Countering the Somali Pirates: Harmonizing the International Response

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Abstract

The growing threat to international shipping in the Gulf of Aden and neighboring regions from pirates operating off the shores of lawless Somalia has engendered an unparalleled global response. Over the past year, numerous international security organizations as well as national governments have organized many separate multilateral and single-country maritime security operations in the Horn of Africa region. Despite the unprecedented extent of this effort, this mishmash of ad hoc multinational and national initiatives has had only a limited effect. These various contingents typically have conflicting mandates and rules of engagement. They have also become fixated on responding to immediate problems rather than organizing a robust regional maritime structure, which could replace the foreign fleets when they inevitably withdraw.

Countering the Somali Pirates: Harmonizing the International Response

By Richard Weitz, Ph.D.

Introduction

The growing threat to international shipping in the Gulf of Aden and neighboring regions from pirates operating off the shores of lawless Somalia has engendered an unparalleled global response. Over the past year, numerous international security organizations as well as national governments have organized many separate multilateral and single-country maritime security operations in the Horn of Africa region. Despite the unprecedented extent of this effort, this mishmash of ad hoc multinational and national initiatives has had only a limited effect. These various contingents typically have conflicting mandates and rules of engagement. They have also become fixated on responding to immediate problems rather than organizing a robust regional maritime structure, which could replace the foreign fleets when they inevitably withdraw.

The current confusing mixture of overlapping and competing unilateral and multilateral initiatives needs to be reorganized and made more harmonious. The initial priority should be to improve coordination among the diverse flotillas conducting anti-piracy operations in the Gulf of Aden. A suitable division of labor is needed to take advantage of the unique assets of each country and international organization operating in the region. Over the longer term, an enduring solution to the Somali piracy problem will require the advent of a stable government in Somalia that can enforce laws against piracy as well as revive the economy. New employment opportunities are required to diminish the appeal of piracy to impoverished Somalis. Given adequate logistical and financial support by the international community, Somali authorities might at some point form an effective coastal force to patrol the country's territorial waters.

Pending the advent and consolidation of an effective government in Somalia, the international community should assist friendly groups in that country to build the capacity needed to curtail the activities of the pirates, insurgents, and other threatening groups operating in Somalia. The foreign countries concerned about piracy around Somalia should also encourage the littoral states in the western Indian Ocean, Gulf of Aden,

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and Red Sea regions—which include Djibouti, Egypt, Eritrea, Kenya, Saudi Arabia, Tanzania as well as Somalia itself—to form a regional maritime coastal patrol. Countries external to the area should provide funding, training, and advanced surveillance and other technologies to these local actors to strengthen their maritime security capabilities.

Piracy in the Gulf of Aden

Despite hopes that the arrival of more foreign warships off Somalia would curb the spread of lawlessness to the region's vital sea lanes, pirates operating from that country have resumed the disturbingly high rate of activity seen in recent years. Since 2006, the number of reported piracy attacks in the Horn of Africa region—which includes the Gulf of Aden, the western Indian Ocean, and the territorial waters of Somalia—has soared. During the first five months of 2009, the number of maritime hijacking attempts had already surpassed attempts during all of 2008. Last year, the Gulf of Aden was the scene of 111 incidents, including 42 vessels hijacked, whereas 114 attempted attacks took place through mid-May of 2009.[1]

The growing number and expanded range of these incidents has threatened important trade and transit routes connecting Africa, Asia, and Europe. Cargos under threat include shipments of oil from the Persian Gulf as well as other valuable commodities. Although the number of deaths directly attributable to the pirates has remained small, their activities have disrupted humanitarian relief operations within Somalia. In addition, the economic costs of piracy have included delayed deliveries, change of naval routes, damage to ships, higher insurance rates, and the detention of crews and passengers for ransom.

The infamous hijacking of the Saudi-owned MV Sirius Star on November 15, 2008, demonstrates the threat to energy security from Somali piracy. At over one thousand feet long, the ship became the largest vessel ever captured by pirates. When Sirius Star was attacked, it held about $100 million worth of Saudi crude oil.[2] With their highly valuable cargo and wealthy owners, energy vessels travelling through the region are under constant threat of piracy.

To avoid confrontation with the pirates, several shipping companies prefer to sail around the Cape of Good Hope rather than through the Suez Canal.[3] This route alteration causes delays in deliveries, cost increases for shipping companies, and a revenue decline for Egypt, whose flow of foreign currency depends heavily on traffic through the canal.[4] Furthermore,

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the insurance costs for shipping companies are rising. According to the Maritime Administration of the U.S. Department of Transportation, the war risk binder cost of a ship's insurance per voyage had increased by April 2009 to as much as $20,000, from $500 the previous year.[5]

The presence of pirates in a country with strong Islamist groups also raises the risk of an alliance between them. Thus far, there is no clear evidence of such an alliance. The media has periodically reported that some of the pirates' ransom has gone to Islamist militants.[6] In addition, al-Qaeda has been urging the Somalis to attack the "crusader forces" in the Gulf.[7] On the other hand, the radical Council of Islamic Courts and some other Islamist groups have denounced piracy as a violation of Islamic Sharia law.[8] On balance, the pirates seem to be equal opportunity brigands, attacking targets regardless of the religion of their crew or owners, and very reluctant to part with their loot, even for the sake of supporting fellow Muslim militants.

Somali pirates lack the organization, training, or skills that one might expect from a group causing so many problems for the international community. Launching either from a larger mother ship or from a Somali port, the armed pirates use small speedboats to approach and board foreign ships. Today's pirates are often people who have fought against each other since the collapse of the Siad Barre regime in 1991, the last time that the country had a functioning government.[9] They are driven overwhelmingly by economic considerations, seeking to acquire wealth in an incredibly impoverished country.[10] Since early 2008, Somali pirates have earned an estimated $200 million in ransom.[11] The widespread violence, the weak economy, and the surge in illegal foreign fishing and maritime dumping of toxic and other hazardous waste by foreign companies exploiting the lack of an effective Somali authority able to police its coasts has created an environment in which pirates can easily recruit people to their cause.

International Response

Over the past year, the United Nations (UN), the North Atlantic Treaty Organization (NATO), the European Union (EU) and various national governments have organized many separate multilateral and single-country maritime security operations in the Horn of Africa region. At present, the international response focuses on patrolling the sea lanes off Somalia's coast, escorting merchant vessels, and responding to distress calls. Understandably, these actors have remained unwilling to conduct a large-scale stabilization campaign on land; the recent experience of

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foreign occupiers of Somalia suggests such an operation would likely incur numerous military and civilian casualties.

This patchwork of ad hoc multinational and national initiatives has achieved individual successes, defeating several pirate attacks and capturing some pirates. In some cases, they have exploited opportunities for tactical collaboration against specific pirate threats. Despite the unprecedented extent of this effort, the contributions of the approximately dozens of combat ships and thousands of military personnel have been vitiated by insufficient coordination. The various formations have employed different mandates, tactics, and rules of engagement. They have also become preoccupied with responding to immediate challenges rather than engaging in long-term local capacity building.

The United Nations

The UN effort has been manifested primarily through several UN Security Council resolutions (UNSCR) calling for international action against pirates by member governments and regional security organizations such as the African Union. Since 2008, there have been about a dozen resolutions regarding the situation in Somalia. The initial focus was on protecting humanitarian supplies provided by the World Food Program (WFP). UNSCR 1816 (June 2008) authorizes foreign member states to conduct maritime security operations in Somalia's territorial waters with the consent of the Somali Transitional Federal Government (TFG). UNSCR 1846 (December 2008) permits UN states to provide security assistance—though not weapons, which are prohibited by a UN arms embargo, without specific UNSC approval—to the TFG to enable its forces to secure Somalia's coastal regions. UNSCR 1851 (December 2008) extended these authorizations to include, at the request of the TFG, operations on Somalia's land territory aimed at suppressing maritime piracy as well as military assistance, including weapons and equipment, to other UN member states and regional organizations engaged in combating piracy in Somali waters. UNSCR 1853 (December 2008) reaffirmed the UN's commitment to the security issues in the region and called upon member states to take proactive roles in the operations.

The European Union

On December 8, 2008, the EU organized Operation Atalanta to supersede NATO's Operation Allied Provider. Its main task has been to protect the WFP deliveries to Somalia. In addition to representing the first EU multinational maritime security mission outside of the Mediterranean and the

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North Atlantic, Atalanta marked the first naval operation launched within the framework of the European Security and Defence Policy (ESDP). Some two dozen warships and 1,500 naval personnel have joined this one-year mission. The EU has also established an online Maritime Security Center-Horn of Africa to facilitate the sharing of information about maritime threats between EU military personnel and the merchant ships operating in the Horn of Africa region.[12]

The EU sees Operation Atalanta as part of its global action conducted "in the Horn of Africa to deal with the Somali crisis, which has political, security and humanitarian aspects."[13] Therefore, the European attempts aim to be more comprehensive than solely providing security. The Joint Strategy Paper for Somalia for 2008–2013 proposes a budget of EUR 215.8 million under the European Commission's 10th European Development Fund, intending cooperation in three main sectors: governance, education, and rural development.[14]

The North Atlantic Treaty Organization

From October to December 2008, NATO conducted Operation Allied Provider, primarily to defend WFP shipments from pirates and patrol the area. NATO vessels had the authority to use power where necessary. Allied Provider started as a temporary operation upon the request by the UN Secretary General in support for UNSCR 1814, 1816, and 1838. The fleet consisted of three ships from Standing NATO Maritime Group Two (SNMG2), which routinely included contingents from Germany, Greece, Italy, The Netherlands, Spain, Turkey, the United Kingdom and the United States.

In March 2009, NATO began another mission, Operation Allied Protector. This operation now overlaps—and looks to duplicate—Operation Atalanta. NATO's current presence in the Horn of Africa region consists of five ships from Standing NATO Maritime Group One (SNMG1), a unit comprising ships on rotation from member countries such as Canada, Denmark, Germany, The Netherlands, Norway, Portugal, Spain, and the United States.[15]

Contact Group on Somalia

Twenty-four UN member states and five multinational organizations joined the Contact Group on Piracy Off the Coast of Somalia (CGPCS or Contact Group) established on January 14, 2009. Its main purpose was "to develop concrete and substantial responses to the concerns articulated

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by the UN Security Council in its resolution 1851."[16] The CGPCS has the potential to address some of the problems already identified, including insufficient coordination among the existing initiatives, a lack of long-term planning, and disharmonious tactics, techniques, and procedures. But until now, the Contact Group has primarily provided additional opportunities to monitor the behavior of the other members as well as to engage in a sustained dialogue with them. The four working groups (dealing with the diplomatic, judicial, military, and public information dimensions of the problem) and other cooperative mechanisms originating from the CGPCS have yet to achieve noticeable progress regarding their six main objectives: improving operational and information support to counter-piracy operations; establishing a counter-piracy coordination mechanism; strengthening judicial frameworks for arrest, prosecution, and detention of pirates; strengthening commercial shipping self-awareness and other capabilities; pursuing improved diplomatic and public information efforts; and tracking financial flows related to piracy.[17]

It is unclear how much time the CGPCS will have to accelerate its progress. The existing initiatives are all limited-duration efforts whose terms will probably end before Somalia becomes a stable state whose government can repress pirates operating from its territory. As these missions end, new extra-regional maritime operations will be needed to replace them unless the region's navies have developed the capacity to enforce maritime security in the Gulf of Aden and Horn of Africa.

Multinational Operations Led by the United States

The United States has worked to mobilize multinational forces for anti-piracy activities. The long-standing multinational Combined Task Force 150 (CTF-150), part of the Combined Force Maritime Command of the U.S.-led Operation Enduring Freedom (OEF), has added counter-piracy to its original counter-terrorism mission.[18] Since its formation after the September 2001 terrorist attacks, CTF-150 has included ships from the United States, NATO navies, and other OEF members such as Australia and New Zealand. Although CTF-150 falls under the command of the U.S. Fifth Fleet, its ships operate according to national regulations and rules of engagement.[19] The task force took the lead in establishing, in August 2008, a Maritime Security Patrol Area in the Gulf of Aden that, by concentrating merchant shipping within a narrow body of water, has facilitated naval escort operations.[20]

In January 2009, the U.S. Naval Forces Central Command (NAVCENT) established a new task force, CTF-151. It has the same area of operation as

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CTF-150 (the Gulf of Aden and the sections of the western Indian Ocean near Somalia) but—unlike CTF-150, which is responsible for patrolling the area and for supporting OEF—the newer task force is dedicated primarily to combating pirates. CTF-151 initially consisted of three U.S. Navy ships under the command of Vice-Admiral William Gortney, Chief of the U.S. Fifth Fleet based in Bahrain.[21] CTF-151 has grown rapidly to include over twenty ships from many NATO countries and other U.S. allies.

The anti-piracy campaign in the Horn of Africa region marks the first widespread participation of the world's rising naval powers in an active maritime operation distant from their shores. China, India, and other ascending states have sent warships, both to combat pirates and to assert their growing importance as global security actors.[22] Russia and Japan, twentieth-century naval powers whose maritime security ambitions have rebounded, also have dispatched flotillas on counter-piracy missions to the region. These fleets are primarily escorting vessels flying their flags or manned by their nationals, but their governments have expressed openness in principle to assist other ships threatened by pirates.

On January 6, 2009, the Chinese destroyers Haikou and Wuhan along with the supply ship Weishanhu arrived in the Gulf of Aden and began accepting escort requests from Chinese vessels seeking protection from the pirates in the region. After escorting more than one hundred ships in the Horn of Africa region by early April, the destroyer Shenzhen and the frigate Huangshan relieved the original destroyers, while the Weishanhu remained on patrol.[23] After the hijacking of the MV Sirius Star, an extraordinary session of the Arab League Council condemned the pirates and underscored the necessity of "promoting Afro-Arab Cooperation in support of efforts to combat piracy."[24]

Recommendations

The immediate priority is to ensure the security of shipping traffic in the region, which requires harmonizing the activities of the existing naval operations being conducted by the EU, NATO, and the independent maritime commands of the other countries. The U.S. Navy's current maritime strategy, with its concept of a "Thousand-Ship Navy," envisages such a network under the rubric of the Global Maritime Partnership Initiative. Its basic premise is that pooling together the naval capabilities of many national fleets, with a suitable division of labor that reflects their distinct concerns and capabilities, can best enhance the security of the international seas against transnational threats.[25] A new UNSCR could help

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define the command structure for the maritime operations and the per-
missible procedures for disposing of seized ships and captured pirates.

Securing greater cooperation between these fleets and the private entities
that dominate maritime commerce is also essential. These shipping com-
panies and other firms, which typically function as transnational actors
even when they are nominally based in one country, possess unique data,
information, and intelligence that the navies operating off Somalia need
to achieve effective maritime domain awareness.

An enduring solution to the Somali piracy problem will require the advent
of a stable government in Somalia that can enforce domestic law and
order along the country's coasts as well as revive the economy. New
employment opportunities are required to diminish the appeal of piracy
to impoverished Somalis. Such a government is unlikely to develop soon,
but when it takes shape, the United States and other countries will need to
support it with foreign aid, security assistance, and diplomatic outreach,
including by promoting its engagement with regional and other multina-
tional institutions.

Pending the advent and consolidation of an effective Somali government,
the international community should seek to assist friendly Somali author-
ities build the capacity needed to curtail the activities of the pirates, insur-
gents, and other threatening groups operating in Somalia. Since their
capabilities will remain inherently limited, extra-regional governments
should also work to promote cooperation among the navies of those
coastal states in the western Indian Ocean, Gulf of Aden, and Red Sea
regions that commit to countering local pirates and other transnational
threats. Ideally, these countries—which include Djibouti, Egypt, Eritrea,
Kenya, Saudi Arabia, Tanzania as well as Somalia itself—will pool their
resources into a regional maritime security force. This force would engage
in intelligence sharing, the dissemination of early warning information,
and joint protection and enforcement operations. In addition to counter-
ing piracy, its missions would address other transnational maritime prob-
lems in the Horn of Africa region, including managing fishing and
monitoring environmental threats. The pirates have gained some local
support by claiming to defend Somalis against illegal fishing and mari-
time dumping by foreign fleets. Establishing an official coast guard force
that included Somali participation would deprive them of this prop as well
as provide an alternative source of livelihood to potential sea pirates.

The weak naval assets available to the countries in the Horn of Africa
region will require them to depend on external support from
extra-regional governments and international organizations. These exter-

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nal actors could provide funding, training, and advanced surveillance and other technologies designed to strengthen their capabilities. Over time, the extra-regional fleets could reduce their operations as they transfer missions to the regional security force. A logical evolutionary path would see the international fleets concentrate their non-support efforts on distant offshore missions while local navies focused on coastal security.

About the Author

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