Strategy Research Project

MARITIME PIRACY: EXAMINING THE U.S. RESPONSE TO A GLOBAL THREAT

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ABSTRACT

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Recent high profile maritime hijackings off the coast of Somalia and in the Gulf of Aden have sharpened U.S. and international focus on the long-standing, but growing problem of maritime piracy. Despite an extensive record of anti-piracy efforts by the U.S. and other nations around the globe, piracy continues to challenge the U.S. and the international community in the 21st Century. This paper will examine the U.S. response to the global threat of piracy. Analysis will include an evaluation of U.S. policies and the effectiveness of implemented strategies to counter the assessed threat posed by maritime piracy, with particular emphasis on the escalating activity off the Horn of Africa. Finally, this study will propose indicators that could necessitate a modification in strategy in order to counter a change in the threat environment.

MARITIME PIRACY: EXAMINING THE U.S. RESPONSE TO A GLOBAL THREAT

> We may be dealing with a 17th Century crime, but we need to bring 21st Century solutions to bear.
>
> —U.S. Secretary of State Hillary Rodham Clinton[1]

Recent high profile maritime hijackings off the coast of Somalia and in the Gulf of Aden have sharpened U.S. and international focus on the long-standing, but "serious and growing" problem of maritime piracy.[2] Regarded the enemies of all human kind (hostes humani generis), piracy has plagued the world's waterways throughout history. Accordingly, U.S. efforts to combat maritime piracy date back to earliest days the American republic when President Thomas Jefferson commenced a successful, but long struggle to defeat the infamous Barbary pirates. Despite an extensive record of anti-piracy efforts by the U.S. and many other nations around the globe, the act of piracy has never been completely eradicated and continues to challenge the international community in the 21st Century.[3]

This paper will examine the U.S. response to the global threat of piracy in the 21st Century. Analysis will include an evaluation of U.S. policies and the effectiveness of implemented strategies to counter the assessed threat posed by maritime piracy, with particular emphasis on the escalating activity off the Horn of Africa. Finally, this study will propose indicators that could necessitate a modification in strategy in order to counter a change in the threat environment.

Defining Piracy

The United Nations Convention on the Law of the Sea (UNCLOS) defines piracy as:

> (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 knowledge of facts making it a pirate ship or aircraft;
>
> (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).[4]

The International Maritime Bureau (IMB), a specialized non-profit division of the International Chamber Of Commerce (ICC), operates an internationally recognized piracy reporting center that works closely with shipping industry, international governments, and law enforcement agencies to combat maritime piracy. Due to the nature of the current threat, the IMB, has broadened the definition of piracy beyond the UNCLOS delineated area of the "high seas," to include acts that occur within the twelve-mile limit of a state's territorial waters, also referred to as armed robbery against ships, where a majority of piracy occurs. Throughout this paper, the term "piracy" and all statistical references to piracy will refer to the IMB's comprehensive definition:

> Piracy is an act of boarding any vessel with the intent to commit theft or any other crime and with the intent or capability to use force in furtherance of that act.[5]

UNCLOS and IMB definitions include "actual or attempted attacks" that occur when a ship is at sea, anchor, or berthed.[6]

Modern Piracy – A Growing Problem

Since its resurgence in the 1990's, worldwide levels of piracy have fluctuated with peaks of over 400 attacks reported in 2000 and 2003 (Table 1). By 2006, counter-piracy efforts successfully reduced the number of pirate attacks to 239, a low nearing levels not observed since 1998.[7] A short-lived success, 2007 signaled a reverse in the

declining trend with a steady annual increase in the number of pirate attacks reported for the next three years. The IMB's Piracy Reporting Centre (IMB PRC) recorded a total of 263 and 293 attacks during 2007and 2008, respectively. Approaching historic highs, the IMB reported a 2009 worldwide piracy increase of an additional 39% to 406 attacks, resulting in 49 successful hijackings, 120 vessels fired on, and 1052 hostages.[8]

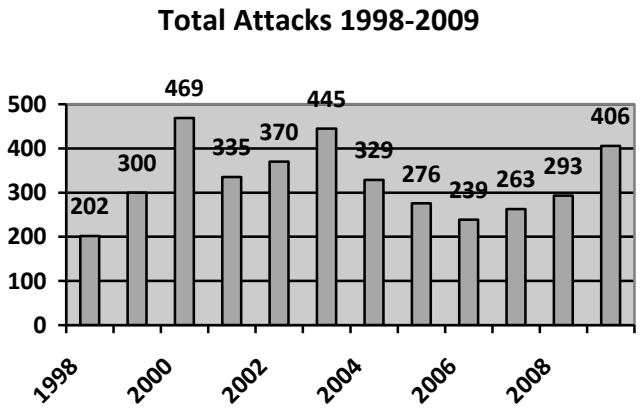

Table 1: Derived from International Maritime Bureau Annual Reports[9]

Shifting Areas of Activity

In addition to fluctuating levels of activity, modern piracy has also shifted areas of concentration over time. Piracy primarily occurs in major commercial shipping routes, particularly those near states suffering significant political and economic instability, or lacking capacity to conduct maritime law enforcement.[10] Modern-day piracy has predominantly afflicted the Gulf of Aden, in the vicinity of Somalia and the southern entrance to the Red Sea; the Gulf of Guinea, in the vicinity of Nigeria; the Malacca Strait between Indonesia and Malaysia; and the Indian subcontinent, primarily between India and Sri Lanka.[11] While all of these areas continue to experience pirate activity, 2009 reporting provides supporting evidence of significant, developing trends in South East Asia and Africa.

First, relatively low incident rates throughout South East Asia in 2009 demonstrate the continued success of regional anti-piracy efforts. Indonesia, an area that contributed significantly to the high rate of piracy in 2003 with 121 incidents,[12] continued to decline with only 15 incidents recorded in 2009.[13] Down from a 2004 high of 28 incidents,[14] only 2 incidents were reported in the Malacca Straits for a second year in a row.[15] Another previous area of heightened concern, the Singapore Strait experienced only a slight increase from 6 incidents in 2008 to 9 in 2009.[16]

Conversely, international efforts to deter piracy off the Horn of Africa, in the Gulf of Aden and Indian Ocean, were met by a steady increase of attacks in 2009. In fact, the rise in piracy worldwide for the last three years can be largely attributed to increased activity in this area. Following an alarming 200% increase in piracy incidents between 2007 and 2008,[17] attacks by Somali pirates nearly doubled again in 2009, from 111 to 217, accounting for more than 50% of attacks worldwide.[18] Leading not only in attempted attacks, Somali pirates were also the most successful. In 2009, they held 96% of all vessels hijacked in the world and 82% off all hostages taken.[19]

This global hot spot has also varied in regional areas of piracy concentration since 2007. Historically, Somali pirates targeted ships along Somalia's coast, in the western Indian Ocean. When shipping lanes moved farther off the coast to avoid attacks, the pirates responded by shifting attacks to the narrow waterways in the Gulf of Aden.[20] By 2008, nearly all attacks in this region occurred in the Gulf of Aden.[21] Pressured by the increasing international naval patrols in the area, pirate activity in 2009 progressively moved from the Gulf of Aden, back into the Indian Ocean. During the fourth quarter alone, 33 attacks and 13 successful hijackings were reported in the

Indian Ocean, many of which garnered increasing media and international attention.[22] Consequently, Somali piracy has emerged as the contemporary center of gravity for U.S. and international counter-piracy efforts.

Figure 1: Horn of Africa[23]

Global Impact

Though maritime piracy manifests as regional criminal activity, its consequences are felt by many nations around the world. The U.S. National Security Council (NSC) illustrates the most fundamental multinational impact of piracy in the following:

> …a single piratical attack affects the interests of numerous countries, including the flag State of the vessel, various States of nationality of the seafarers taken hostage, regional coastal States, owners' States, and cargo destination and transshipment States.[24]

Broader impacts can be attributed to the globalized economy of the 21st Century and its dependence on the safety of the world's waterways to support international commerce. 80% of the world's trade travels by water; 75% of which passes through a few vulnerable choke points.[25] Exemplifying how a regional problem emerges as a global liability, consider that more than 20,000 ships and up to 12% of the world's petroleum

pass through the Gulf of Aden, the critical choke point linking the Suez Canal to the Indian Ocean, and now the world's most active piracy corridor.[26]

Though some experts debate the relative impact of the financial burden of piracy on the commercial shipping industry, the financial outlay is not insignificant. Piracy is estimated to cost the maritime shipping industry between $1 to $ 16 billion dollars annually, including million dollar ransoms, increased insurance rates, enhanced security measures, repair to damaged vessels, and shipping delays resulting from safer, but longer alternative routes. Some vessels transiting the Horn of Africa are required to add war risk insurance to the cost of doing business in the region, increasing expenses another $20,000 for a single transit.[27] The growing economic impact of piracy to this and other key sea lines of communication may make traditional sea routes cost prohibitive, hampering the efficient and effective free flow of commerce, and negatively impacting regional and global economic interests.

In addition to the economic impact of piracy, the tragic human cost of piracy cannot be ignored. Piracy clearly endangers "the lives of seafarers who may be injured, killed, or taken hostage for ransoms,"[28] but also threatens the survival of those depending on the delivery of essential humanitarian aid via the world's most dangerous waterways. Again illustrating the growing impact of Somali piracy, the United Nations World Food Program (WFP) expressed concern that millions of Africans will go hungry as the result of piracy hindering the delivery of essential U.S. and United Nations humanitarian aid to Somalia and their neighbors in the region.[29] The WFP has recently announced that it would be closing feeding centers in Somalia due to, "a combination of rising costs, rising demand, and insufficient funding." [30]

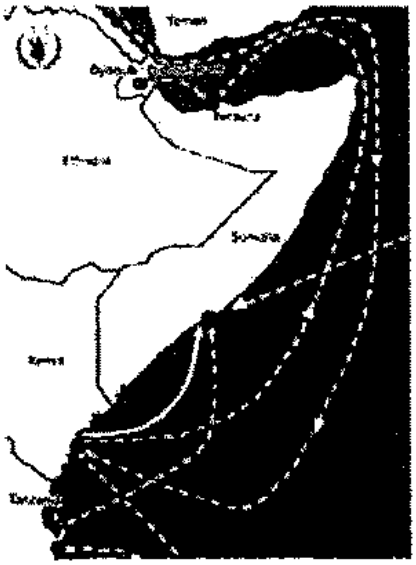

Figure 2: Sea Routes used by WFP to deliver food aid to Somali[31]

Somali Piracy – Overview

Five years ago, all eyes were focused on piracy in the Malacca Strait, today they are directed toward the unprecedented growth of piracy off the Horn of Africa. While common media references to Somali pirates confer an image of a singular band of criminals, they are not by any means a homogeneous group. Somali pirates are more properly characterized as several groups within various clans that operate from port towns along the coast of Somalia. Three main groups have been identified: one network based in Eyl (Northern), a second based in Hoboyo (Central), and third based in Hararadera (Southern). Smaller networks also operate along the coastal ports of Bosaso, Qandala, Caluula, Bargaal, Hobyo, Mogadishu and Garad.[32]

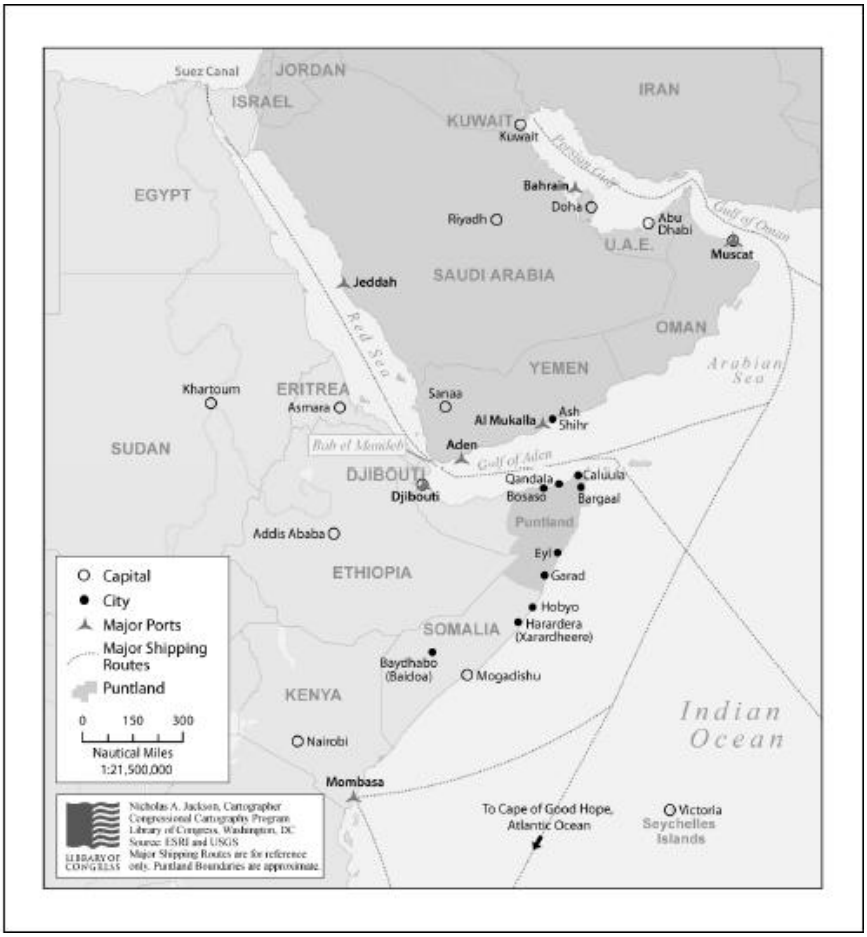

Figure 3: The Horn of Africa, Surrounding Waters and Key Locations[33]

Individual networks vary widely in operational capacity, but as a whole, the pirates conduct operations over an ever expanding range along Somalia's 2,300 mile coast and in 2.5 million square miles of ocean.[34] Analysis by the Office of Naval Intelligence indicates pirates performed attacks at record setting distances off shore in 2009; successful operations were conducted up to 910 nautical miles from the east coast of Somalia, in the vicinity of the Seychelles and off the coast of Oman.[35] Despite operating only small, lightweight skiffs equipped with outboard motors, armed Somali pirates have also successfully hijacked a variety of targets of opportunity ranging from chemical and oil tankers, to cruise ships and personal yachts.[36] High profile 2009

hijackings such as the *MV Faina*, carrying T-72 tanks and an abundance of small arms, and the Saudi super oil tanker *MV Sirius Star* highlighted the vulnerability of this strategically located sea lane to these daring, maritime criminals.[37]

There is little doubt that the increasingly brazen acts at sea are merely symptoms of Somalia's instability. A classic failed State, Somalia has been in perpetual economic, social, and political upheaval for nearly two decades. In the absence of a strong central government capable enforcing the rule of law, Somali piracy has evolved into an economically driven criminal enterprise which is fueled by multi-million dollar ransom payments. The U.N. commissioned International Expert Group on Piracy off the Coast of Somalia concluded:

> Poverty, lack of employment, environmental hardship, pitifully low incomes, reduction of pastoralist and maritime resources due to drought and illegal fishing and a volatile security and political situation all contribute to the rise and continuance of piracy in Somalia.[38]

Profound poverty weighed against the financially lucrative and relatively low risk of engaging in piracy ensures a steady stream of volunteers and support in the region.[39]

U.S. Response

The dramatic U.S. Navy rescue of *MV Maersk Alabama's* Captain Richard Phillips in April 2009, has emerged as the universal representation of the U.S. response to piracy. Despite the well publicized tactical success of the operation, U.S. military efforts to repress piracy are only one component of a much more comprehensive strategy. This view was underscored by Secretary of Defense Gates in an address to the Marine Corps War College, "There is no purely military solution to it."[40]

The official U.S. response to maritime piracy was codified in June 2007 when President George W. Bush appended the *National Maritime Security Strategy,* adding

Annex B, Policy for the Repression of Piracy and other Acts of Violence at Sea. Acknowledging the multiple, complex factors contributing to piracy and its global impact, U.S. policy directs the full use of the national instruments of power (diplomatic, military, intelligence, economic, law enforcement, and judicial) to "engage States, international and regional organizations to develop greater resources, capacity, and authorities to repress piracy, and maximize inclusion of coalition assets in piracy repression operations."[41] Additionally, the policy directs responses which entail a tailored approach, responding to specific threats according to "geographic, political and legal environments."[42]

Addressing the growing threat of Somali piracy, a tailored implementation plan was published by the National Security Council in December 2008, as the *Countering Piracy off the Horn of Africa Partnership & Action Plan (CPAP)*. In accordance with U.S. policy to "continue to lead and support international efforts to repress piracy…and urge States to take decisive action both individually and through international efforts,"[43] the plan places significant importance on multilateral action to solve the problem of Somali piracy. CPAP seeks to involve a siege range of state and non-state partners in the implemented solutions, "all nations, international organizations, industry and other entities that have an interest in maritime security."[44] CPAP directs the U.S., in concert with a "global partnership," to address three lines of operation:

> 1. Prevent pirate attacks by reducing the vulnerability of the maritime domain to piracy…2. Interrupt and terminate acts of piracy consistent with international law and the rights and responsibilities of coastal and flag States… [and] 3. Ensure that those who commit acts of piracy are held accountable for their actions by facilitating the prosecution of suspected pirates by flag, victim, and coastal States, and, in appropriate cases, the United States.[45]

The strategy also outlined five supporting objectives, referred to as implementation pillars:

> improving operational and intelligence support to counter-piracy operations; strengthening judicial frameworks for detention and prosecution of pirates; disrupting pirate financial operations; strengthening commercial shipping self-defense capabilities; and pursuing diplomatic and public information efforts to discourage piracy.[46]

Oversight of this multipronged plan was assigned to a newly formed executive level, inter-agency steering group. The Counter-Piracy Steering Group (CPSG) is co-chaired by the Departments of State and Defense, and reports to the National Security Council. Inter-agency representatives include the Departments of Homeland Security, Justice, Treasury, Transportation, and the U.S. Agency for International Development.[47] Initially created during the Bush Administration, the CPSG has continued to implement the basic tenets of CPAP under the Obama Administration. This continuity of commitment and action has ultimately achieved an unprecedented international unity of effort to counter Somali piracy.

International Efforts

In 2008, the U.S. worked aggressively with its international partners to gain support for four swiftly approved U.N. Security Council Resolutions authorizing actions to combat Somali piracy. Closely mirroring CPAP objectives, Resolutions 1816, 1838, 1846, and 1851 collectively authorized and encouraged States to cooperate on "promoting enhanced counter-piracy collaboration among nations, strengthening operational capabilities, removal of piracy sanctuaries in Somalia and support for increased criminal prosecution."[48]

Signaling the ensuing international momentum against Somali piracy, Resolution 1816 was adopted in June 2008. Denying pirates the safe haven of Somalia's twelve

nautical mile territorial waters, this resolution authorized nations to enter Somalia's territorial waters "for the purpose of repressing acts of piracy and armed robbery at sea."[49] Four months later, Resolution 1838 was adopted and called upon capable nations to participate in anti-piracy efforts off of Somalia "by deploying naval vessels and military aircraft, in accordance with international law, as reflected in the Convention [UNCLOS]."[50] In December 2008, Resolution 1846 essentially extended Resolution 1816, and Resolution 1851 authorized nations to take all necessary actions "in Somalia" to counter piracy at sea.[51] Most recently, on May 26, 2009, Resolution 1872 granted new authorities for member States to train and equip the Transitional Federal Government of Somalia (TFG) security forces, the relatively weak but internationally recognized ruling authority within Somalia.

Further demonstrating remarkable commitment by the international community, these resolutions were followed by tangible action. As outlined in CPAP and pursuant to U.N. Security Council Resolution 1851, the U.S. and its partner nations, established the international Contact Group on Piracy off the Coast of Somalia (CGPCS) on January 14, 2009. As described by former Secretary of State Condoleezza Rice, "We envision the Contact Group serving as a mechanism to share intelligence, coordinate activities, and reach out to other partners, including those in shipping and insurance industries."[52] Comprised of 45 countries, seven international organizations and two major industry groups, the CGPCS is organized into four functional working groups: (1) Military and Operational Coordination, Information Sharing, and capacity Building, chaired by the United Kingdom; (2) Judicial Issues, chaired by Denmark; (3) Strengthening Shipping

Self-Awareness and Other Capabilities, chaired by the U.S.; and (4) Strategic Communication/Public Information, chaired by Egypt.[53]

Meeting quarterly as a forum for international cooperation and coordination to prevent piracy, the CGPCS held its fifth meeting on 28 January 2010. To date, the group's accomplishments include facilitation of military coordination off the Coast of Somalia, development of Best Management Practices (BMPs) to enhance commercial industry's self-protection capabilities, and establishment of international trust funds to support counter-piracy initiatives, including funding the prosecution of pirates by regional States such as Kenya and the Seychelles.[54]

One of the most notable initiatives coordinated by the CGPCS was set in motion during its inaugural meeting, when representatives acknowledged a need to capitalize on lessons learned from Southeast Asia counter-piracy operations. Drawing on the extraordinary success of the 2004 16-nation Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), the U.N. International Maritime Organization (IMO) sponsored a January 2009 meeting in Djibouti to discuss the establishment of a similar regional coordination center to deal with Somali piracy. Swiftly achieving its intent, 17 regional States adopted a Code of Conduct to repress Somali piracy. Three regional facilities were selected to foster piracy information exchange and improve domain awareness—the Maritime Rescue Coordination Centre in Mombasa, Kenya; the Sub-Regional Coordination Centre in Dar es Salaam, Tanzania; and a regional maritime information center that is to be established in Sana'a, Yemen. Participants also approved a resolution regarding technical cooperation and the establishment of a regional training center in Djibouti.[55]

Naval Response

The U.S. policy to support and lead an international partnership to repress piracy is most visible at the operational level. A wide array of international counter-piracy forces have taken an active role in providing naval and air assets to protect shipping in the Gulf of Aden and along the Somali coast. These include Combined Maritime Task Force (CTF) 151(established January 2009); European Union Naval Forces (EUNAVFOR) Operation Atalanta (full operationally capable February 2009), North Atlantic Treaty Organization (NATO) Operation Ocean Shield (August 2009); and various national counter-piracy missions.[56]

The U.S. Navy and Coast Guard participate directly in CTF 151, which operates in the Gulf of Aden and off the eastern coast of Somalia "to actively deter, disrupt and suppress piracy in order to protect global maritime security and secure freedom of navigation for the benefit of all nations."[57] The U.S. also provides both direct and indirect support to the other various navies operating in the area. Either individually or as part of the CTF, NATO, or EU effort, participating countries have included Denmark, Singapore, South Korea, Turkey, United Kingdom, Canada, France, Germany, Greece, Italy, India, Japan, Malaysia, Netherlands, the People's Republic of China, the Russian Federation, Saudi Arabia, Yemen and others. In testimony to the Senate Armed Services Committee, Under Secretary of Defense for Policy, Michele Flournoy, noted that the "international array of forces and their ability to work together has been impressive, as demonstrated by the Combined Maritime Forces monthly Shared Awareness and Deconfliction (SHADE) meetings in Bahrain."[58] She further commented the combined, cooperative efforts resulted in the significant reduction of successful

attacks in the Gulf of Aden, the detention of 90 pirates, and nearly 50 skiffs destroyed in a six month timeframe.[59]

Diplomatic Response

On the heels of improved cooperation and coordination at the military operational level, the U.S. has begun to sharpen international focus on the need to reinforce prevention and disruption actions afloat with stabilizing actions ashore. Garnering over $72 million in support from the U.N. and a two year commitment of $135 million from the U.S., the African Union (AU) has extended the mandate to maintain a peacekeeping force in Somalia, the African Union Mission to Somalia (AMISOM).[60] The U.S. government and international donors are also working through the CGPCS on a multilateral basis to support Somali reconciliation efforts and implement the country's Transitional Federal Charter. An April 23, 2009 international donor conference garnered an additional $213 million in contributions to support AMISOM and the development of TFG security forces.[61] U.S. Congressional support for the continued diplomatic efforts were demonstrated in May 2009, with the appropriation of $8.5 million to support diplomatic initiatives including the CGPCS; $70 million to support the African Union Mission to Somalia (ANISOM); and $10 million to fund various economic growth and governance programs.[62]

Measure of Effectiveness

Simple statistics regarding piracy attacks in the Horn of Africa and the high profile media coverage of individual attacks present the appearance that the U.S. is either not doing enough to repress piracy, or its efforts are ineffective. Lessons learned during OPERATION IRAQI FREEDOM revealed that data of improvised explosive device (IED) attack rates produced impressive charts and graphs, but in isolation, were marginal

measures of effectiveness for the counterinsurgency strategy in Iraq. Similarly, piracy attack rates alone are inaccurate measures of the effectiveness of anti-piracy strategies in the Horn of Africa. Judgments based on this single indicator reflect a poor understanding of the complex operating environment and the multipronged approach implemented by the U.S. and supported by the international community. Furthermore, the corresponding claims that the military must expand operations afloat and ashore to defeat Somali piracy, fail to appropriately balance the cost of increased action against the assessed threat.

A more meaningful measure of effectiveness of the U.S. anti-piracy strategy is the level to which the U.S. policy objectives have been achieved in accordance with CPAP implementation guidance. Based on the global partnership approach adopted by U.S. policy, the dominant indicator of success rests in the strength of the international partnerships and institutions established and the extent to which their actions support U.S. objectives. Based on these criteria, the U.S. has been highly successful in leveraging the various national elements of power (diplomatic, informational, military, and economic) to ignite a global response to the 21st Century threat of maritime piracy. Both immediate operational measures and long term initiatives outlined in CPAP have been and continue to be vigorously and effectively implemented nationally and internationally.

Foremost, U.S. policy sought to prevent and disrupt pirate attacks and deliver a system of judicial punishment to perpetrators through the mutual support of an international partnership. The resulting actions by the international community and more specifically, the U.N. have been unprecedented in nature. The adoption of four Security

Council Resolutions within a period of a few short months is historic. These authorities in turn provided international legitimacy and the necessary legal tools to implement the various pillars of the U.S. strategy. The U.S. sought to disrupt attacks by employing a multi-national anti-piracy naval presence in the region. Dozens of nations deployed their assets and developed an operational forum to cooperate or at the very least, deconflict anti-piracy actions. Achieving cooperation at any level amongst a robust multi-national naval presence, including non-traditional partners such as China and Russia, is also historic. The U.S. sought to establish a single point of international coordination for Somali piracy; CGPCS was formed and globally supported. In recognition of the successful ReCAAP model, the U.S. sought the establishment of a regional piracy coordination center; the Djibouti Code of Conduct was signed and multiple host nations offered facilities to support its implementation. The U.S. sought to prevent attacks by improving commercial industry's self-defense posture and not only published best practices with the assistance of industry partners, but gained international acceptance with the signing of the New York Declaration.[63] The U.S. sought an improved judicial framework to deliver punishment to those who commit acts of piracy; international legal authorities were endorsed by the U.N, and bi-lateral agreements with regional neighbors to accept captured pirates for prosecution were achieved. These agreements were not only supported by U.N. Security Council Resolution, but were also funded by international donors.

Now, consider that 33,000 vessels transit the Gulf of Aden each year. Based on 2008 statistics, "pirates attacked less than one half of one percent of shipping in the Gulf of Aden, and their attacks have succeeded only about a third of the time."[64]

Largely attributed to the international naval presence, improved domain awareness, and employment of self-defense measures, the success rate for all attacks in the region declined yet again in 2009.[65] That means the U.S. and its partners deployed dozens of warships and orchestrated an unprecedented level of global international cooperation in order to prevent attacks against less than one half percent of shipping on one part of the globe. While the Government Accounting Office may not measure the immediate actions to prevent and disrupt piracy effective in terms of dollars, it has been overwhelmingly effective in building international and bilateral relationships and rallying international support to a common cause.

During Congressional testimony, Ms. Flournoy affirmed, “effectively combating piracy off the Somali coast will be linked to our ability to help the Somalis themselves increase government capacity and find appropriate ways to meet the population’s basic needs.”[66] Somalia devolved into poverty and lawlessness over decades. As acknowledged by U.S. policy makers, it will likely take several years to restore security and stability. Additionally, longer term U.S. interests in this region go well beyond anti-piracy efforts. The ungoverned spaces in Somalia also provide safe haven for Islamic extremists and various forms of illicit trade, including human trafficking, weapons, and drugs. In fact, long before anti-piracy efforts in the region emerged onto the international stage, Commander Joint Task Force – Horn of Africa (CJTF-HOA) was and continues to conduct counter-terrorism operations in the region, specifically targeting Al Qaeda affiliated militant Islamic groups. Demonstrating the continued terrorism threat in Somalia, Al Shabaab, and a newer group, Hizbul Islam, have successfully conducted attacks against the U.S. and U.N. backed AMISOM forces in the region. Most recently,

a deadly truck bombing on September 17, 2009, killed 21 victims, including the AMISOM Deputy Force Commander, and injured 40 others.[67]

The environment of poverty, criminality and Islamic extremism complicate the international efforts to restore stability in the region, and ultimately hinder the ability to stem the motivation of Somalis' to participate in piracy in the near term. Despite the challenges, the U.S. in conjunction with the U.N. and international community, continue to successfully lay the groundwork for the gradual achievement of this longer term goal.

Use of Force Ashore

Some critics of the current strategy advise the use of direct military force against pirate safe havens ashore, in conjunction with operations afloat, will be required to deter Somali piracy. Though authorities to conduct operations on shore exist by U.N. Security Council Resolution, in the absence of sufficient socio-economic development, it is doubtful direct military action against shore targets will deliver the desired results. Given the social and political context of piracy in Somalia, actions to eliminate pirate safe havens by military means alone would likely produce unintended negative consequences. The most dangerous outcome would be forging an alliance of convenience between Al-Shabaab and the Somali piracy network against a common enemy. Currently, the intelligence community has no evidence to suggest cooperation between the ideologically driven Islamic extremists and the financially motivated enterprise of piracy. Fostering a nexus between piracy and terrorism would ultimately increase the regional threat to U.S. interests.

It is also reasonable to expect increased violence toward Somali pirates or pirate networks would be met with increased violence towards targeted vessels and their crews.

> Although pirates brandish weapons and have fired upon ships, it is contrary to their interest to intentionally harm hostages needed to leverage the maximum ransom, or actually disable the ship because they need it to bring their hostages to the coast near their safe havens ashore.[68]

The Somali hostage for ransom technique stands in stark contrast to piracy experienced in other areas such as Southeast Asia, where crews are killed to acquire their ships and cargo for resale on the black market.[69] Any effort to increase violence in order to deter piracy in this region must be done with the full knowledge of the probably escalating effect of such actions.

Ultimately, the effectiveness of U.S. counter-piracy activities must also be measured against national priorities. U.S. assets are competitively allocated against multiple Combatant Commander requirements. “Many of resources most in demand for counter-piracy activities, such as intelligence, surveillance, and reconnaissance assets, are the same assets required elsewhere.”[70] Beyond resources currently allocated to CTF-151, the rates of piracy fail to meet a threshold sufficient to compete with requirements for other urgent priorities including, OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, and the Global War on Terrorism. As seen during the hostage rescue of Captain Phillips, when conditions warrant priority assignment of resources, resources are made available. That is not to suggest that the threat of piracy should be minimized or ignored unless U.S. persons are directly involved, but given the proper context, it is a problem that can be addressed over time with international cooperation in order to ensure all national priorities are sufficiently addressed.

Change in Strategy

Successful implementation of any strategy must include continual assessment and adjustment based on the changes in the environment. The current U.S. strategy to leverage the international community in order to mitigate the impact of piracy sufficiently addresses the near term threat to U.S. national interests. However, specifically in the case of Somali piracy, the environment must be monitored for three indicators that will likely necessitate a change in strategy.

First and foremost, the U.S. strategy must "ensure that piracy does not evolve into a funding source for violent extremist organizations."[71] U.S. Senate testimony confirms that, "At the moment, Somali piracy appears to be motivated solely by money, not by ideology, and we do not see meaningful links between pirates and organized violent extremist groups, inside or outside Somalia."[72] New credible evidence of a nexus between Somali piracy and violent extremism is the single most important indicator that a change is strategy is required. Second, a significant increase in violence toward hostages, particularly U.S. hostages, would likely rally the will of the U.S. people and the Administration to undertake a more aggressive strategy. Third, and most unfortunate for the entire region, would be a pirate attack resulting in an accidental large scale environmental disaster, such as a chemical or oil spill. Again, the turning point necessitating a more aggressive strategy would be an increase in the will and determination of the American population and the Administration to prevent further environmental damage.

Conclusion

The multipronged U.S. policy approach incorporating both short term and long term objectives and leveraging broad international support have been successful in

addressing the problem of piracy in the Gulf of Aden and the Indian Ocean along the Somali coast. Authorities granted by the United Nations provide a framework for CTF-151, EU Operation Atalanta, NATO Operation Ocean Shield, and the various national escort operations to "provide a short term response to the immediate threat to international navigation in the region's waters."[73] International initiatives such as the CGPCS, the Djibouti Code of Conduct, SHADE and the New York Declaration also provide necessary cooperation and coordination to achieve the near term objectives set forth by U.S. policy and CPAP. Likewise, authorities granted by the U.N. and the U.N. and U.S. supported multilateral and bilateral international initiatives also address U.S. longer term objectives to develop regional capacities to prosecute and punish those involved in piracy and begin to address the root causes of Somali piracy, specifically poverty and instability. In fact, these longer term economic and security initiatives reinforce U.S. counterterrorism initiatives in the same region. Most importantly for the U.S., the current international approach ensures, "effectively addressing piracy does not come at the expense of other ongoing, critical military commitments."[74] Equally significant for the international community, the counter-piracy strategy serves as a valuable model for solving complex international problems through international solutions that leverage the collective strength of governments, militaries, and private industry.

Endnotes

[1] U.S. Secretary of State Hillary Rodham Clinton, "Announcement of Counter-Piracy Initiatives," April 15, 2009, linked from U.S. Department of State Home Page at "Media Center," http://www.state.gov/secretary/rm/2009a/04/121758.htm (accessed November 2, 2009).

[2] U.S. National Security Council, *Countering Piracy off the Horn of Africa: Partnership & Action Plan* (Washington, DC: National Security Council, December 2008), 4.

[3] Ms. Michele Flournoy and VADM James Winnefeld, "Statement for the Record Regarding Ongoing Efforts to Combat Piracy on the High Seas," May 5, 2009, http://armed-services.senate.gov/testimony.cfm?wit_id=7832&id=3815 (accessed November 22, 2009).

[4] Article 101, *United Nations Convention on the Law of the Sea,* http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf (accessed November 3, 2009).

[5] ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships Annual Report 1 January to 31 December 2008* (Essex, UK: ICC International Maritime Bureau, 2009), 26.

[6] Ibid.

[7] ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships Annual Report 1 January to 31 December 2006* (Essex, UK: ICC International Maritime Bureau, 2007), 3.

[8] ICC International Maritime Bureau Piracy Reporting Centre, "2009 World piracy figures surpass 400," January 14, 2010, http://www.icc-ccs.org/index.php?option=com_content&view=article&id=385:2009-worldwide-piracy-figures-surpass-400&catid=60:news&Itemid=51 (accessed January 16, 2009).

[9] ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships Annual Report 1 January to 31 December 2008*, and ICC International Maritime Bureau Piracy Reporting Centre, "2009 World piracy figures surpass 400."

[10] George W. Bush, *The National Strategy for Maritime Security,* September 2005, 1-2, http://merln.ndu.edu/archivepdf/nss/strategies/4844-nsms.pdf (accessed November 2, 2009).

[11] Stephanie, Hanson, "Combating Maritime Piracy," April 13, 2009, linked from *Council on Foreign Relations Home Page* at "Publications," http://www.cfr.org/publication/18376/combating_maritime_piracy.html?breadcrumb=%2F (accessed November 8, 2009).

[12] ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships Annual Report 1 January to 31 December 2006*, 5.

[13] ICC International Maritime Bureau Piracy Reporting Centre, "2009 World piracy figures surpass 400."

[14] ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships Annual Report 1 January to 31 December 2006*, 5.

[15] ICC International Maritime Bureau Piracy Reporting Centre, "2009 World piracy figures surpass 400."

[16] Ibid.

[17] ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships Annual Report 1 January to 31 December 2008*, 26.

[18] ICC International Maritime Bureau Piracy Reporting Centre, "2009 World piracy figures surpass 400."

[19] Ibid.

[20] Congressional Research Service, *Piracy off the Horn of Africa* (Washington, DC: The Library of Congress, September 28, 2009), 9.

[21] [21] ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships Annual Report 1 January to 31 December 2008*, 5-6.

[22] ICC International Maritime Bureau Piracy Reporting Centre, "2009 World piracy figures surpass 400."

[23] Telegraph.co.uk., http://i.telegraph.co.uk/telegraph/multimedia/archive/00652/news-graphics-2007-_652453a.gif (accessed January 16, 2009).

[24] U.S. National Security Council, *Countering Piracy off the Horn of Africa: Partnership & Action Plan*, 3.

[25] George W. Bush, *The National Strategy for Maritime Security,* 1-2.

[26] U.S. National Security Council, *Countering Piracy off the Horn of Africa: Partnership & Action Plan*, 4.

[27] U.S. Congress, House of Representatives, Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, *Piracy Against U.S.-Flagged Vessels: Lessons Learned*, 100th Cong., 1st sess., May 20, 2009, 4.

[28] U.S. National Security Council, *Countering Piracy off the Horn of Africa: Partnership & Action Plan*, 4.

[29] U.S. Congress, House of Representatives, Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, *Piracy Against U.S.-Flagged Vessels: Lessons Learned*, 5.

[30] Congressional Research Service, *Piracy off the Horn of Africa*, 14.

[31] U.S. Congress, House of Representatives, Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, *Piracy Against U.S.-Flagged Vessels: Lessons Learned*, 5.

[32] Congressional Research Service, *Piracy off the Horn of Africa*, 7.

[33] Ibid., 5.

[34] U.S. National Security Council, *Countering Piracy off the Horn of Africa: Partnership & Action Plan*, 5.

[35] Office of Naval Intelligence, "Horn of Africa: Threat Factors for Commercial Shipping and Forecast of Pirate Activity Through 2009," http://www.marad.dot.gov/documents/Factors_ Affecting_Pirate_Success_HOA.pdf (accessed January 31, 2010).

[36] U.S. National Security Council, *Countering Piracy off the Horn of Africa: Partnership & Action Plan*, 5.

[37] Congressional Research Service, *Piracy off the Horn of Africa*, 10-11.

[38] International Expert Group on Piracy off the Somali Coast, *Piracy off the Somali Coast, Final Report*, November 21, 2008, http://www.imcsnet.org/imcs/docs/somalia_piracy_intl_experts_report_consolidated.pdf (accessed January 30, 2010).

[39] U.S. National Security Council, *Countering Piracy off the Horn of Africa: Partnership & Action Plan*, 6.

[40] Peter Spiegel, "Gates Says Somalia Government is Key to Problem," *Wall Street Journal*, April 14, 2009.

[41] "President Bush Issues Memorandum Regarding Maritime Security (Piracy) Policy," *US Fed News Service, Including US State News* (June 14, 2007): in ProQuest (accessed October 29, 2009).

[42] Ibid.

[43] Ibid.

[44] U.S. National Security Council, *Countering Piracy off the Horn of Africa: Partnership & Action Plan*, 3.

[45] Ibid., 8-13.

[46] Ibid.

[47] "The United States Response to Piracy off the Coast of Somalia," linked from U.S. Department of State Home Page at "Policy Issues" http://www.state.gov/t/pm/ppa/ piracy/c32662.htm (accessed November 2, 2009).

[48] James Kraska and Brian Wilson. "Piracy, Policy, and Law," *United States Naval Institute Proceedings* (December 2008): 52-57, in ProQuest (accessed October 29, 2009).

[49] *United Nations Security Council Resolution 1816*, June 2, 2008, http://www.un.org/ Docs/sc/unsc_resolutions08.htm (accessed February 3, 2010).

[50] *United Nations Security Council Resolution 1838*, October 7, 2008, http://www.un.org/ Docs/sc/unsc_resolutions08.htm (accessed February 3, 2010).

[51] *United Nations Security Council Resolution 1851*, December 16, 2008, http://www.un.org/ Docs/sc/unsc_resolutions08.htm (accessed February 3, 2010).

[52] Condoleezza Rice, "Combating the Scourge of Piracy," December 16, 2008, http://2001-2009.state.gov/secretary/rm/2008/12/113269.htm (accessed 7 February, 2008).

[53] "Contact on Piracy off the Coast of Somalia," linked from U.S. Department of State Home Page at "Policy Issues," http://www.state.gov/t/pm/ppa/piracy/contactgroup/index.htm (accessed November 2, 2009).

[54] "Fifth Plenary Meeting of the Contact Group on Piracy off the Coast of Somalia," January 29, 2010, linked from U.S. Department of State Home Page at "Policy Issues," http://www.state.gov/r/pa/prs/ps/2010/01/136263.htm (accessed February 1, 2010).

[55] "High-level meeting in Djibouti adopts a Code of Conduct to Repress Acts of Piracy and Armed Robbery Against Ships," January 30, 2009, http://www.imo.org/About/mainframe.asp?topic_id=1773&doc_id=10933 (accessed February 5, 2010).

[56] "Piracy off the Coast of Somalia and the Response by the United States and International Community," linked from U.S. Department of State Home Page at "Policy Issues," http://www.state.gov/t/pm/ppa/piracy/index.htm (accessed February 6, 2010).

[57] "Combined Task Force (CTF) 151" linked from Combined Maritime Forces Homepage at"CMF," http://www.cusnc.navy.mil/cmf/151/index.html (accessed February 6, 2009).

[58] Ms. Michele Flournoy and VADM James Winnefeld, "Statement for the Record Regarding Ongoing Efforts to Combat Piracy on the High Seas."

[59] Ibid.

[60] Congressional Research Service, *Piracy off the Horn of Africa*, 2.

[61] "With $213 million promised, international community surpasses expectations," *EU Monitoring Newsletter*, April 24, 2009, http://www.concordeurope.com (accessed February 6, 2010).

[62] U.S. Congress, House of Representatives, Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, *Piracy Against U.S.-Flagged Vessels: Lessons Learned*, 10.

[63] Rosemary A. DiCarlo, "Remarks by Ambassador Rosemary A. DiCarlo, US Alternate Representative for Special Political Affairs at the signing of the 'New York Declaration' at the United Nations," September 9, 2009, http://usun.state.gov/briefing/statements/2009/september/128766.htm (accessed February 6, 2009).

[64] Ms. Michele Flournoy and VADM James Winnefeld, "Statement for the Record Regarding Ongoing Efforts to Combat Piracy on the High Seas."

[65] ICC International Maritime Bureau Piracy Reporting Centre, "2009 World piracy figures surpass 400."

[66] Ms. Michele Flournoy and VADM James Winnefeld, "Statement for the Record Regarding Ongoing Efforts to Combat Piracy on the High Seas."

[67] Congressional Research Service, *Piracy off the Horn of Africa*, 2.

[68] U.S. National Security Council, *Countering Piracy off the Horn of Africa: Partnership & Action Plan*, 5-6.

[69] Catherine Raymond, "Piracy and Armed Robbery in the Malacca Strait: A Problem Solved?" *Naval War College Review,* Vol. 62, No. 3(Summer 2009), 34.

[70] Ms. Michele Flournoy and VADM James Winnefeld, "Statement for the Record Regarding Ongoing Efforts to Combat Piracy on the High Seas."

[71] Ibid.

[72] Ibid.

[73] Ibid.

[74] Ibid.