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Contemporary Piracy off the Horn of Africa

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PREFACE

Writing about the issue of piracy off the Horn of Africa is like trying to hit a moving target. Each day scores of newspaper articles are published on the subject, some revealing new nuggets of information, most rehashing the material of others. Academic treatments of the subject—in so far as they pertain to the emergence of the advanced phase of Somali piracy—are many months, if not years, from publication. This is an issue in flux, and it has only received significant attention since the second half of 2008.

This paper was written in early December of 2008 for Nexen Inc., a multinational Oil and Gas corporation with offices in Calgary. It is being made public in late January 2009. Some updates have been made in response to developing events since the original version was first submitted to Nexen, and indeed, major developments have taken place in that short space of time. The reader can safely assume there will be many more events to follow in the coming weeks and months, and that many of the empirical aspects of this work will find themselves "dated" in relatively short order. Having said that, the purpose of this paper is to establish an appreciation in the reader for the cyclical nature of piracy—a form of criminal activity that has been around since human beings first took to the waterways. In so doing, it should allow readers to place subsequent events into the context of both the origins of Somali piracy itself, and piracy as a general phenomenon.

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There were 115 reported pirate attacks off the coast of Somalia in 2008. Of those attacks, 46 were converted into the seizure of a commercial vessel by Somali pirates. The average ransom for the release of hijacked vessels increased from $1 million US dollars in July of 2008, to $1.5 million by December. At the time of writing 12 vessels are being held along with approximately 200 crew members in pirate towns along Somalia's unlawful coasts. The Gulf of Aden (GOA), where most of the attacks have occurred, and through which 20,000 commercial vessels transit each year, is slowly being choked off as a viable shipping route. More and more shipping companies are opting to take the long route around the Cape of Good Hope rather than risk an attack or a hijacking, and insurance rates for vessels transiting the GOA have increased ten-fold in the last four months.

Despite the increased presence of warships in the GOA in recent months, Somali piracy is escalating and will get worse before it gets better. As Somalia fails more and more spectacularly as a state, the size, value and number of the ships Somali pirates seize can be expected to grow along with the complexity of the pirate network, the sophistication of their weapons, crafts, and techniques, and the number of functional pirates. Essentially rational actors operating in pursuit of their own survival and self-interest and not in pursuit of a ideologically inspired fundamentalist aims, Somali pirates can be expected to adapt their tactics to international responses, and continue to ply their trade until the risks of doing so outweigh the rewards. The range of criminal activities involving the unruly maritime regions of the Somali peninsula can be expected to grow. The unfortunate and potentially unintentional future outcome of such a growing diversity of criminal activity is that it might not be long before the line between pirate attack and terrorist attack is crossed, resulting in significant human and ecological casualties.

The coordinated international response to this issue is escalating in tandem with the escalation of Somali piracy. Currently, twenty warships from fourteen nations patrol off the Horn of Africa. However, as this paper will make clear, Somali piracy is directly tied to the failure of the Somali state. Accordingly, any comprehensive solution to the problem will have to involve ground operations to stabilize the country itself, as well as to unsettle pirate sanctuaries and destroy pirate infrastructure.
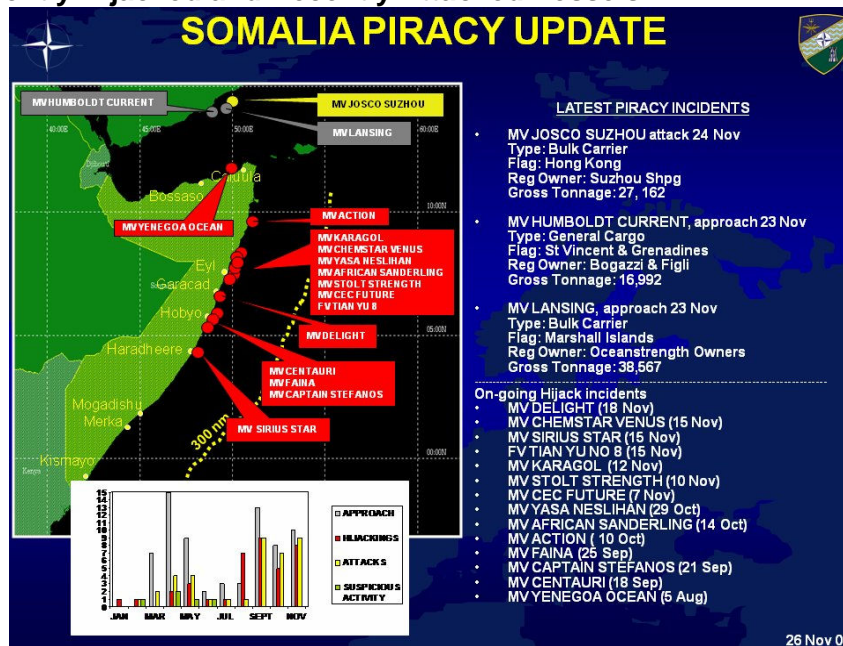
INTRODUCTION

1.1 Introduction

There were 115 reported pirate attacks off the coast of Somalia in 2008. Of those attacks, 46 resulted in the seizure of a commercial vessel by Somali pirates. The average ransom for the release of hijacked vessels increased from $1 million US dollars in July of 2008, to $1.5 million by December. At the time of writing 12 vessels are being held along with approximately 400 crew members in pirate towns along Somalia's unlawful coasts (See Figure 1). The Gulf of Aden (GOA), where most of the attacks have occurred, and through which 20,000 commercial vessels transit each year, is slowly being choked off as a viable shipping route. More and more shipping companies are opting to take the long route around the Cape of Good Hope rather than risk an attack or a hijacking,[1] and insurance rates for vessels transiting the GOA have increased ten-fold in the last four months. Despite the increased presence of warships in the region, piracy in the Gulf of Aden and along Somalia's eastern coast is escalating and will get worse before it gets better.

This article looks at the issue of contemporary maritime piracy off the Horn of Africa from a strategic perspective. It seeks to understand the crucial variables involved in order to predict how the issue will evolve. Accordingly, it should be of use to both scholars and citizens seeking a deeper understanding of the issue, as well as those with commercial interests being affected by Somali piracy.

Figure 1: Currently Hijacked and Recently Attacked Vessels

Source: NATO Shipping Center, "Somalia Piracy Update."Accessed 12 January 2009. Available: http://www.shipping.nato.int/InfoonSoma/SomaliaPir/file/_WFS/20090112-UC-DAILY%20PIRACY%20SLIDE.bmp. Internet.

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[1] Maersk announced in December 2008 that some of its slower vessels, as well as those without an adequate freeboard will not be allowed to transit the GOA. Jumbo Shipping and Splietoff Shipping, both out of the Netherlands, have also elected to send their ships around the Cape of Good Hope en route to the Middle East, a journey that can take up to three weeks longer than going through the Suez Canal and the Gulf of Aden.

1.2 The General Cycle of Piracy

The problem of maritime piracy is age-old and ever-recurrent. Periodically it has been suppressed. But it has never been entirely eliminated or solved. The phenomenon of piracy has, according to Donald Puchala, moved cyclically throughout each historical era: beginning typically with sporadic spates of small scale attacks on soft targets; then moving towards more intense, frequent, and well organized attacks against less vulnerable and thus more valuable vessels. Eventually, through successful acquisitions and recruitment pirates command flotillas and expansive networks that extend across both land and sea. The intensity and frequency of their attacks then escalate to the point where they have the effect of choking the flow of seaborne commerce. This in turn provokes a reaction led most typically by the navy of a hegemonic power with the most to lose from a disruption in international trade. Pirate organizations are then crippled through the use of a singular or coalition naval force. Their safe havens and hideouts are assaulted, their leaders captured or killed. For a time the seas are deemed secure. Invariably, however, "salt water thieves" (to borrow Shakespeare's line) have been compelled to take up their criminal craft once more, beginning this vicious cycle anew.[2]

There are thus historical precedents for the current iteration of Somali piracy that can be traced back all the way to the classical era. More importantly for our purposes, there is also a distinct life cycle that is recognizable across each era of piracy that will be useful for predicting the future course of events in the unstable waters surrounding Somalia.

Before discussing the contemporary rendition of this scourge against humanity, however, it will be instructive to draw some further generalizations about (1) the causes and contributing factors of piracy; and (2) the key elements of successful campaigns against piracy.

1.3 Causes and Contributing Factors

Predominantly, pirates have been motivated by the possibility of an otherwise bleak future full of poverty and insecurity. Young men with seagoing experience inhabiting strife ridden and war torn lands with little to lose have taken to the waters in search of fortune.[3] They have fought not for their countries or for political or religious causes, but for their own financial salvation. With this secured, greed becomes the predominant driving force behind most acts of piracy. This is important to note because it suggests that pirates have traditionally been rational actors out for their own self-interest and capable of making logical cost-benefit analyses of their prospective actions. They are neither fundamentalists nor radicals, and accordingly can be deterred if the risks involved in their crimes appear to outweigh the rewards.

To be fair, some claim like Samuel "Black Sam" Bellamy—an 18th Century pirate—to have been motivated by redistributionary ethics—robbing from the rich like Robin Hood, to give back to the poor. This is a claim that has also been made by spokespersons for today's Somali pirates, who apparently redistribute portions of the ransoms they take to poor and starving families in their villages,[4] and plan on using some of their booty to help clean up the toxic mess that

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[2] Donald J. Puchala, "Of Pirates and Terrorists: What Experience and History Teach" *Contemporary Security Policy* Vol. 26, No. 1 (April 2005): 2.

[3] Alfred Bradford, *Flying the Black Flag: A Brief History of Piracy* (Praeger: London, 2007), 185-6.

[4] Eric Watkins, "Somali hijackers have international network" *Oil and Gas Journal* (23 November 2008). Available: http://www.ogj.com/display_article/346127/7/ONART/none/Trasp/1/Somali-hijackers-have-international-network/. Internet.

European companies have allegedly left through their illegal dumping of chemical waste in Somali waters since the early 1990s.[5]

Generally, pirate masters or captains have emerged to establish a hierarchy and bring organization to the ranks with the promise of bountiful rewards.[6] Famous examples of such pirate captains abound. Captain Bartholomew Roberts, a Welsh pirate who operated in the early 18th Century, is known to have taken over 400 ships in the Indian Ocean in just three years—a tally sure to draw admiration from today's Somali marauders, and an indication of the historical capacity of pirates to seriously destabilize entire maritime regions for extended periods of time. Captain Henry Morgan, a man made immortal by a rum label, sacked and incinerated Panama City on 19 January 1671—an example of what might be regarded as the extreme end of both pirate capability and violence.[7] The emergence of such gifted leaders has tended to evolve piracy from the sporadic, into the more sophisticated, complex and organized, phase of its historical cycle—the phase in which pirates become a significant force to be reckoned with only by the most capable navies. Interestingly, while there are clearly pirate kingpins and bosses amongst the Somalis, none have broken into the limelight to achieve a broader celebrity status.

Great leadership and willing (and desperate) followership has traditionally been combined with perhaps the most crucial enabling factor behind history's cycles of piracy: that is, sanctuary. Without sympathizers, protectors, financiers, and indeed customers, pirates would not be able to function. Like all sailors, pirates need from time to time to come alongside for rest, replenishment, revelry. And without a safe harbor in which to do so, it goes without saying that the entire enterprise of piracy would not be possible.

During Roman times, for example, the pirates who made their living intercepting grain boats travelling between Egypt and Rome held safe havens on the islands of Delos, Crete, and Cyprus. In the medieval period, pirate towns were common along the southeastern coast of England. Hastings, Romney, Hythe, Dover and Sandwich all supported plundering in the North Sea and the English Channel. The infamous pirates of the Caribbean found sanctuary in Bermuda, Florida, and even in New York, Philadelphia, and Charleston, South Carolina.[8] Today's Somali pirates preside over coastal towns predominantly in the northeast of Somalia in a region known as Puntland, but also hold sway over towns along the eastern Somali coastline such as Haradheere, Garacad, Hobyo, and most notoriously, Eyl.

These few examples of pirate sanctuaries should suggest that wherever and whenever pirates have been successful, they have owed a great deal of their success to their aiders and abettors ashore. It should also suggest that historically, piracy has long been a complex operation, not a simple one. Pirate networks have extended into the upper echelons of governments and have included high-level public officials willing to turn a blind eye to criminal activity for their own financial reward.[9] These networks have involved intelligence gatherers, logisticians, and distribution experts at the very least. As we will see, it is no different with the Somali pirates.

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[5] See Najad Abudullahi "Toxic Waste behind Somali piracy" Al Jazeera English. Accessed 1 December 2008. Available: http://english.aljazeera.net/news/africa/2008/10/2008109174223218644.html. Internet.

[6] See Neville Williams, *Captains Outrageous: Seven Centuries of Piracy* (New York: Macmillan, 1962).

[7] John Esquemeling, *The Buccaneers of America* (New York: Dover, 1967), 207-238.

[8] Puchala, "Of Pirates and Terrorists," 7.

[9] J.L. Anderson, "Piracy and World History: An Economic Perspective on Maritime Predation" in C.R. Pennell (ed.) *Bandits at Sea: A Pirates Reader* (New York: New York University Press, 2001), 83.

All of these elements—desperation, leadership, and sanctuary—must, of course, be combined with opportunities to commit acts of piracy. The existence of busy sea routes that pass through chokepoints and along rugged and unruly coast lines have consistently lured pirates to practice their craft. High volumes of commercial traffic offer ample targets and the possibility of high rewards. Straits or chokepoints force commercial vessels to slow down and to funnel into narrow sea lanes making them especially vulnerable to being taken by pirates operating from bases and hideouts along unstable coastlines.[10] The Gulf of Aden which funnels out from the strait of Babel Mandeb is bordered by Yemen to the north and Somalia to the south. Yemen has a nascent coast guard and is without a navy; Somalia, as an utterly failed state, has no functioning institutions of which to speak. There is no indigenous deterrent to piracy in the GOA, in other words. And with 95 percent of all Far East trade to Europe transiting these waters and some 50 percent of the world's oil, there are ample targets, low risks, and high rewards for piracy in the GOA (see figure 2 for a map of the density of piratical attacks in this region).

Figure 2: Positioning and Density of Attacks
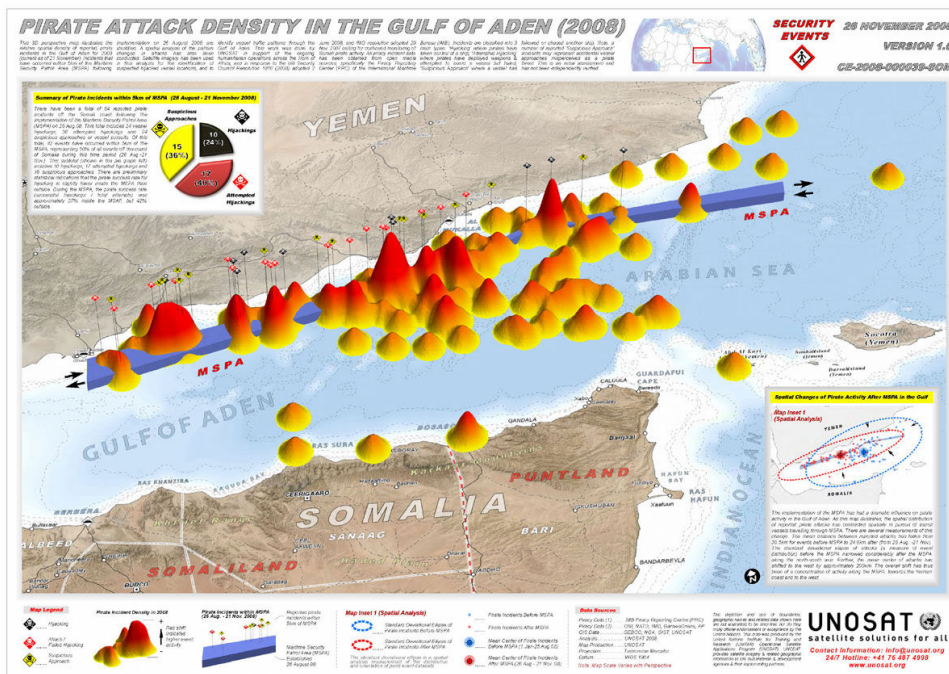
Source:UNOSAT. Accessed: 24 January 2009. Available: http://unosat.web.cern.ch/unosat/freeproducts/somalia/Piracy/UNOSAT_SO_PirateDensity_Nov08_Lowres_v1.pdf. Internet.

1.4 Elements of Successful Campaigns against Piracy
The single most crucial element of successful campaigns to suppress piracy has been the willingness of a great power to use lethal force against the pirates and against their bases and hide-outs. "Historically speaking, might did in fact repeatedly set things right" writes Donald Puchala on this issue. "Moreover," he continues, "in every instance of which I am aware, where pirates were successfully sought out, hunted down, and destroyed, the decision to forcefully

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[10] Peter Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and the Challenges for the United States.* (RAND, 2008), 11.

suppress was a political one, taken at the highest levels of government and prompted either by intense pressure from merchants who were being ravaged, or by imperatives to respond to deteriorating national economic conditions caused by pirates' assaults."[11] In short, like most problems which elude the boundaries of sovereign jurisdiction, the successful suppression of piracy tends only to happen at the hands of a hegemonic power. The hegemon must be willing to use force either unilaterally or in coalition with like-minded allies or partners to restore order and stability to the infected sea lanes.

Less certain, however, is the extent to which force must be used towards the further end of constructing stability in the homelands of the pirates themselves. Must stable regimes ashore precede stability in the surrounding maritime regions? If the answer appears relatively self-evident, in the case of Somalia it presents a daunting challenge to the international community.

PIRACY OF THE HORN

2.1 Somalia Since 1991
For the better part of twenty years, Somalia has been the most failed state on the planet.[12] Understanding the ways in which it has failed so spectacularly in the past is essential if one is to attempt predictions about its future, and consequently the future of Somali piracy.

In 1991 the authoritarian government of Major General Muhammad Siad Barre collapsed after having been in control of the clan-based country for 22 years. Barre was supported throughout the early stages of his reign by the U.S.S.R., but in 1980 replaced his Soviet military advisors with American ones and transformed Somalia into a Western client. American weaponry helped to defend Somalia from Soviet-backed attacks from Ethiopia in 1982, but it was less effective in helping Barre maintain control over the rival clans of the country, which eventually brought an end to his rule without establishing a replacement regime.

Instead, Somalia unraveled into a Hobbsian situation where clan-based militias pitted themselves against one another in a brutal intra-state war. The anarchy that ensued killed hundreds of thousands and led to wide-spread starvation across Somalia. Almost ten years after a tragically unsuccessful effort by the United Nations to restore order to the county ended in March 1995, the Transnational Federal Government (TFG) of Somalia was formed in exile late in 2004 with UN backing. In June of 2006, a collection of Islamist groups similar to the Taliban in Afghanistan came together under the banner of the Coalition of Islamic Courts (CIC)[13] and took control of the southern two-thirds of Somalia from the TFG.[14]

During the CIC's short six month reign, they cracked down severely on pirates who, according to Maritime Security analyst Martin Murphy, "had been operating under the protection and possible direction" of the secular warlords the CIC had ousted from power.[15] The armed wing of the CIC, al-Shaabab, launched armed attacks against the pirates at their home bases in Hoboyo

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[11] Puchala, "Of Pirates and Terrorists," 13.
[12] See Foreign Policy Magazine's Failed State Ratings Index:
http://www.foreignpolicy.com/story/cms.php?story_id=4350&page=1
[13] The CIC is also commonly referred to as the Islamic Courts Union (ICU), and the Union of Islamic Courts (UIC).
[14] Jonathan Stevenson, "Risks and Opportunities in Somalia" *Survival* Vol. 49 no. 2 (Summer 2007): 5.
[15] Martin M. Murphy, "Contemporary Piracy and Maritime Terrorism: The Threat to International Security" *Adelphi Paper* 388 (London: Routledge, 2007), 30.

and Haradeere, and for a limited time appear to have contributed to a reduction in the number of piracy attacks off the Somali peninsula.[16]

By the end of 2006, however, Ethiopian troops (with American backing and the support of a few US Special-Operations teams) combined with the TFG to drive the Islamists from power and back underground.[17] Despite the American and Ethiopian support, the TFG could not establish order in the south central region of Somalia, and it was not long before heavy fighting began again in Mogadishu and the surrounding area.

This violence between an even more radicalized version of the CIC on the one hand, and the TFG and the Ethiopian army on the other has continued. Over the last two years it has killed over 10,000 Somali citizens, created nearly a million internal refugees, sent unknown numbers fleeing into the across the Gulf of Aden to take refuge in Yemen, and left approximately 3 million Somalis in need of food aid. 15,000 members of the police and army have deserted, and taken their uniforms, weapons, and vehicles with them. Countless numbers have attempted to flee the country for Yemen across the Gulf of Aden, and employed the services of human smugglers to do so. Many have drowned in the process. Even more have wound up in the world's largest refugee camps in northern Kenya.

Currently, Islamist insurgents have regained control of south central Somalia, including crucial neighborhoods within Mogadishu. The Ethiopian troops that were propping up the TFG have left the country, leaving only a faltering African Union peacekeeping force.

In the north of Somalia exist two "lands"—Somaliland and Puntland. Somaliland borders Djibouti in the northwest, Ethiopia in the west, and Puntland in the northeast (See Figure 3). It was established shortly after the Barre Government collapsed, and is backed by the United States and ruled by a single dominant clan—the Isaaq Clan—despite its being referred to as a constitutional democracy. According to Ken Menkhaus, a leading analyst on the subject, "Somaliland is without question the most promising regional polity."[18] That being the case, it was recently rocked at the end of October of 2008 by a coordinated attack from six suicide bombers associated with the radical Islamist group Al-Shabab. The Islamists targeted the Ethiopian embassy, the UN Development Program Compound, and the Presidential Palace in Hargeisa, the seat of the Somaliland government. They killed twenty-five Somalis, and demonstrated that Al-Shabad, the militant wing of the CIC, is extending its reach into the northern regions of the country.[19]

Somaliland and Puntland have also clashed over the disputed territory that separates them in recent months. Unlike Somaliland, which has in the past shown some promise, Puntland itself is wracked with civil strife and has been such since at least 1991. Tellingly, it is home to two of most notorious pirate havens, Eyl and Bossaso, and was described recently in the UK's *Daily Telegraph* as "effectively…a pirate kingdom."[20]

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[16] Ibid.

[17] Ken Menkhaus, "The Crisis in Somalia: Tragedy in Five Acts" *African Affairs*, Vol. 106, No. 204 (2007): 370-383.

[18] Ken Menkhaus, "Somalia: State Collapse and the Threat of Terrorism" *Adelphi Paper* 364 (Oxford: Oxford University Press for the IISS, 2004), 22.

[19] "Somaliland Report Blames Suicide Attacks on Shebab" *Agence France Presse* (27 November 2008).

[20] David Blair, "Clan warfare splits Somalia; anarchy creates ideal conditions for piracy" *Daily Telegraph* (22 November 2008).

There is no way to do justice to Somalia's complex history and clan structure in this brief article. But what this sketch of the political landscape should reveal is that order will not be established in Somalia anytime soon.

The success of al-Shabaab in taking control of the south central region of Somalia and expelling the TFG from Mogadishu does not bode well for stability in Puntland and Somaliland. The presence of radical Islamists throughout the country has repeatedly sent fears into the United States and Ethiopia about the possibility of a radical Islamist state taking hold of the Horn of Africa and becoming another launch-pad for transnational terrorism. This was the initial impulse behind the American-backed and Ethiopian-led routing of the CIC in 2006. And there are those that are making the case now that Somalia, in the shadows of Iraq and Afghanistan, has in fact been the quiet third front of the American-led War on Terror. It is a front that the United States kept up by proxy through Ethiopia, but there is also evidence to suggest the Central Intelligence Agency was deeply involved in efforts on the ground in southern Somalia designed to keep the Islamist movement out of power and to prevent al-Qaeda from using the unruly country as a base for its operations.[21] The effort has now failed.[22]

This situation on the ground in combination with the piracy at sea has provided the impetus for the Security Council to unanimously pass resolution 1851 on 17 December 2008, which opens Somali land, seas, and air space to "all necessary means" taken by the coalition in their effort to suppress piracy in the region. The Security Council also unanimously adopted a resolution expressing its intention to establish a UN peacekeeping force in Somalia, but has decided also to not do anything until a proper assessment of conditions on the ground can be conducted. Given this, the Somalia situation is expected to be high on President Obama's foreign policy agenda.

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[21] See Paul Salopek, "Nobody is Watching: America's Hidden War in Somalia" *Chicago Tribune* (24 November 2008); Mark Mazzetti, "Efforts by C.I.A. Fail in Somalia, Officials Charge" *New York Times* (8 June 2006).

[22] See Jeffrey Gettleman and Mohammed Ibrahim, "Islamists Continue Advance Through Somalia" *New York Times* (14 November 2008); Mohammed Ibrahim and Sharon Otterman, "Dozens Killed As Fighting Intensifies in Somalia" *New York Times* (22 November 2008), 8; and Mohamed Ahmed, "Grenades kill five in Somalia's seat of parliament" *Reuters News* (27 November 2008).

Figure 3: Somalia: A Land Divided
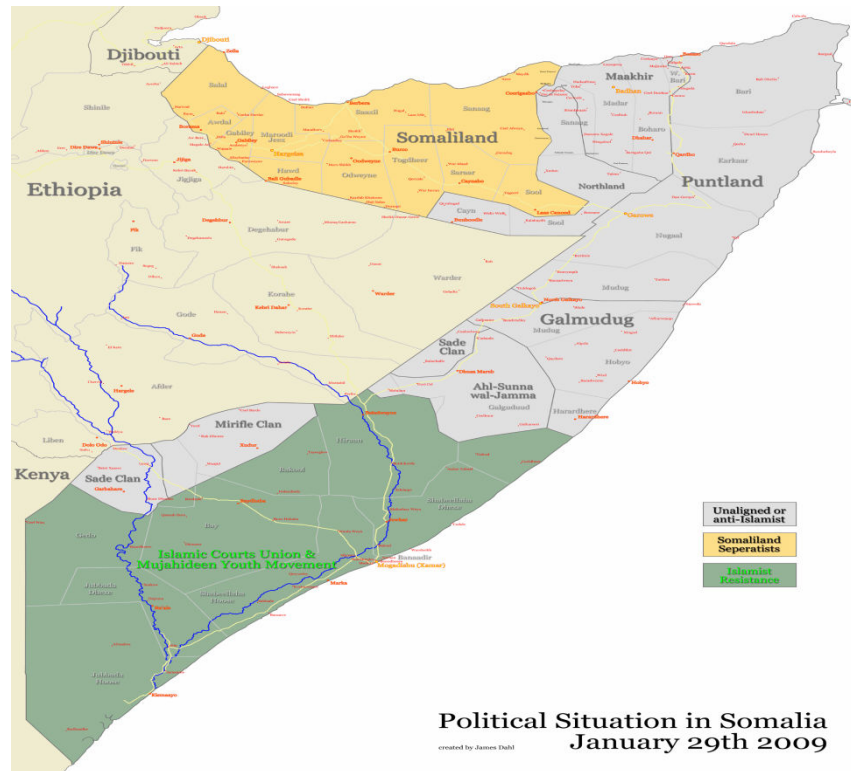
Source: Wikipedia. Accessed 30 January 2009. Available:
http://en.wikipedia.org/wiki/File:Somalia_map_states_regions_districts.png. Internet.

2.2 Somali Piracy: Roots

It was out of this extraordinary complex of clan-based warfare, the splintering of Somalia into three distinct political entities of varying degrees of stability and rivalry, the emergence of a radicalized Islamic jihadist movement bent on uniting the country under sharia law, the involvement of external powers in the domestic politics of the country, not to mention the two natural disasters (a four year drought, 2002-2006; and the Indian Ocean earthquake/tsunami, 2004) which further exacerbated the horrendous political and economic conditions inside the country, that Somali piracy evolved into a seriously destabilizing force of its own.

The sporadic first phase of Somali piracy began in the early 1990s, immediately following the overthrow of Barre's regime by the clan-based warlords. This phase continued throughout the first years of the Global War on Terror, and is said to have roots in the Somali fishing communities, which were acting at first to protect their territorial waters from illegal fishing and dumping by foreigners, which became progressively significant as it became more and more evident to outsiders that Somalia was not capable of patrolling its exclusive economic zone.[23]

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[23] For example, The United Nations Food and Agriculture Organization estimated that 700-foreign owned vessels were fully engaged in unlicensed fishing in Somali waters by 2005. Food and Agriculture Organization of the United Nations, "Fishery and Aquaculture County Profile: Somalia" Available: http://www.fao.org/fishery/countrysector/FI-CP_SO/en. Internet. See also, Abdulkadir Khalif, "How Illegal Fishing Feeds Somali Piracy" *The Somaliland Times* (15 November 2005) Accessed 1 December 2008. Available: http://www.somalilandtimes.net/200/08.shtml. Internet; and Scott Coffen-Smout, "Pirates, Warloards and Rogue Fishing Vessels in Somalia's Unruly Seas" Accessed 1 December 2008. Available: http://www.chebucto.ns.ca/~ar120/somalia.html. Internet.

The illegal fishing and dumping went further, however, and included violent assaults on Somali fishermen and on their equipment.[24]

Armed groups such as the "Somali Marines" out of Haradarre formed amongst the fishermen at first in self defence against the range of technically advanced foreign trawlers pillaging their waters and sabotaging their equipment. They engaged these foreign trawlers with rocket propelled grenades and assault rifles, and were responded to in kind. In one particularly telling incident, a group of young fishermen calling themselves members of the Somali Volunteer National Coast Guard "impounded" three Taiwanese trawlers in August 2005, and placed a ransom of US$5000 on the heads of each of the 48 crew members as a fine for poaching in Somali waters.[25]

These armed groups of young Somali fishermen quickly learned, however, that it was far more lucrative and far less dangerous to attack large and generally unarmed commercial vessels.[26] Their activities were not met with much in the way of resistance from coast guards or navies in the region, and Somalis ashore, faced otherwise with destitution if not starvation, have proven willing to provide sanctuary and support for piratical activities, with the hope of some of the spoils trickling down to themselves.

2.3 Somali Piracy in its advanced phase: 2008
The rate of piracy incidents off the Horn of Africa has escalated considerably since 2005 and severely over the last year. This is especially the case over the last seven months, as both the quantity and the size and value (or quality) of the vessels attacked and taken for ransom has escalated exponentially. Predictably, this escalation tracks and reflects significant advancements in the organization of Somali piracy. What began as mere "maritime muggings"[27] has evolved into sophisticated, adaptive, and multifaceted international organized crime.

The average attack is launched by a cell of 10 armed pirates typically divided into three skiffs and led by an offshore chief with ties to a clan-based warlord on land. The skiffs are generally low-tech, made of wood or fiberglass, and powered by 40-50 horsepower outboard engines. The pirates are kitted with grappling hooks and aluminum ladders, rocket-propelled grenades, rifles, knives, narcotics, satellite phones, global positioning systems, and fishing lines.[28] Generally, targets are lured in using deceptive tactics such as phony distress calls or pirates posing as fishermen. Vessels are fired upon and compelled to slow their speed of approach while pirates clamor aboard, commandeer the ship, and sail it to anchorage off a friendly coastal town such as Eyl. Five and six figure ransoms are then negotiated while crews and cargo are held for lengthy periods averaging five weeks. Pirates rarely harm their hostages.

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[24] Peter Lehr and Hendrick Lehmann, "Somalia—Pirates' New Paradise" in Peter Lehr (ed.) *Violence at Sea: Piracy in the Age of Global Terrorism* (New York: Routledge, 2007), 12.
[25] Ibid. 5, 14.
[26] Hans Tino Hansen, "Distinctions in the Finer Shades of Grey: The "Four Circles Model" for Maritime Threat Assessment" in Julio Espin-Digon, Rupert Herbert-Burns, Sam Bateman, and Peter Lehr (eds.) *Lloyd's MIU Handbook of Maritime Security* (London: CIC, 2008), 80.
[27] This was the phrase used by the International Maritime Bureau's director to describe these incidents in early 2005. See Sarah Shenker, "Growing Threat of Maritime Muggers" *BBC News* (15 March 2005) Accessed 1 December 2008. Available: http://news.bbc.co.uk/2/hi/asia-pacific/4350881.stm. Internet.
[28] Robert Kaplan, "The Chilling Innocence of Piracy" The Atlantic.com. (1 October 2008) Accessed 25 January 2009. Available: http://thecurrent.theatlantic.com/archives/2008/10/pirates.php. Internet.

Towards the end of 2008, Somali pirates seized two vessels of significance: the first was *M/V Faina* an Ukranian roll-on/roll-off cargo vessel headed for Mombassa, Kenya loaded with Soviet Era tanks, weapons and ammunition. This hijacking took place on 25 September 2008 off the eastern coast of Somalia and was conducted by 50 armed pirates who commandeered the vessel and sailed to anchorage off the port town of Hobyo, just south of Eyl.   The second hijacking was of the *M/V Sirius Star*: a massive Saudi oil tanker three times the size of a US aircraft carrier laden with a billion dollars worth of crude. *Sirius Star* was hijacked 450 nautical miles off the coast of Kenya and compelled to sail to anchorage near Haradeere, Somalia. *Sirius Star* was released on 9 January 2009 after a ransom of $3.5 million was parachuted onto its deck.

These two high profile attacks led to a number of new insights into Somali piracy. First, this is no longer a small-time, rag-tag group of impoverished Somali's the international community is facing down. On the contrary, it is clear that pirates are now using spies in ports like Jebbel Ali in Dubai to alert them to the most promising targets. They are using motherships to tow their skiffs deep into international waters. They have been trained in and thought seriously about the tactics required to take hostage vessels that are multiple stories in height.   They have negotiators and spokesmen, accountants and financiers, logistics coordinators and caterers, and an extensive financing/money laundering network that employs members of the Somali Diaspora living in countries around the globe, including Canada.[29] Their network also includes those who ostensibly hold political power in Puntland; as it has been alleged that government officials in that region are some of the main financiers of piracy and are rewarded for their allegiance and support with 30% of the booty taken in through ransoms.[30] The economies of the pirate havens have built up around this criminal enterprise, and entire villages have thus become dependent upon the successful hijacking and ransoming of commercial vessels transiting waters of the Somali peninsula. Somali piracy has entered its advanced phase.

Second, this significant degree of organization has infused the piracy network with an adaptive capacity. As more and more warships patrol in the Gulf of Aden, the pirates have learned their patterns and adapted their tactics accordingly. For example, they have staged "dummy" attacks to divert warships away from the area of a real attack. They have called in false distress signals to confuse shipping, and they have begun rotating through the ports they use for anchorage sites.[31] They know the waters they operate in extremely well, and they understand the legal and political limits that are constraining the efforts of western warships to stop them.

Third, there is strong evidence to suggest that some of the clans are now working with the Islamist group al Shabab, who they have turned to for training that would help them resist the potential interventions of western Special Forces groups. In return, the pirates, who tend to be former members of the Somali Navy or ex-fishermen, have begun training the maritime component of al Shabab, which was stood up in mid-2008. "Sea Shabab" as it was dubbed by

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[29] Milan Vesely, "The Profits of Piracy Soar" *The Middle East* (1 November 2008), 48; see also "Piracy boom draws hundreds of young where life is cheap and hope is rare." *Irish Times* (20 November 2008), 14.

[30] David MacKenzie, "No Way to stop us, pirate leaders says" CNN (1 December 2008). Accessed 1 December 2008. Available: http://www.cnn.com/2008/WORLD/africa/12/01/pirate.interview/index.html. Internet. There is some debate about whether the pirates are being financed by political leaders in Puntland, but there is little debate about whether they are paying these authorities to turn a blind eye to their activities. See Barney Jopson, "Somalia Bandits broaden their horizons off-shore" *Financial Times*— London Edition (19 November 2008), 10.

[31] Christian Fraser, "On Patrol with Pirate Hunters" BBC News (21 November 2008) Accessed 1 December 2008. Available: http://news.bbc.co.uk/2/hi/africa/7741706.stm. Internet.

a Jane's writer, was established to help smuggle foreign jihadist fighters into Somalia, as well as guided anti-tank weapons and man-portable surface-to-air missile systems to aid in al Shabab's insurgency against the TFG and the Ethiopian troops.[32] *The Times* recently reported that the Shabab was now at sea searching for Israelis, Americans, and other Westerners that could serve as valuable hostages.[33] Whether this sufficiently blurs the line between Somali pirates and Somali Islamists is a matter for a debate with very serious policy implications for the United States and for the rest of the countries actively participating in the Global War on Terror. It does however demonstrate that Somali pirates are not limiting their business model to hijackings. They are willing to branch out and get involved in other modes of criminal activity including arms smuggling for Islamists, and very likely people smuggling, as well. In other words, they are thugs for hire, and this is not a closed criminal network limited to one form of criminal activity.

These three insights need to be combined with the observation that piracy is the one and only growth industry in Somalia. Currently there are approximately 1000 active pirates. However, one account suggests that there are at least 2500 in training,[34] with many more to follow. That the sheer number of Somali pirates will continue to grow exponentially is evidenced by a "swarming attack" in the GOA in early December, which was eventually broken up by an Italian warship, but was conducted by up to 20 fast pirate boats and upwards of 60 individual pirates who were attempting to hijack five commercial vessels simultaneously.[35] This is by far the largest number of Somali pirates ever reported to have been involved in a single attempted hijacking. One does not have to look very far amidst the poverty and desperation in Somalia to see that there is the potential for millions of young Somali men to be lured in to this criminal activity by the hero status pirates have enjoyed in their home ports, the extra wives they have been able to marry, and the SUVs they've been able to purchase.

2.4 Trends Lines
- As Somalia fails more and more spectacularly as a state, the size, value and number of the ships Somali pirates seize can be expected to grow along with the complexity of the pirate network, the sophistication of their weapons, crafts, and techniques, and the number of functional pirates.
- Somali pirates can be expected to adapt their tactics to international responses; and continue to ply their trade until the risks of doing so outweigh the rewards.
- The range of criminal activities involving the unruly maritime regions of the Somali peninsula can be expected to grow; and it might not be long before the line between pirate attack and terrorist attack is crossed, resulting in significant human and ecological casualties. This depends entirely on who is involved in the pirate network itself. As soon as extremists penetrate the network, there is the chance that they could use the tactic of hijacking to carry out an act of terrorism against cruise ships transiting the GOA, or an act of eco-terrorism against one of the many vessels carrying oil and gas products through the piracy-prone sea lane.[36]

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[32] Jane's Terrorism and Security Monitor, "Unholy high seas alliance" (31 October 2008), 3.
[33] Rob Crilly, "Islamist rebels join forces with pirates to plunder weapons from hijacked ship" *The Times* (29 September 2008), 34.
[34] Jane's "Unholy high seas alliance", 3.
[35] "Warships rescue merchant vessels in Gulf of Aden" ABC News Accessed 4 December 2008. Available: http://www.abc.net.au/news/stories/2008/12/03/2436129.htm. Internet.
[36] This observation is made cautiously. It should be tempered with Peter Chalk's excellent assessment of the potential piracy-terrorism nexus, which suggests strongly that pirates and terrorists have contradictory objectives, and accordingly can be expected to remain distinct as far as their activities are concerned.

RESPONDING TO THE THREAT

 3.1 The International Response
Given the cycles of piracy that have preceded this one, the international response to this evolution of Somali piracy into its advanced phase has been and continues as expected. Faced with the possibility of a vital artery of the global economy being clotted by this criminal activity, the international community has reacted with increasing resolve.

- a coalition of warships known as CTF 150 began to focus part of its operations in the Gulf of Aden to act as a deterrent to pirates.[37] On 22 August, the coalition under the operational command of Canadian Commodore Bob Davidson established a Maritime Security Patrol Area (MSPA) to act as a protected sea lane through which commercial vessels could enjoy the protection of these warships and their air assets (see figure 2);
- the Security Council weighed in with resolutions designed to encourage and aid in these efforts, the most recent of which (1851 passed unanimously on 15 December 2008) subjects Somali land, air space, and territorial waters to "all necessary means" in the effort to combat piracy;
- the European Union dispatched its first ever naval task group to the GOA (Operation Atalante). The mission will last for one year and be supported by eight separate members of the EU;
- other affected nations such as Russia, India, Pakistan, Malaysia, and South Korea have deployed vessels to the region;
- perhaps most notably, China has sent two destroyers and a supply ship to the GOA in its first real expeditionary deployment of naval forces since 1949;
- this has led to concerns amongst the Japanese that their Chinese rivals will, due to this deployment, have an advantage in building relations with the Obama Administration. In turn, Japan is considering rewriting its pacifist post-1945 constitution in an effort to participate actively in the counter-piracy measures of the coalition.
- rules of engagement for participating navies are slowly becoming more aggressive as evidenced by the fact that Somali pirates have been fired upon and killed by warships in a couple of instances;
- Combined Task Force 151 was established by Coalition Maritime Forces to act as a separate maritime command from CTF 150 for the Red Sea-Gulf of Aden-Arabian Sea region with a mandate focused solely on counter-piracy operations.
- Currently, there are 20 warships from some 14 different nations with an assortment of air assets – helicopters, UAVs, and fixed-wing aircraft patrolling the region and providing security for commercial vessels transiting the GOA.

Taken together these developments suggest the advanced phase of Somali piracy has created a significant enough threat to global commerce that it has compelled the expected escalation in response from the international community. The nature of the response at this stage, however, is decidedly defensive. Somali pirates, unless they are caught in the midst of a hijacking, are not being fired upon, nor are they being attacked in their home ports. Warships are being used

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See Peter Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and the Challenges for the United States.* (RAND, 2008), 31-3.
[37] Patrick Lennox, "Canada's Presence in the Arc of Instability" *Diplomat and International Canada* (November/December 2008), 24-29.

for the purpose of protecting commercial vessels in the region from attack; they are not attacking the pirates, themselves.

The main reason for this lack of an offensive element in the response is the international human rights regime, which makes it difficult for western warships to aggressively stamp out this scourge against humanity as they have done in the past. Instead of killing pirates and destroying their hide-outs and boats and all of their equipment, there is now a necessity to provide them with fair trials, even if the international legal architecture necessary to do so does not exist.

Accordingly, Western states are reluctant to allow their warships to take detainees and to fire shots in anger at suspected Somali pirates. An effective deterrent to pursuing piracy as a means to economic survival, consequently, does not exist for the average Somali. Until such a deterrent does exist, there can be no expectation of a decrease in the rate or severity of piracy incidents in the GOA.

Until this issue either bleeds into (1) terrorism, (2) ecological disaster, (3) the deepening of the global economic crisis, or (4) some combination of the above western nations will be reluctant to get their hands dirty with this problem using either military or constabulatory-leading-to-legal methods. The most that can be expected is the provision of a Maritime Security Patrol Area (MPSA) through which commercial vessels can sail with the expectation of a degree of protection from military assets stationed in the GOA. Given that such a protected sea lane was established at the end of August 2008, and the number of piracy incidents and the size and value of the vessels pirated since then has continued to escalate, an MSPA alone is not going to bring about stability in the GOA.

If Somali piracy is going to be combated using solely sea-based tactics it will require a critical mass of warships and their air assets to maintain a constant presence in the region. It is possible that the largest and most diverse unplanned gathering of warships in recent history that is ongoing in the GOA will constitute such a critical mass. However, it would be wishful thinking to expect this sort of a presence to continue for any prolonged period given the cost of modern naval deployments. The GOA is a large body of water, and warships are not a long-term cost-effective method of providing commercial vessels with protection from Somali piracy.

This leads to the consideration of the possibility of regional nations and navies doing the necessary heavy lifting themselves. The Indian Navy demonstrated a willingness to use lethal force against Somali pirates, sinking one of their supposed motherships on 18 November 2008.[38] After reports that the culprits of the recent terrorist attacks on Mumbai arrived in the port city via a vessel that they hijacked in the Indian Ocean were made public by *The Hindu Times*,[39] there might be cause to think the Indian Navy will be given the green light to lean even further forward on the piracy issue in the Gulf of Aden. This incident of a vessel being hijacked mid-Arabian Sea and being used to assist in a terrorist attack further blurs the already fuzzy line between terrorism and piracy in this region. Amongst other things, it may compel a more concerted effort on the part of regional navies to stamp out the criminal activities that are infesting their seaways.

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[38] The vessel appears to have been Thai trawler that was hijacked by Somali pirates who probably intended to use it as a mothership.

[39] Praveen Swami, "Pointed Intelligence Warning Preceded Attacks" *The Hindu Times* (30 November 2008), 15; see also Angel Rabasa et. al. "The Lessons of Mumbai" Occasional Paper (Santa Monica, CA: RAND, 2009), 3-4.

Evidence that such a regional initiative is underway was seen towards the end of January when 17 states from the Western Indian Ocean, Gulf of Aden and Red Sea regions met in Djibouti and adopted a Code of Conduct concerning the Repression of Piracy and Armed Robbery against ships in their region. The high-level meeting was convened by the International Maritime Organization. The Code of Conduct represents the first significant step towards the development of a concerted effort by regional navies and coast guards to contribute to the efforts of the broader international community to suppress Somali piracy. It also opens the door for significant Theatre Security Cooperation initiatives designed to allow the navies of the developed world to provide training as well as technical and financial assistance to the nascent navies and coast guards in the region. Signatories to the now effective Code of Conduct intend to "fully cooperate in the arrest, investigation, and prosecution of persons who have committed piracy or are reasonably suspected of having committed piracy; seize suspect ships and the property on board such ships; and rescue ships, persons, and property subject to acts of piracy. These acts would be consistent with international law."[40]

3.2 The Commercial Response

There are a number of commonly practiced methods for commercial vessels to avoid being hijacked while underway: the use of fire hoses to attempt to sink pirate skiffs while they attempt to come alongside is one; the use of sonic canons (or Magnetic Acoustic Devices, as they are also called) is another; the use of electrical fences encircling the upper decks is yet another. Evasive maneuvering and increases in speed can help stave off attacks once they are launched, as can the use of flares and floodlights.

But perhaps most importantly now, it will be essential for commercial vessels to practice operational and communications security—OPSEC as it is referred to in military circles. It is clear that the Somali pirate network includes spies and intelligence gatherers. Accordingly, ship-to-shore radio communications should be assumed to be monitored by Somali pirates, and therefore discussions of cargo, routes, on-board security, etc. should be limited, as should all discussions of destinations amongst crews while in port. As the old saying goes, "loose lips sink ships."

It would appear that the most effective band-aid solution to this problem of piracy in the GOA would involve the use of private security firms, or the hiring of extra crew members to stand security watches. If shipping companies were to foot the bill for armed guards to protect them as they transited these pirate infested waters, they would seriously increase their chances of making it to their destination without undue delay. Vessels of particular value and which are particularly slow or have particularly low freeboards should not transit the GOA without some form of on-board security personnel.

The GOA is a large body of water and keeping the amount of military assets in those waters that would be necessary to keep each and every commercial vessel completely safe from the possibility of being pirated would be a prohibitively expensive public good to provide. No one navy is capable of this, and the GOA isn't the only troubled body of water on the planet.

3.3 Trend Lines

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[40] International Maritime Organization, "High-level meeting in Djibouti adopts a Code of Conduct to repress acts of piracy and armed robbery against ships." Briefing 03, (30 January 2009). Accessed 30 January 2009. Available: http://www.imo.org/Newsroom/mainframe.asp?topic_id=1773&doc_id=10933. Internet.

- The coordinated international response to this issue is escalating in tandem with the escalation of Somali piracy.
- With the increased presence of warships in the region, the opportunities for commercial vessels to receive "close escort" and through the GOA will also increase.
- There has also been a move to convoying as more and more naval assets build up in the region.
- This security tactic will be adapted to by the pirates who will employ swarming tactics to break convoys or to separate weaker, slower, or less maneuverable vessels from the pack.

CONCLUSION

4.1 Prospects for the Future of the Region

Somali piracy will not be quieted until stability takes hold in the country itself. This is not a problem that can be sufficiently suppressed using sea-based tactics alone. And it is clear that even without an indigenous sea-based campaign coming from the Yemeni and some future Somali coast guard it will be a significant challenge for foreign navies to maintain a sufficient presence to deter acts of piracy in the region.

As a state, Somalia itself will continue to slide even further into failure as Islamists seek to impose their will on the northern regions of the country.

As Iraq stabilizes, and Afghanistan after the coming "surge" there promises to do the same, al-Qaeda will be looking for an attractive ungoverned space such as Somalia and increasingly Yemen in which to base its operations. That this could lead to the further bleeding of piracy into terrorism remains a possibility.

This article should make clear that Somali piracy is directly tied to the failure of the Somali state. Accordingly, any comprehensive solution to the problem will have to involve operations on the ground in that country to stabilize the state itself, as well as to unsettle pirate sanctuaries and destroy pirate infrastructure.

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