

Somali Piracy and the Western Response

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Introduction

September 9, 2010, Captain Alexander Martin and 23 Marines, of the 15th Marine Expeditionary Unit, climbed onboard the Motor Vessel *Magellan Star*, which had been hijacked by Somali pirates the previous day. The boarding was the latest example of the US military's willingness to use force in order to rescue hostage sailors.¹ Western navies have used force in order to remove Somali pirates from hijacked ships with increased frequency. It is likely that this will result in increased casualties in what was the relatively peaceful practice of Somali piracy.

Piracy became a threat to shipping after the collapse of Somalia's government in 1991, and Somalia's emergence as a, if not *the*, failed state. This threat, which has conjured images of pirates from the Caribbean or the Barbary states, should not be ignored as a threat from the past. Somali pirates have shown the willingness and the ability to attack energy and weapons shipments. The Gulf of Aden is the sea lane used to transport the majority of Europe's oil from the Middle East. If left unchecked piracy could have a negative impact on Western quality of life, and have a destabilizing effect on East Africa.

Piracy is an internationally recognized crime, but Western states have been of two minds about it. America and the European Union (EU), which have shown a willingness to send ships to protect international shipping, lost interest when it was time to prosecute pirates. This duality of purpose was a symptom of how policy makers saw pirates as potential terrorists on one hand, and obsolete criminals on the other. Until Western leaders stop exaggerating the threat of piracy by linking it with terrorism without evidence to support such claims, and ridiculing pirates as an anachronistic threat, they will not develop a coherent policy to address the threat.

Combined Task Forces (CTF) 150 and 151, Operations Atalanta and Ocean Shield, have shown the Western Navies' ability to divert pirate attacks from the Gulf of Aden to the Indian Ocean. They have also shown the West's inability to stop Somali piracy altogether, something that the Supreme Council of Islamic Courts (SCIC) accomplished, when it consolidated power in southern Somalia. US leaders have spoken about the necessity of a land option in order to end the pirate attacks. If piracy was a threat as dangerous as international terrorism would the US have convinced Ethiopia to invade Somalia in order to evict the fundamentalist Islamic regime?

¹ Alexander Martin, "Evolution of a Ship Takedown," *Proceedings*, 136 (November 2010), 38-41, and Alexander Martin, "The Magellan Star: Pirate Takedown, Force Recon Style," *US Naval Institute*, September 2010, available at <http://blog.usni.org/2010/09/10/the-magellan-star>.

The US Navy's anti-piracy mission has evolved into its second phase demonstrating policy makers' grudging willingness to see piracy for what it is. The first phase involved the US Navy's use of ships and equipment, which were designed for radically different missions, for anti-piracy operations. The second phase began when the US Navy began transforming its existing resources to the anti-piracy mission. A third phase could further improve US anti-piracy operations if the US Navy designed ships and equipment specifically for anti-piracy operations. If piracy is a result of globalization and failed states, it is only a matter of time before the third phase becomes a reality because piracy will spread to other failed states in littoral regions.

Piracy will persist until there is a stable government that pacifies Somalia. There are steps that can and should be taken in order to discourage piracy and promote stability in Somalia until that happens. Adapting and designing resources for the anti-piracy mission is just one of those steps. Others include prosecuting pirates, arming merchant ships that transport critical supplies, and supporting the African Union's (AU) peacekeeping efforts in Somalia. It is up to the Somali people to eliminate the practice of piracy in the Horn of Africa (HOA), but the West can, and should, take all necessary measures to prevent it, and to create an atmosphere that encourages the formation a stable government in Somalia.

I: Somali History

When World War II ended, Great Britain ruled over a unified Somalia. In the 1950's, Somalia was divided between British and Italian UN Trusteeships.² In July 1960, the two territories were granted independence.³ Somalia's President Abdi Rashid Ali Shermarke was assassinated in 1969, and Major General Mohamed Siad Barre took over the reins of the Somali government.⁴ Barre ruled Somalia during the 1970s and 1980s, but stability under Barre would not last.⁵ Though the Barre government did not fall until January 1991, "ample evidence suggests that by the mid-1980s Somalia was already a failed state."⁶ Once Barre was deposed, Somalia fell into civil war and broke apart into regions

² "Somalia - Trusteeship and Protectorate: The Road to Independence," *Country Studies*, available at <http://countrystudies.us/somalia/14.htm> (accessed October 14, 2010).

³ Kenneth John Menkhaus, "Governance without Government in Somalia Spoilers, State Building and Politics of Coping," *International Security*, 31, no. 3 (2006): 74-106.

⁴ Dr. Rannee Khooshie Lal Panjabi, "The Pirates of Somalia: Opportunistic Predators or Environmental Prey?" *William & Mary Environmental Law & Policy Review*, 34, no. 1 (2010): 396.

⁵ Kimberly Zisk Marten, "Warlordism in Comparative Perspective," *International Security*, 31, no. 3 (2006): 52.

⁶ Menkhaus, 80.

ruled by warlords, the most powerful being General Mohammed Farah Aideed.

In 1992, warlords agreed to a ceasefire, United Nations (UN) intervention arrived in the form of UNOSOM I, and “at this point, President George H.W. Bush made the fateful decision to lead a large-scale international intervention to halt the mass starvation.”⁷ Later under President Bill Clinton, the US would lead UN Operation Restore Hope and UNOSOM II, a more ambitious policy with less clearly defined goals. As a result of the Mogadishu incident on October 3-4, 1993, when 18 American soldiers died, the US decided to abandon its effort to restore stability to Somalia.⁸

After the failure of Operation Restore Hope, Somalia has not had a unified government. Despite resistance from the international governing bodies to recognize breakaway governments, Somalia has split into three separate regions because “Somaliland and Puntland, have separated the former declaring independence in 1991 and the latter declaring autonomy in 1998.”⁹

Somaliland and Puntland

Somaliland has enjoyed a stable government since 1996, despite a lack of international recognition. Kenneth Menkhaus reported, “Somaliland has also built up a modest but functional state structure.”¹⁰ Somaliland has been relatively peaceful compared to the rest of Somalia because its population has strong clan ties and its clans have promoted peace.¹¹ Other factors include support of business leaders, President Egal’s leadership, and the population’s “commitment... to peace and rule of law,” which has helped unify the society.¹²

The international community refuses to support Somaliland because “the rest of Somalia does not want it,”¹³ and there are fears that it could set a precedent that would spark future breakaway states in other African countries.¹⁴ By granting support to the Somali Transitional Federal Government (TFG) as opposed to the government of Somaliland, the international community shows a lack of understanding of Somalia’s political situation and a refusal to engage in policies that help the Somali people.

Puntland was the second unrecognized breakaway region of Somalia, and most pirate activity is based out

of this region, which calls into question the ability or the will of the Puntland government to police its own territory.¹⁵ Puntland’s port city Eyl is a notorious pirate haven.¹⁶ Nevertheless, the Puntland government claims to support the Transitional Constitution and “is striving for the unity of the Somali people and the creation of a Somali government.”¹⁷

Somalia

The southern half of Somalia has lacked an operational government since General Barre was overthrown in 1991 and serves as “the longest-running instance of complete state collapse in postcolonial history.”¹⁸ In 2008, 2009, and 2010, *Foreign Policy* ranked Somalia the most failed state in the world,¹⁹ and it has been in the top ten since the Failed State Index was created in 2005.²⁰ Somalia has seen the rise of two major radical Islamic militias and has been a haven for warlords and civil war. UN food aid is a common target of theft by warlords, which, when coupled with a major drought, has contributed to the displacement of over a million people, causing half a million refugees to flee Somalia.²¹ The international community supported the creation of the TFG in 2004, “the latest of more than a dozen attempts to re-create a functioning state... yet remained unable even to establish a base in Mogadishu.”²² The TFG governed Somalia from Kenya in 2006, and President, Abdullahi Yusuf Ahmed, did not appear in Mogadishu until 2007 due to the TFG’s inability to control large areas of the country.²³

By 2006, the SCIC, also called the Union of Islamic Courts (UIC), had achieved dominance over most of southern and central Somalia and brought order to Mogadishu.²⁴ The SCIC banned the charcoal and drug trades,²⁵ effectively stamped out piracy in areas it controlled,²⁶ and took active steps to combat piracy.²⁷ Anthony Davis said:

¹⁵ Mohammed Adow, “The pirate kings of Puntland,” *AJE - Al Jazeera English*, 16 Oct. 2010, available at <http://english.aljazeera.net/news/africa/2009/06/2009614125245860630.html>.

¹⁶ Mary Harper, “Life in Somalia’s pirate town,” *BBC News*, 18 Sept. 2008, 16 Oct. 2010, available at <http://news.bbc.co.uk/2/hi/7623329.stm>.

¹⁷ “Puntland State Profile,” *Puntland*, 15 Oct. 2010, available at www.puntland-gov.net/profile.asp.

¹⁸ Menkhaus, 74.

¹⁹ “The 2010 Failed States Index,” *Foreign Policy*, 16 Oct. 2010, available at <http://www.foreignpolicy.com/failedstates>.

²⁰ “The Failed States Index,” *Foreign Policy*, Jul/Aug.149 (2005): 56-65.

²¹ Panjabi, 392.

²² Marten, 53.

²³ Panjabi, 407.

²⁴ Menkhaus, 100.

²⁵ *Ibid.*, 90.

²⁶ Panjabi, 412.

²⁷ Frederic P. Miller, Agnes F. Vandome, and John McBrewhster, *Piracy in Somalia: Piracy in Somalia, International Maritime Bureau, List of ships attacked by Somali pirates, Operation Enduring Freedom - Horn of Africa, Operation Atalanta, Combined Task Force 150, Basel Convention* (Hagerstown: Alphascript, 2009), 1.

⁷ R.D. Hooker, JR, “Hard Day’s Night: A Retrospective on the American Intervention in Somalia,” *Joint Force Quarterly*, 54, no. 3 (2009): 129.

⁸ *Ibid.*, 133, and Michael Miklaucic, and Robert B. Oakley, “Essay 18 Beyond the Cold War: Pakistan and Somalia,” In *Commanding Heights: Strategic Lessons From Complex Operations*, Washington DC: *The Center for Complex Operations and the Center for Technology and National Security Policy*, 2009. 145-47.

⁹ Panjabi, 406.

¹⁰ Menkhaus, 91.

¹¹ Marten, 53.

¹² Menkhaus, 93.

¹³ “Somaliland A Nomad’s Life is Hard,” *The Economist*, August 55, 1999, available at <http://www.economist.com/node/230314/print>.

¹⁴ Menkhaus, 92.

The UIC announced that they would punish those engaged in piracy... For a time the incidents ceased, until they struck the United Arab Emirates cargo ship, *MV Veesham I...* The UIC in response... recaptured the vessel and rescued the crew after a gun battle with the pirates.²⁸

The lull in piracy did not last because international politics portrayed the SCIC as Islamic fundamentalists. The potential threat of a jihadist government in Somalia outweighed the SCIC's anti-piracy policy to Western policy makers.

Due to the perceived threat from the SCIC, and US pressure to destroy a potential Islamic terrorist sponsor, Ethiopia – a regional United States ally – invaded Somalia in late 2006 and brought down the SCIC.²⁹ At the Djibouti Peace Agreement of 2008, Ethiopia, agreed to withdraw its troops.³⁰ In the power vacuum created by the Ethiopian invasion the Shabab Militia emerged as the dominant player in southern Somalia.³¹ Andre Le Sage said its success was “less an indicator of its own strength, and more a function of the weakness of... the TFG.”³² The Shabab Militia has been linked to al-Qaeda, including running terrorist training camps, and stopped UN food aid shipments. *The Economist* reported that “*Shabab*, is even more radical than the Islamic Courts movement which the Americans and Ethiopians originally took on. It is suspected of being linked by money to the pirates... and by ideology to al-Qaeda.”³³ Thus international support for the TFG has led to the eviction of the SCIC, who combated piracy and crime, and has caused the rise of the Shabab Militia a group tied to both al-Qaeda and pirates.

II: Modern Piracy

Modern piracy originates primarily from failed states. In order to eliminate confusion that may arise from the use of terms, two terms will be defined: failed state, and piracy. A failed state, according to the Crisis State Research Center, is a state that is in

A condition of “state collapse” – e.g. a state that can no longer perform its basic security, and development functions and that has no effective

²⁸ Anthony M. Davis, *Terrorism and the Maritime Transportation System Are We on a Collision Course?* (Livermore: Wingspan 2008) 119-20.

²⁹ Napoleon A. Bamfo, “Ethiopia's Invasion of Somalia in 2006: Motives and Lessons Learned,” *African Journal of Political Science and International Relations*, 4:2 (2010): 59-61.

³⁰ “Modalities for Implementation of Cessation of Armed Confrontation,” *United Nations Political Office for Somalia*, 26 Oct. 2008, 18 Oct. 2010, available at unpos.unmissions.org/Portals/UNPOS/Repository%20UNPOS/081026%20-%20Modalities%20for%20Implementation%20of%20Cessation%20of%20Armed%20Confrontation.pdf.

³¹ Andre Le Sage, “Somalia's Endless Transition: Breaking the Deadlock,” *Strategic Forum*, 257 (2010): 1-2. *CSR Strategic Forum*. Web. 18 Oct. 2010.

³² Le Sage, 4.

³³ “Somaliland Anarchy in Somalia: The Lawless Horn,” *The Economist*, November 20, 2008, available at <http://www.economist.com/node/12637009/print>.

control over its territory and borders. A failed state is one that can no longer reproduce the conditions for its own existence.³⁴

Thus a failed state has no functional government, military, and lacks control over its borders. This applies to southern and central Somalia since 1991. Piracy as defined by the UN in the “Convention of the Law of the Sea”

Article 101 Definition of Piracy

Piracy consists of any of the following acts:

(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).³⁵

In summary, piracy is a violent attack committed on the “high seas” by private individuals. Somalia is a failed state since 1991, and Somalis who commit violent acts, such as hijacking ships in the Gulf of Aden or the Indian Ocean are pirates.

Types of Piracy

The International Maritime Bureau (IMB) outlined three types of piracy: “Low-Level Armed Robbery... Medium-Level Armed Assault and Robbery (MLAAR)... and Major Criminal Hijack.” Somali piracy most resembles MLAAR, which is described as “attacks from well organized gangs comprising 10 to 30 heavily armed men... pirates, especially off Somalia... take crew members hostage.”³⁶ Somali pirates rarely kill prisoners; most violent deaths resulted from shootouts with naval personnel who attempted to free the prisoners.³⁷

There are three areas where “the attack occurs: Piracy At Pier... Piracy At Anchorage... Piracy Against Ships Underway,” and though there have been instances of food aid being hijacked at pier, the vast majority of

³⁴ “Crisis, Fragile and Failed States Definitions used by the CSRC,” *Crisis State Research Center*, available at www.crisisstates.com/download/drc/FailedState.pdf.

³⁵ “Preamble to the United Nations Convention on the Law of the Sea,” *United Nations*, available at http://www.un.org/Depts/los/convention_agreements/texts/unclos/part7.htm.

³⁶ Michael Stehr, “Modern Piracy: Growing Threat to Shipping, Counter Threat Technology and Tactics,” *Naval Forces*, 26, no. 5 (2005): 20.

³⁷ David Axe, “10 Things You Didn't Know About Somali Pirates,” *Wall Street Journal*, April 27, 2009, available at <http://online.wsj.com/article/sb124060718735454125.html?KEYWORDS=somali+piracy>.

Somali acts of piracy have been against ships underway and

Piracy against ships underway offers a lot of opportunities but requires also some nautical abilities and suitable vessels. There are three variants... short-term seizure... long-term seizure... permanent seizure... the pirates are usually heavily armed with automatic weapons, grenade launchers and other military equipment.³⁸

Somali piracy most resembles “long-term seizure where pirates are steering the ship to a secret place,” and from there the pirates demand a ransom for the ship, cargo and crew.³⁹

Piracy and Terrorism

The US Navy leadership exaggerates the threat posed by piracy by linking pirates to terrorists and downplays the threat by comparing modern pirates with their historical counterparts. The threat to international shipping is relatively small, with the exception of energy shipments, but raises the cost of shipping. However, piracy has only been linked to terrorism by superficial associations.

US Navy Chief of Naval Operations (CNO) and Secretary's of the Navy (SECNAV) call pirates terrorists or try to link the two. Statements by Navy leaders show that linking piracy and terrorism was US Navy policy. In 2003 CNO Vern Clark said “pirates [are] conducting premeditated, politically motivated violence against innocent seafarers. That is using terror, that's terrorism.”⁴⁰ In 2004 SECNAV England said “terrorists have already shown an ability to exploit the seas with attacks such as USS Cole and links to piracy and smuggling.”⁴¹ In 2005 CNO Mullen warned that piracy could shut down important sea lanes:

Piracy... It is a global threat to security because of its deepening ties to international criminal networks, smuggling of hazardous cargoes, and disruption of vital commerce. Imagine a major seaport or international strait that handles the flow of hundreds of ships and thousands of containers each day – imagine that critical “node” of the world's economy crippled or disrupted for days or weeks or months.⁴²

Oil shipments are particularly vulnerable to pirate attacks due to their low freeboard (the distance between water and deck of a ship). Yet, it is an exaggeration to imply that Somali pirates would be able to blockade a major straight, such as the Gulf of Aden, for days on end. The US fifth and sixth fleets maintain a constant presence in the vicinity of the choke points that connect the Mediterranean Sea and the Persian Gulf.

US Navy leadership had a policy of equating piracy with terrorism, linking pirate networks with terrorist networks, and making piracy appear as dangerous to international and US national security as terrorism, and implied piracy was a critical threat to maritime security. Furthermore, the claim could be made that Somali pirates were eco-terrorists, but eco-terrorism is not as dangerous to international order as jihadist terrorists such as al-Qaeda. The threat of Somali eco-terrorism, if Somali eco-terrorists exist, does not extend beyond the confines of Somali territorial waters. Yet claims that Somali pirates were dangerous to world order have been made along with comments that compare the Somali pirates to the Barbary corsairs. This shows a duality of US naval policy. Pirates were both dangerous and comical. In 2006, CNO Mullen both compared the Somali pirates with their eighteenth century counterparts and exaggerated the threat when he said:

Globalization... terrorists, proliferators of W-M-D and other weapons, organized criminals, smugglers, drug traffickers and pirates. Yes, pirates. Only today they sail the seas with satellite phones and laser-guided weapons instead of cutlasses and muskets.⁴³

Most recently CNO Roughead stated that

Consider the age old naval task of convoying... this was something we did in our navy to counter the Barbary pirates in the 19th century... if you think the value of convoying or protecting trade has diminished: consider the Gulf of Aden... the threat of pirates against commercial shipping in the Gulf of Aden was enough of a concern to bring together an international Fleet of ships.⁴⁴

The US Navy has a proud heritage and enjoys relating current events to past victories; however this practice can confuse the issue. The Barbary pirates have little in common with their Somali counterparts. Rather than connecting piracy with terrorism, exaggerating the threat of piracy, or making pirates appear like something from the past, Navy leaders should address the true threat that piracy poses to the international community and regions directly affected.

³⁸ Stehr, 20-21.

³⁹ Ibid.. 21.

⁴⁰ Vern Clark, “Edited Remarks,” Speech, *International Seapower Symposium*, Naval War College, Newport, R.I. October 27, 2003, available at <http://www.navy.mil/navydata/people/cno/speeches/clark031027.txt>.

⁴¹ Gordon R. England, “Remarks By,” Speech, *The Naval Institute Warfighter's Symposium*, Virginia Beach, VA, September 29, 2004, available at <http://www.navy.mil/navydata/people/secnav/England/speeches/england040929.txt>.

⁴² Mike Mullen, “Remarks as Delivered for the 17th International Seapower Symposium,” Speech, *National Defense University*, Washington, DC, August 16, 2005, available at <http://www.navy.mil/navydata/people/cno/mullen/speeches/mullen050921.txt>.

⁴³ Mike Mullen, “Remarks as Delivered,” Speech, *Current Strategy Forum*, Naval War College, Newport, RI. June 14, 2006, available at www.navy.mil/navydata/people/cno/mullen/cno_csf140606.pdf.

⁴⁴ Gary Roughead, “Delivers Remarks at the Conference of Defense Associations,” Speech, *Conference of Defense Associations*, Ottawa, Canada. March 3, 2010, available at <http://www.navy.mil/navydata/people/cno/Roughead/Speech/100303%20Remarks%20as%20delivered%20at%20the%20Conference%20of%20Defence%20Associations%20FINAL.doc>.

Experts have disagreed with the pirate-terrorist link for example Martin Murphy stated that “when it comes to piracy itself, there is no worthwhile evidence, despite the speculation, of any cooperation between pirates and insurgent/terrorists,”⁴⁵ and in *Small Boats, Weak States, Dirty Money* he wrote:

Since the events of 9/11, a strain in security discourse has yoked piracy and maritime terrorism together; has viewed them as complementary to the point where some commentators has suggest that a “piracy-terrorism’ nexus exists or might exist in the future. The impetus behind this can again be traced to the false analogy between aircraft and ships which led to the suggestion that pirates could help terrorists learn how to steal and control ships for attack purposes. ‘Nexus’ is an evocative word that needs to be used with care because, in this context, it can gloss over the motivational and operational reasons that generally keep criminals and terrorists apart and imply an instrumentality that does not exist.⁴⁶

Thus if the Somali pirates are not connected to terrorists, the final question regarding this subject is, are Somali pirates eco-terrorists?

Some Somali pirates claim that they are protecting their waters from over fishing and toxic waste dumping, and as early as 1995 Somali political leaders complained about the illegal practices to the UN and EU.⁴⁷ No exact figures exist, but it was estimated that Somali fishermen lose roughly \$100 to \$300 million a year due to foreign ships illegally fishing in Somali waters.⁴⁸ After the 2004 tsunami, the UN acknowledged that barrels which contained nuclear waste had washed up on Somali shores, and believed that the Somali people were being poisoned by the toxic waste that had been dumped in their waters.⁴⁹ In response to the illegal activity during the 1990s, Somali fishermen joined forces and began charging foreign fishermen a toll to fish in Somali waters.⁵⁰ Though the Somali pirate-fishermen may have had a noble beginning, the situation changed. As the US State Department commented, “pirates... conduct violent attacks up to 1,000 miles and more from Somalia’s shores on private yachts, passenger cruise liners, and commercial vessels such as tankers and container ships that are clearly not involved in fishing.”⁵¹

⁴⁵ Martin N. Murphy, “Suppression of Piracy and Maritime Terrorism. A Suitable Role for the Navy?” *Naval War College Review*, 60.3 (2007): 31.

⁴⁶ Martin N. Murphy, *Small Boats, Weak States, Dirty Money: Piracy and Maritime Terrorism in the Modern World* (New York: Columbia 2009) 380.

⁴⁷ Panjabi, 423.

⁴⁸ Lesley Anne Warner, “Pieces of Eight: An Appraisal of U.S. Counterpiracy Options In the Horn of Africa,” *Naval War College Review*, 63.2 (2010) 62 and Lauren Ploch; Christopher M. Blanchard; Ronald O’Rourke; R. Chuck Mason; Rawle O. King, “Piracy Off the Horn of Africa,” Congressional Research Service, April 19, 2010, 10.

⁴⁹ Panjabi, 430.

⁵⁰ *Ibid.*, 434 and Axe, “10 Things You Didn’t Know About Somali Pirates.”

⁵¹ “Setting the Record Straight: No Justification for Piracy Off the Coast of Somalia,” *U.S. Department of State*, December 17,

Somali pirates may have begun their operations targeting foreign fishermen, but they descended into profiteering and criminality.

Somali pirates fit the definition of piracy; they are not state-sponsored and they commit violence on the high seas. They are not terrorists, and there are no verified links that connect Somali pirates with terrorists. Somali pirates are criminals and the threat they pose to the international community and East Africa should not be exaggerated, nor blown off as a comical anachronistic threat indicative of the distant past.

III: Somali Piracy

Money is the motivating force behind Somali piracy. Somalia has no functional economy, and ransom payments from hijacked ships inject millions of dollars into the region. It was estimated that in 2008, ransoms injected \$35 million into Puntland’s economy. Piracy has also become a prestigious career due to the relative wealth of pirates compared to average Somalis.⁵² The average pirate is believed to make more than \$20,000 each year,⁵³ compared to the average per capita GDP of Somali of around \$600 a year; the average pirate is rich.⁵⁴ Perhaps as much as 20% of the ransom money is reinvested in the Somali economy,⁵⁵ but David Axe said that “bosses can pull in \$2 million a year... many pirates are heading for greener pastures, and real money is flowing out of the country with them.”⁵⁶ Thus, piracy for Somalia is a mixed blessing. It injects cash into the economy, but this causes detriments including inflation and the fear of piracy, which has forced the UN to use more expensive overland food aid shipments, and most of the ransom money leaves Somalia.⁵⁷

Pirate Tactics and Methodology

The pirates operate off of the eastern coast of Somali, and, according to the *BBC*, there are three types. *BBC*’s Mohamed Mohamed, said that the first type of pirate is the “Ex-fishermen,” the second is the “Ex-militiamen,” and the third are “technical experts who operate equipment.”⁵⁸ Pirates are said to be between 20-35 years old and originate from the Puntland region.⁵⁹ The pirate groups operate out of coastal cities,

2009, <http://www.state.gov/r/pa/prs/ps/2009/dec/133784.htm>.

⁵² Panjabi, 447-48.

⁵³ “Somalia’s Pirates: A Long War of the Waters,” *The Economist*, January 7, 2010, available at <http://www.economist.com/node/15214052/print>.

⁵⁴ “World Factbook,” *Central Intelligence Agency*, available at <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html>.

⁵⁵ Panjabi, 448.

⁵⁶ Axe, “10 Things You Didn’t Know About Somali Pirates.”

⁵⁷ Anthony Mitchell, “Pirates hijack UN food aid ship,” *The Guardian*, available at

<http://www.guardian.co.uk/world/2007/feb/26/international-mainsection/print>.

⁵⁸ Robyn Hunter, “Somali pirates living the high life,” *BBC News*, available at <http://news.bbc.co.uk/2/hi/7650415.stm>.

⁵⁹ Miller, 4.

the most notorious of which is Eyl,⁶⁰ and there are said to be at least four pirate groups.

Four main pirate groups are operating along the Somali coast. The National Volunteer Coast Guard... The Marka group... The third significant pirate group is composed of traditional Somali fishermen operating around Puntland and referred to as the Puntland Group. The Somali Marines are the most powerful and sophisticated of the pirate groups.⁶¹

Martin Murphy said:

Much attention was devoted to curbing the activities of the 'Somali Marines', which during its first active period, from 2005-2006, was the most effective pirate gang operating off Somalia. It stood out because it was willing to venture far out to sea... their competence in general, should not be exaggerated... early in 2007 there was a report that pirates were re-assembling at Xaradheere, the 'Somali Marines' former base... the suspicion is that it is the reinvigorated 'Somali marines' that have been responsible for most, if not all, of the large scale piracy that has taken place off Somalia in the period between the ICU's collapse in 2006 and early 2008.⁶²

Thus, the most common Somali pirates are in their twenties and thirties, and former fishermen.

Pirate towns are located in Puntland and the ungoverned region of Southern Somalia. According to the National Security Council (NSC), "Somali pirates operate from well-equipped and well-armed bases ashore along the Indian Ocean coast of Central Somalia and Puntland, from the port towns of Caluula, Eyl, Hobyo, and Haradheere [Xaradheere]."⁶³ Caluula and Eyl are located within Puntland and Hobyo and Haradheere are in central Somalia. Eyl has benefitted the most from piracy revenues which has funded new building construction that caters to the needs of the pirates.⁶⁴ The pirates also operate out of Yemen, which they use a resupply point, and they utilize the ports of Al Mukalla and Ash Shihr in Yemen, Mogadishu in Somalia, and Bosaso in Puntland as bases for their 'mother ships.'⁶⁵ Thus it is not only the lack of effective government in Somalia that encouraged piracy, but also a lack of Yemeni deterrence.

Mother ships are formerly pirated fishing dhows, sailing vessels that are used to launch motor boats.⁶⁶

This extends the range that the pirates can operate and is a major factor why piracy attacks have occurred as far away from Somalia as the island nation of the Seychelles. Pirates attack other ships in speed boats that are "equipped with satellite phones and GPS equipment,"⁶⁷ and "typically armed with military assault rifles and rocket-propelled grenades."⁶⁸ In order to board the targeted ships the pirates can use grappling hooks or an "aluminum ladder."⁶⁹ Jeevan Vasagar said that "attacks typically begin with pirates firing distress flares as a means of luring passing ships... men armed with automatic weapons and rocket-propelled grenade launchers rush towards the ship in speedboats, aiming to cut off escape by approaching from different directions."⁷⁰ In order to force the ships to submit the pirates will "fire upon their targets with small arms, automatic weapons, and rocket-propelled grenades."⁷¹ Anthony Davis, explained why cargo ships will stop and allow the pirates onboard

Even though the cargo ship is much larger than the pirate boat, just a few sailors operated them. If attacked by an RPG, the ship becomes vulnerable to fire... When combating a fire, the ship must stop or else the prevailing wind caused by the forward motion of the vessel feeds the fire... A minimal crew with no security protection stands little chance of successfully fighting a fire and out maneuvering a smaller, faster boat armed with weapons.⁷²

Thus the crew of the cargo ship has a choice between risking a fire at sea or capture by pirates.

Once the pirates are onboard they take the vessel, crew, and cargo hostage, and pilot the vessel into Somali waters. From there they contact the vessel's owner and demand a ransom. According to the IMB

Pirates say ransom money is paid in large denomination US dollar bills. It is delivered to them in burlap sacks which are either dropped from helicopters or cased in waterproof suitcases loaded onto tiny skiffs. Ransom money has also been delivered to pirates via parachute.⁷³

The ship's owners usually pay the ransom with money received from "ocean marine insurance," that covers events such as piracy, and in return the pirates do not harm the ship or the crew.⁷⁴ The negotiations usually involve middle men, Somalis that live in Europe

⁶⁰ Panjabi, 447.

⁶¹ "Pirates," *GlobalSecurity.org*, available at <http://www.globalsecurity.org/military/world/para/pirates.htm>

⁶² Murphy, *Small Boats, Weak States, Dirty Money*, 104-105.

⁶³ *Countering Piracy Off the Horn of Africa: Partnership and Action Plan*, National Security Council, 2008, MERLN, available at

http://www.marad.dot.gov/documents/Countering_Piracy_Off_The_Horn_of_Africa_-_Partnership_Action_Plan.pdf, and Dr.

Muhammad S. Megalommatis, "The MV FAINA Piracy Crisis Chronicle," *California Chronicle*. December 07, 2008.

<<http://www.californiachronicle.com/articles/view/84087>.

⁶⁴ Panjabi, 447.

⁶⁵ Ploch, 11.

⁶⁶ *Countering Piracy Off the Horn of Africa: Partnership and Action Plan*, 5.

⁶⁷ "Pirates hijack UN food aid ship," *Guardian*, <http://www.guardian.co.uk/world/2007/feb/26/international.mainsection/print>.

⁶⁸ "Setting the Record Straight: No Justification for Piracy off the Coast of Somalia."

⁶⁹ Axe, "10 Things You Didn't Know About Somali Pirates."

⁷⁰ Jeevan Vasagar, "Pirates hijack tsunami aid ship," *The Guardian*, available at <http://www.guardian.co.uk/society/2005/jul/01/internationalaidanddevelopment.internationalnews>.

⁷¹ *Countering Piracy Off the Horn of Africa: Partnership and Action Plan*, 5.

⁷² Davis, 121.

⁷³ Miller, 5.

⁷⁴ Rawle O. King, "Ocean Piracy and Its Impact on Insurance," *Congressional Research Service*, February 6, 2009, 1.

or the Middle East, and if the money is transferred overseas, it is funneled into Somalia.⁷⁵

The crews of the hijacked ships are usually well taken care of because it is good business to keep the prisoners alive. The hostages are worth ransom money and if the hostages are returned alive foreign navies have little incentive to risk rescue missions.⁷⁶ Somali pirates are able to ask for, and receive, ransom money because they have the unique ability to bring the pirated vessel into the safety of Somali waters. Pirates from other countries do not have the ability to keep a ship for months on end as they negotiate the ransom.⁷⁷ If pirate safe-havens were removed Somali pirates may resort to traditional hit-and-run tactics that are practiced by pirates in other parts of the world. The average ransom has been estimated to be between \$1 and \$2 million and rising.⁷⁸ As the ransom amounts increases, so have the number of pirate attacks.

Pirate Attacks

Somali piracy has risen since the late 1990s. International efforts to prevent it have had little effect on the number of attacks. The one period that saw a decrease in attacks was when the SCIC controlled most of southern Somalia. International efforts have had an impact on the location where the attacks occur, but almost none on preventing attacks. Pirates have adapted to new tactical environments. Pirate activity is also affected by the time of the year, less pirate activity takes place during the two monsoon seasons.

The IMB Piracy Reporting Center has tracked the number of pirate attacks off the coast of Somalia, in the Indian Ocean, Red Sea, Gulf of Aden and Gulf of Oman, the areas where Somali pirates were the most active. The IMB stated that off the coast of Somali 35 attacks occurred in 2005, 10 in 2006, 31 in 2007, 19 in 2008, and 80 in 2009. In the Indian Ocean one attack occurred in 2005, and one in 2009. The Red Sea only had pirate attacks in 2009, when there were 15. The Gulf of Aden had 10 attacks in 2005, 10 in 2006, 13 in 2007, 92 in 2008, and 116 in 2009. Eritrea, Kenya, Madagascar, Oman, Tanzania, and the Seychelles are also victims of Somali piracy and between them saw 8 attacks in 2005, 9 in 2006, 20 in 2007, 17 in 2008, and 10 in 2009. In all the areas of Somali pirate activity, there were 54 attacks in 2005, 29 in 2006, 61 in 2007, 128 in 2008, and 222 in 2009.⁷⁹ Thus the number of attacks have doubled two years in a row from 2006, to 2008, and nearly doubled again in 2009. These trends are supported by IMO statistics.

⁷⁵ Julian Borger, "Piracy and ransom payments: Risky business - safe transactions," *The Guardian*, November 11, 2008, available at <http://www.guardian.co.uk/world/2008/nov/19/piracy-somalia1>.

⁷⁶ Axe, "Ten Things You Didn't Know About Somali Pirates."

⁷⁷ Ploch, 12.

⁷⁸ "Somalia's Pirates: A Long War of the Waters."

⁷⁹ "Piracy and Armed Robbery Against Ships: Annual Report 2009," *International Maritime Bureau*, available at www.mfa.gr/softlib/%CE%95%CF%84%CE%AE%CF%83%CE%B9%CE%B1%20%CE%B1%CE%BD%CE%B1%CF%86%CE%BF%CF%81%CE%AC%20%CE%B3%CE%B9%CE%B1%20%CF%84%CE%

The IMO also reported an increase in pirate attacks in 2009, compared to 2008. In 2008 the IMO reported 160 attacks committed and attempted,⁸⁰ 415 in 2009,⁸¹ and 41 in the first quarter of 2010.⁸² The difference may come from a deviation in the definition of piracy and that the IMB relies on voluntary reports of pirate attacks. Both records show an increase in piracy between 2008 and 2009. The low number of attacks reported by the IMO in the first quarter of 2010 was most likely due to the monsoon seasons which run from "May and September and from December to March."⁸³ The Office of Naval Intelligence (ONI), lists weather as "the primary factor determining when pirates will operate."⁸⁴ In April, when the monsoon season ended, it is likely that piracy escalated. The IMB's report for the first three quarters of 2010 confirmed that. There have already been 44 attacks in the Gulf of Aden, 56 in Somali waters and 24 in the Red Sea.⁸⁵ Compare those numbers with 2008, which had 19 in the Gulf of Aden, 92 in Somali waters, and 0 attacks in the Red Sea. Thus 2010, has already had more pirate attacks than 2008, and the May – September monsoon season has ended which should allow for a sharp increase in attacks for the remainder of the year. A change in the pattern of attacks from January – September of 2009, and 2010, was that attacks in the Gulf of Aden have reduced, and attacks in Somali waters and the Red Sea have increased.

The increase in piracy is a sign that increased international efforts have had little impact in reducing Somali piracy. The international community, led by the United States, has increased anti-piracy operations off of the HOA. In 2009, the height of Somali piracy, was when "The Combined Maritime Forces established CTF 151 Jan. 8 specifically for counter-piracy operations."⁸⁶ CTF-151 broke off from CTF-150, which was created "with

⁸⁰ "Reports On Acts of Piracy and Armed Robbery Against Ships: Annual Report 2008," *International Maritime Organization*, available at www.imo.org/OurWork/Security/PiracyArmedRobbery/Monthly%20and%20annual%20piracy%20and%20armed%20robbery%20report/133-Annual2008.pdf.

⁸¹ "Reports On Acts of Piracy and Armed Robbery Against Ships: Annual Report 2009," *International Maritime Organization*, available at <http://www.imo.org/OurWork/Security/PiracyArmedRobbery/Monthly%20and%20annual%20piracy%20and%20armed%20robbery%20report/152-Annual2009.pdf>.

⁸² "Reports On Acts of Piracy and Armed Robbery Against Ships: First Quarterly Report," *International Maritime Organization*, available at <http://www.imo.org/OurWork/Security/PiracyArmedRobbery/Monthly%20and%20annual%20piracy%20and%20armed%20robbery%20report/153-1Q2010.pdf>.

⁸³ Warner, 73.

⁸⁴ "Horn of Africa: Threat Factors for Commercial Shipping and Forecast of Pirate Activity Through 2009," *US Department of Transportation Maritime Administration*, available at www.marad.dot.gov/documents/Factors_Affecting_Pirate_Success_HOA.pdf.

⁸⁵ "Piracy and Armed Robbery Against Ships: Report for the Period 1 January – 30 September 2010," *International Maritime Bureau*.

⁸⁶ "New Counter-Piracy Task Force Established," *The U.S. Navy*, January 9, 2009, available at http://www.navy.mil/search/display.asp?story_id=

the intent to preclude the use of sea by terrorists to move weapons and personnel"; it is a coalition task force that has been dedicated to preventing piracy, over the time period that the Horn of Africa saw the greatest increase in piracy.⁸⁷ President George W. Bush also created the United States African Command, which "aims to address the roots of instability by promoting civil and defense sector reforms, military professionalism, and capacity-building programs which allow Africans to help themselves."⁸⁸ Yet the only group that has decreased Somali piracy was the SCIC. Most experts look for a solution inside Somalia to end piracy because operations at sea have not solved the problem. The US Secretary of Defense Robert Gates agreed when he said that "there is no purely military solution to it," and that "there's really no way in my view to control it unless you get something on land that begins to change the equation for these kids."⁸⁹

Specific Attacks

Three pirate attacks that have received the most international attention: the MV *Sirius Star*, the MV *Faina*, and the MV *Maersk Alabama*. Each attack became notorious for different reasons, but what they had in common was a blatant disregard for the established international power structure. Pirates challenged the power of Saudi Arabia, the world's leading oil supplier,⁹⁰ Russia the former Soviet super power, and the United States, the remaining super power. The *Sirius Star*, which transported 2 million barrels of crude oil, was attacked on November 15, 2008; the *Faina*, transporting 33 T-72 Main Battle Tanks as well as anti-aircraft guns and small arms,⁹¹ was attacked September 25, 2008;⁹² and the *Maersk Alabama*, transporting food aid,⁹³ was attacked on April 8, 2009.⁹⁴

By seizing the *Sirius Star* the pirates showed that they were not a Pan-Islamic movement because they would not respect the sovereignty of a Muslim power. The attack on a

Muslim flagged ship showed an independence of action that reinforces the categorization that pirates are criminals and not jihadist terrorists. The seizure of the *Faina* was the attack that showed the world that pirates and Somali pirates in particular, are dangerous. Had the pirates unloaded the tanks into Somali, *The Economist* said it would be "enough to tip the balance in a small local war."⁹⁵ The *Faina* had three Russian crew members and the attack provoked Russia into sending a frigate to patrol the Horn of Africa.⁹⁶ In the ultranationalist Putin era Russia, it is likely that the *Faina* attack was an insult to Russian national pride.⁹⁷ The *Faina* incident showed that Somali pirates could become more than an economic nuisance. Finally the *Maersk Alabama* was the first successful attack on an American flagged ship by Somali pirates. This was a direct challenge to US supremacy. Captain Richard Phillips was saved when Navy SEAL "snipers... killed three pirates holding him at gunpoint."⁹⁸ Thus Somali pirates have defied regional powers that they are linked to by religion, European powers, and America the global super power. In the case of the *Sirius Star* and the *Faina* the pirates received a ransom and returned the ship, however when the pirates challenged the power of the US that they were killed. Most importantly, these cases brought attention to the problem and showed that if left to its own devices the problem could escalate.

Global Shipping

The Gulf of Aden is a choke point that makes ships easier targets than they are in open seas. The narrow Gulf is a mixed blessing for pirates because it also makes it easier for warships to patrol due to the concentrated number of ships. A warship can protect a larger number of ships than it could in the Indian Ocean. It is not only the number of ships that makes the Gulf of Aden an important shipping lane, but also the cargo.

More than 20,000 ships travel through the Gulf of Aden every year.⁹⁹ Between 11-33% of the world's crude oil passes through the Gulf¹⁰⁰ and "over 80% of international maritime trade moving through the Gulf of Aden is with Europe."¹⁰¹ A large amount of oil shipped from the Middle East to North America travels through the Indian Ocean and around the Cape of Good Hope of South Africa. Thus, the Gulf of Aden and the Indian

⁸⁷ Massimo Annati, "Maritime Operations Off the HOA," *Naval Forces*, 1 (2010): 27.

⁸⁸ "Transforming National Security: AFRICOM--An Emerging Command Synopsis and Key Insights," *National Defense University*, February 19-20, 2008, available at www.ndu.edu/ctnsp/NCW_course/AFRICOM%20Summary%20Notes.pdf (March 17, 2008).

⁸⁹ Peter Spiegel, "Gates Says Somalia Government Is Key to Problem," *The Wall Street Journal*, April 14, 2009, available at <http://online.wsj.com/article/SB123967368677815883.html>.

⁹⁰ "The world's top consumers and producers of oil," *CNN*, June 3, 2008, available at <http://www.cnn.com/2008/US/06/02/oil.map/index.html>.

⁹¹ Nick Brown, "T-72 main battle tanks finally unloaded from MV *Faina*," *Jane's Information Group*, February 17, 2009, available at

http://www.janes.com/news/defence/land/idr/idr090217_1_n.shtml.

⁹² Miller, 29-31.

⁹³ Mathew Weaver, "Timeline: Somali pirates attempted hijacking of *Maersk Alabama* cargo ship," *The Guardian* April 9, 2009, available at <http://www.guardian.co.uk/world/2009/apr/09/somali-pirates-us-ship>.

⁹⁴ "Maersk A-Class," *GlobalSecurity.org*, available at <http://www.globalsecurity.org/military/systems/ship/maersk-a.htm>.

⁹⁵ "Somaliland Anarchy in Somalia: The Lawless Horn."

⁹⁶ Muhammad Shamsaddin, "38 Days off the Somali Coast: MV *FAINA* Crisis Ecoterra 36th and 37th Updates," December 3, 2008, available at <http://www.afroarticles.com/article-dashboard/Article/38-Days-off-the-Somali-Coast--MV-FAINA-Crisis-%E2%80%93Ecoterra-36th-and-37th-Updates/142250>.

⁹⁷ Astrid Tuminez, "Russian Nationalism and Vladimir Putin's Russia," *George Washington University*, available at www.gwu.edu/~ieresgwu/assets/docs/ponars/pm_0151.pdf.

⁹⁸ "Piracy off Somalia: Perils of the sea," *The Economist*, April 16, 2009, available at <http://www.economist.com/node/13496719>.

⁹⁹ Rawle O. King, 1.

¹⁰⁰ Ibid., 1, and *Countering Piracy Off the Horn of Africa: Partnership and Action Plan*, 4.

¹⁰¹ "Economic Impact of Piracy in the Gulf of Aden on Global Trade," *US Department of Transportation Maritime Administration*, available at http://www.marad.dot.gov/documents/HOA_Economic%20Impact%20of%20Piracy.pdf.

Ocean are major sea lanes that allow for critical oil supplies to reach the Europe and United States.

Piracy is also a threat to Somalia and the region as a whole. One third of Somalia's population is fed by the United Nations World Food Program "90% of which are delivered by sea." Also potentially affected by piracy are the "inland markets in East and Central Africa that depend on imports from ports on the Indian Ocean."¹⁰²

The majority of ships that pass through the Gulf of Aden and the Indian Ocean are not disturbed by pirates. For example, Lesley Anne Warner said that "In 2009, of the approximately thirty thousand vessels that pass through the Gulf of Aden every year, 217 were attacked. Of these, only forty-seven were successfully hijacked... only 0.72 percent of the ships that traversed the gulf were attacked in 2009."¹⁰³ Warner also said that "80 percent of attempted pirate attacks are foiled without assistance from warships," up from 60 percent in 2008.¹⁰⁴ It is unlikely that this will decrease the allure of piracy for Somalis. A country with an "urban unemployment rate... at 66% and the rural equivalent at 41%," needs more than lower success rates to discourage them.¹⁰⁵

Thus, pirates are motivated by the ransom. Piracy offers high rewards and low risks. The pirates use violence in order to convince the targeted ship to stop, but rarely use violence after the hijack because the crew is part of the ransom. Piracy has been on the rise after the SCIC was removed from power in 2006; more alarming for the international community than the numbers of attacks are the potential targets. The Gulf of Aden and Indian Ocean allow the transport of critical oil shipments to Europe and North America. Successful hijackings such as the MV *Sirius Star*, the MV *Faina*, and the MV *Maersk Alabama* have shown that Somali pirates are willing to attack oil and arms shipments, and Middle Eastern, European, and American ships. Even though only a small percentage of ships are attacked, the attacks have a negative regional impact.

IV: Western Naval Response to Somali Piracy

Anti-piracy operations off the Horn of Africa began as an offshoot of anti-terrorism operations. After the terrorist attacks on September 11, 2001, CTF-150 was tasked with combating maritime terrorism.¹⁰⁶ In January 2009, the US Navy created CTF-151, a coalition task force devoted to conducting anti-piracy operations off the coast of Somalia.¹⁰⁷ In 2008 the EU created Operation Atalanta, which was tasked with protecting shipping from Somali pirates.¹⁰⁸ NATO's contribution to anti-piracy, called Operation Ocean Shield, began August 12,

2009.¹⁰⁹ Independent powers such as Russia, China, and Iran have also participated in anti-piracy operations.

CTF-150 was forced to participate in anti-piracy operations as a result of the increase in Somali piracy.¹¹⁰ It is not clear when CTF-150 began actively pursuing pirates, but the incident when the USS Winston S. Churchill DDG-81, captured a pirate ship on January 21, 2006, has been established as the first example of CTF-150's active anti-piracy operations.¹¹¹ However, the ship histories of the USS Oscar Austin DDG-79, USS Donald Cook DDG-75, and the USS Gonzalez DDG-66, prove that CTF-150's active anti-piracy operations were conducted in the third quarter of 2005. During its 2005-2006 deployment, the Oscar Austin served "as a deterrent for potential piracy operations," and on November 27, 2005, joined Operation Foresail. On September 21, 2005, the Gonzalez, "reported to the Horn of Africa in support of the Global War on Terrorism and anti-piracy operations," and the Gonzalez, continued anti-piracy operations until November.¹¹² The Oscar Austin's Visit, Board, Search, and Seizure (VBSS) team boarded the MV *Al Manara*, on January 24, 2006 in order to restore control of the ship to its crew¹¹³ and the Donald Cook, participated in anti-piracy operations during the period of November 3-28.¹¹⁴

December 12, 2004, the German Frigate Mecklenburg-Vorpommern, which was assigned to CTF-150, sent a helicopter to defend a yacht that was attacked in the Gulf of Aden. The Mecklenburg-Vorpommern was conducting anti-terrorism operations at the time.¹¹⁵ March 17, 2005 US Coast Guard Cutter Munro (WHEC-724), HMS Invincible R-05, and HMS Nottingham D-91, responded to a report of an act of piracy. The three ships acting under the CTF-150 command, arrested the pirates and restored control of the vessel to the ship's crew.¹¹⁶

CTF-151 was as a result of the rapid growth of Somali piracy in 2008. It is similar in structure to CTF-

¹⁰² Warner, 67.

¹⁰³ Ibid., 65.

¹⁰⁴ Ibid., 69 and 73.

¹⁰⁵ Panjabi, 389.

¹⁰⁶ "Combined Task Force 150," *Naval Forces Central Command*, available at <http://www.cusnc.navy.mil/cm/150/index.html>.

¹⁰⁷ "Combined Task Force 151," *Naval Forces Central Command*, available at <http://www.cusnc.navy.mil/cm/151/index.html>.

¹⁰⁸ Miller, 60.

¹⁰⁹ "Operation Ocean Shield," *NATO*, available at

http://www.manw.nato.int/page_operation_ocean_shield.

¹¹⁰ Guy Toremans, "New Commander CTF-150," *Naval Forces*, 1.2009, 55-56.

¹¹¹ Miller, 55 and 65.

¹¹² "USS Gonzalez DDG-66 Ship History Report," *Washington Naval Yards, Ship History Archives*, Washington, D.C.

¹¹³ "USS Oscar Austin DDG-79 Ship History Report," *Washington Naval Yards, Ship History Archives*, Washington, D.C.

¹¹⁴ "USS Donald Cook DDG-75 Ship History Report," *Washington Naval Yards, Ship History Archives*, Washington, D.C.

¹¹⁵ "Coalition Maritime Forces Deter Pirate Attack Off Yemen," *The U.S. Navy*, December 15, 2004, available at

http://www.navy.mil/search/display.asp?story_id=16309, and

Charles Dragonette, "Worldwide Threat to Shipping Mariner Warning Information," *Office of Naval Intelligence Civil Maritime Analysis Department*, December 22, 2004, available at http://www.nga.mil/MSISiteContent/StaticFiles/MISC/wwtts/w w t t s _ 2 0 0 4 1 2 2 2 0 0 0 0 0 0 . t x t

¹¹⁶ "Coalition Maritime Forces Intercept Hijacked Vessel," *The U.S. Navy*, March 18, 2005, available at

http://www.navy.mil/search/display.asp?story_id=17550, and

Charles Dragonette, "Worldwide Threat to Shipping Mariner Warning Information," *Office of Naval Intelligence Civil Maritime Analysis Department*, March 23, 2005, available at http://www.nga.mil/MSISiteContent/StaticFiles/MISC/wwtts/w w t t s _ 2 0 0 5 0 3 2 3 0 0 0 0 0 0 . t x t.

150.¹¹⁷ Ships assigned to CTF-151 are only responsible for conducting anti-piracy operations.

EU Naval Force Somalia Operation Atalanta was created on November 11, 2008.¹¹⁸ The EU created Operation Atalanta in order to support the UN Security Council Resolutions 1814, 1816, 1838, and 1846.¹¹⁹ Resolution 1816 authorized foreign navies to enter Somali territorial waters in order to conduct anti-piracy operations, with TFG permission, for a six month period.¹²⁰ Resolutions 1838 and 1846 extended the six month period.¹²¹ NATO's Operation Ocean Shield, was created on August 17, 2009.¹²² It looks to disrupt piracy off of the HOA in a similar manner to CTF-151, and Operation Atalanta.¹²³

US Navy

Between the various international anti-piracy operations there are roughly 30 ships patrolling the HOA, at any given time, and CTF-151 commands more than 20 of them.¹²⁴ The US Navy has committed amphibious landing ships, supply ships, cruisers, and destroyers to combat piracy. This may change in favor of smaller ships such as patrol craft, frigates,¹²⁵ and the Littoral Combat Ship (LCS).¹²⁶ Smaller ships do not suffer from the drawbacks that have sidelined them from traditional naval missions. A lack of offensive and

defensive missile launch capability is not relevant when combating piracy.

Smaller ships are valuable in anti-piracy missions because they offer a cost effective presence. For example the maximum crew size of an LCS is 100 officers and enlisted,¹²⁷ the USS Ronald Reagan CVN-76, a carrier, can house over 6,000¹²⁸, and the destroyer USS Oscar Austin 380.¹²⁹ Thus, the crew of one destroyer could man three or four LCS's. The LCS is also relatively inexpensive. It costs \$480 million, compared to the average cost to build a US Navy ship; estimates range from \$2.1 to \$2.7 billion.¹³⁰ Thus, for the same amount of money and manpower the US Navy can build and maintain four LCS's. Ships only have between 15-30 minutes to get help once attacked.¹³¹ An anti-piracy force of numerous smaller, faster ships is more efficient than a smaller force of ships designed for fleet and land engagements because they could assist more pirated vessels.¹³²

There have been two phases in the US Navy's anti-piracy mission. The first was preCTF-151 when the Navy used resources designed for other missions. The second phase began with the creation of CTF-151 when the US Navy altered its resources in order to adapt to the anti-piracy mission. A third phase may develop, if piracy continues, and would involve the US Navy designing its resources with anti-piracy as a primary mission.

Many of the changes that the US Navy has made in order to strengthen its Anti-Terrorism Force Protection have also made ships more effective at combating pirates.¹³³ Versatility is the key to the second phase weapons. The US Navy sees piracy as one of many missions and is slowly adapting its weapons to combat all of them. Examples of new systems that the US Navy brought online in order to fight piracy and other threats include: the GAU-17 7.62mm mini gun, the MK 49 Mod 0 remote controlled 12.7mm gun, MK38 Mod 2 25mm canon, and the MK15 Phalanx Close-In Weapon System Block 1B. By adding short range firepower the US Navy made ships more effective at fighting piracy.

The US Navy's VBSS teams are another example of adapting a resource that was designed for the Global War on Terrorism and converted for the anti-piracy mission. VBSS teams were designed in order to enforce UN Resolutions after the first Gulf War. After 9/11 the mission of a VBSS team was to "board ships in search of terrorists that utilize the world's oceans to traffic weapons and other contraband," and they have been used to combat piracy.¹³⁴

¹¹⁷ "Combined Task Force 151."

¹¹⁸ "Javier SOLANA, EU HR, congratulates Cdre Antonios PAPAIOANNOU on his appointment as the EU Force Commander for OP ATALANTA," *European Union Naval Force Somalia - Operation Atalanta*, available at <http://www.eunavfor.eu/2008/12/javier-solana-eu-hr-congratulates-cdre-antonios-papaioannou-on-his-appointment-as-the-eu-force-commander-for-op-atalanta/>.

¹¹⁹ "European Union Naval Force Somalia - Operation Atalanta," *European Union Naval Force Somalia*, available at <http://www.eunavfor.eu/about-us/mission/>.

¹²⁰ "United Nations Security Council Resolution 1816," *United Nations Security Council*, June 2, 2008, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/361/77/PDF/N0836177.pdf?OpenElement>.

¹²¹ "United Nations Security Council Resolution 1838," *United Nations Security Council*, October 7, 2008. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/538/84/PDF/N0853884.pdf?OpenElement>, and "United Nations Security Council Resolution 1846," *United Nations Security Council*, December 2, 2008, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/630/29/PDF/N0863029.pdf?OpenElement>.

¹²² "Operation Ocean Shield."

¹²³ "NATO Warships Meet for Counter Piracy Mission Handover," *Headquarters Allied Maritime Command Northwood*, August 6, 2010, available at <http://www.manw.nato.int/pdf/Press%20Releases%202010/Jun%20-%20Dec%202010/SNMG1/SNMG1%202010%2017.pdf>, and "NATO Warship HMS Montrose Races To Assist Ship After Pirate Attack," *Headquarters Allied Maritime Command Northwood*, available at <http://www.manw.nato.int/pdf/Press%20Releases%202010/Jun%20-%20Dec%202010/SNMG1/SNMG1%202010%2029.pdf>.

¹²⁴ Warner, 72 and Ploch, 22.

¹²⁵ Kreisher, 6.

¹²⁶ Martin Murphy, "Littoral Combat Ship," *Center for Strategic and Budgetary Analysis*, 66.

¹²⁷ *Ibid*, 17.

¹²⁸ "USS RONALD REAGAN," *Naval Vessel Registry*, available at <http://www.nvr.navy.mil/nvrships/details/CVN76.htm>.

¹²⁹ Oscar Austin, "Naval Vessel Registry," available at <http://www.nvr.navy.mil/nvrships/details/DDG79.htm>.

¹³⁰ "The Long-Term Outlook for the U.S. Navy's Fleet," *Congressional Budget Office*, January 20, 2010, 7-10.

¹³¹ Ploch, 12.

¹³² Murphy, "Suppression of Piracy and Maritime Terrorism," 37.

¹³³ Massimo Annati, "Weapons Optimised for Anti-Terrorist and Anti-Pirate Operations," *Naval Forces*, 2.2008, 55.

¹³⁴ Ed Barker, "VBSS: Evolving with the Mission," *GlobalSecurity.org*, April 4, 2009, available at <http://www.globalsecurity.org/military/library/news/2009/04/mil-090425-nns05.htm>, and Andrew King, "Nassau Creates VBSS

VBSS teams are trained to participate in Maritime Interdiction Operations, traditionally anti-terrorism and anti-smuggling operations. They are taught to board vessels from Rigid Hull Inflatable Boats (RHIB) with telescopic poles and metal ladders. A RHIB is lowered from a ship into the water and the VBSS team uses it to board suspicious vessels. VBSS teams, with the exception of Special Forces, are not trained in school for anti-piracy operations.¹³⁵

The US government developed specific goals in order to prevent Somali piracy attacks in the Gulf of Aden and the Indian Ocean. Secretary of State Hillary Clinton announced four steps to fight piracy. The first is for ship owners to stop paying ransoms, second an expanded multinational response which includes attacking pirate assets, third pressuring the leaders of Puntland and the TFG to combat piracy within their borders, and fourth build ship self defense capabilities.¹³⁶ The NSC recommended three steps and the first was to “prevent pirate attacks by reducing the vulnerability of the maritime domain to piracy,” second to “interrupt and terminate acts of piracy,” and third to “ensure that those who commit acts of piracy are held accountable for their actions by facilitating the prosecution of suspected pirates.”¹³⁷ A summary of US antipiracy policy was Lesley Warner’s identification of

Eight counterpiracy methods... in use or under consideration by the United States:

- Accepting piracy as a cost of doing business
- Tracing and targeting pirate finances
- Increasing the defenses of merchant vessels
- Address legal impediments to combating piracy
- Continuing multinational naval patrols
- Pursuing kinetic operations on land
- Building local and regional maritime security-sector capacity
- Building local and regional security-sector capacity on land.¹³⁸

Team,” *USS Nassau Public Affairs*, February 14, 2007, available at http://www.navy.mil/search/display.asp?story_id=27783.

¹³⁵ “Maritime Interdiction Operations (MIO),” *Recce Group*, available at www.reccegroup.com/Recce%20Group_Course_Maritime%20Interdiction%20Operations.pdf, see also “Statement of Work for Instructional Support in the West Region For Navy Security Forces Training Under the Direction of the Center for Security Services,” *US Navy*, available at cryptome.org/quintessenz.at/mirror/dodi/navsec-sow.pdf, see also “Training Course Control Document for Visit, Board, Search, & Seizure (VBSS) Team Mechanical Breacher Mechbreachervbss,” *NAVAIR Orlando Training Systems Division*, available at https://www.neco.navy.mil/necoattach/N0018910R0064Attachment_C_TCCD_for_VBSS_Breacher.pdf, and see also “TRAINING COURSE CONTROL DOCUMENT FOR NON-COMPLIANT BOARDING, VISIT, BOARD, SEARCH AND SEIZURE (NCB-VBSS) TEAM TRAINER A-830-0395 (REVISION A),” *Center for Security Services (CENSECFOR)*, June 30, 2008.

¹³⁶ Hillary Rodham Clinton, “Announcement of Counter-Piracy Initiatives,” *U.S. Department of State*, April 15, 2009, Washington DC, available at <http://www.state.gov/secretary/rm/2009a/04/121758.htm>.

¹³⁷ “Countering Piracy Off the Horn of Africa: Partnership & Action Plan,” 7-12.

¹³⁸ Warner, 65.

She concluded that it would not be possible to ignore Somali piracy because of the commerce that transits through the Gulf of Aden. The cash-based Somali economy makes tracing the pirates’ finances impractical. Increasing the defensive capabilities of merchant ships succeeded in making them harder targets, at the price of higher shipping costs. Naval patrols reduce the success rate of piracy, not eliminate it. US military will not pursue pirates on land. Progress has been made in building local navy’s anti-piracy operations, but any major impact would be in the future. Finally, local efforts on land were counterproductive.¹³⁹

US policy makers, such as former Secretary of State Condoleezza Rice, acknowledge “that maritime operations alone are insufficient.”¹⁴⁰ This is the limitation of the US anti-piracy policy; it only attacks piracy at sea. Support for the TFG has not produced tangible results and the US is unwilling to commit troops on land in Somalia while engaged in wars in Iraq and Afghanistan. With new weapons, the maritime operations may become more effective, but they will not be able to stop piracy. President Barrack Obama articulated his position on Somalia when he said that

Imposing peace from the outside through military force or coercion is not a recipe for success... Life under colonialism is still well remembered and leaves a bitter aftertaste. Instead, keeping the hotspots cool is better left to the Africans, although they need assistance in the form of training and equipping their military peacekeeping units.¹⁴¹

America will help Somalis help themselves, but there will not be another Operation Restore Hope under the Obama administration.

The Smaller the Better

If the piracy problem is left to the Somali people to deal with, it is possible that pirates will be attacking shipping in the Gulf of Aden and the Indian Ocean for the foreseeable future. It is also possible that unstable nations near other shipping routes will develop pirate networks. It is expensive for foreign navies to keep ships deployed off the coast of Somalia. Fast Attack Craft (FAC) could help protect shipping at a fraction of the cost it takes to deploy larger ships. If the US and the UN are unwilling, or unable, to restore stability to Somalia the responsibility falls on the AU. Thus, FAC and operations such as AU Mission in Somalia (AMISOM) may be economical options to reduce, if not remove, the threat of piracy.

It could take a force three times the size of the US Navy to protect all ships that pass through waters that are affected by Somali Pirates.¹⁴² In order to stop piracy in the Gulf of Aden alone, it will take a task force of

¹³⁹ *Ibid.*, 65-79.

¹⁴⁰ Condoleezza Rice, “Combating the Scourge of Piracy,” Speech, *United Nations Security Council*, December 16, 2008, New York, New York, <http://merln.ndu.edu/archivepdf/AF/State/113269.pdf>.

¹⁴¹ William E. Ward, and Thomas P. Galvin, “Africa’s Future Is Up to Africans,” *Joint Force Quarterly*, 58 3rd Quarter, 2010, 7-8.

¹⁴² Warner, 74.

around 60 combat ships. The Indian Ocean is much larger and would require a bigger force.¹⁴³ Thus it is possible to stop piracy in the Gulf of Aden if the multinational effort were reinforced; however this would cause the pirates to shift their operations into the Indian Ocean. This would have a negative impact on the nations that ship goods on the Indian Ocean, and in particular the South Eastern region of Africa.

FAC will not solve the piracy problem by increasing the number of ships off the HOA. They can make it more difficult for pirates to operate in coastal areas such as the Red Sea and the Gulf of Aden, and they allow smaller maritime nations that lack the resources of the traditional western powers, to protect their shipping. FAC are preferable in coastal anti-piracy operations because they are faster, cheaper, require less upkeep, and "the heavier armament of a frigate provides little advantage," when fighting pirates.¹⁴⁴ By comparing the Norwegian *Fridtjof Nansen* class frigate and the Norwegian *Skjold* class FAC the advantages of the FAC are evident. The frigate costs \$600 million, more than half a billion dollars than the \$65 million for the *Skjold* class FAC. The frigate has a crew of 120 and the FAC a crew of 15.¹⁴⁵ The top speed of the frigate is 27 knots and the FAC has a top speed of 55+ knots.¹⁴⁶ The American Oliver Hazard Perry class frigates are often sold, or given, to allied navies after they have been decommissioned by the US Navy.¹⁴⁷ The refurbished American frigates can have a crew of over 200 sailors and a top speed of 29 knots.¹⁴⁸ The *Skjold* class FACs are superior to their larger brethren when fighting piracy; they are cheaper, faster, and require a much smaller crew compliment. Frigates are not as well suited for anti-piracy operations due to their large crew and slower speed, even if they are free. For countries that cannot afford the \$65 million price tag India and China have built FACs that cost less than \$15 million.¹⁴⁹ Thus at a fraction of the price of a larger ship FACs provide a viable alternative for countries that need to protect their shipping, but have a limited budget and a shortage of trained personnel.

¹⁴³ Ploch, 13.

¹⁴⁴ Friedman, Norman, "Countering the Pirate and Terrorist Threat," *Naval Forces*, 27.5, 2006, 83-84.

¹⁴⁵ "Norway's New Nansen Class Frigates: Capabilities and Controversies," *Defense Industry Daily*. available at <http://www.defenseindustrydaily.com/norways-new-nansen-class-frigates-capabilities-and-controversies-02329/>; and see also "The Skjold Class Fast Reaction Craft," *Umoë Mandal*, 2000, available at <http://www.foils.org/skjold%20brief.pdf>.

¹⁴⁶ "Fridtjof Nansen (F85) class PROJECT 6088 NEW FRIGATE," *GlobalSecurity.org*, available at <http://www.globalsecurity.org/military/world/europe/nansen.htm>; and see also Arthur G. Self, "Fast Attack Craft (FAC) and Their Roles," *Naval Forces*, 1, 2010, 17.

¹⁴⁷ "Pak to get \$65 million US warship free of cost," *The Indian Express*, available at <http://www.indianexpress.com/news/pak-to-get-65-million-us-warship-free-of-c/611941>.

¹⁴⁸ "USS Ingraham," *Naval Vessel Registry*, available at <http://www.nvr.navy.mil/nvrships/details/FFG61.htm>; and see also "FFG-7 Oliver Hazard Perry Class," *GlobalSecurity.org*, available at <http://www.globalsecurity.org/military/systems/ship/ffg-7.htm>.

¹⁴⁹ Self, 22.

AMISOM lost the good will of the Somali people due to charges of AU troops of killing civilians.¹⁵⁰ Opinions can change with time if the presence of the AU soldiers produces tangible benefits for Somalia. President Obama was correct that another US or UN peacekeeping mission would have probably been seen as a neocolonialist invasion. The US is better served by providing logistical support for AMISOM, which it has done by providing more than \$160 million worth of services and equipment.¹⁵¹ Despite this, the international effort had not given the AU the resources it required to accomplish its mission in Somalia.¹⁵² A land solution to the piracy problem is the best option because the only decrease in piracy activity came as a result of the SCIC's dominance in southern Somalia. With that in mind, if the AU troops were well trained and supplied, and came in large enough numbers they should be able to temporarily impose stability. The situation is complicated by clan loyalties and factions, but it is not AMISOM's mission to rule Somalia, only to give the TFG a chance to do so.¹⁵³

Private Security on Merchant Ships and the Impact of Piracy on Shipping Costs

Merchant vessels should implement more efficient methods of defending themselves against pirate attacks. There have been developments in this field that lower the probability that pirates will successfully board ships; however, they raise the cost of transport. The ONI identified five key threat factors weather, merchant ship speed, the time of day, expanded attacks in the Indian Ocean, and how targets were selected. They found that weather was the most important factor that determined when pirates attack. Ships were safer during the two monsoon seasons, at night, and when traveling at high speeds. Pirates were operating deeper into the Indian Ocean as a result of increased patrols in the Gulf of Aden, and there was no indication of pirates having been informed of ship's routes; victims were targets of opportunity.¹⁵⁴

Convoys have been implemented in the Gulf of Aden in order to protect shipping. The Internationally Recognized Transit Corridor (IRTC) has helped reduce the success rate of pirate attacks in the Gulf of Aden.¹⁵⁵ The IRTC allows warships to protect large numbers of merchants by grouping them together, and ships help protect each other. Convoys slow down shipping which results in a loss of money for shipping companies, and it

¹⁵⁰ Warner, 79.

¹⁵¹ Ploch, 3.

¹⁵² Warner, 78-79

¹⁵³ "UN Security Council Resolution 1772," *United Nations Security Council*, August 20, 2007, available at http://www.un.org/Docs/sc/uns_c_resolutions07.htm.

¹⁵⁴ "Horn of Africa: Threat Factors for Commercial Shipping and Forecast of Pirate Activity Through 2009."

¹⁵⁵ Marieke J. Rietveld, "Piracy Considerations on Passage of the Gulf of Aden and/or the North West Indian Ocean East of Africa," *Royal Netherlands Institute for Sea Research*, available at http://www.eurocean.org/np4/file/863/Piracy_Gulf_of_Aden__Indian_Ocean.pdf.

is possible that the lost revenue costs more than the ransom payments.¹⁵⁶

In order to defend ships, crews have increased surveillance in order to detect attacks sooner, rehearsed lock down methods to prevent pirates from accessing the crew, barbed wire and electric fences, and the increased use of nonlethal devices such as fire-hoses, and long-range acoustic devices (LRAD) have successfully prevented boarding's, as have Molotov cocktails and covering decks with broken glass.¹⁵⁷ Though these techniques have been successful pirates may be adapting to them, in which case more violent methods may be required for crews to defend themselves.¹⁵⁸

There has been rising support for merchant ships to arm themselves in order to fight pirates; however, it could complicate the situation. For example, crews are not trained in firearms safety or marksmanship, some ports do not allow armed ships to dock, security teams are expensive, armed ships could increase the threat of terrorism, and gun battles would escalate the violence. Despite the drawbacks, the US has embarked security teams on ships that carry military supplies off the HOA.¹⁵⁹ Armed crews may be necessary for critical shipments such military hardware and energy, but are not cost effective for other shipments.

The cost of insurance to ship products through the Gulf of Aden has increased due to piracy. Cost to insure a container rose from \$900 to \$9,000 and war-risk insurance may increase the cost of insuring a ship between \$10,000 and \$20,000 per trip. Options to avoid the Gulf of Aden also increase the cost of shipping. If a merchant ship reroutes around the Cape of Good Hope it adds nearly 3,000 miles to the trip. This increases operating costs and reduces the number of deliveries the ship can make. An estimate of the increased costs merchants face due to piracy is \$60,000 for a security guard per trip through the Gulf of Aden, \$20,000 to \$30,000 for an LRAD and an operator, or \$3.5 million in fuel annually to reroute a ship around the Cape of Good Hope.¹⁶⁰ Merchant ships can mitigate the risks associated with piracy, but it is impossible to remove the risk without raising the cost of shipping.

Catch and Release

Despite international law that gives any country that apprehends a pirate the right to prosecute, most do not.¹⁶¹ The Danish Navy released pirates even though they found evidence of pirate activity, which included weapons and plans to divide the ransom with Somali

warlords.¹⁶² Some progress has been made making it easier for countries to prosecute pirates, but most only prosecute pirates they catch in the act of piracy, or pirates that attacked a ship from their country.¹⁶³ The West does not want to prosecute pirates for reasons that range from expense to possibly having to grant pirates immigrant status at the end of their prison term. In order to avoid prosecuting pirates in Europe or America, the EU, UK, and US, made arrangements with Kenya, to prosecute them.¹⁶⁴ The Seychelles have also agreed to prosecute pirates, but the small nation has a very limited prison capacity. Both Kenya and the Seychelles have been given money to update their justice systems in order to deal with the increased number of prisoners and court cases. However, Kenya has voiced reluctance to become a dumping ground for pirates without the West sharing the burden.¹⁶⁵

The lack of enthusiasm for prosecution is an indication of the West's desire to ignore the growing problem. It looks as though the US and Europe are willing to send their ships to fight piracy as long as they do not have anything more important for them to do, but when it comes to making a long term commitment there is a reluctance. With the Somali economy in a disastrous state there is a financial incentive for Somali men to turn to piracy. Prison sentences will not eliminate Somali piracy, but large scale prosecution would be one element in a multi-pronged strategy to discourage the growing trend.

Conclusion

The Western response has shown a reluctance to combat piracy in a realistic manner. This is due to a desire to fight pirates as though they were terrorists, and a lack of follow up that degraded mission effectiveness. Somali pirates are not terrorists; they have no proven links to terrorist networks, nor are they interlopers from the past armed with cutlasses and muskets. Somali pirates are dangerous, but they do not threaten Western society. The threat is first regional and second global. Pirate attacks in the Gulf of Aden and the Indian Ocean have had a destabilizing effect on the East African region. By hijacking arms, and food aid shipments, pirates have the ability to alter the balance of power, and increase the risk of famine, in a region that is fraught with instability and starvation. The global threat is primarily commercial with increased shipping costs as the likely result. However, critical supplies that are

¹⁵⁶ Ploch, 36-37.

¹⁵⁷ Ibid., 34; Warner, 68-69, Stehr, "Modern Piracy: Growing Threat to Shipping, Counter Threat Technology and Tactics," 26-31; and Axe, "10 Things You Don't Know About Somali Pirates."

¹⁵⁸ "Piracy and Private Enterprise."

¹⁵⁹ Ploch, 34-35, and Warner 69-70.

¹⁶⁰ "Economic Impact of Piracy in the Gulf of Aden on Global Trade."

¹⁶¹ Ploch, 31-33, and James P. Terry, "Eliminating High Seas Piracy: Legal and Policy Considerations," *Joint Force Quarterly*, 54, (3rd Quarter 2009).

¹⁶² Paulo Prada, and Alex Roth, "On the Lawless Seas, It's Not Easy Putting Somali Pirates in the Dock," *The Wall Street Journal*, December 12, 2008, available at <http://online.wsj.com/article/SB122903542171799663.html>.

¹⁶³ "Piracy Wong Signals," *The Economist*, May 7, 2009, available at <http://www.economist.com/node/13610785/print>.

¹⁶⁴ Panjabi, 481-84.

¹⁶⁵ Warner, 71-72; and Michael Onyiego, "Seychelles to Establish Regional Court to Prosecute Pirates," *VOA*, May 6, 2010, available at <http://www.voanews.com/english/news/Seychelles-to-Establish-Regional-Court-to-Prosecute-Pirates-92969969.html>.

shipped through these sea lanes are vulnerable, and could adversely impact dependent economies.

The international community has shown an inconsistent approach to anti-piracy operations. Catch and release and the unwillingness of Western nations to support a stable government in Somaliland are troubling. The TFG has been unable to govern Somalia, and for a period of time it was forced into exile in Kenya, yet the US continues to support this "government." Ousting the SCIC was another example of the US showing a lack of commitment to the anti-piracy mission. The US decided to favor its battle with Islamic fundamentalists and overthrew the one government that had effectively reduced piracy off the HOA.

There is no cure for Somali piracy, short of a stable government in Somalia. The US refuses to take the steps necessary to ensure that the TFG has the time necessary to establish a functional government. This is due in part to the two land wars that the US is involved in, and the disastrous outcome of Operation Restore Hope. The AU mission in Somalia, AMISOM, is an alternative to a Western, neocolonial peacekeeping mission. If AMISOM were properly manned, equipped, and funded the TFG could have a fighting chance to control Mogadishu and reclaim territory from the Shabab Militia. If the US lent support to Somaliland, Puntland, and the TFG, with AMISOM assistance, in return for anti-piracy measures, piracy would decline. It is the safe haven on land that allows piracy to flourish; if the pirates were attacked on land as well as at sea it would be a less lucrative profession.

Prosecuting pirates is necessary in order to create a deterrent to committing acts of piracy. Releasing pirates shows a lack of commitment to the anti-piracy mission and is a signal to pirates that there are no consequences. There are, however, economic motivations for Somali fishermen to turn to piracy. The ravaged Somali economy offers few economic opportunities as promising as the piracy.

The US Navy, and its European counterparts, could increase the efficiency of their anti-piracy operations as well. If the US evolved from the second stage of anti-piracy operations into the third stage, which involves ships and equipment designed for anti-piracy, it could increase its ability to protect shipping. More, smaller ships would have a profound impact on the international task forces' ability to be in more places at the same time, which is a key to interrupting pirate attacks.

Arming ships that transport critical supplies would reduce the threat of those shipments being successfully hijacked. It is not advisable to arm all ships that travel through the HOA, but there are steps that all ships can take to decrease the rate of successful hijackings. Passive defenses such as barbed wire, combined with updated and rehearsed security plans would make merchants harder targets. Travelling at night and during the monsoon seasons would also reduce the likelihood of attack.

Somali piracy will continue to be a threat for years to come; if and when it ends, piracy will most likely develop somewhere else. That is why it is important that the US and Europe, develop mechanisms in order to prosecute pirates, and their navies develop the tools

necessary to combat pirates at sea. With the creation of CTF 151, Operation Atalanta, and Operation Ocean Shield the naval effort has made steps in the right direction, but there is more to be done. Piracy can threaten critical supplies and destabilize regions. If globalization is the cause of piracy, this is a threat that will be around for the foreseeable future. It is for this reason that world powers should use this opportunity to learn what they can on how to best fight piracy.