Gulf of Aden? Which are the limits of this thesis in terms of geography, time and actors, anyway? Who are the pirates? Where do they primarily come from? What type of equipment do they have? How does a typical pirate attack look like? Which are the phases of piracy operations? Why Somali piracy does recently referred to as a “unique business model”? Do pirate gangs seek targets of opportunity, or their attacks are well-organized crimes? What are the costs of piracy and who profits from this activity? Which are nevertheless the root causes of piracy and what is the motivation behind? Last but not least, what kind of arrangements has the international community so far implemented in order to suppress piracy off the coast of Somalia? Were these steps successful?

1.3. Structure of the Thesis

To adequately answer these questions along with the main research question, the thesis first of all starts with an introductory part which, after having outlined the context, the hypothesis as well as the political and scientific relevance of the subject, establishes the theoretical conceptualization of maritime violence and specializes the limits of maritime violence in the Gulf of Aden in terms of geography, time and actors to create a framework for the analysis.

The second chapter then describes the current state of affairs in Somalia, and discusses the manifestation of the different typologies of maritime violence in the Horn of Africa; characterizes common piracy in the region; outlines funding and the economics of piracy; explores the root causes of pirate activity along with the motivation behind in order to thoroughly present the phenomenon which international community face.

The third part of the thesis presents a brief description of current remedies against maritime violence in the Gulf of Aden, while the fourth but, with regard to the main research question and hypothesis, most important chapter has the intention to provide medium-term instruments which could make international efforts more effective to be able to reverse the rising tide of maritime violence in the Horn of Africa.
I.4. Political and Scientific Relevance of the Subject

The present thesis feeds to the current debates on how to best respond to the still growing threat of maritime violence to international cargo shipping and international security at the Horn of Africa. Therefore, it is politically relevant for at least two reasons. First of all, the two main actors in the region, the EU and the NATO, as well as many additional states are directly involved in countermeasures, investing considerable amounts of money and risking the lives of their soldiers. Furthermore, the EU is one of the rare stakeholders capable of offering a truly comprehensive approach to Somalia; the single largest development and humanitarian aid donor to the country.

Second, maritime insecurity in the region is closely linked to state capacity in the two littoral states Somalia and Yemen. Thus, tackling the phenomenon of piracy would not only secure international sea routes, but also lessen the hardship of the local population and diminish the security risk inherent in state failure. Establishing the factors which may lead to success, the present thesis shall conclude with concrete political recommendations.

The scientific relevance of the thesis is dual. On the one hand, no comprehensive study has so far systematically analysed different perspectives on how to effectively curb Somali violence off the Horn of Africa in the medium term. However, concluding from the recent developments in connection with Somalia, and summarizing relevant studies, Kerstin Petretto, for instance, has already outlined a three-parted broad response to piracy (deterrence, prosecution, prevention), mainly building on her own research and interviews with stakeholders. Her thoughts are mainly consistent with those of Andreas Graf who has also dealt with countermeasures against maritime violence, comparing piracy and maritime terrorism in Southeast Asia and in the Horn of Africa with the intention to apply lessons from

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21 Petretto (2008)
the Malacca Straits to the Gulf of Aden. Using a comparative method, his analysis is however limited to options which are proved to be successful in the Malacca Straits.\textsuperscript{24}

There are also numerous other documents, publications and studies which examine counter-piracy measures, or are one way or another connected to the intension of this thesis. For instance, Jack Lang, UN special adviser on piracy, and Elizabeth Andersen together with her co-authors approach the problem from a legal aspect;\textsuperscript{25} Anja P. Jakobi describes the phenomenon of piracy as the integral part of transnational organized crime,\textsuperscript{26} while the International Maritime Bureau (IMB) suggests different kind of planning and operational practices for ship operators and masters against pirate attacks.\textsuperscript{27} On the contrary, Christian Bueger, Jan Stockbruegger and Sascha Werthes criticize all these approaches which they generally call “deterrence, prosecution and military intervention”, and call for the “reframing” of the piracy problem as a peace-building mechanism.\textsuperscript{28} Thus, the intention of this thesis is to provide an overall image of all the related intermediate options for countermeasures, to create a framework for efficient combat against piracy in the Gulf of Aden in the medium term.

On the other hand, the scientific debate on the pirate activity off the Somali coast often does not make a clear conceptual difference between piracy and maritime terrorism as sub-concepts of a broader phenomenon. The analysis for maritime violence in sub-chapter I.6. therefore makes this thesis directly relevant to academic, scientific, and political debates on the issue.

\textsuperscript{24} Graf (2011)
\textsuperscript{26} Jakobi (2010)
\textsuperscript{28} Bueger et al. (2011a)
I.5. Major Sources of the Research – Literature Review

The present thesis bases on documents and secondary literature, as well. First of all, the debate on the definitions and conceptual delimitations of different forms of maritime violence is rich in contributions. The most comprehensive studies on the matter stem from Stefan Eklöf Amirell, Peter Chalk, Rupert Herbert-Burns and Lauren Zucker, Bjørn Møller, and Michael Richardson. It is however Andreas Graf who, concluding from the findings of these authors, systematically analysed the phenomenon and created definitions which are indeed practical for this thesis.

Second, with regard to current state of affairs in Somalia and the manifestation of maritime violence in the Gulf of Aden, the most relevant sources include studies of Raymond Gilpin, Tobias Hagmann and Marcus V. Hoehne, Stig Jarle Hansen, Robyn Hunter, Ken Menkhaus, Roger Middleton, Kerstin Petretto, as well as Lauren Ploch and her co-authors.

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30 Graf (2011)


32 Ploch et al. (2009)
It is also important to highlight the initiative of Oceans Beyond Piracy, the publication of Geopolicy, annual reports and best management practices of the IMB, and relevant reports issued by the United Nations Secretary General. Last, but not least, Piracy Studies, a networked blog on the internet for sharing academic research provides a broad resource on scientific literature in connection with contemporary maritime piracy.

On the other hand, it is worth mentioning that current state of source material with respect to piracy off the Somali coast is of a more problematic nature. Reliable information is limited by the security situation in the region, as very few authors are able to investigate and research firsthand. Furthermore, as the situation are constantly evolving, this thesis is compelled to refer to many newspaper articles, analyses by think tanks and conference presentations, while using also many scientific studies, but only two monographs, one by Bruce Hoffmann and one by James Kraska.

Finally, as it has been already mentioned in the previous sub-chapter, no studies are available which have systematically approached the challenge from the perspective of medium-term remedies.

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33 Oceans Beyond Piracy is an initiative sponsored by the One Earth Future Foundation, and seeks to develop a global response to maritime piracy that deals comprehensively with deterrence, suppression, and prosecution of piracy while building the foundation for a longer-term solution. A key component of the project seeks to establish public-private partnerships by engaging and mobilizing a wide range of maritime community stakeholders including ship owners, seafarers, governments, international organizations, the insurance industry, and others with a genuine stake in this issue. See: http://oceansbeyondpiracy.org/

34 Geopolicy (2011)

35 IMB et al. (2011c)

36 Piracy Studies website is available at: http://piracy-studies.org/

I.6. Definitions and Explanations\textsuperscript{38}

In order to answer the main research question effectively and adequately, some clarifications are needed at the outset: the establishment and conceptualization of a precise and working definition of maritime violence, as well as the specification of the particular case of maritime violence in the Gulf of Aden in terms of geography, time and actors.

I.6.1. Maritime Violence

The term maritime violence as referred to in this thesis includes violent attacks on or conducted directly through devices of the maritime domain. Therefore, maritime violence is seen as a sub-phenomenon of maritime crime. Maritime crime also includes, in addition to violent attacks, other organized criminal activities in the maritime domain and constitutes itself a specific form of organized crime.\textsuperscript{39}

The concept of maritime violence has been chosen for two main reasons. First of all, it includes all violent acts in the maritime domain considered to be the main threats to international cargo shipping and international security in the maritime environment. Second, in contrast to the more general term of “maritime crime”, maritime violence, referring to concrete and violent attacks, asks for specific kinds of countermeasures. While some welcomed synergies do exist between fighting maritime violence and other forms of criminal activities in the maritime environment, the different phenomena are tackled by different means.

Maritime violence is most often conceived through the phenomena of piracy and maritime terrorism. Though the definitions of piracy and maritime terrorism vary considerably amongst analysts, institutions and legal frameworks, the following sub-chapters present some of the existing definitions in order to lay the basis for the framework of analysis for the different types of maritime violence.

\textsuperscript{38} The following chain of thoughts considerably bases on the concept of Andreas Graf (Graf 2011:13–27) on this subject.

\textsuperscript{39} Graf (2011):9
I.6.1.1. Piracy

In the broadest sense, piracy is considered “any armed violence at sea which is not a lawful act of war.”40 This wide-ranging perspective, formulated by the British jurist C.S. Kenny in his legal reflection on piracy in 1934, is echoed in the definition of the IMB.41 According to the IMB, piracy is an act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act.42

The main inconsistency in this definition is the fact that the motivation of the perpetrator is disregarded. It fails to differentiate politically motivated attacks from those motivated by economic gain. The definition of the IMB has further been criticised for also including attacks on ships anchored or berthed, which represented fifty-eight per cent of attacks reported in 2009, for instance.43 Therefore, statistics tend to become blurred by the fact that hijackings of major ships fall under the same definition as small-scale mugging, representing most of the incidents on ships located in ports.44

The 1982 United Nations Convention on the Law of the Sea (UNCLOS), in its article 101 presents the only legal definition of piracy. It is narrower than the one by the IMB on the matter of motivation, limiting the acts to those committed for “private ends”. However, its practicability suffers from two main restraints. First of all, it sticks to the high seas, failing to


41 The IMB is a specialised division of the International Chamber Of Commerce (ICC). The IMB is a non-profit making organization, established in 1981 to act as a focal point in the fight against all types of maritime crime and malpractice. Therefore, the IMB is one of the main references in studying acts of maritime violence and its quarterly published statistics are seen as the most authoritative sources of its kind.


44 Ibid., Amirell (2005):12

45 United Nations Convention on the Law of the Sea (UNCLOS) (1982), Art. 101, piracy refers to: A. Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: i. on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; ii. against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; B. any act of voluntary participation in the operation of a ship or of an aircraft with the knowledge of facts making it a pirate ship or aircraft. Retrieved on 28 October 2011 from http://www.un.org/depts/los/convention_agreements/texts/unclos/ unclos_e.pdf
cover the vast majority of pirate attacks taking place inside territorial waters. Second, the legal definition is based on the condition that two ships are involved in the incident, excluding actions of pirates boarding a ship as crew members.\textsuperscript{46}

Compensating spatial deficiencies, the United Nations shipping regulator, the International Maritime Organisation (IMO), introduced the concept of “armed robbery at sea”, corresponding to acts committed within the territorial waters. The IMO adequately complements the UNCLOS, defining armed robbery at sea as “any illegal act of violence or detention or any act of depredation (...) committed for private ends.”\textsuperscript{47} The merging of these two UN definitions most accurately reflects what most analysts\textsuperscript{48} consider being the major distinctive factor between piracy and other crimes at sea: the economic motivation of the perpetrators. Or as Adam Young and Mark J. Valencia drew it up: “Piracy is a crime motivated by greed and thus predicated by immediate financial gain.”\textsuperscript{49}

\textit{I.6.1.2. Maritime Terrorism}

While piracy is fundamentally motivated by economic considerations, maritime terrorism is driven by “political goals beyond the immediate act of attacking or hijacking a maritime target.”\textsuperscript{50} Terrorism, according to Hoffmann, describes “the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political

\textsuperscript{46} Møller (2009a):18

\textsuperscript{47} “Armed robbery against ships” means any of the following acts: 1 any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters and territorial sea; 2 any act of inciting or of intentionally facilitating an act described above. International Maritime Organisation (IMO) (2010): Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships (resolution A1025(26), Annex, paragraph 2.2), 18 January 2010. Retrieved on 28 October 2011 from http://www5.imo.org/SharePoint/blastDataOnly.asp/data_id=27434/1025.pdf


\textsuperscript{50} Ibid.
change.”

The most often used definition of maritime terrorism therefore pertains to terrorist acts executed “within, or with the intent of compromising the features of the maritime domain.”

A more extensive definition was presented by the Council for Security Cooperation in the Asia Pacific (CSCAP) Working Group. It defines maritime terrorism as

the undertaking of terrorist acts and activities within the maritime environment, using or against vessels or fixed platforms at sea or in port, or against any one of their passengers or personnel, against coastal facilities or settlements, including tourist resorts, port areas and port towns or cities.

Considering all “terrorist activities” within the maritime domain as maritime terrorism, it also includes the use of the maritime transportation system by smuggling materials, goods or people in the process of preparing terrorist attacks.

Nevertheless, each definition has two main shortcomings. A first limitation is the tendency to widen the concept of maritime terrorism, overlapping with phenomena such as smuggling or organized crime. As a matter of fact, marking different kinds of criminal activities at sea as maritime terrorism might increase the public and political attention to the issue. It is however unpractical in terms of analysing the phenomenon and determining appropriate countermeasures.

A second problem is that none of the definitions of maritime terrorism makes distinction between internationally oriented terrorism and local insurgency groups acting at sea. There are considerable differences between the intention and threats of a presumed maritime strategy of al-Qaeda, and the actions of local insurgencies such as the al-Shabaab.

51 Hoffmann (2006)
54 Herbert-Burns–Zucker (2004):31
55 Harakat al-Shabaab al-Mujahideen (HSM) (Mujahideen Youth Movement or “Movement of Striving Youth”), more commonly known as al-Shabaab (“The Youth”, “The Boys” or “The Lads”) is a group of Islamist militants, which describes itself as waging jihad against “enemies of Islam”, and is engaged in combat against the Somali Transitional Federal Government (TFG) and the African Union Mission to Somalia (AMISOM). The group is an off-shoot of the Islamic Courts Union, which splintered into several smaller organizations after its removal from power by Ethiopian forces in 2006. Ali, Abdisaid M. (2008): The Al-Shabaab Al-Mujahidiin – A Profile of the First Somali Terrorist Organisation. *Institut für Strategie- Politik- Sicherheits- und Wirtschaftsberatung (ISPSW), Berlin*. 

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or the former Hizbul Islam. For al-Qaeda, targeting Western interests, global trade routes and international military presence constitute promising targets to take forward their global agenda, whereas the two main Somali Islamist insurgency groups rather follow regionally limited aspirations and objectives.

I.6.2. A Framework for the Analysis

Existing definitions on piracy and maritime terrorism turned out to lack four principle factors: a common understanding of what type of assault falls under maritime violence; clear-cut definitions which are essential to answer to discrepancies within the different definitions of the two concepts; a differentiation between simple acts of robbery and that kind of crimes which this thesis is concerned with – i.e. major attacks threatening international cargo shipping and/or international security; the significant overlapping areas between the phenomena of piracy and maritime terrorism. Thus, the aim of the following sub-chapter is to establish a typology for acts of maritime violence; clear definitions which allow for delineating these acts central to the thesis.

I.6.2.1. Delimiting Acts

Within this thesis, maritime violence is considered as encompassing “violent attacks on or conducted directly through devices of the maritime domain.” It follows from this that maritime violence contains two types of attack scenarios: attacks from sea, and attacks from land on targets on sea.

Attacks from sea can be conducted on targets at sea, in harbours or on land. Attacking targets at sea from sea represents the classic scenario that crew members of one ship boarding another vessel by force. This scenario is reflected by the two ship condition

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57 Graf (2011):16
described in the UNCLOS definition of piracy. The definition by UNCLOS however does not contain attacks on targets in harbours but, constituting a large number of the attacks of “piracy and armed robbery” registered by the IMB according to their own definition of piracy,\textsuperscript{58} these are also included in this thesis. Finally, attacks from sea on targets on land can be illustrated with the possible scenario of terrorists trying to destroy harbours and their surrounding areas by bringing a ship containing oil or gas to explosion, for instance.

Attacks from land on targets at sea include attacks on ships docked in harbours. The classical case would be small scale “maritime mugging”, or, which is often quoted by authors on maritime terrorism, terrorists causing a ship to sink at a chokepoint of maritime trade through attacking it from land.\textsuperscript{59}

According to definitions of piracy and maritime terrorism as presented in sub-chapter I.6.1., at least two main limitations emerge. First of all, the concept of crimes in this thesis is limited to concrete attack scenarios. Unlike Martin N. Murphy, who considers low level transport of weapons, money, equipment and persons that feed terrorist capability all over the world as the most serious threat to international security posed by maritime terrorism,\textsuperscript{60} the present analysis does not consider such activities of broader maritime crime as maritime violence. Second, the acts are limited to attacks directly conducted through or on devices of the maritime domain.

\textit{I.6.2.2. Typology of Maritime Violence}

As it was already pointed out in sub-chapter I.4.1, the phenomena of piracy and maritime terrorism are the major sub-categories of maritime violence. The main distinctive factor between these two phenomena is the motivation behind the act: “piracy is driven by financial gain, while terrorism is politically motivated.”\textsuperscript{61} Thus, the distinction on the basis of the motivation behind the act represents the primary level of the framework of analysis. It also

\textsuperscript{58} Scheffler (2010):3


\textsuperscript{61} Herbert-Burns–Zucker (2004):30
becomes analytically useful to distinguish the motivations of the perpetrators on a secondary level, as acts can be committed by different kinds of actors. Indeed, distinguishing sub-phenomena of maritime violence is very practical in terms of designing promising medium-term countermeasure strategies against maritime violence.

Not only do pirates terrorize ships’ crews, but terror groups (... could also use pirates’ methods either to attack ships, or to seize ships to use in terror attacks at megaports, much like the September 11 hijackers used planes.62

However, it would seem that such acts can be classified as piracy or terrorism, as the strategy they use is often the same.63 The difference between the two concepts is the immediate, short-term motivation of the perpetrator leading to the specific act of maritime violence. While the seizing of a ship and the detention of its crew for ransom is categorized as piracy, the same act “as a means of creating havoc or instilling fear in a population or the general public”64 in order to portray a political message, corresponds to terrorism.

Table 1: Typology of Maritime Violence through the motivation behind acts65

<table>
<thead>
<tr>
<th>Motivation behind acts</th>
<th>Economic</th>
<th>Piracy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Political</td>
<td>Terrorism</td>
</tr>
</tbody>
</table>

Unfortunately, the distinction on the basis of motivation behind acts is not entirely obvious in cases where politically motivated groups use measures of piracy to finance their activities on shore. It would not be appropriate to regard them as pirates, as these groups “have completely different characteristics than the ‘classical’ pirates striving for economic gain.”66 In fact, considering the driving force behind the acts of the groups becomes even more relevant in terms of criminal prosecution, for instance. Therefore, the second level of the analysis concentrates on the long-term motivation of the perpetrators behind the immediate attacks, and merges this with the findings of the primary level (see table 1).

64 Amirell (2006):53
65 Source: Graf (2011):17
66 Graf (2011):18
Table 2: Maritime Violence – A Framework for the Analysis

<table>
<thead>
<tr>
<th>Motivation behind acts</th>
<th>Economic</th>
<th>Political</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic</td>
<td>Common Piracy</td>
<td>Political Piracy</td>
</tr>
<tr>
<td>Political</td>
<td>Economically oriented Maritime Terrorism</td>
<td>Maritime Terrorism / Maritime Insurgency</td>
</tr>
</tbody>
</table>

The combined, two-level analysis resulted four main typologies: “common piracy” which is carried out with an economical objective by perpetrators who are driven by greed rather than political motivations; “political piracy” which describes attacks in which politically oriented groups use tactics of piracy to finance their activities; “maritime terrorism” and “maritime insurgency” which clearly have a political motivation and are carried out by groups with political objectives,68 “economically oriented maritime terrorism”: politically motivated attacks by groups primarily interested in financial benefits.

Having established the theoretical conceptualization of maritime violence, providing as clear-cut definitions as the complexity of phenomenon allows it to be, the aim of the next subchapter is to specialize the limits of maritime violence in the Gulf of Aden in terms of geography, time and actors, before the analysis moves on to discuss the manifestation of the typologies given above off the Horn of Africa in practice.

I.6.3. Delimitation of Maritime Violence in the Gulf of Aden

The analysis of maritime violence off the Horn of Africa will primarily focus on the situation in the Gulf of Aden which is located in the Arabian Sea between Yemen, on the south coast of the Arabian Peninsula, and Somalia in the Horn of Africa, and connects in the northwest with the Red Sea through the Bab-el-Mandeb strait. This geographical delimitation means that an important share of recent Somali pirate activity, taking place off the East coast of Somalia in the Indian Ocean, will not specifically be included. The reason, on the one

67 Source: Ibid.

68 Note: the two concepts of maritime terrorism and maritime insurgency are different phenomena (see subchapter II.2.3.).
hand, is that the Gulf of Aden considered being the focal point of pirates’ attacks; the most
dangerous zone, but the main sea route for international cargo shipping in the same time. On
the other hand, countermeasures which are designed for the Gulf of Aden undoubtedly have
effects in the whole region, as well.

Concerning the time frame, the focus is on the current state of affairs resulting from a
dramatic increase in the number of pirate attacks since 2006 and continued fears of violence
of maritime terrorism. The thesis does not set the comprehensive introduction to the modern
Somali history as an objective. Thus, it only includes a brief summary of the current situation
of Somalia.

Last, but not least, in order to reflect the broad picture of medium-term
countermeasures, international as well as local actors engaging in remedies will be part of this
analysis. However, it is important to emphasize that the thesis exclusively researches those
possible options which are, based on the international law, legally and morally acceptable for
the international community as a whole. This establishment becomes more essential in the
light of an, unfortunately not unique, incident which swept the press all over the world.

In May 2010, Somali pirates attacked and seized the Russian tanker Moscow
University some 350 kilometres (190 nautical miles) off the Yemeni island of Socotra in the
Gulf of Aden. The merchant vessel was carrying crude oil worth USD 50 million from Sudan
to China. One day after the crew of twenty-three men cut the power and barricaded
themselves in a safe room, a military helicopter launched from the nearby Russian destroyer
Marshal Shaposhnikov stormed the ship, and marines exchanged fire with the attackers, who
quickly surrendered. The Russian crew members were alive freed, one hijacker was killed in
the gun battle, and ten was captured. Soon, the pirates were however released – in an
inflatable boat without navigational equipment in the middle of the Gulf of Aden. Within an
hour, contact was lost with the radio beacon of the boat. All of the pirates supposedly died.69

The incident highlights the legal and logistical challenges which will be provided for in the
fourth chapter, faced by foreign navies targeting Somali pirates, and shows the instance of a
“solution” which this thesis rejects, and does not consider as an option, at all.

69 Applebaum, Anne (2010): Somalia pirates’ clash with Russian navy reveals a gap in rule of law. The
www.washingtonpost.com/wp-dyn/content/article/2010/05/17/AR2010051702 971.html; BBC News (2011a):
“The losing battle against Somali piracy” (10 February 2011). Retrieved on 28 October 2011 from
may/07/russia-frees-somali-pirates
II. Somalia – A “Pirates’ Paradise”

II.1. State of Affairs

Somalia has been a country in turmoil since the outbreak of the Somali civil war in 1991. After the end of the two-decade-long autocratic rule of Mohamed Siad Barre in the early 1990s, there has been no central government to control the entirety of the country for more than twenty years now. With 43.2 per cent of the estimated 7.4 million population living below USD 1 per day, almost 1.5 million being internally displaced, and more than 770 thousand people living as refugees in neighbouring countries, Somalia is generally considered as the example of modern state failure. Basic services: healthcare, water supply, sanitation, or education can hardly be provided for the vast majority of inhabitants, while drought and floods further increase the vulnerability of the Somali society.

A main characteristic of the Somali crisis is its regional variations. South-central Somalia is bearing the brunt of the humanitarian crisis and suffers mostly from infighting between competing actors, such as al-Shabaab which rules most of southern Somalia, and the internationally backed Transitional Federal Government (TFG) which is not only hampered by the internal strife but is also only capable of exerting limited control over parts of the

70 After the Second World War, Somaliland remained a British protectorate in the north, and an Italian trusteeship in the south. Gaining independence in 1960, the two regions unified into the Somali Republic under a civilian government. In 1969, President of Somalia Abdirashid Ali Shermarke was murdered by one of his own bodyguards. His assassination was quickly followed by a military coup d’état, in which the Somali Army seized power without encountering armed opposition. The putsch was led by Major General Mohamed Siad Barre, commander of the army at that time. He held on to power for twenty-one years, presiding over a regime that introduced Scientific Socialism to Somalia in 1970 and took Somalia into a relationship with the Soviet Union; introduced a Somali orthography in 1972; took the country to war with Ethiopia to reclaim the Ogaden region in 1977; became an ally of the US in 1979. The divisive and predatory military dictatorship of Siad Barre was weakened further in the 1980s as the Cold War drew to a close and the strategic importance of the country was diminished. The government became increasingly totalitarian, and resistance movements, encouraged by Ethiopia, sprang up across the country, eventually leading to the Somali civil war. For a detailed analysis of the breakdown of the Somali state see: Menkhaus (2008)


capital, Mogadishu and a few provinces with major help of the African Union Mission in Somalia (AMISOM). Nevertheless, its transitional mandate has recently been extended for one more year.\textsuperscript{73} Somaliland in the northwest of the country has proclaimed its (so far internationally unrecognized) independence as early as 1991, and has been quite successful in establishing a stable political environment, as peaceful democratic elections of a new government in 2010 have proven once again.\textsuperscript{74} The north-eastern Puntland State of Somalia, established as a non-secessionist federal state in 1998 has also succeeded in setting up more or less stable political structures. However, it is still one of the most dangerous regions for international employees, specifically due to kidnappings since 2010. Puntland is furthermore the epicentre of piracy within Somalia.


II.2. The Manifestation of Maritime Violence in the Gulf of Aden

Piracy off the coast of Somalia has been a threat to international shipping since the second phase of the Somali Civil War in the early twenty-first century. After 2005, many international organizations, including the IMO and the World Food Programme (WFP), have expressed concern over the rise in acts of piracy, and violent attacks on maritime traffic have been steadily increasing, ever since. Yet, as it was concluded in sub-chapter I.6.2.2., maritime violence is a much more sophisticated phenomenon and the aim of the following analysis is to characterize the manifestation of common piracy, political piracy, maritime terrorism and maritime insurgency, as well as economically oriented maritime terrorism in the Gulf of Aden.

II.2.1. Common Piracy

The first typology resulting from the framework for the analysis was “common piracy” which refers to

violent attacks or detention, or any act of depredation, or threat thereof, committed for private ends and directed against a ship or against persons or properties on board such a ship within a State’s internal waters, archipelagic waters, as well as in territorial and high seas.76

Between 2007 and 2009, 221 actual and attempted attacks took place in the Gulf of Aden.77 Out of these, the overwhelming majority amounted to medium-level armed assault and robbery or major criminal hijack according to the classification of the IMB and represent a clear threat to international merchant shipping.78


76 Graf (2011):19

77 IMB (2009)

The IMB attributes all the acts of piracy in the Gulf of Aden to Somali pirates, with no attack by Yemeni pirates reported.\footnote{IMB (2009):5} Within Somalia, the semi-autonomous region of Puntland in the northeast of the country has become the base of most of the pirate activities in the Gulf of Aden. In the neighbouring province of Somaliland, piracy has never gained a foothold.\footnote{Middleton (2008):4} Various groups of pirates, organized along clan lines are currently active in Somali waters.\footnote{For more on the structuring of different groups see: United Nations Secretary General (UNSG) (2009): Report of the Secretary General pursuant to Security Council Resolution 1846, UN Doc S/2009/146, 16 March 2009. Retrieved on 28 October 2011 from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/257/27/PDF/N0925727.pdf?OpenElement} Immediate attacks are conducted by small and rapid skiffs, but the pirates have increased their range by using mother ships. Generally, these are fishing trawlers that were captured by the pirates closer to shore and are subsequently used as staging posts further out to sea.\footnote{Middleton (2008):4} According to reported incidents, the pirates in the Gulf of Aden are always armed, but they very rarely use their weaponry which evidences their high professionalism.\footnote{Møller (2009b):1. Pirates who hijacked the French luxury yacht “Le Ponant” in April 2008 were acting according to a written code of conduct they carried with them. The document banned the mistreatment of hostages, notably sexual misuse. Reuters (2008a): “Somali Pirates tell French police of sea militia” (17 April 2008). Retrieved on 28 October 2011 from http://www.reuters.com/article/idUSL17838540} 

II.2.2. Political Piracy

“Political piracy” constitutes the second typology introduced by the framework for the analysis on maritime violence. Political piracy refers “to piratical attacks committed by a perpetrator with a political agenda in order to fund his activities.”\footnote{Graf (2011):21} Unlike common piracy, in the case of political piracy the economic benefits of pirate attacks represent just the means to pursue a wider political, ideological or religious cause. The perpetrators who commit such acts of violence are often labelled terrorists, mainly due to their political struggles on land sometimes involving terrorist tactics. However, with respect to their activities at sea, they act as pirates.\footnote{In this sense, the terminology of “logistical support terrorism” used by Rupert Herbert-Burns misses the point (Herbert-Burns–Zucker 2004:32–33)}
The two main Somali Islamist insurgency groups, al-Shabaab and the former Hizbul Islam, have at various occasions been linked to piracy.\textsuperscript{86} Andrew Mwangura, head of the East African Seafarers’ Assistance program reportedly stated: “According to our information, the money they make from piracy and ransoms goes to support al-Shabaab activities on-shore.”\textsuperscript{87} The argument of a considerable involvement of pirate groups in the local conflict is further supported by a New York Times article of September 2010, claiming that

while local government officials in Hobyo have deputized pirate gangs to ring off coastal villages and block out the Shabab, down the beach in Xarardheere, another pirate lair, elders said that other pirates recently agreed to split their ransoms with the Shabab and Hizbul Islam, another Islamist insurgent group.\textsuperscript{88}

On the other hand, it is still doubtful whether these militias are systematically using pirate attacks as means to finance themselves or whether some pirate gangs have become part of the civil war.\textsuperscript{89} Vice Admiral William Gortney, commander of United States Naval Forces Central Command (USNAVCENT) for instance explained in the House Armed Service Committee in March 2009 that they “look very, very carefully for a linkage between piracy and terrorism or any kind of ideology” and they “do not see it.”\textsuperscript{90} This position is further supported by the UN Monitoring Group on Somalia, finding “no evidence that to support allegations of structured cooperation between pirate groups and armed opposition groups, including al-Shabaab.”\textsuperscript{91} Furthermore, these assumptions mainly address the situation in southern Somalia where an important part of the coastal regions are under control of the Islamist militias, whereas pirates who are active in the Gulf of Aden mainly originate from Puntland where the local government manages to keep the influence of the Islamists at a strict


\textsuperscript{90} Ploch et al. (2009):16

minimum.\(^\text{92}\) Hence, as of November 2011, common piracy, and not political piracy, illustrates most relevantly the activities of maritime violence in the Gulf of Aden.

II.2.3. Maritime Terrorism and Maritime Insurgency

The third typology resulting from the framework for the analysis consists of two phenomena characterized by politically motivated acts, accomplished by groups pursuing political goals.

The first phenomenon is “maritime terrorism” which represents

*acts of terrorism at or from the sea, that is to say acts of violence committed by politically motivated groups with an international agenda, aiming at inspiring their supporters and/or inducing feelings of fear among their enemies.*\(^\text{93}\)

In fact, the only groups falling under this category are, for the time being, the jihadist networks of al-Qaeda and its associates which have raised continued fears of maritime terrorism in the Gulf of Aden after they planned and carried out attacks against the American destroyer USS Cole in 2000 and the French-registered oil tanker Limburg in 2002 by small boats, heavily loaded with explosives.\(^\text{94}\) The existence of a proper “navy” including a significant fleet, supposedly maintained by al-Qaeda,\(^\text{95}\) which could be used not only for the transport of goods and persons but also as a weapon, remains highly disputed.\(^\text{96}\) Due to the absence of terrorist attacks in the maritime domain since 2002, the repeated predictions of “al-Qaeda’s coming maritime campaign”\(^\text{97}\) proved to be precipitate. During the last nine years, none of the large-scale terrorist attacks carried out by al-Qaeda involved major ships as weapons of any kind – neither in the Gulf of Aden, nor anywhere else in the world. Therefore,

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\(^{93}\) Graf (2011):23

\(^{94}\) BBC News (2000, 2002)

\(^{95}\) Richardson (2004):13


the threat to international security and international trade set by maritime terrorism would so far seem to remain limited, though the potential of attacks from the side of Islamist groups based in Yemen should not be neglected at all.98

The second category of politically motivated acts carried out by groups striving for political objectives can best be described as “maritime insurgency” which refers to “violent attacks at or from sea, committed by insurgents with geographically limited agendas.”99 While maritime terrorism has an international perspective, making international trading routes and ships attractive targets, insurgency groups with a maritime component typically follow a separatist agenda and direct their attacks primarily on assets of the government in question. Concisely: maritime terrorism has the aim and potential to harm international security as well as international trade; maritime insurgency has mostly locally limited repercussions, thus it is far less relevant for this thesis as none of the organizations or groups falls under this category in the Gulf of Aden.100

II.2.4. Economically Oriented Maritime Terrorism

The fourth and final category of maritime violence deals with “economically oriented maritime terrorism” which refers to “attacks at or from sea, in which terrorism is used as a tactic by economically motivated perpetrators.”101 As a matter of fact, this fourth typology of attack scenarios very rarely occurs in reality; hence it is neglected in this thesis. For economically oriented perpetrators such as pirates, attacks designed to spread fear amongst the population are not very promising. First, these attacks typically do not result in immediate economic gain. Second, pirates are interested in keeping a low profile in order to act in an unhindered way.102

98 Graf (2011):26
99 Graf (2011):24
100 The actions of the Movement for the Emancipation of the Niger Delta (MEND) would be a good example of maritime insurgency. As the MEND, in its struggle for control over the Niger Delta’s oil wealth, mainly targets devices of the oil industry, it has a greater impact on international trade than other maritime insurgencies.
101 Graf (2011):26
II.3. Common Piracy in the Gulf of Aden

Though different types of maritime violence may endanger international cargo shipping and international security in the Gulf of Aden, the main threat has been primarily raised by large scale common piracy, as it can be concluded from the previous sub-chapters. Political piracy is not present in the Gulf of Aden; maritime terrorism by al-Qaeda based in Yemen could potentially have devastating impacts on international trade as well as international security but the fact that no major attack of the kind has been implemented since 2002, the threat does not seem to be imminent in the region; maritime insurgency and economically oriented terrorism have not been a problem off the coast of Somalia at all.

Therefore, the purpose of this chapter is to characterize common piracy in the Horn of Africa: to provide a profile of perpetrators, including attack scenarios, equipment and weaponry; to outline funding and the economics of piracy; to explore the root causes of pirate activity along with the motivation behind, in order to thoroughly present the phenomenon which international countermeasures face.

II.3.1. Pirates: A Profile

According to reports from the UN Secretary General Ban Ki-moon and an experts group convened by the Secretary General’s Special Representative for Somalia in November 2008, several gangs of pirates currently operate off the Horn of Africa.\textsuperscript{103} Organized predominantly along Somali clan lines and based in distinct, remote port towns, pirate networks have varying capabilities and patterns of operation. The two main pirate organizations identified by the UN Secretary General in his March 2009 report were a network based in the Puntland region district of Eyl and another based in the Mudug region district of Xarardheere. The Secretary General and the Special Representative’s experts group also reported that smaller pirate gangs also operate from the Somali ports of Boosaaso,
Qandala, Caluula, Bargaal, Hobyo, Mogadishu, and Garad. Other reports indicate that there may be three distinct pirate groups: the northern, based in Eyl, the central, based in Hobyo, and the southern, based in Xarardheere. Nevertheless, the northern semi-autonoumous region of Puntland appears to be the home of the most active and sophisticated pirate networks, and some regional and local government officials are also alleged to have facilitated and profited from piracy prior to recent efforts by regional leaders to crack down on piracy-related corruption.

Several of the pirate groups have adopted names to suggest that they are acting in a maritime security capacity, and some reports suggest that some of the pirates may have previously received training by the former Somali navy and by foreign security firms and been given semi-official status to intercept foreign fishing vessels and extract fines. The closest Somali term for “pirate” is burcad badeed, which means “ocean/sea robber”. However, pirates themselves prefer to be called badaadinta badah (“saviours of the sea”, or in the English “coastguard”), claiming to protect Somalia’s territorial waters from poachers and polluters. Certainly, piracy appears to have become an attractive pursuit for young men, creating potential legal complexities for regional and international governments seeking to try pirate suspects for alleged crimes. As a resident of Garoowe, the regional capital of Nugaal, Abdi Farah Juha said:

They have money; they have power and they are getting stronger by the day. (…) They wed the most beautiful girls; they are building big houses; they have new cars;

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104 The Special Representative’s experts group report identified the following leaders of the main pirate groups: Isse Mahmuud and Leelkase (Darood clan, Eyl), Omar Mahmuud (Darood clan, Garad), and the Habargedir (Hawiye clan, Hobyo, Xarardheere and Mogadishu).


107 As of 2008, the IMB identified four main piracy gangs operating in the trade route, which links the Red Sea with the Mediterranean Sea through the Suez Canal: The National Volunteer Coast Guard (NVCN), commanded by Garaad Mohamed, is said to specialize in intercepting small boats and fishing vessels around Kismaayo on the southern coast; the Marka group, under the command of Sheikh Yusuf Mohamed Siad (also known as Yusuf Indha’adde), is made up of several scattered and less organized groups operating around the town of Marka; the third significant pirate group is composed of traditional Somali fishermen operating around Puntland and referred to as the Puntland Group; the Somali Marines are the most powerful and sophisticated of the pirate groups. Led by warlord Abdi Mohamed Afweyne, the Somali Marines has a military structure, with a fleet admiral, admiral, vice admiral and a head of financial operations (IMB 2009).

108 Hunter (2008)

109 Ploch et al. (2009): 7
new guns. (...) Piracy in many ways is socially acceptable. They have become fashionable.\textsuperscript{110}

According to a BBC report, pirates, who are typically aged between 20 and 35 years, can be divided into three main categories:\textsuperscript{111}

— Local Somali fishermen, who are considered the “brains” of the pirates’ operations due to their skill and knowledge of the sea. Many think that foreign boats have no right to cruise off the shore and destroy their boats.

— Ex-militiamen, who are considered the “muscle” – previously fought for the local clan warlords, or ex-military from the former Barre government.

— Technical experts, who are the “computer geeks” and know how to operate the hi-tech equipment – satellite phones, GPS and military hardware.

The total number of pirates and support crew is exactly unknown – just as the casualty/death rate, which considerably undermines the precise specification of potential intermediate countermeasures in order to reverse the rising tide of maritime violence in the Gulf of Aden. Jack Lang, UN Secretary General Special Adviser on Legal Issues Related to Piracy off the Coast of Somalia, estimates the number of Somali pirates around 1,500, in reference to a TFG presentation at the African Union seminar on maritime safety and security (Addis Ababa, 6–7 April 2010), expecting the escalation of this figure, and noting that pirates today “even hail from the hinterland” – from pastoral, inland populations, not only from coastal populations.\textsuperscript{112} In the same time, the Geopolitical, an international management consultancy group, reckons with even twice as much potential perpetrator, and analyse possible scenarios based on 1,500–3,000 pirates in its May 2011 report on the economics of piracy. Kerstin Petretto, for instance, also confirmed these figures in her presentation in the European Parliament.\textsuperscript{113} Furthermore, the Geopolitical forecasts an annual increase in the number of pirates between 200 and 400.\textsuperscript{114}

\begin{footnotesize}
\begin{itemize}
  \item \textsuperscript{110} Hunter (2008)
  \item \textsuperscript{111} Ibid.
  \item \textsuperscript{112} UNSG (2011)
  \item \textsuperscript{113} Petretto (2011)
  \item \textsuperscript{114} Geopolitical (2011):IV
\end{itemize}
\end{footnotesize}
Map 2: Political Map of Somalia (October 2011)\textsuperscript{115}

\begin{itemize}
\item National capital
\item Regional capital
\item Town, village
\item Airport
\item International boundary
\item Regional boundary
\item Undetermined boundary
\item Main road
\item Railroad
\end{itemize}

II.3.2. Attack Scenarios – Equipment and Weaponry

As the definition of common piracy\(^{116}\) may include small-scale thefts of local fishermen as well as professionally planned and accomplished kidnappings, a further sub-categorization would therefore seem to be useful to qualify the attack scenarios according to their capacity. Analysing the phenomenon through the lens of the capabilities of perpetrators in terms of organization, skills and equipment, the IMO concluded that piracy can be divided into three categories.\(^{117}\) First of all, “low-level armed robbery” refers to attacks generally carried out in the vicinity of land from small high-speed craft by groups of petty thieves armed with machetes, clubs and, occasionally, low velocity weapons such as pistols and shotguns.\(^ {118}\)

Second, “medium-level armed assault and robbery” consist of violent thefts potentially including serious injury or murder by well-organized groups, usually operating from a “mother ship” and equipped with modern weaponry.\(^ {119}\) Third, “major criminal hi-jack” represents hijackings of ships; attacks that are well resourced and meticulously planned, employing highly trained and heavily armed syndicates working in conjunction with land-based operatives and brokers.\(^ {120}\)

Though the first category of low level armed robbery does not impede international trade at sea to the extent that it would cause international actors to engage in countermeasures, the attack scenarios of the second and third type indeed do so.\(^ {121}\)

According to the IMB,\(^ {122}\) a “typical” pirate attack usually includes two small high speed (up to 25 knots) “skiffs”, often approaching from either quarter or the stern\(^ {123}\) of the

\(^{116}\) See sub-chapter II.2.1.


\(^{118}\) Ibid.


\(^{120}\) Chalk (2008):6


\(^{122}\) IMB et al. (2011c):9–10

\(^{123}\) The **stern** is the rear part of a vessel, while the **quarter** is the part of a vessel’s side towards the stern, usually aft of the aftermost mast.
assaulted vessel. A skiff is a small, flat-bottomed open boat with a pointed bow and a flat stern. It was originally developed as an inexpensive option for coastal fishing. Skiffs are frequently fitted with two outboard engines or a larger single sixty horsepower engine. “Pirate action groups” of four to six people operate in a number of different boat configurations, but the attack phase is always carried out by skiffs. Boat configurations include:

1. Skiffs only – usually two.
2. Open whalers carrying significant quantities of fuel often towing two or more attack skiffs.
3. “Mother ships” which include the very largest of merchant ships, fishing vessels and dhows.

“Mother ships” have been taken by the pirates and usually have their own crew onboard as hostages. These ships are used to carry pirates, stores, fuel and attack skiffs to enable pirates to operate over a much larger area and are significantly less affected by the weather. Attack skiffs are often towed behind the mother ships. Where the size of the mother ship allows it, skiffs are increasingly being carried onboard and camouflaged to reduce chances of interdiction by naval forces.

Confiscated arms of detainees suspected of pirate activity and various photographs of pirates indicate that their weapons are predominantly AKMs, AK47s, and semi-automatic pistols such as the TT-30. Increasingly, pirates also use RPGs in an effort to intimidate masters of ships in order to reduce speed or stop to allow pirates to board. The use of these weapons is generally focused on the bridge and accommodation area.¹²⁴

Somali pirates seek to place their skiffs alongside the ship being attacked to enable one or more armed pirates to climb onboard. They frequently use long lightweight ladders and ropes, or a long hooked pole with a knotted climbing rope to climb up the side of the vessel being attacked. Once onboard, pirates generally make their way to the bridge to try to take control over the vessel. On the bridge, pirates demand that the ship slows/stops to enable further pirates to board. Attacks take place at most times of the day. However, many pirate attacks have so far taken place early in the morning, at first light. Attacks have also occurred at night, particularly clear moonlit nights, but night time attacks are less common.¹²⁵

¹²⁴ IMB et al. (2011c):10
¹²⁵ IMB et al. (2011c):10
II.3.3. Funding and the Economics of Somali Piracy

II.3.3.1. A Unique Business Model

Piracy operations unfold in seven phases: reconnaissance and information gathering; coordinated pursuit; boarding and takeover; steaming to safe area; negotiations; ransom payment; and disembarkation and safe passage.\(^{126}\)

Though most pirate gangs seek targets of opportunity, successful gangs are believed to receive ship information (ship routing, capacity, cargo, crew and defences) from port or government officials. Armed with this information, they lie in wait to execute a coordinated attack. This reconnaissance and information gathering phase helps reduce operating costs and focus the efforts of the pirate gangs. Coordinated attacks as described in sub-chapter II.3.2. usually result in boarding and takeover. According to most reports, a pirate attack takes approximately fifteen minutes to complete. Once a ship is commandeered by the gangs, the crew is forced to steer towards a favoured pirate mooring, usually off villages such as Garad, Eyl, Hobyo or Xarardheere, in northeast or central Somalia.\(^{127}\) This reduces the likelihood of rescue and facilitates the provision of supplies for the pirates and their captives during the negotiation process which could last for days or even months.

Most ransoms are delivered directly to the hijacked ships either by boats hired by private security companies contracted by shipping agents and their insurance companies or, more recently, via air-drops to hijacked vessels from specially equipped light aircraft. Hijacked vessels were all released and granted safe passage after the ransom was paid.\(^{128}\) Total income to pirates and from piracy off the coast of Somalia in 2010 was between USD 75–238 million based on upper and lower bound assumptions.\(^{129}\)

\(^{126}\) Gilpin (2009)

\(^{127}\) Middleton (2008):5

\(^{128}\) Gilpin (2009)

Table 3: Illustrative Annual Income and Spending
(Assuming 1 financier, 4 boats and 12 pirates)

<table>
<thead>
<tr>
<th>INCOME</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment by Financier</td>
<td></td>
</tr>
<tr>
<td>Skiff and outboard motor</td>
<td>USD 14,000</td>
</tr>
<tr>
<td>Weapons and ammunition</td>
<td>USD 2,000</td>
</tr>
<tr>
<td>Grappling hooks and ladders</td>
<td>USD 1,200</td>
</tr>
<tr>
<td>Navigation aids, GPS</td>
<td>USD 4,000</td>
</tr>
<tr>
<td>Ransom payments (2)</td>
<td>USD 600,000</td>
</tr>
<tr>
<td>Total Income</td>
<td>USD 621,200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SPENDING</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational Costs</td>
<td></td>
</tr>
<tr>
<td>Food, Supplies, etc</td>
<td>USD 72,800</td>
</tr>
<tr>
<td>Equipment maintenance</td>
<td>USD 31,200</td>
</tr>
<tr>
<td>Care of Hijack Victims</td>
<td>USD 15,750</td>
</tr>
<tr>
<td>Bribes to officials</td>
<td>USD 180,000</td>
</tr>
<tr>
<td>Total Operating Costs</td>
<td>USD 299,750</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROFIT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Profit (gross)</td>
<td>USD 321,450</td>
</tr>
<tr>
<td>Total Profit (less investments)</td>
<td>USD 300,250</td>
</tr>
<tr>
<td>Financier’s Share</td>
<td>USD 120,250</td>
</tr>
<tr>
<td>Pirates’ Share (12)</td>
<td>USD 180,000</td>
</tr>
<tr>
<td>Share per pirate</td>
<td>USD 15,000</td>
</tr>
</tbody>
</table>

Pirates are organized and provided with boats, weapons and supplies by a handful of “pirate chiefs”. Their financiers, based further inland, do not engage in piracy directly. They invest in the piracy enterprise in the expectation of sharing in any ransom that is generated. The pirate chiefs are critical to the perpetuation of Somalia’s major piracy networks. Somali pirates reportedly get most of their weapons from Yemen, across the Gulf of Aden, but a significant number are also bought directly from the Somali capital, Mogadishu. Observers claim that Mogadishu weapon dealers receive deposits for orders via hawala, an

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130 This illustrative profile of a network assumes three successful hijackings each year, with only two resulting in ransom payments. The pirate gangs are assumed to make nine attempts but three of which are successful – consistent with the 2008 IMB piracy data. The costs of food and supplies assumes 208 working days for the gangs in a typical year. According to reports from captured and active pirates, the ransom is divided in the following manner: 20 percent for the financiers, 20 percent for operating costs, 30 percent for bribes and 30 percent equally among the pirates. The cost of caring for hijacked victims assumes three hijackings, 15 crewmembers over a 25-day period. Source: Gilpin (2009)

131 Gilpin (2009)
informal money transfer system. Militiamen then drive the arms north to the pirates in Puntland, where they pay the balance on delivery.

Concisely, piracy is a long and complex supply chain, involving literally hundreds of land-based support staff and increasingly large and sophisticated maritime-based operations. The more capable and effective piracy becomes as participants in the piracy “value chain” upgrade their functions – from sponsors/officials and financiers to pirates and support crew, from labourers to accountants and cooks to khat dealers, from engineers and logistical support operators to skiff/mother ship and arms suppliers, from ransom negotiators and money transfer operators (hawala “bankers”) back to sponsors, financiers and government officials.

During the last few years, Somali pirates have established a unique business model and improved their capabilities and skills to such a degree that Jack Lang, UN special adviser on piracy, has confirmed an “industrialization of the phenomenon”. It relates to the ever-growing number of people willing to join the pirate gangs, the intensification of the violence of attacks, as well as the sophistication of their modus operandi (flexible adaptation of tactics and operational area according to presence and countermeasures by naval forces and shipping

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132 *Hawala* is an informal value transfer system based on the performance and honour of a huge network of money brokers who are located not just in the Horn of Africa, but also all over the Middle East, North Africa, and even in South Asia (where it is rather called *hundi*). It is basically a parallel or alternative remittance system that exists or operates outside of, or parallel to traditional banking or financial channels. In the most basic variant of the *hawala* system, money is transferred via a network of *hawala* brokers, or *hawaladars*. A customer approaches a *hawala* broker in one place and gives a sum of money to be transferred to a recipient in another, usually in a foreign country. The *hawala* broker calls another *hawala* broker in the recipient’s location, gives disposition instructions of the funds (usually minus a small commission), and promises to settle the debt at a later date. The unique feature of the system is that no promissory instruments are exchanged between the *hawala* brokers; the transaction takes place entirely on the honour system. Trust and extensive use of connections, such as family relations and regional affiliations, are the components that distinguish it from other remittance systems. *Hawala* is attractive to customers because it provides a fast and convenient transfer of funds, usually with a far lower commission than that charged by banks. Furthermore, the transfers are usually informal and not effectively regulated or controlled by governments (Jakobi 2010). According to the United States Central Intelligence Agency (CIA), with the dissolution of Somalia’s formal banking system, many informal money transfer operators have arisen to fill the void. It estimates that such *hawaladars* are now responsible for the transfer of up to USD 1.6 billion per year in remittances to the country, most coming from working Somalis in the diasporas. CIA Factbook (2011): Somalia: Economy – Overview. Retrieved on 28 October 2011 from https://www.cia.gov/library/publications/the-world-factbook/geos/so.html

133 Hunter (2008)

134 Khat is a flowering plant native to tropical East Africa and the Arabian Peninsula, which is classified as a drug of abuse that can produce mild to moderate psychological dependence. Thus, the plant has been targeted by anti-drug organizations. However, it is still legal for sale and production in many others.

135 Geopolicity (2011):6
industry; increased operational radius; use of mother ships on the high seas, use of hostages as human shield to deter rescue attempts by security forces).\textsuperscript{136}

\textbf{II.3.3.2. The Costs of Somali Piracy}

A significant proportion of ransom payments enter the Somali economy via payment for services, as well as the purchase of consumer durables, high-end vehicles and real estate. However, piracy not only drags away more and more foremost young man from legal economic activity but also intensifies the decay of local social structures and authorities, accelerates corruption while investments in infrastructure or public services are still lacking. Coupled with deteriorating law and order (as evidenced by the proliferation of illegal arms and well-funded militia), it has significantly affected the business climate, too. As a matter of fact, non-crime economy has been crowded out by piracy-fuelled business.\textsuperscript{137}

Evidence also suggests that a significant proportion of proceeds (about forty–fifty per cent) have been transferred out of Somalia using \textit{hawala}, further weakening the financial situation of the country, and undermining the efficiency of Anti-Money Laundering and Counter-Financing of Terrorism (AML/CFT) system.\textsuperscript{138} There is also the danger that ransom payments are creating new and better equipped warlords, with potentially adverse consequences for political reconciliation in Somalia. While it is true that a number of local businesses benefit, the piracy asset bubble and conspicuous expenditure patterns of the pirate gangs suggests that this economic activity is unlikely to be sustainable. Piracy has already led to a high inflation. Domestic and outside investors are also discouraged because of impunity and crime.\textsuperscript{139}

Unfortunately, the Somali population is increasingly dependent on piracy. The economy which basis on export of livestock (camels, sheep) to the Gulf countries, remittances from the diaspora and port operations, is gradually relying on support for the pirates by entire villages, now with the approval of some clan chiefs and even some members of the diaspora.

\textsuperscript{136} UNSG (2011)
\textsuperscript{137} Gilpin (2009)
\textsuperscript{138} Geopolicity (2011):IV
\textsuperscript{139} Gilpin (2009)
The risk of reaching a point of no return is emerging, with the creation of a veritable mafia, piracy-driven economy and the deep disintegration of Somali society, which is built on fragile local arrangements.\(^{140}\)

On the other hand, piracy imposes considerable burden on the international community and on the global economy, as well. The direct costs of piracy in 2010 ranged from USD 3.7 to 6.6 billion with indirect costs between USD 1.2–1.8 billion.\(^{141}\) Total costs therefore equalled between USD 4.9–8.3 billion based on upper and lower bound assumptions.\(^{142}\) Piracy in the Gulf of Aden has dramatically increased the cost of international trade in the area. Insurance rates for ships passing the Gulf raised forty fold in 2008, from an estimated USD 500 to USD 200,000 per passage.\(^{143}\) Installing deterrence systems on the ships is also costly. Long range acoustical devices cost from USD 20,000 to 30,000 each, and permanent onboard security guards are even more expensive. With regards to maritime forces, it costs an estimated USD 1.3 million to deploy a frigate for a month, and approximately USD 200–350 million to sustain naval vessels in the Gulf of Aden annually.\(^{144}\)

The phenomenon also negatively impacts nearby countries. Increased insurance premiums and diverted trade affects economic growth, while continued maritime insecurity contributes to the “bad neighbourhood syndrome” which discourages investment and tourism. Egyptian income from ship passages of the Suez Channel dropped from USD 5.1 billion to 3.6 billion in two years, for instance.\(^{145}\)

The human costs are noteworthy. Piracy has resulted in loss of life, trauma inflicted on hostages and their families.\(^{146}\) It also threatened to undermine human security in the Horn of Africa by disrupting much-needed foreign relief assistance. Targeting relief shipments

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\(^{140}\) UNSG (2011)

\(^{141}\) Direct costs include: ransom payments, insurance premiums and surcharges, deterrent costs, re-routing of vessels via Cape of Good Hope, naval presence, prosecutions, international organizational deterrents, deaths to hostages and crews, while indirect costs related to the growth performance of regional littoral economies (Geopolcity 2011:9).

\(^{142}\) Geopolcity (2011):9


\(^{144}\) Gilpin (2009)


worsens food insecurity in Somalia, where an estimated 3.2 million people (over one-third of the population) rely on food aid and humanitarian supplies.147

II.3.3.3. Profiteers

According to Anja Shortland, piracy “is not only a lucrative business for Somalis.” Insurance companies, in particular, have profited from the pirate attacks, as insurance premiums have increased significantly. The author of the German Institute for Economic Research (Deutsches Institut für Wirtschaftsforschung – DIW) claims that, in order to keep premiums high, insurance firms “do not demand that ship owners take security precautions that would make hijackings more difficult.” Unfortunately, the profit motive of western companies favours piracy. Insurance companies cannot be expected “to saw off the branch that is nourishing this insurance market.” Furthermore, shipping companies do not comply with the guidelines of navy destined to prevent pirate attacks, because they want to save costs. As a consequence of their low salaries and bad working contracts, ships’ crews are unlikely to risk their lives to repel or at least hamper the pirates. The influential German arms industry, for instance, also profits from piracy. Not counting military expenditures, “from the costs caused by piracy, only twenty per cent go to Somalia. The rest remain inside our own [German] economic circuit.”148

II.3.4. Root Causes and the Motivation Behind

Having provided a profile of perpetrators, including attack scenarios, equipment and weaponry, as well as outlined funding and the economics of piracy, the aim of this subchapter is to explore the root causes of pirate activity along with the motivation behind for a better understanding of the circumstances under which the phenomena emanate and continue,

147 For more details see: Hurlburt et al. (2011)
and, last but not least, for valuable information when studying possible strategies of countermeasures in the fourth chapter. Thus, the three most often mentioned sources of maritime violence: state weakness, economic despair and ideology\textsuperscript{149} will be closely looked at below. In doing so, ample consideration will be given to the fact that these causes might differ between common piracy and maritime terrorism.

\textit{II.3.4.1. State Weakness}

One of the most often declared root causes of systematic maritime violence in the Gulf of Aden is state weakness.\textsuperscript{150} It is reflected by the lack of effective monopoly on force by the government over territories and waters from which pirates or maritime terrorists operate. War and disorder intensify the problem and are “permissive to the creation of safe havens.”\textsuperscript{151} Furthermore, weak state authorities tend to be prone to corruption, favouring a convergence of interests between the local authorities and pirates. State weakness is equally conducive to piracy and terrorism, given that pirates as well as maritime terrorists are dependent on negligent policing systems at sea and on shore to plan and implement their attacks.\textsuperscript{152}

Somalia and Yemen, the two states which the Gulf of Aden is surrounded by, are both characterized by weak state institutions. This provides pirate syndicates or terrorists at sea with an environment highly conducive for their activities.

Somalia has become the most protracted case of state failure worldwide.\textsuperscript{153} On the Failed State Index (FSI) of Foreign Policy magazine and the US think tank The Fund for Peace, the country has been ranked first for several years now. Political indicators show that having the highest scores, administrative capabilities are virtually non-existent.\textsuperscript{154} Since the regime of Siad Barre was overthrown in 1991, no force has been able to install an effective government over the entire country. The TFG which was created in 2004 and which is the

\textsuperscript{149} Chalk (2008), Petretto (2008), Ploch et al. (2009)
\textsuperscript{150} Chalk (2008):12; Petretto (2008)
\textsuperscript{151} Graf (2011):28
\textsuperscript{152} Ibid.
\textsuperscript{153} Hagmann–Hoehne (2009):46
internationally recognized representation of Somalia, is constantly attacked by Islamist militias. The state government is therefore far from being able to guarantee public order and eliminate structures of organized piracy off the country’s coast. The six months of rather effective rule over parts of the country by the Islamic Courts Union (ICU) in 2006, was the only period during which piracy virtually vanished. This is an indication that functioning public authorities would be capable of countering piracy.\(^\text{155}\)

When looking at capacities of public authorities in Somalia, it is misleading to concentrate only on the state level. In response to the prolonged absence of a central government, some of the core state functions were performed by alternative actors,\(^\text{156}\) creating “informal systems of adaptation, security and governance.”\(^\text{157}\) This holds particularly true for the Somali regions at the coast of the Gulf of Aden.

An instance for such sub-state entity is the region of Somaliland in the north-west of the country. Declared independent in 1991, the republic has through the adoption of a constitution by public referendum in 2001, managed the transformation from a “clan democratic system of governance into a multi-party democracy.”\(^\text{158}\) Security matters are traditionally handled in a decentralised manner by local politicians and elders. Central governmental institutions, such as the national armed forces, therefore intervene only in exceptional cases.\(^\text{159}\) The fact that systematic piracy has never emerged along the coast of Somaliland, constituting roughly two thirds of southern coast of the Gulf of Aden, clearly shows that functioning public authorities, even on a regional level, have a great importance.

A second and more ambiguous example is Puntland where the vast majority of Somali piracy attacks in the Gulf of Aden originate from. The authorities of Puntland were established at a clan conference in 1998 and, unlike the separatist government of Somaliland, aim at rebuilding a unified Somali state. Until 2004, the region was led by Abdullahi Yusuf in a “kind of a clan dictatorship”.\(^\text{160}\) Yusuf’s successor, General Mahamuud Muuse Hirsi was followed in 2009 by Abdirahman Mohamed Farole, who promised to improve democratic

\(^{155}\) Middleton (2008):3


\(^{158}\) Hagmann–Hoehne (2009):49

\(^{159}\) Ibid.

\(^{160}\) Hagmann–Hoehne (2009):50
government and to “eliminate piracy”. While the region possesses centralized police and military forces, security matters are, as it holds true for Somaliland, primarily handled by political authorities and elders at local level. Contrary to the president’s promises, the notoriously corrupt regional authorities are accused of being complicit in the piratical attacks starting from Puntland. Therefore, it would seem highly dubious whether the government really has the political will to forcefully move against the powerful pirate gangs. Nevertheless, during recent months, the leadership of Puntland has at several occasions increased its efforts in countering piracy. It is difficult to determine the real motivation of the local authorities to fight certain groups or acts of piracy. However, the government of Puntland demonstrates that local authorities in Somalia have some willingness and capabilities to fight the pirate gangs.

Yemen, the other country bordering the Gulf of Aden, is ranked at position 13 on the FSI in 2011, constantly tumbling in the list in the past few years. Part of this assessment is due to the ongoing tensions in the country. First, the central government is fighting the Southern Movement, a loosely organized regional opposition in the southern provinces seeking secession since 2007. Second, the government remains at odds with the Huthi rebels in the north-western province of Sa’dah. In this environment of instability, the al-Qaeda branch “Al-Qaeda in the Arab Peninsula” (AQAP) has established a stronghold in


163 ICG (2009a)

164 On 2 June 2010 for instance, members of the Puntland security forces stormed a Panama-flagged cargo vessel which has been abducted by pirates, freed the crew and captured seven pirates. BBC News (2010d): “Somali troops free pirate-held cargo ship” (3 June 2010). Retrieved on 28 October 2011 from http://news.bbc.co.uk/2/hi/world/africa/10224293.stm

165 Three years ago, Yemen was still at position 21 (FSI 2011).


Yemen, more precisely in the provinces east of the capital Sana’a, which are ruled by local tribes.168

Nevertheless, when taking a closer look at the strength of public authorities, the general picture has to be nuanced at three accounts. First, it is precisely the coastal area in which, besides the capital Sana’a, government control is the strongest.169 Second, the US has since the bombing of the USS Cole in October 2000 heavily invested in the training and equipment of a functioning Yemeni coast guard, enhancing the state capacities to control its territorial waters.170 And third, much of Yemen’s periphery is ruled by complex tribal structures which are sceptical towards the central state authorities, yet in many cases also hostile to al-Qaeda’s ideology of international jihadism.171

The AQAP currently focuses its missions on attacking western land or air based targets. However, the Gulf of Aden is full of potentially attractive targets for maritime terrorists and the reoccurrence of difficultly detainable, punctual attacks remains a possible scenario.172 The US Office of Naval Intelligence in March 2010 warned ships sailing off the Yemeni coast of attacks by al-Qaeda suicide bombers:

> Although it is unclear how they would proceed, it may be similar in nature to the attacks against the USS Cole in October 2000 and the M/V Limburg in October 2002 where a small to mid-size boat laden with explosives was detonated.173

Over the last two decades, Yemen has never had a substantial problem with piracy. The increasing number of pirate attacks in the Gulf of Aden almost exclusively attaches to Somali pirates.174 Due to increased state control over coastal areas and waters, there are no signs that Yemeni piracy will become a major issue of concern in the foreseeable future.175

When compared to Somalia and the Puntland region, two main differences can be pointed out. First of all, the Yemeni central government is considerably stronger than the

169 Scheffler (2010):11
170 Ploch et al. (2009)
171 Phillips (2010)
172 See sub-chapter II.2.3.
175 Graf (2011):31
TFG.\textsuperscript{176} Second, local structures remain much weaker and more decentralized than it is the case with the governments of Somaliland and Puntland.\textsuperscript{177} This is going to be a key finding when evaluating possible regional actors, able to contribute to countermeasures against piracy and maritime terrorism in the Gulf of Aden.

\textit{II.3.4.2. Economic Despair}

Poverty is often labelled as another root cause of maritime violence, particularly of common piracy in the case of the Gulf of Aden,\textsuperscript{178} and piracy can adversely become an integral part of the local economies.\textsuperscript{179} Scholvin describes piracy in Somalia (and South East Asia) with the theoretical concept of “\textit{Gewaltmarkt}”.\textsuperscript{180} A “\textit{Gewaltmarkt}” develops in the absence of the monopoly of force by public authorities, where predation becomes the basic principle for economic activities.\textsuperscript{181} In many coastal regions where public authorities are weak and attractive targets easily accessible, the local economies have become determined by the income from criminal activities at sea.\textsuperscript{182}

\textsuperscript{177} Graf (2011):31
\textsuperscript{178} Ibid.
\textsuperscript{179} See sub-chapter II.3.3.2.
\textsuperscript{182} Scholvin (2009):1–2
The UN Secretary General’s Special Representative to Somalia, Ambassador Ahmedou Ould-Abdallah emphasized that poverty, lack of employment, environmental hardship, pitifully low incomes, reduction of pastoralist and maritime resources due to drought and illegal fishing and volatile security and political situation all contribute to the rise and continuance of piracy in Somalia.\textsuperscript{183}

The means of existence of local fishers are said to have declined due to illegal activities of international fishing trawlers as well as to toxic waste deposited in Somali waters. The situation deteriorated further in December 2004 when the local fishing industry was severely hit by the remnants of the tsunami, leaving many fishermen redundant.\textsuperscript{184} The potential benefits of piracy attract many of the desperate young men to take the risk of joining a pirate gang. As a matter of fact, the annual income of a pirate varies between USD 33,000 and 79,000 – 66–158 higher than the next best alternative (USD 500 per year).\textsuperscript{185} Thus, piracy has unsurprisingly become a normal business which heavily influences the basic local economy, blurring the borders of legality and illegality and creating a self-stabilizing system according to the principles described in the \textit{Gewaltmarkt}-concept.\textsuperscript{186}

\subsubsection*{II.3.4.3. Ideology and Political Grievances}

Ideology and political grievances as a root cause for maritime violence predominantly refer to maritime terrorism, maritime insurgency and political piracy. As maritime insurgency and political piracy are minor phenomena in the Gulf of Aden, and the threat to international security and international trade set by maritime terrorism seems to remain limited in the region,\textsuperscript{187} the following analysis will only focus on ideology and political grievances as root causes to the threat of common piracy. However, common piracy, the most general type of maritime violence in the Gulf of Aden is per definition motivated by

\begin{thebibliography}{9}
\bibitem{184} Møller (2009a):1
\bibitem{185} Geopolicity (2011)
\bibitem{186} Scholvin (2009):3
\bibitem{187} Cf.: sub-chapter II.2.3.
\end{thebibliography}
economic gains while ideology and political grievances play a minor role. In this sense, the often stressed explanation of Somali pirates that they are simply “coastguards”, defending Somali waters against illegal fishing and waste dumping,\textsuperscript{188} is not to be seen as a main cause but rather as an attempt by the pirates to legitimate their attacks and win public support.\textsuperscript{189} In fact, since the proliferation of piracy in the Horn of Africa, only a negligible proportion of assaulted ships can be connected to illegal fishery or waste dumping in any manner.\textsuperscript{190}

\begin{flushright}
188 Hunter (2008)
189 Hansen (2009):8–9
190 Petretto (2011)
\end{flushright}
III. Combat Piracy: A Drop in the Ocean?

In the past decades, despite its seriousness, piracy has often been approached as an affair to be dealt with by fishermen, seafarers, shipping companies and their associations and private security-providing partners. While nation states in which affinity incidents occur, or whose property is at stake, have been called for assistance, dealing with piracy has been primarily a matter for private or corporate actors.

Since 2007, this evaluation has basically changed. Triggered by the rising tide and the intensification of pirate attacks threatening international cargo shipping and international security off the coast of Somalia, particularly in the Gulf of Aden, there has been a new evaluation of discussions and, indeed, a new level of international political engagement. Somali piracy has become a frequent subject of UN Security Council (UNSC) deliberations which have led to a substantial number of resolutions. An international coordination group, the Contact Group on Piracy off the Coast of Somalia (CGPCS) was also established in 2009 as the major global mechanism to coordinate and direct the combat against piracy. In the meantime, several international naval missions have been deployed to address piracy, and in the face of coordination and implementation problems of the international legal order and a lack of legal capabilities, even the creation of a new international tribunal emerged. However, though increased resources for these measures show some effect, the number of pirate attacks has not been significantly reduced, so far. It would seem that pirate syndicates


193 Responding to a request from UNSC, the UN Secretary General has delivered a report laying out several options for a regional or international piracy tribunal. Cf.: United Nations Secretary General (UNSG) (2010a): Report of the Secretary General on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, including, in particular, options for creating special domestic chambers possibly with international components, a regional tribunal or an international tribunal and corresponding imprisonment arrangements, taking into account the work of the Contact Group on Piracy off the Coast of Somalia, the existing practice in establishing international and mixed tribunals, and the time and resources necessary to achieve and sustain substantive results, UN Doc S/2010/394, 26 July 2010. Retrieved on 28 October 2011 from http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/394&Lang=E; see also: Andersen et al. (2010)
have adapted to international actions, which was described by Jack Lang as the “industrialization of the phenomenon”.\textsuperscript{194}

Countermeasures designed to curb maritime violence can be basically divided into two broad types.\textsuperscript{195} First, a variety of measures of defence and deterrence such as military surveillance, enhanced patrols and prosecution are designed to prevent and deter attacks in the short term. Second, in parallel with these strategies, other measures meant to tackle the root causes of maritime violence in the long term. The transition between the two categories is fluid – however, the intention of this thesis is to find an intermediate approach: options which would make international efforts more effective in the medium term. All these possible countermeasures will be identified in chapter four, after a brief description of current remedies against maritime violence in the Gulf of Aden in the following sub-chapters.

\textsuperscript{194} UNSG (2011)

\textsuperscript{195} Graf (2011):34
III.1. Defence and Deterrence

Given the relatively low level of state capacities, the main focus of countermeasures to maritime violence in the Gulf of Aden is currently the maintenance of large international naval presence in the region. There are three international naval task forces operating off the Horn of Africa at the moment.

In February 2002, the USNAVCENT established the Combined Maritime Forces (CMF), a multinational naval partnership which exists to promote security, stability and prosperity of international waters in the Middle East. Its main focus areas are defeating terrorism, preventing piracy, encouraging regional cooperation, and promoting a safe maritime environment. Drawn from 25 nations\textsuperscript{196}, the CMF now comprises of three principle task forces: CTF-150 (maritime security and counter-terrorism), CTF-151 (counter piracy) and CTF-152 (Arabian Gulf security and cooperation).\textsuperscript{197}

In late 2008, on the request of UN Secretary-General Ban Ki-moon, NATO started to provide escorts to the UN WFP vessels, transiting through the Gulf of Aden, under Operation Allied Provider (October–December 2008). In addition to providing close protection to WFP chartered ships, NATO conducted deterrence patrols and prevented, for instance, vessels from being hijacked and their crews being taken hostage during pirate attacks. Operation Allied Provider was succeeded by Operation Allied Protector from March to August 2009, which continued to contribute to the safety of commercial maritime routes and international navigation. It also conducted surveillance and fulfilled the tasks previously undertaken by Operation Allied Provider. The current operation from August 2009, Operation Ocean Shield differs from its predecessors in the sense that it has a wider remit. Not only does it provide maritime security in the region, but it also offers training to regional countries in developing their own capacity to combat piracy activities.\textsuperscript{198}

In December 2008, the EU has launched its first common naval operation, European Naval Force Somalia – Operation Atalanta (EU NAVFOR – Atalanta) within the framework

\textsuperscript{196} These are: Australia, Bahrain, Belgium, Canada, Denmark, France, Germany, Greece, Italy, Japan, Jordan, the Republic of Korea, Kuwait, the Netherlands, New Zealand, Pakistan, Portugal, Saudi Arabia, Singapore, Spain, Thailand, Turkey, the United Arab Emirates, the United Kingdom and the United States.


of the Common Security and Defence Policy (CSDP). Operation Atalanta conducts the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast; the protection of vessels of the WFP delivering food aid to displaced persons in Somalia; the protection of AMISOM shipping; the protection of vulnerable shipping off the Somali coast on a case by case basis; the monitoring of fishing activities off the coast of Somalia. 199

In addition to these naval task forces, numerous national vessels enter and leave the region, engage in counter-piracy operations for various lengths of time. 200

Many state governments have increasingly been involved in diplomatic efforts to curb the phenomenon and increase the efficiency of a wide range of international remedies. Today, formally 70 member states and 19 international organizations (inter-governmental and private) form the CGPCS. In addition, several experts and representatives from entities such as the government of Somaliland and Puntland participate in the meetings of the group which meets on a regular (often monthly) basis and reports on its progress to the UNSC. 201 Its five working groups are tasked with military and operational coordination, capacity building, judicial issues, shipping self-awareness, public information, and monitoring of financial flows related to piracy. 202

Besides being present with naval forces and trying to find broad-based diplomatic solutions, individual states have also provided support to the national governments in the region. These funds were directed either to build up, or to improve containment capabilities of the local coastal guards. The United States for instance, has financed the creation of a Yemeni coast guard. 203 Moreover, international actors have tried several times to establish a Somali coast guard with the aid of private military contractors. However, these attempts failed repeatedly. 204

200 For instance: forces of China, India, or Russia.
201 Bueger (2011b)
203 Bodine (2010):7
Under the guidance of the IMO, a number of regional states signed the Djibouti Code of Conduct in January 2009. The signatory states agreed to improve their national legal dispositions and enforcement capabilities with respect to the fight against maritime violence. The code further includes measures of mutual technical assistance and information sharing. Finally, it calls for the establishment of a regional training centre for maritime security forces in Djibouti and further regional institutions in the Yemeni capital Sana’a, Dar es Salaam in Tanzania and the Kenyan port town of Mombasa.

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205 Its complete name is: Code of Conduct on the Suppression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden.

206 Graf (2011):40
III.2. Tackling Root Causes

Sub-chapters II.3.4.1. and II.3.4.2. have demonstrated that the virtually non-existent Somali central state and widespread poverty have to be seen as the root causes of maritime violence in the region. In spite of the statement of dr. Jun Bando, US Maritime Security Coordinator, arguing that a durable solution for ending piracy in the Horn of Africa will require improving security, stability, rule of law, and economic opportunity in Somalia, as well as solidifying political progress (...)\(^{207}\)

remedies against maritime violence remain strongly biased towards repressive measures.\(^{208}\) However, some alternative measures have been taken to improve public governance and reduce poverty in the region. It is important to note that the situations differ considerably between Somalia and Yemen.

In Somalia, the international community still focuses many of its efforts on supporting the TFG in Mogadishu. AMISOM which is supported by the EU and the US guarantees the survival of the Somali government. Moreover, the European Union has set up the European Training Mission Somalia (EUTM) in January 2010, to contribute to the training of Somali security forces. The mission takes place in Uganda and is characterized by close cooperation with the African Union and the TFG.\(^{209}\) Still in 2009, the US government stepped up its support for AMISOM.\(^{210}\) Despite these efforts, the TFG has no actual power in the northern regions of Puntland and Somaliland bordering the Gulf of Aden. Therefore, while supporting the TFG is necessary to keep the long-term perspective of an integrated Somali state, it is of little medium term effect on the pirate attacks this study is concerned with.

Mostly, in order not to compromise the legitimacy of the TFG, support to the governments in Puntland and Somaliland in their fight against maritime violence remains rather low-scale. A first measure of support to the local governments is the Rule of Law programme of the United Nations Development Programme (UNDP), through which some

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\(^{208}\) Hansen (2009):44


\(^{210}\) Ploch et al. (2009):22
sixty Puntland police officers were educated in recent years.\textsuperscript{211} Second, the CGPCS has attributed some financial aid to support the anti-piracy efforts of Puntland and Somaliland. And finally, the authorities of Puntland and Somaliland are involved at a technical level in the “Kampala process”, a Somali counter-piracy technical cooperation mechanism.\textsuperscript{212}

In Yemen, central state capacity, especially in the coastal areas is much higher. Notwithstanding, al-Qaeda is gaining ground in the country and still poses a potential threat to the shipping traffic in the Gulf of Aden.\textsuperscript{213} The Yemeni military has intensified its fight against AQAP, and allowed for the US to conduct air strikes on al-Qaeda targets in the country since 2009.\textsuperscript{214} However, it is widely deplored that the main focus of foreign help is on military assistance. Development aid and funds to promote state capacities remain comparatively low.\textsuperscript{215} The future of Yemen raises serious concerns as, in addition to the numerous conflicts, the country with its fast growing, desperately poor population is running out of water and its meagre oil resources are also running dry.\textsuperscript{216}

\begin{itemize}
\item[211] Hansen (2009): 57
\item[213] See chapter II.3.4.1.
\item[214] Worth (2010)
\item[215] US military assistance to Yemen amounts to USD 120 million a year while economic assistance is around USD 40 million (Bodine 2010:7).
\item[216] Bodine (2010), Worth (2010)
\end{itemize}
IV. Reversing the Rising Tide – Medium-term Options to Tackle Maritime Violence in the Gulf of Aden

Previous chapters and sub-chapters of this thesis have already established and conceptualized the definition of maritime violence as well as specialized the particular case of its different manifestations in the Gulf of Aden in order to create a framework for the analysis; described the current state of affairs in Somalia, and characterized common piracy in the region, including the profile of perpetrators, attack scenarios, equipment and weaponry; outlined funding and the economics of piracy; explored the root causes of pirate activity along with the motivation behind in order to thoroughly present the phenomenon which international community face. Chapter three described current remedies against maritime violence in the Gulf of Aden, and divided implemented countermeasures into two broad types: means of defence and deterrence to curb Somali piracy in the short term, and some alternative strategies to improve public governance and reduce poverty – i.e. to tackle the root causes of maritime violence in the long term.

On the basis of the conclusions of all these examinations, the intention of this chapter is nothing less than to provide medium-term instruments making international efforts more effective to be able to reverse the rising tide of maritime violence in the Horn of Africa.
IV.1. Enhanced Diplomatic Cooperation

The main governance arrangement for coordinating and organizing the global fight against piracy is the CGPCS which was already highlighted in the third chapter and sub-chapter III.1. of this thesis. As James Kraska remarked, the group is “the broadest coalition of nations ever gathered to develop and coordinate practical solutions to the scourge of maritime piracy.”

Since its establishment, the CGPCS has served as an excellent forum for international cooperation and coordination to fight against piracy off the coast of Somalia. Through its working groups it has facilitated military coordination off the coast of Somalia, development of Best Management Practices (BMPs) for the self-protection of the industry, and establishment of the IMO Djibouti Code of Conduct Trust Fund and the International Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia.

Furthermore, it has elaborated and clarified a legal tool kit to address piracy, prepared several UNSC statements and resolutions, as well as built trust and confidence among participating states and international organizations. It would seem that during its two years of existence, the CGPCS has increasingly established something like an organizational identity, and is heading for institutionalization. Though Guilfoyle suggests that the CGPCS is an “activity not an organization,” in theory any regularized activity leads to some form of organization. Moreover, if piracy continues on the current level, than the question will be what more can be done or how the current program can be organized more efficiently. Both of these questions will bring about a discussion of further institutionalization.

Nevertheless, enhancing diplomatic cooperation within the framework of the CGPCS would be beneficial for several reasons which can be identified in the language of international relations as a “new governance” arrangement. It is problem oriented because its mandate is focused on finding solutions to a distinct problematic situation, piracy in the Gulf of Aden. It is output oriented in terms of attempting to find workable and practical solutions.

217 Kraska (2011):160
219 Bueger (2011b)
221 Bueger (2011b)
It is ad hoc as it limits itself to one problematic situation and relates its future to the development of the problem. It is informal in the sense that its work only relies on weak procedural rules and structures. It is network-centred and non-hierarchical since it gives equal status to participants, allows for participation of actors with different status, tries to be inclusive, does not establish or rely on a hierarchy among its participants and is centred on deliberation and identifying problem solutions. Finally, it includes private actors and hence is a form of private-public governance. In addition, it is a “new governance”, since it has a virtual secretariat and experiments with web 2.0 (Facebook, YouTube).222

New governance arrangements however also have a significant number of disadvantages: informal mechanisms tend to be “club-like” and it is difficult to become informed what is actually discussed or has been decided; decisions are not legally binding, the forums may provide much talk with little consequence; decision-making is dispersed – no actor or entity can be held accountable for a decision; the lack of formal participation rules might lead to the absence of groups who might have important knowledge to cope with the problem or are affected by decisions.223

Yet, even if its institutionalization is not going to become a reality in the near future, the CGCPS will certainly become more and more a regularized activity in the coming years, which resembles practices of an international organization. Though it does not have the mandate to come up with any decisions, or strategies, it should not necessarily have to. The CGPCS is of major importance for the ongoing efforts to align perceptions and positions of all the various stakeholders involved in countering piracy off the Somali coast, and the more it develops, the more effective and organized the international combat against Somali piracy will be.

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222 Ibid.
223 Ibid.
IV.2. Improvement of Self-defence and the Re-evaluation of the Private Sector’s Role

Without doubt, the private sector is most directly affected by piracy. So far, however, the private sector has only been considered as an actor which can assist in reducing the operational costs of piracy – a passive victim whose capabilities to respond to piracy are constrained by the dilemma of either paying ransom or losing a ship and risking the lives of its crew.224

The IMB, jointly with many stakeholders and operators of naval missions, regularly publishes its frequently updated booklet, Best Management Practices for Protection against Somalia Based Piracy (BMP), suggesting planning and operational practices for ship owners and masters of vessels transiting the Gulf of Aden. The improvement of defence strategies on the vessels would significantly reduce the number of successful pirate attacks – the risk of taking hostages and claiming ransom, thus cut down operational, including insurance expenses in the medium term.

The recent issue of the BMP strongly encourages operators and masters of merchant ships to register all movements of their vessels with Maritime Security Centre – Horn of Africa (MSC–HOA)225; to report daily to the United Kingdom Marine Trade Operations

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225 MSC–HOA is an initiative established by EU NAVFOR with close cooperation from the shipping industry. The MSC–HOA centre provides 24 hour manned monitoring of vessels transiting through the Gulf of Aden whilst the provision of an interactive website enables the centre to communicate the latest anti-piracy guidance to industry and for shipping companies and operators to register their movements through the region. A further initiative is the introduction of group transits where vessels are coordinated to transit through high risk areas overnight when attacks are reduced. This enables military forces to “sanitise” the area ahead of the merchant ships. MSC–HOA also identifies particularly vulnerable shipping and coordinates appropriate protection arrangements, either from within EU NAVFOR, or other forces in the region. Maritime Security Centre – Horn of Africa (MSC–HOA) (2011): About MSCHOA and OP ATALANTA, The Maritime Security Centre – Horn of Africa. Retrieved on 28 October 2011 from http://www.mschoa.org/Pages/About.aspx
whilst operating within the high risk area; to implement different kind of Ship Protection Measures (SPMs).  

The guidance of the BMP primarily focuses on effective SPMs which might be within the capability of the vessels’ crews, or with some external assistance. These include watch keeping and enhanced vigilance after entering to the high risk area. Advanced bridge protection might also be crucial, as the bridge is usually the focus for any pirate attack: pirates direct weapons fire at the bridge to try to coerce the ship to stop. Therefore, Kevlar jackets and helmets available for the bridge team, security glass film on the windows, a wall of sandbags to protect the after part of both bridge wings, as well as a double layer of chain link fence or anti-RPG screens to reduce the effect of an RPG hit are all might be beneficial.  

It is also very important to control access routes to deter or delay pirates who managed to board a vessel and try to enter accommodation or machinery spaces. As pirates typically use long lightweight hooked ladders, grappling hooks with rope attached and long hooked poles with a climbing rope attached to board vessels underway, physical barriers (razor wire or barbed tape) should be used to make it as difficult as possible to gain access to vessels by increasing the height and difficulty of any climb for an attacking pirate. The use of water spray and/or foam monitors has been found to be effective in deterring or delaying pirates attempting to board a vessel. The use of water can make it difficult for a pirate skiff to remain alongside and makes it significantly more difficult for a pirate to try to climb onboard.  

Once an attack is underway and pirates fire weaponry at the vessel, it is difficult and dangerous to observe whether the pirates have managed to gain access. The use of closed circuit television coverage allows a degree of monitoring of the progress of the attack from a less exposed position. Sounding the ship’s alarms/whistle serves to inform the vessel’s crew

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226 The UKMTO was deployed to the Middle East in 2001 as part of the United Kingdom’s response to the 9/11 terrorist attacks in the US, with the principal purpose of providing a point of contact with industry and information on security issues in the region. Since April 2007, the UKMTO has moved its focus towards anti-piracy and maritime security operations and is now the primary point of contact for merchant vessels in case of a pirate attacks. Oceans Beyond Piracy (2011): Counter-piracy Activities, United Kingdom Maritime Trade Operations (UKMTO). Retrieved on 28 October 2011 from http://oceansbeyondpiracy.org/matrix/activity/united-kingdom-marine-trade-operations-ukmto

227 IMB et al. (2011c): V

228 IMB et al. (2011c): 23–25

229 IMB et al. (2011c): 26–34
that a piracy attack has commenced and, importantly, demonstrates to any potential attacker that the ship is aware of the attack and is reacting to it.\textsuperscript{230}

Though it may be beyond the capability of ship’s staff alone, and require external technical advice and support, the establishment of safe muster points or “citadels” where the crew can retreat in the event pirates get on board is also recommended by the BMP.\textsuperscript{231}

Until 2011, the International Chamber of Shipping (ICS), which represents around eighty per cent of the world’s merchant fleet, discouraged its members from the use of private armed guards on its vessels. However, as a reaction to the intensification and sophistication of Somali piracy, it has recently changed its policy, and now accepts that operators must be able to defend their ships against pirate attacks “after due consideration of all of the risks, and subject to the approval of the vessel’s flag state and insurers.”\textsuperscript{232} The legal regulation of flag states on the authorization of arms, and employment of private armed guards on board as well as the use of firearms is broadly diversified. Most countries of the Euro-Atlantic region prohibit such measures, or bind it to a specific request of a competent national authority. Nevertheless, the US State Department has just granted temporary licenses for US flagged vessels to embark a team of armed private security guards.\textsuperscript{233}

On the other hand, the private sector is not only a passive victim of piracy. The behaviour of the shipping and insurance industry has a direct impact on the opportunity structures of piracy and on their strategies and tactics. The lack of compliance with the BMP, mostly to save costs,\textsuperscript{234} constitutes one concern. Secondly, shippers often avoid reporting incidents as they fear the effects on their reputation and reliability, as well as rising insurance premiums, though reporting of piracy incidents by companies is one of the key data sources for learning about pirates’ behaviour and their changing strategies and tactics, and hence for improving counter-piracy measures. Thirdly, but probably most importantly, companies actively engage with leaders and representatives from pirate organizations directly through

\begin{itemize}
\item \textsuperscript{230} IMB et al. (2011c):35–36
\item \textsuperscript{231} IMB et al. (2011c):37–39
\item \textsuperscript{232} Reuters (2011): “Shippers back private armed guards to beat pirates” (15 February 2011). Retrieved on 28 October 2011 from \url{http://af.reuters.com/article/somaliaNews/idAFLDE71E1F520110215}
\item \textsuperscript{234} Zimmermann et al. (2010)
\end{itemize}
ransom negotiations. In fact, shipping companies are the only international actors dealing directly with pirates.\textsuperscript{235}

Given that pirates rely on ransom payments, the companies have considerable bargaining power against them. Though little is officially known, negotiations have so far primarily relied on arbitration by local (Kenyan) lawyers, British private military companies, or the East African Seafarer Assistance Programme. Negotiations have been case-by-case without concerted strategies or coordination among ransom payers. Centralizing ransom payment, for instance through an international public-private trust fund, a coordinating agency or an official ombudsman, could however increase the bargaining power of private actors towards pirates.\textsuperscript{236}

\textsuperscript{235} Bueger et al. (2011a):374
\textsuperscript{236} Ibid.
IV.3. A More Coherent Legal Framework

The international legal regime applicable to piracy is set out primarily in the UNCLOS, which codifies customary international law and creates the ground of universal jurisdiction.\(^{237}\) Hence,

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.\(^{238}\)

However, universal jurisdiction is “permissive”, which means that states are entitled to exercise jurisdiction, but are not obliged to do so. Furthermore, it is important to emphasize that the straightforward application pertains only to the crime of piracy as defined in the convention, which suffers from at least two main restraints, as it was already pointed out in sub-chapter I.6.1.1.

As of January 2011, 738 individuals suspected or found guilty of piracy were transferred to the judicial authorities and detained in thirteen countries. Some were in the region,\(^{239}\) others were in Europe,\(^{240}\) and twelve were in the US. However, the 738 pirates account for only a limited and shrinking part of the over two thousand pirates apprehended since December 2008. As of May 2010, more than nine out of ten captured pirates have not been prosecuted. Formerly, only certain navies opted to immediately release the pirates, destroying the skiffs and weapons. Now, this practice has turned. From mid-August to mid-December 2010, the command of the Atalanta force captured fifty-one pirates who were immediately freed.\(^{241}\)

If piracy suspects are to be prosecuted effectively, a number of conditions must be in place in order to ensure procedural continuity from the time the offence is committed to sentencing and imprisonment. In view of operational constraints, and in order to avoid the

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\(^{237}\) See sub-chapter I.5.1.1.


\(^{239}\) 338 in Somalia, including seventy-eight in Somaliland and 260 in Puntland; 120 in Yemen; 136 in Kenya; forty-seven in the Seychelles; twelve in Oman; one in the United Republic of Tanzania; and 34 in the Maldives, pending deportation to Somalia, where they will not stand trial.

\(^{240}\) Fifteen in France, ten in Germany, ten in the Netherlands, two in Spain and one in Belgium.

\(^{241}\) UNSG (2011):20
practice known as “catch and release”, there is a need to streamline the transfer of prisoners to the competent judicial authorities. Obstacles of a legal, political and capacity-related nature will therefore need to be overcome.\textsuperscript{242}

In order to be able to sentence the detainees, all of the states must first ensure that they have a solid body of legislation, making such substantive and procedural changes as may be necessary. In his January 2011 report, Jack Lang, UN Secretary General Special Adviser on Legal Issues Related to Piracy off the Coast of Somalia, outlined eight proposals in this regard: encouraging all states to criminalize piracy as defined by the UNCLOS, and to adopt universal jurisdiction over acts of piracy, as well as a legal framework for detention at sea in compliance with international human rights law and compatible with operational constraints; formulating an international model case report on acts of piracy and armed robbery at sea; facilitating the prosecution of individuals who intend to commit acts of piracy, the transfer of suspects for trial as well as of convicted persons for imprisonment; raising awareness of the need for victims and their employers to testify; encouraging testimony by videoconference.\textsuperscript{243}

Lack of prison capacity is the other major obstacle to trial of pirates by states in the region, according to Jack Lang. Overcoming these constraints, he suggests a consolidating international assistance for increasing prison capacity in states of the region to prevent fears that “they will have sole responsibility for prisoners once the support of the international community subsides.”\textsuperscript{244}

Beyond legal hurdles which can be dealt with in the short term, and capacity issues which can be resolved in the medium term with appropriate support from the international community, the crucial question remains one of political will. Kenya has registered some discouragement, reflected notably by its March 2010 declaration of its intention to withdraw from the transfer agreements to which it is party, citing the threat of retaliation and the need to see other states sharing the burden. The Netherlands recently exercised its universal jurisdiction even though its national interests did not seem to be directly affected. Continuing such mobilization is essential because it is problematic to ask some states to keep up their efforts when the burden is not shared.\textsuperscript{245}

\textsuperscript{242} UNSG (2011):21
\textsuperscript{243} UNSG (2011):21–26
\textsuperscript{244} UNSG (2011):26
\textsuperscript{245} UNSG (2011):27
Apparently, current debates concentrate on the deterrence aspect of imprisonment, with regard to logistical problems and human rights standards. However, imprisonment is not only a problem but also an opportunity. Apart from the fact that it is principally seen as a way of punishing the convicted and thus giving justice to the victims of the crime, as well as of deterring others from committing the crime (and the convicted from reoffending), it is indeed the means for rehabilitating offenders. Though criminology holds that imprisonment might not be the best strategy for rehabilitation, it at least provides opportunities for it.

Considering that many sentenced pirates might rejoin pirate gangs after imprisonment, their prison time could be an access point to educating them to play a different role in Somali society. Such education could range from basic reading and writing skills to more professionalized skills such as agricultural or administrative ones, or more extended job and career training. Furthermore, as an alternative way of punishment, pirates might be sentenced to social and development work, or the repertoire might integrate patterns of the traditional customary Somali legal system, in which it is standard, for instance, to hold families and clans accountable for criminal deeds, and regulate by compensation.246

246 Bueger et al. (2011a):373
IV.4. Comprehensive International Criminal Investigation

The unchecked flow of piracy proceeds is another formidable obstacle to curb pirate activity. While pirates are visible and known, financiers are harder to tack, and sponsors remain invisible. Anja P. Jakobi argues that piracy off the coast of Somalia composes of the same complex characteristics as the phenomenon of organized crime: “If one understands piracy as transnational organized crime, one can expend the analytical capabilities and can move on to new ways in the prevention of piracy.”

According to the United Nations Convention against Transnational Organized Crime (UNCTOC), transnational organized crime is the organization of criminal activities across borders. An organized criminal group is

a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences (...) in order to obtain, directly or indirectly, a financial or other material benefit.

Apart from legal possibilities, a single attack on a ship in or outside Somali waters may not directly perceived as an act of transnational organized crime. However, the transnational dimension of piracy becomes more apparent if those acts which are carried out before and after the concrete assaults are also taken into consideration: the supply of pirates with weapons, the fixation of the vessels’ location off the Somali coast, as well as the management of negotiations and payments of ransoms – all this requires serious planning and logistic capacities. Thus, the seemingly ad hoc attacks are indeed parts of a complex organization.

A standard measure against transnational organized crime is considered to be the fight against money-laundering. Presuming that maritime piracy is a form of transnational organized crime, the application of financial investigations might be effective in the case of Somali piracy, too. However, this investigative work might encounter difficulties as the received amount of ransoms are mostly transferred via the hawala system inside and out of

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247 Jakobi (2010)
249 Jakobi (2010)
Somalia,\textsuperscript{250} which is, in contrast with transactions via formal bank systems, almost impossible to follow.

Therefore, rooted in field-based panel surveys, options for developing procedures to 
\textit{hawala} secrecy practices, whilst confiscating criminal incomes and assets, needs to be developed either by the United Nations Office for Drugs and Crime (UNODC), the Interpol or the Europol. These include money-following through the formal and informal transfer systems, a framework for dealing with piracy as a transnational crime, as well as for integrating financial and asset tracking into international law enforcement operations.\textsuperscript{251}

\footnotesize{\textsuperscript{250} See sub-chapter II.3.3.1.  
\textsuperscript{251} Geopolicity (2011):16}
IV.5. Reconsidering Piracy and Fishery

Whether overfishing by international trawlers is a root cause and motivation behind Somali piracy or just a lame excuse for criminal acts is a hotly debated issue in public and academic circles. However, the theoretical question has already missed the point. Pirates justify their behaviour by arguing that they act to protect the coastline from overfishing and penetration by illegitimate foreigners, and hence gain local legitimacy as “heroes” who protect the “motherland”. As a matter of fact, international actors do not necessarily have a good standing in Somalia. The unfulfilled promises of the 1990s peacekeeping mission, ignorance and lack of attention towards the country since the 1990s, counter-terrorist missions of the last decade, and indeed foreign fishing fleets have filled into prejudices against foreign actors. The occasionally reported incidents of patrolling vessels shooting by mistake at (armed) fishermen or soldiers hunting deer from helicopters certainly do not help to change this picture.

Dismissing the fishing issue inevitably and directly files into the legitimacy of piracy as protection against foreigners. The re-evaluation of how counter-piracy strategies address fishermen is therefore required: additional considerations and activities when thinking of ways to delegitimize the claims of piracy gangs. On the one hand, discursive means, such as public information strategies via the media, as already considered in the CGPCS working group on diplomatic and public communications, public diplomacy, or even “guerrilla diplomacy” are available. On the other hand, practical measures might be employed to improve the protection of Somali waters by warships or patrol boats which are not involved in a counter-piracy mission, or to directly support the Somali fishing industry.


253 Hunter (2008)

254 Bueger et al. (2011a):375


256 Bueger et al. (2011a):376
IV.6. A Valuable Analogy – Drawing Lessons from Successful Countermeasures against Maritime Violence in the Malacca Straits

In addition to options concluded above, this thesis would not be comprehensive enough without looking out to the other regions of the high seas, searching for successful counter-piracy actions which can be profitably applied to the Horn of Africa.

Since the late 1980s, Southeast Asia has become one of the global “hot spots” of pirate attacks on merchant vessels and fishing boats. In fact, Asia was the most “pirate infested” region in the world between 1992 and 2006. Within Asia, piracy hot-spots shifted between countries and areas over time. Since the mid-1990s, as Suharto’s New Order regime unravelled, Indonesian ports and territorial waters have been identified as the most pirate-infested in Southeast Asia. In 2004, for instance, Indonesia accounted for 93 out of 329 attacks recorded worldwide, and most of these attacks took place in the Malacca Straits, a narrow but highly important international waterway between the Malay Peninsula and the Indonesian island of Sumatra. Therefore, in the early twenty-first century, pirate activity in the straits became a matter of great concern.

In 2004, as a response to the threat of maritime violence, the three countries in the region, Indonesia, Malaysia, and Singapore increased efforts to patrol the straits in an attempt to curb piracy. In 2006, the Indian Navy and Indian Coast Guard also agreed to join the multinational patrol. Since 2005, as a result of effective countermeasures, the number of pirate attacks has been constantly falling. According to the IMB, there were only three successful and four attempted attacks by pirates on shipping in the Malacca Straits in 2007. This low level of piracy has continued into 2008, with the Half Yearly Report issued by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia

257 Suharto (1921–2008) was President of Indonesia from 1968 until 1998. In contrast to the communal and political conflicts, economic collapse and social breakdown of the late-1950s and mid-1960s under Sukarno, Suharto’s “New Order”, distinguishing it from his predecessor’s “old order”, was committed to achieving political order, economic development, and the removal of mass participation in the political process.


260 IMB (2008)
(ReCAAP) Information Sharing Centre in Singapore listing only one successful attack on a vessel in the Malacca Straits and three attempted ones.261

Map 3: Southeast Asia and the Malacca Straits262

IV.6.1. Regionalized Efforts

In the Malacca Straits, littoral states created mutually beneficial cooperative frameworks to increase and coordinate their patrols, and to share knowledge and information. The Malacca case shows that piracy can and must be dealt with by those countries which face the problem.263 Indeed.


263 Scheffler (2010):10
given the sophistication of the piracy business in Somalia and the largeness of the area to cover, the success of the concerted efforts of all of the world’s main navies has remained very limited.\textsuperscript{264}

Though the percentage of successful attacks in the Gulf of Aden has diminished, this apparent success is significantly outweighed by the increasing numbers of attacks.\textsuperscript{265} Ploch et al. argue that “the long-term ability of international intervention to eliminate these threats is less certain in the absence of committed and capable regional and local actors.”\textsuperscript{266} The international naval presence is very costly and limited to alleviate the symptoms of the phenomenon. If root causes are not tackled and if the containment measures are not in the hands of the littoral states, nothing hinders piracy to re-emerge or further intensify when the international presence disappears.\textsuperscript{267}

Furthermore, local participation enhances ownership.\textsuperscript{268} While the regional governments have a number of diverging views, “they all have vital economic and security-related interests in preventing piracy.”\textsuperscript{269} The instance of the Malacca Straits showed that if the regional governments lead the countermeasures off their coasts, they will have a much more direct stake in the success of these actions; create job opportunities in the coastal regions, and allow local authorities to combat other ills in their waters. For instance, illegal fishing in Somali waters is seen within the country as a much more pressing problem than piracy.\textsuperscript{270} Due to the weakness of the TFG, the State of Somalia can only limitedly be a partner for regional cooperation. However, the relatively stable entities of Puntland and Somaliland can crucially contribute to a stronger regional effort to secure the Gulf of Aden.\textsuperscript{271}

A possible framework, proposing regional cooperation and direction over countermeasures has been presented by Lars Bangert Struwe in March 2009. His scheme of a Greater

\textsuperscript{264} Graf (2011):41
\textsuperscript{265} Mainly due to the international presence in the Gulf of Aden, the success rate of pirates diminished from 37 per cent in 2008 to 17 per cent in 2009. At the same time, the number of the attempted attacks raised from 92 to 116 (IMB 2009). The picture off the East Coast of Somalia is even worse: while the success rate diminished from 53 per cent in 2008 to 34 per cent in 2009, the attempted attacks rose from 19 to 80 (IMB 2008). Hence, while the international presence renders the pirate’s business more difficult, it has so far been unable to limit the phenomenon as such.
\textsuperscript{266} Ploch et al. (2009):21
\textsuperscript{267} Hansen (2009):46
\textsuperscript{268} Hansen (2009):45
\textsuperscript{269} Struwe (2009):29
\textsuperscript{270} Hansen (2009):45
\textsuperscript{271} Graf (2011):42
Horn of Africa Sea Patrol (GHASP) suggests a rather far-reaching regional framework of a
classical coast guard established jointly by Kenya, Tanzania, Eritrea, Djibouti, Egypt, Yemen
and Saudi Arabia.\textsuperscript{272} However, given the sovereignty concerns experienced in the Malacca
Straits with the very similar Japanese proposal of 1999, the creation of a joint unit to fight
maritime violence might prove to be difficult to establish. Djibouti and Eritrea for example
are still at odds over their borders and their willingness to cooperate within a joint coast guard
is at least questionable.\textsuperscript{273} Nevertheless, the framework of the Djibouti Code of Conduct could
very well be developed towards the kind of coordinated patrols that proved successful in the
Malacca Straits.\textsuperscript{274}

IV.6.2. Improved International Support towards Local Enforcement Agencies

If international presence off the Horn of Africa is intended to be replaced by a
regional framework, the local enforcement capacities need to be strengthened. As in the case
of the Malacca Straits, the international contribution to maritime security shall principally
focus on training personnel, equipping vessels, bases and headquarters, as well as providing
radar installations and aerial surveillance structures. Alessandro Scheffler, a member of the
NATO Research Division, argues that

\begin{quote}
NATO’s future role in counter-piracy is consequently more likely to be of a
supportive kind, as was the US assistance in the battle against Malaccan piracy:
providing the necessary equipment and training to states that lack the institutional
capability to secure their own seas.\textsuperscript{275}
\end{quote}

Existing capabilities in the maritime domain vary greatly amongst local states in the
region. With regard to Somalia, supporting the TFG to build naval containment forces does
not seem to be promising, as it lacks sufficient control over most of the country outside
Mogadishu. According to Roger Middleton, “an effective option may be to create an
internationally sanctioned and administered coast-guard for Somalia.”\textsuperscript{276} Such a mechanism

\textsuperscript{272} Struwe (2009):28
\textsuperscript{273} Struwe himself talks of “conflicting interests” which however will be challenged by a vital economic and
security-related interest in preventing piracy (Struwe 2009:29).
\textsuperscript{274} Graf (2011):42–43
\textsuperscript{275} Scheffler (2010):11
\textsuperscript{276} Middleton (2008):10
which concentrates on patrols off the Southern Somali coast could be based in Kenya and/or Puntland, and temporarily be operated by the EU and other stakeholders through an adapted mandate of their forces. Given the fact that much of the east coast of Somalia is controlled by Islamist rebel groups, this would be a challenging mission. However, it seems to be the best alternative to deal with state failure in southern Somalia in the medium term.\textsuperscript{277}

Cooperation with the local governments of Puntland and Somaliland, offers a more promising perspective regarding the northern part of the country bordering the Gulf of Aden. As a matter of fact, the government of Puntland has repeatedly issued some clear demands in this respect, and proven on several occasions that it is willing to fight the piracy clans\textsuperscript{278}. Even if corruption is widespread, and doubts about links between the administration and some pirate gangs seem to be justified, it would still seem a failure not to systematically strengthen cooperation with this government.\textsuperscript{279} In addition to Puntland, Somaliland is also a credible regional partner within Somalia. Even though its coast is not highly affected by piracy, its coast guard could, if strengthened, take an important part in patrolling the waters of the Gulf of Aden.

Furthermore, Djibouti, Egypt, Eritrea, Kenya, Saudi Arabia and Yemen all have vital economic and political interests in securing the East African waters. If their coast guards are further trained and equipped, they will probably play a more active role in cooperative regional countermeasures. In fact, several African states, including Djibouti, Kenya, Tanzania and Yemen, have already received US support for the installation of radar systems which provide enhanced maritime domain awareness\textsuperscript{280}. Moreover, in early 2009, the US government began to support a regional Maritime Center of Excellence in Mombasa. It should serve as a training centre for regional navy officers.\textsuperscript{281} Improved international support is therefore needed to enable regional forces to efficiently patrol their own waters and contribute to a regional cooperative mechanism.

\textsuperscript{277} Graf (2011):43
\textsuperscript{279} Hansen (2009):58
\textsuperscript{280} Ploch et al. (2009):22
\textsuperscript{281} Ploch et al. (2009):22
IV.6.3. A Revised Combat against State Weakness and Economic Despair

The instance of the Malacca Straits demonstrated that the effective public control over piracy-affected areas is the crucial element of countering maritime violence, and a prerequisite for forceful repressive measures. However, building up an authority in Somalia remains a long-term project, though it seems that only a political solution can stabilize the country.

On the other hand, local administrations such as those in the Puntland or Somaliland might be strengthened in a relatively short term. While the international community has so far been reluctant to engage local institutions, international actors have “increasingly understood that local solutions must be found.” Strengthening local institutions might also be remunerative financially. Stig Jarle Hansen estimated that the cost of one warship in EU Operation Atalanta could correspond to the payment for hundred thousand Puntland police officers over six months. Bronwyn E. Bruton in her report for the US Council of Foreign Relations suggested that in addition to increased development aid, Puntland’s legitimate business community should be strengthened. She characterizes these circles as “probably the only social segment strong enough to challenge the pirate networks.”

In Yemen, diplomatic, financial and development aid is needed to improve the state’s capabilities and in determining a political solution with the Southern Movement. The central government should be strengthened in its endeavours to guarantee public control and to prevent al-Qaeda from gaining more and more ground also in the southern regions. Basically, it seems impossible to fight ideology as a root cause for maritime terrorism. Hence, indirect measures to support the Yemeni political control over the crucial areas and to fight poverty would be the most effective solutions maintaining the threat of a major terrorist attack in the Gulf of Aden to a strict minimum.

282 Hansen (2009):57
283 Hansen (2009):61
285 Graf (2011):45
V. Conclusion and Recommendations

Piracy off the coast of Somalia is an ever-growing problem which increasingly threatens international cargo shipping and international security. Furthermore, the region is a particular point of intersection of the high seas where US interests in Persian Gulf oil commodities and Chinese ambitions for sub-Saharan energy sources, as well as a significant part of maritime trade are virtually crossing each other. However, despite high international attention and the willingness to act multilaterally, implemented counter-piracy measures in their current forms have turned out to be insufficient and unsustainable. As Jack Lang, UN special adviser on piracy, stated: “the race between the pirates and the international community is progressively being won by the pirates”.

Therefore, the present thesis started off with the hypothesis that, apart from state-building and tackling the root causes of piracy, which may take a sustained and, indeed, long-term effort, a number of measures can be concluded from various studies, analyses and statements of stakeholders, as well as from experience of successful counter-piracy actions in other regions, which might effectively curb Somali piracy in the medium term. Furthermore, it was also presumed that current remedies may not necessarily be entirely inappropriate, but some adequate improvements are undoubtedly needed for future engagements.

In order to conclude with adequate political recommendations, the establishment and conceptualization of a precise and working definition of maritime violence, as well as the specification of maritime violence in the Gulf of Aden were provided at the outset. The analysis found that in the Somali case out of the four typologies of maritime violence, the main threat to international cargo shipping and international security has been primarily raised by large scale common piracy, while political piracy, maritime insurgency and economically oriented maritime terrorism are not present in the region at all. Maritime terrorism by al-Qaeda based in Yemen could potentially have devastating impacts but the fact that no major attack of the kind has been implemented since 2002, the threat does not seem to be imminent.

Characterizing common piracy in the Gulf of Aden, the thesis provided a profile of perpetrators, including attack scenarios, equipment and weaponry; outlined funding and the economics of piracy; and explored the root causes of pirate activity along with the motivation behind. The first major finding of this segment of the analysis was that several pirate gangs

286 UNSC (2011)
currently operate off the Horn of Africa, organized predominantly along Somali clan lines and based in distinct, remote port towns. However, the northern semi-autonomous region of Puntland appears to be the home of the most active and sophisticated pirate networks. Piracy have become an attractive pursuit for young men, creating potential legal complexities for regional and international governments seeking to try pirate suspects for alleged crimes.

Though most pirate gangs seek targets of opportunity, successful ones are believed to receive ship information from port or government officials. Pirates are organized and provided with boats, weapons and supplies by a handful of “pirate chiefs”. Piracy is a long and complex supply chain, involving literally hundreds of land based support staff and increasingly large and sophisticated maritime-based operations. Piracy not only drags away more and more foremost young man from legal economic activity but also intensifies the decay of local social structures and authorities, accelerates corruption while investments in infrastructure or public services are still lacking. Unfortunately, the Somali population is increasingly dependent on piracy which, on the other hand, imposes considerable burden on the international community and on the regional and global economy, as well.

Having looked closely at the most often mentioned sources of maritime violence, the analysis found that there are public institutions present in Somalia on which cooperative remedies against maritime violence can be based. Local governments of Somaliland and/or Puntland are able to play this role. Furthermore, Yemen, as the other state bordering the Gulf of Aden, although having major domestic problems, can also be a partner in such endeavours.

Current countermeasures designed to curb Somali piracy can be basically divided into two broad types. First, a variety of measures of defence and deterrence such as military surveillance, enhanced patrols and prosecution are designed to prevent and deter attacks in the short term. Second, in parallel with these strategies, other measures meant to tackle the root causes in the long term. Though the transition between the two categories turned out to be fluid, the intention of this thesis was to find an intermediate approach: options which would make international efforts more effective in the medium term.

As a matter of fact, on the basis of the pre-established analytical approach, altogether eight possible medium-term countermeasures have been concluded: enhanced diplomatic cooperation, improvement of self-defence and the re-evaluation of the private sector’s role, a more coherent legal framework, comprehensive international criminal investigation, reconsidering piracy and fishery, regionalized efforts, improved international support towards local enforcement agencies, as well as a revised combat against state weakness and economic despair. Thus, assumptions of the thesis laid down in the hypothesis have proved to be
correct. However, these countermeasures are not only hypothetic at all – they are definitely feasible in the medium term, built upon the improvement of current engagement, the opinion of different stakeholders and researchers, considering available resources.

Beyond effective medium-term options to tackle maritime violence, this thesis has also demonstrated that military and legal deterrence, a logic which the international community has apparently manoeuvred itself into, is only a narrow segment of a more comprehensive perspective on the piracy problem. In order to improve counter-piracy strategies, it is therefore important to think outside this logic, towards new directions. The “peace-building” approach, as Christian Bueger, Jan Stockbruegger and Sascha Werthes describe it,\(^\text{287}\) is not a replacement for current remedies at all, but a change in the way the international community frame the problem. Furthermore, while a Western-type state-building process in Somalia has many foreseeable as well as unforeseeable obstacles, and indeed takes a long time to achieve, the peace-building concept offers comprehensive but viable options which can be implemented even in the medium term.

Concisely, this thesis demonstrated that the combat against piracy in the Gulf of Aden could be more than a drop in the ocean. Yet, as long as international efforts concentrate on a costly presence of international naval forces in this vast region, the root causes of the phenomenon will remain largely untouched. Nevertheless, if the international community realized just some of the recommendations of this thesis, the rising tide of maritime violence in the Horn of Africa could be certainly reversed in the medium term.

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