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## Acronyms

|         |   |
|---------|---|
| AMISOM  | African Union Mission in Somalia                |
| CTF-150 | Combined Task Force-150                         |
| IGAD    | Inter-Governmental Authority on Development     |
| IMB     | International Maritime Bureau                   |
| IMF     | International Monetary Fund                     |
| SCR     | Security Council Resolution                     |
| TFG     | Transitional Federal Government of Somalia      |
| UIC     | Union of Islamic Courts                         |
| UN      | United Nations                                  |
| UNCLOS  | United Nations Convention on the Law of the Sea |
| WFP     | World Food Program                              |

## Piracy off the Somali Coast

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### Introduction

The aim of this brief is to determine the threat of piracy in the coastal waters of Somalia. The brief is divided into five parts. The definition and historical development of worldwide piracy will be examined in the first section. The second part explores the causes and consequences of piracy in Somalia. Herein, the danger of maritime Piracy to international navigation will be investigated. The third part examines the international response in combating and controlling this threat. The fourth part analyzes major challenges encountered in combating piracy. Finally, various possible options for combating maritime piracy will be forwarded.

### 1. Definition of Piracy

There is no single definition for the term piracy. According to the United Nations Convention on the Law of the Sea (UNCLOS) piracy is *an act of violence against ships, persons, or property on board*. And, the act of violence must be “committed by the crew or passengers of another vessel; illegal and serve private purposes; and it must be committed on the high seas.”<sup>1</sup> Accordingly, any of the described acts taking place within the territorial waters of a state are not considered as acts of piracy. Unfortunately, about 80 % of piracy incidents occur within 12 nauti-

cal miles of states’ territorial waters; such an act is instead referred to as an armed robbery by the UN. A much broader definition is adopted by the International Maritime Bureau (IMB). Accordingly, Piracy is *an act of boarding vessels with the intent to commit theft or any other crime and with the intent and capability to use force in furtherance of that act*.<sup>2</sup> This definition includes acts occurring within the jurisdiction of states. This brief adopts both definitions, since piracy occurs both on the high seas and inside states’ territorial waters.<sup>3</sup>

### 2. The Resurgence of Maritime Piracy

Maritime piracy is as old as the history of navigation and it still poses a problem in different parts of the world. In the past centuries, piracy was a common incident in the Mediterranean Sea, Northern Europe, the Caribbean and the coast of North Africa. Greek and Roman ships were constantly attacked by pirates in Ancient times. A famous Roman leader Julius Caesar was captured by pirates in 78 BC. In the 14<sup>th</sup> century, pirates were officially authorized by states like Great Britain, France, Spain and Netherlands to attack ships of their adversaries.

Piracy, however, overwhelmingly flourished in the 17<sup>th</sup> and 18<sup>th</sup> century, and this period is known as the golden age of piracy. It was a time when im-

portant sea lanes including the Mediterranean, the Caribbean, the Atlantic coast, the West Coast of Africa, the Indian Ocean and the South China Sea were continuously attacked by pirates. The Mediterranean pirates that operated from Barbary States of North Africa, for instance, imprisoned over 30,000 captives in Algeria by 1650. A total of ransom paid for the Barbary pirates by the US, was also estimated to be about a quarter of its national revenues by 1800.

Piracy activities decreased in the 19th and 20th century as a result of: the introduction of technologically advanced and bigger size vessels; increased military presence in oceans and sea lanes; the adoption of anti-piracy laws by the international community; and, the establishment of formal administration in most of the islands and land areas in the world.<sup>4</sup> The act of piracy, nonetheless, survived in the 21<sup>st</sup> century even with greater sophistication and increased violence.

Modern maritime piracy has registered an alarming resurgence in the past two decades. The IMO documented over 3,500 pirate attacks all over the world from 1998 to 2007. The number of pirate attacks reached its pick between 2000 and 2003, with 405 reported incidents per year, as compared with 233 from 1995 to 1999. And, about 293 piracy incidents were reported in 2008 alone. Modern time pirates have improved their modus operandi. They are equipped with high-tech weapons like explosives, launchers and speed boats equipped with radars. Modern day pirates are also well-trained. Modern maritime piracy attacks range from petty looting to hijacking for ransom and theft of the entire ships and cargos. Choke points and congested shipping lanes areas are mostly vulnerable to such pirate attacks

Many factors contributed to the rise in the number of piracy attacks in the 21<sup>st</sup> century. These include the existence of a vast number of vessels and ports, 46,000 and 4,000, respectively, technological advancement, increased political instability, sustained economic crisis and endemic corruption. The fact that 90 % of the world's trade is conducted through the sea without sufficient protection has also contributed to the proliferation of piracy. The fact that piracy is an inherently lucra-

tive business has also played a role.<sup>5</sup>

The high traffic waters of South East Asia have witnessed the largest number of attacks, accounting for 57 % of incidents reported globally since 1991. Among the South East Asian states, the waters of Indonesia followed by the Strait of Malacca are recognized as the most dangerous in the world. Indonesia accounts for 30 % of worldwide piracy attacks. Piracy incidents in South East Asia, however, have steadily declined. For example, only 28 incidents were reported in 2008 in Indonesia, as compared with 121 in 2003. The Malacca Straits has also registered only 2 attacks in 2008 compared to 7 in 2007. This reduction has been the result of increased security cooperation and patrolling by the bordering states and the continued precautionary measures on board ships.<sup>6</sup>

As the threat of piracy in South East Asia declines, it is increasingly becoming disturbing on the African continent. Only 70 pirate attacks were documented from the mid 1980s to 1997 in Africa. The number, however, has skyrocketed to 500 since 1998. Worse, Africa has registered the highest number of attacks in 2007 and 2008 than the rest of the world. 24 out of 33 states in Africa have experienced pirate attacks from 2001 to 2007.<sup>7</sup> Among these states, the majority of the attacks took place in Somalia and Nigeria followed by Tanzania. For example, Nigeria and Somalia recorded 173 and 95 attacks between 2001 and 2007, respectively, followed by Tanzania with 44.<sup>8</sup>

### Locations where most incidents of piracy took place

| Location                 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|--------------------------|------|------|------|------|------|------|
| Indonesia                | 121  | 94   | 79   | 50   | 43   | 28   |
| Malacca Straits          | 28   | 38   | 12   | 11   | 7    | 2    |
| Malaysia                 | 5    | 9    | 3    | 10   | 9    | 10   |
| Bangladesh               | 58   | 17   | 21   | 47   | 15   | 12   |
| Nigeria                  | 39   | 28   | 16   | 12   | 42   | 40   |
| Gulf of Aden/<br>Red Sea | 8    | 8    | 10   | 10   | 13   | 92   |
| Somalia                  | 3    | 2    | 35   | 10   | 31   | 19   |
| Tanzania                 | 5    | 2    | 7    | 9    | 11   |      |

Source: *IMB Annual Report*

The increasing number of pirate attacks around the globe have threatened international trade, the lives of seafarers and the entire maritime industry. According to the IMB, “the coast of maritime piracy ranges from \$13 - \$16 billion a year between the Pacific and Indian Ocean alone.”<sup>9</sup> The human cost of maritime piracy is also not negligible. For example, over 350 people lost their lives across the world from 1995 to 2007. And, about 2,500 vessel crew members were held hostage between 1995 and 2003. In the year 2008 alone, 889 crew members were taken hostages, 32 crews injured and 11 killed by the pirates. In the same year, 21 crew members were missing, presumed to be dead. The magnitude of the problem may be much broader given that there are many unreported piracy incidents.<sup>10</sup>

The international community reacted to the rising threat by codifying the United Nations Convention on the Law of the Sea (UNCLOS) in 1982. The convention defines piracy and sets out rules for combating the act. The International Maritime Organization (IMO) - a specialized organization within the UN and the IMB - part of the International Chamber of Commerce (ICC) have also become highly involved in anti-piracy activities. These organizations provide data on incidents of piracy on a regular basis. Moreover, they promote cooperation, coordinate communication systems and provide recommendations and guidance to governments and the maritime industry. At the regional level, the Regional Cooperation Agreement

on Combating Piracy and Armed Robbery against ships in Asia (RECAAP) was signed by 16 Asian states is the first successful counter-piracy cooperation.<sup>11</sup>

### 3. Piracy in Somalia

#### 3.1 History, Causes and Area of Concern

The coastal waters of Somalia have been the hot spots of piracy since 1991 - the year Somalia was left without a central government. Though short-lived, the year 2006 was an exception, as piracy incidents were almost insignificant when the Union of Islamic Courts (UIC) successfully sanctioned those involved.

The renewal of violence after the removal of the UIC by Ethiopian forces along with the Transitional Federal Government of Somalia (TFG) gave a new breeding ground for pirates. Piracy has now increased by threefold, and is becoming even more dangerous and sophisticated.<sup>12</sup> For instance, only 95 attacks were reported off the Somali coast from 2001 to 2007. By 2008, Somalia ranked first with 111 reported incidents, which is an increase of nearly 200% from 2007. The violence employed, the level of ransoms paid and the number of hostages taken have also increased.<sup>13</sup>

## East Africa: 149

### Pirate Attacks in East Africa (2001-2007)

|          |    |
|----------|----|
| Kenya    | 8  |
| Tanzania | 4  |
| Djibouti | 0  |
| Eritrea  | 2  |
| Somalia  | 95 |
| Sudan    | 0  |

Source: IMO

The rise in the number of pirate attacks in Somalia is attributed to many factors, political crisis being the major one. The political crisis, which followed the disintegration of central government in 1991, resulted in the worst humanitarian crisis, the most intractable political conflict and deep-seated lawlessness. Despite the effort by the TFG to consolidate power since 2006, Somali still suffers from lack of order and security. 18 years of violence and anarchy have in turn left the Somali people in despair, with over 1.5 million Somalis dependent on food aid. According to the World Bank, “a quarter of children die before age 5”. The rate of unemployment is also very high. All these factors have pushed many Somalis to be involved in the rather lucrative craft of piracy.<sup>14</sup>

Economically, Somalia is one of the poorest states. The rate of its per capital GDP is estimated to be \$ 600 per year. Moreover, according to the [World Bank](#), in the year 2008 as much as 73 % of the population lived on a daily income below \$ 2.”<sup>15</sup> Hence, piracy has become the biggest economy of Somalia, given its enormous payouts.<sup>16</sup>

In addition to the above stated factors, the very existence of the opportunity is also a critical factor for the rise in incidents of piracy. Somalia has 1,880 mile unruly coast along the Indian Ocean. This, in turn, has enhanced the number of target ships for the pirates, as they could access more ships within reach, and more safe places to launch attacks.<sup>17</sup> Somalia also commands access to the Red Sea and Gulf of Aden. It is one of the busiest

routes in the world. Around 20, 000 vessels - carrying oil and goods, destined to Europe and North America pass through this narrow gulf. This, in turn, provided sufficient targets for the pirates, as the ships are forced to reduce their speed to pass through the narrow and busy sea lane. The vast number of vessels passing through the gulf has thus considerably increased potential targets.<sup>18</sup>

The collapse of the fishing industry in Somalia in the past 18 years has also offered a breeding ground for piracy. The unruly coastal waters of Somalia have been heavily exploited by foreign fishing companies. For example, “between 1991 and 1999, over 200 foreign vessels were observed fishing illegally in Somalia; currently that number has risen to 800”.<sup>19</sup> This is believed to have cost Somalia some \$ 94 million revenue per year. Hazardous waste dumped by foreign companies has also damaged Somalia’s territorial waters. This, in turn, have threatened the lives of the local fishermen and forced them to switch to piracy.

Inadequate naval power and insufficient patrolling in the Horn of Africa, and in Somalia in particular, have provided a tremendous opportunity for the pirates. In the absence of a functioning central government, the coastal waters of Somalia were left unguarded in the past 18 years, which gave the pirates a room to maneuver freely. On the one hand, the TFG was unable to internally consolidate power, let alone effectively secure territorial waters. On the other hand, the maritime security interest of the United States [that has a military base in the Horn of Africa] is heavily linked to terrorism, piracy being very low in their list of priorities. The African Union Mission in Somalia (AMISOM) that was deployed to ensure peace there is heavily caught up with the local insurgency, let alone providing security for the long coast. Hence, the pirates armed with advanced technology and plenty of weapons found the opportunity to constantly launch attacks.<sup>20</sup> The frequency of piracy along with escalating ransom payments further attracted new recruits. In general, the ongoing crisis in Somalia, combined with Somalia's strategic location, deteriorating humanitarian condition and wrecked economy have literally made Somalia a *pirate state*.

### 3.2. Who is Profiting from Piracy?

According to the [East African Seafarers' Association](#) over 1,000 Somalis are actively engaged in piracy, and most of them are aged between 20 and 35 years. A single pirate is estimated to earn anywhere from \$ 6,000 to 10,000 for an \$ 1,000,000 ransom, which is quite a fortune given the high unemployment rate and poverty in Somalia. "This is approximately equivalent to two or three year salary for an armed guard at a humanitarian agency". The act of piracy in Somalia is launched by different groups including local fishermen, warlords and armed militia groups.<sup>21</sup>

Many of the pirates in Somalia are ex-fishermen whose life was threatened by the lack of fishing opportunities and who sought piracy as a lucrative business. Their skills and knowledge of the sea is an added value in launching successful attacks. They justify their actions by claiming that "they are involved in protecting Somalia's natural resources and that ransom payments should be viewed as legitimate taxation."<sup>22</sup> Some of the groups call themselves as National Volunteer Coast Guard and Somali Marines.<sup>23</sup>

Another group of pirates are organized, supported and facilitated by the warlords. The warlords, especially those who control territories in Puntland, have masterminded significant number of attacks. This has led to the suggestion that Puntland administrators have also benefited from the dividends of piracy. According to the UN Special Envoy to Somalia, Ahmadou Ould-Abdallah, "the Puntland leadership has made it easy for pirates to establish a base there [in Puntland]". Moreover, the fact that Abdullahi Yusuf, the former president of the TFG, being the former president of Puntland and being a member of the same clan of the current Puntland administrators, made some writers link the TFG with piracy. According to a Chatham House report, the Puntland administrators and the TFG leaders probably use the profit from piracy "to fund their paramilitary schemes or personal lifestyles."<sup>24</sup> Ex-militiamen who used to fight for the local clan warlords, and who used to give service for the former Puntland administration are also involved in piracy.

### 3.3. Reported Piracy Incidents

Dozens of ships have been attacked for ransom at the coast of Somalia, which is turning the Gulf of Aden and the Indian Ocean into an extremely dangerous maritime route. The number of pirate attacks doubled especially since 2007. For instance, only 2 ships were under attack by 2004. It then reached 37 in 2007, and by 2008 it skyrocketed to 111. It has been established that the pirates of Somalia mainly operate from Puntland, port Ely, Hobyo, and Harardheere being the major bases. As a result, most of piracy incidents occurred in the North Eastern part of Somalia and in the Gulf of Aden. Some of the attacks, however, took place as far as the coasts of Kenya and Tanzania, increasing their range up to 500 nautical miles. For example, the Saudi oil tanker was held 450 further offshore.<sup>25</sup>

Hijacking ships and hostage-taking for ransom has been the most common practice among the Somali pirates. All kinds of ships - big or small, industrial or commercial, civil or military - have been targeted. Out of 49 vessels hijacked worldwide in the year 2008, 42 were held by the Somali Pirates.<sup>26</sup> The most serious incidents reported were: Luxury yacht *Le Ponantand*, a Ukraine ship containing about 35 tanks allegedly for South Sudan and the 300 meters-long Saudi's super oil tanker carrying crude oil worth 100 million dollars.<sup>27</sup>

According to various statistics, the flag states most affected by Somali pirates were Liberia and Panama. The vessels of Germany, Singapore and Greece were also constantly targeted by the Somali pirates.<sup>28</sup>

### 3.4. Weapons Employed

The pirates' weapons ranges from knives, guns to rocket launchers, AK 47s, M 16 rifles, grenades and portable air defense systems. They are also using GPS systems and satellite phones to carry out the attacks. The pirates get most of these weapons from Mogadishu and some of it from Yemen. Despite the arms embargo imposed on Somalia by the UN since 1992, the country is still showered with dozens of weapons illegally smug-

gled in. The attacks are also believed to be assisted by a mother ship. Technical experts that operate technologically advance equipment like GPS systems, professional spokesmen and ransom brokers are also part of the piracy activities. They also allegedly get information from the Somali Diaspora about potential targets. In general, the possession of technologically advanced weapons, coupled with the alleged information they receive and the mother ship they own have increased pirates' potential to launch successful attacks.<sup>29</sup>

### 3.5. Ransom Paid to the Pirates

The year 2008 was very profitable for the pirates of Somalia. The amount of money they have collected in the same year was estimated to be \$ 30 million. According to a BBC [report](#), "the going rate for ransom payments is between \$ 300,000 and \$ 1.5million."<sup>30</sup> Some reports, however, raise the amount up to \$ 3.5 million. It should be remembered that \$ 3 million ransom was paid to release the Saudi oil tanker. The skyrocketing of ransom payments is making the Somali pirates more aggressive as they are able to buy new weapons, equipments and also fund new attacks. It has also motivated new pirates to join in.<sup>31</sup>

## 4. Impacts of Piracy

### 4.1. Local Consequences

The impact of piracy on Somalia can be seen from three different angles. It is feeding the internal conflict, disrupting aid and incapacitating Somalia's economy. It has been argued that piracy is fueling the war in Somalia and sponsoring terrorism. There are allegations that the pirates provide financial assistance to Al-Shabab - an Islamist insurgency listed as terrorist group by the US. The group is currently fighting against the TFG and Ethiopia before the latter's departure.<sup>32</sup> The pirates' alleged support to the Al-Shabaab, if true, will fuel the war in Somalia. There are, however, reports that contest such allegations. Accordingly, "it's unlikely for Puntlanders to arm Al-Shabaab - based far in the southern part of Somalia, and with a different clan make-up, at least not directly."<sup>33</sup> They are instead funding the TFG to sustain its power. Either way, piracy undermines peace Somalia's by feeding the ongoing war.

Piracy is also critically hampering aid delivery to Somalia. According to the World Food Programme (WFP), Somalia needs over 185,000 tones of food every year, with about 1.5 million people dependent on it. And, about 90 % aid is delivered through the sea. The hijacking of vessels carrying aid usually results in the suspension of food deliveries, which in turn jeopardizes the lives of the Somali people.<sup>34</sup>

Economically, piracy makes Somalia a very dangerous destination. It is discouraging potential overseas business partnership and investment. It is also reducing port revenues and funds available for Somalia's struggling economy. It also reduces the income of communities dependent on port revenues. And, it contributes to currency inflation as a result of large inflows of foreign currency earned by pirates. The Marine sovereignty of Somalia is also violated as a result of piracy. Now different states are allowed to enter into the Somali territorial waters freely in the name of combating piracy.

Though piracy is highly criticized for its negative consequences, some Somali residents, however, seem to appreciate the act. Accordingly, piracy is creating new business opportunities and jobs, especially in impoverished towns. Once the pirates caught the vessel, local traders supply foods, water and soft drink and other necessities for crews and the pirates until they conclude the ransom negotiation. The construction of new houses seems to also have benefited the local people and business community. In general, piracy activity is boosting Puntland's economy, given its insignificant annual income which is estimated to be \$ 10 million.<sup>35</sup> The mushrooming of piracy dependent industry is therefore creating new economic opportunity for the local people.

### 4.2. Regional and International Consequences

The marked increase in the number of reported attacks along the Somali coast and in the Gulf of Aden has caused a considerable damage to international trade.<sup>36</sup> The economic implication of piracy on shipping companies, insurance companies and states is excessively high. All major

shipping companies insure their ships and cargos. Nonetheless, when passing through the Gulf of Aden, which is considered a high risk zone by the insurance companies, the premium increases. A recent study estimates an increase in insurance and transport costs from \$ 500 to 20,000 per voyage through the Gulf of Aden.<sup>37</sup>

The increasing insurance premium coupled with ransom payment is causing a considerable damage to the shipping companies and flag states. Hence, some shipping companies are forced to either increase the cost of shipping or take a longer route [meaning extra travel and fuel]. Either way, it affects the prices of goods, adding fuel to the existing inflated prices. States in the Horn of Africa and the Arabian Peninsula and those states whose trade transits through the Gulf of Aden are, therefore, suffering from the higher trading cost<sup>38</sup>

The human cost is also of serious concern for the international community. For example, out of the 889 crew members taken hostage in 2008, 815 were taken in Somalia. 4 people lost their lives, 14 are still missing and 2 crews were injured as a result of Somali pirate attacks. Piracy incidents could also increase the possibility of environmental degradation. Pirates have been indiscriminately firing Rocket Propelled Grenades in order to capture potential targets. Such violent act against chemical and oil tankers could result in major oil spillover and cause environmental damage in the Horn of Africa.<sup>39</sup> This happened to the 150,000-ton Japanese oil tanker, though the spill was contained before causing major damage<sup>40</sup>

## 5. International Response

Threats emanating from the lack of maritime security affect all states and, therefore, require an international solution. Especially in Somalia - in the absence of strong central government - the burden of ensuring maritime security is mainly left for the international community. This, in turn, requires a collective effort from state actors and non-state actors involved in the maritime business, international organizations and the maritime industry. Accordingly, the UN and other major international

organizations such as the IMB and the IMO passed resolutions, protocols and circulars in an effort to prevent and suppress piracy off the coast of Somalia. The IMO issued a firm guidance to deter incidents of piracy. The IMB provides a communication channel for ships under attack to seek assistance from naval forces patrolling the area.<sup>41</sup>

The UN Security Council passed a series of resolutions in combating piracy off the Somali coast. Resolution 1816, which was unanimously adopted on 2 June, 2008, gives the right to enter Somalia's territorial water for foreign warships in order to fight piracy for a period of six months, in cooperation with the government of Somalia. The resolution affirmed that the authorization for action applies only with respect to the Somali exceptional situation and should not be considered as establishing customary international law. It also requires states to coordinate their efforts. Resolution 1816 was renewed by Resolution 1846, which extended the mandate for 12 months and gave permission for states to use "all necessary means" - such as deploying naval vessels and military aircraft, as well as seizing and disposing of boats, vessels, arms and related equipment used for piracy. Resolution 1838 "calls upon all states interested in the security of maritime activities to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft." Resolution 1851 calls states combating piracy to conduct operations on land in Somalia for the period of one year.<sup>42</sup>

As per the UN resolutions and request from the IMO and the IMB, the Gulf of Aden and the Indian Ocean are being now regularly patrolled by naval forces from the US, China, Iran, Spain, Britain, Canada, Denmark, France, Russia, Malaysia, India, the EU and NATO. NATO and EU vessels are mainly tasked with escorting WFP aid deliveries. The anti-piracy operation is also assisted by CTF-150. CTF-150 is a multinational task force established in the aftermath of 9/11 by the US, primarily tasked to fight terrorism in the Gulf of Aden, the Gulf of Oman, the Arabian Sea, the Indian Ocean and the Red Sea. As piracy becomes a concern off the Somalia coast, CTF-150 received an expanded mandate to combat and deter it. As a

result, it established a Maritime Security Patrol Area (MSPA), in August 2008 to protect ships passing through the Gulf of Aden. A force of coalition Navy warships and aircrafts from the US, United Kingdom, France, Denmark, Pakistan, Canada, Germany and Spain have been patrolling the MSPA.<sup>43</sup>

Pirates caught by CTF-150 and other states' naval forces were taken to court in Kenya and Yemen. In November 2008, a seven-year prison sentence was passed by the Kenyan court on 10 Somali pirates. Some other states like France and Denmark, however, choose to hold their own piracy-related trials.

At the regional level, more recently, a program of meetings was initiated to promote regional action addressing piracy and armed robbery against ships in the wider context of maritime security. The first of these gatherings was held in Yemen in April 2005 for states in the Red Sea and the Gulf of Aden areas.

The combined anti-piracy action is having a positive effect. It helped to deter an increasing number of pirate attacks. However, pirates still have successfully targeted several vessels in the region, including vessels transiting within the MSPA.<sup>44</sup>

## **6. Challenges of Fighting Piracy and Prospects**

Despite the above-mentioned efforts by the international community, piracy still does exist and continues to pose a considerable threat to maritime security. The fight against piracy has been challenged by a number of factors including the lack of improvement in the internal political and security situation of Somalia, the high cost of deploying naval forces and the ever-increasing capacity of the pirates.

The deteriorating situation on the ground in Somalia is one of the major obstacles to successfully eradicate piracy off its coast. The Islamist insurgency has only continued to grow in intensity. Unless the root causes of the Somali political and security problem are tackled piracy will continue to flourish.<sup>45</sup> Moreover, the new-found methods and

efficiency of Somali pirates also challenge the battle against piracy. Somali pirates are well armed, more sophisticated and more determined than ever.

The failure to report piracy incidents to the relevant authorities also makes the fight more difficult. Some Piracy Reporting Centers claim that the under-reporting around the globe ranges from 20 % to 70 %. Many reasons are ascribed for this, including the fear of time-consuming investigations which could result in delays and additional costs, the fear of negative reputations and increased insurance rates. For example, a delay of just one day can signify EUR 10,000 of extra harbor fees and fuel costs. As a result of under reporting, the precise extent of piracy is unknown, in a way that further complicates the fight against it.<sup>46</sup>

The foreign military presence in the Indian Ocean and the Gulf of Aden resulted in the temporary reduction of pirate attacks. It, nonetheless, did not fully guarantee maritime security. A German Liquefied Petroleum gas carrier named the *Long Champ* was captured by the pirates on January 29, 2009 in the Gulf of Aden even as it was being escorted by a naval convoy. The failure to stop the attacks is mainly ascribed to the insignificant number of naval ships deployed in the area. For example, CTF-150 is endowed with less than 20 ships and is accordingly unable to fully give protection for ships passing through 205,000 square miles MSPA area, let alone fully covering the Somali coast and also both the Gulf of Aden and the Indian Ocean whose length exceeds 2.5 million square miles. Maintaining enough naval vessels for a long time is also too costly. "The cost for fuel, munitions, maintenance and crew rotations for a fleet, which must consist of at least 20 larger ships to make a real difference, would vastly exceed the ransoms now paid over the course of one year". This factor remains to be a challenge for the international community.<sup>47</sup>

Lack of commitment is also another major factor hindering the successful deterrence of the act. CTF-150 is, for instance, primarily occupied with the war on terror at the expense of piracy. CTF-151 was established in January 2009 to alleviate this problem, even though its effectiveness remains yet to be seen.

The effort by the naval forces to curb piracy is also affected by a lack of legal framework to bring to justice Somali pirates. Some pirates were even released without being tried.<sup>48</sup>

## 7 Conclusion

Piracy is threatening not only the internal peace and the economy of Somalia but also international and regional trade. The deployment of naval forces by the international community has somehow subdued temporarily piracy activities. Nonetheless, effective maritime security has become difficult to achieve due to the continued instability in Somalia. Hence, a concerted effort should be employed by the international community to tackle the root causes of the problem which include poverty, instability and a chronic lack of employment.

## 8 Recommendations

The large number of piracy attacks, both reported and unreported, has caused serious damage to Somalia and the international community. Despite the effort being exerted by the international community, the problem still persists along the Somali coast and in the Gulf of Aden. Hence, a combination of the following measures should be employed to more effectively combat the threat:

- The Somali pirates are well armed and violent. As a result, employing violent counter piracy mechanisms may result in tragic consequences. Instead, all vessels should employ unsophisticated measures to deter and counter piracy attacks. This includes the use of fire hoses to spray water along the sides of the vessel, the assembly of crews into safe areas, the use of barbed wire and other device may make it difficult to board the vessels, frequent course change and maintenance of strict 24 hours visual and radars. Such measures will allow vessels to utilize different tactics to escape from pirates' attacks. It would also give them time to request assistance from various authorities including the IMB-PRC and naval forces stationed in the area.

- In the short term, naval vessels from different states should continue to patrol the area in a coordinated way. But, if the piracy attacks are to be permanently stopped, the political problem in Somalia must be addressed properly. The international community should commit itself in bringing about a comprehensive political settlement and in establishing a genuinely functional and broad-based government in Somalia. Unless the international community tries to address the misery and despair on land, the fight against piracy will be difficult if not unproductive in the long term.
- An effective legal framework to prosecute pirates should be put in place.
- Ransom payments ought to be minimized, thus decreasing the incentive to be involved in piracy. The insurance companies, therefore, should collectively press for setting a minimum for ransoms.
- Illegal fishing in the Somali territorial waters must be immediately stopped.
- All vessels should report actual or attempted piracy incidents to the relevant authorities.

### Footnotes

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