

Somali Piracy

Regional Context and International Response

Due mainly to the disintegration of central government authority in Somalia, the lack of maritime security around the Horn of Africa has become a grave problem. Piracy is just one manifestation of the dire lack of maritime security. This is one of the few cases in Africa where security problems on land have affected maritime security. The origin and nature of the maritime security problems and piracy are discussed in this article. The further focus is on the impact and the international response to Somali piracy. The region is in need of an integrated 'ocean policy', involving national, regional and international players.

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The sea makes global trade possible and also provides us with vast resources. Much of Africa's international trade moves through its ports, while its maritime resources, that could contribute much towards sustaining development, are underutilized and threatened. Pervasive maritime insecurity is a significant threat to security in Africa, to the shipping around Africa's coast and to maritime resources, specifically in areas such as the Horn of Africa. The Horn of Africa is a choke point as the internationally important trade routes around it link the Indian Ocean with the Suez Canal and beyond. Securing free and safe traffic around it is internationally important. Mainly due to the disintegration of central government authority in Somalia, the lack of maritime security in the region is a grave problem. This is one of the few cases in Africa where security problems on land have affected maritime security. Not enforcing the law at sea and the lack of maritime security has real impact on regional security and the stability of the entire region. Piracy, so often the news focus, is just one manifestation of the dire lack of maritime security, but it receives much attention. With valuable cargoes traversing the waters around

the Horn of Africa, it is of international concern and naval vessels from many countries now patrol these waters.

This paper is essentially concerned with piracy around the Horn of Africa. Following a few brusque remarks on the security situation in the region and the causes of piracy, the nature, impact and the international response to Somali piracy will be briefly discussed.

Origin and nature of the maritime security problems and piracy

For decades conflicts involving Ethiopia, Sudan, Eritrea and Somalia, have ravaged the Horn of Africa region. The Cold War interests of the major powers initially added to the turbulence, but these conflicts soon became interrelated. Countries were not only fighting each other, but factions in the various countries obtained and provided support to belligerents across national borders.

Somalia has been in disorder for the best part of two decades. After the notoriously repressive regime of President Siad Barre came to an end in January 1991, Somalia collapsed into a state of chaos and civil war.¹ With utter lawlessness, banditry, mass starvation and no organised government, warlords fought each other for the spoils and

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¹ See Martin Meredith, *The State of Africa. A History of Fifty Years of Independence* (Jonathan Ball, Johannesburg, 2005), p. 469 and G. Arnold, *Africa. A Modern History* (Atlantic, London, 2006), pp. 660-3.

policing along Somalia's coast and harbours disappeared. The humanitarian situation is extremely serious as millions of Somalis depend on humanitarian aid – of which 80 percent is delivered by sea.

Three international intervention efforts (UNOSOM I and UNITAF and UNOSOM II) essentially failed during the early 1990s.² The largest, UNOSOM II (20 000 peacekeepers, 8000 logistical staff and 3000 civilians from 23 nations) had a mandate to establish a new government, police force, justice system and to rebuild the economy. Their efforts to disband and disarm the militias failed and after US helicopters and troops were mauled in an urban skirmish in Mogadishu (the infamous “Black Hawk Down” incident in October 1993), the US withdrew in March 1994.³ Other participants soon followed, essentially leaving the warring factions to their own designs. Various subsequent mediation efforts failed as the warring factions received support from countries in the region. In June 2006 the Union of Islamic Courts (UIC) seized Mogadishu and much of the south. However, at the end of 2006 forces loyal to the interim administration (Transitional Federal Government (TFG) created in 2004), seized control from the Islamists with the backing of Ethiopian troops. This caused a surge in violence. An African Union (AU) peacekeeping mission (AMISOM), currently in Mogadishu, relieved the Ethiopians. However, it is small (as a number of African countries did not contribute to it as promised), faces logistic, technical and financial constraints, while it is often the target of insurgent attacks. Only parts of Mogadishu are under government control and 2009 has been characterised by multi-sided fighting between government

forces, AMISOM and Islamist insurgents.⁴ Somalia is still without strong central government authority and it is one of the failed post-Cold War efforts at conflict resolution.

The anarchic situation ashore has spilled over into the maritime domain, causing a severe lack in maritime security. This is a grave problem which impacts on all aspects relating



2 A. Oyeade and A. Olao, *Africa after the Cold War. The Changing Perspectives on Security*, (Africa World Press, Trenton NJ, 1998), p. 162.
 3 Meredith, *State of Africa*, pp. 478 and 482-3.
 4 International Crisis Group, “Somalia: to move beyond the Failed State”, *Africa Report*, No 147, International Crisis Group, 23 December 2008, pp ii, 20 and 25.

to the use of the sea. Serious environmental degradation has taken place as countries in the region claim vast damage as a result of illegal fishing, reef destruction and the depletion of many species. Also, unknown quantities of illicit (often toxic and radioactive) waste have been dumped in Somali waters. Though the full extent of it is unknown, it certainly poses a serious threat to the environment and people. Also in humanitarian terms the impact has been severe. Besides the famine in Somalia, food shipments and the distribution of relief supplies are often threatened, while human trafficking and smuggling abounds.



PHOTO UNITED NATIONS, M. GRANT

A member of the Nigerian contingent of UNOSOM II surveying the city of Mogadishu, May 1993.

In economic and strategic terms the region is paying a severe penalty as the situation impacts on imports and exports, fishing, trade, and taxes. Piracy is big business and pirates often cooperate with organised crime syndicates to gain information on vessels and cargoes. Kenya, for example, has claimed that the cost of piracy has been substantial, to be calculated in billions of Kenyan Shilling.⁵ Countries have also lost much income from coastal tourism as much of the potential leisure shipping keeps well clear. Those that do venture into these waters take a serious risk, as recent incidents indicate.

The former Somali Navy no longer exists. Though semi-autonomous region of Puntland has a small coast guard and some countries in the region operate small functioning navies (notably Yemen, Kenya and Djibouti), they are not able to control the situation. In maritime security terms the region lacks capabilities such as intelligence, early warning, maritime air surveillance and reconnaissance. No credible indigenous maritime forces with sufficient mobility, flexibility and firepower necessary for sustainable operations and deterrence, exists, coastguards and civilian maritime agencies are wanting, while there is no single agency or body coordinating maritime security in the region.

Large scale piracy is obviously possible due to the lack of maritime security. As very little surveillance and law enforcement takes place in the maritime domain, it is easy to engage in illicit activities and get away with it. The lawlessness provides many opportunities to the unscrupulous as well as the chance to make easy money in a country without a functioning economy. Many of the pirates jailed in Puntland will be quick to point out that they were fishermen that had to turn to piracy because the illegal and over-fishing by foreign vessels destroyed their livelihood. Therefore their actions are seen by many as self-defence and a way in which the marginalised can fight injustice. However, their illicit activities often involve much more than piracy and hijacking: Some international sources suggest that those involved in piracy might also be engaged in human trafficking across the Gulf of Aden, return to Somalia with smuggled goods and belong to smuggling networks.⁶

The dramatic increase in piracy around the coast of Somalia can therefore be associated with some of the following: the anarchic situation in Somalia (or the notion of the failed state) with the accompanying inability to enforce law and order at sea, the poverty and desperation of the Somali people,⁷ the vast amount of targets available as a result of the rich trade traversing the Horn of Africa, the relative ease with which a fortune could be

5 "Multi-national force deployed to combat piracy off East African coast", *Biblioline Basic*, in <http://www.eastandard.net>.

6 Interviews with representatives of Security Companies operating in the Gulf of Aden.

7 "Piracy plagues Somali waters", *OXFAM*, 19 November 2007, available at http://www.oxfam.org.uk/news/2007/11/16/somalia-piracy-africa-biz-cx_1119oxford.html.

made through hijackings, the lack of coastal and port surveillance, and, no doubt, to criminality and greed.

Piracy: Somali style

Maritime piracy is a cause of great international concern. Contemporary piracy is a sophisticated and brutal enterprise that includes petty thieving with machetes and hand guns, the well organised activities of criminal organisations and the hijacking of merchantmen for ransom. As with other criminal undertakings it threatens finance and commerce, but in the Horn of Africa region it goes beyond that — it also threatens peace and regional stability as well as international trade.

Who are the pirates? In most cases (but not always) they are from the Puntland region in northeast Somalia. Why? Government authority and laws are not enforced, while very little action is taken against piracy. The pirates are after ransom from the ship owners, cargoes and money (either for themselves or to finance the array of clan-based militias ashore). Due to the extensive Somali coastline, combating piracy is difficult. It is often hard to determine who the pirates are, as groups professing to fight piracy are actually engaged in it. Many of the initial attacks and ships held for ransom was by groups claiming to be a “Coast Guard” acting against illegal fishing. Soon it was difficult to distinguish between vessels held for illegal fishing and ships simply seized. After 2000 the distinction seemed to have vanished and by 2005 random seizing of ships reached “outlandish proportions.”⁸ Some pirates organise themselves along military lines, with names like “National Volunteer Coast Guard” or “Somali Marines” and award naval rank designations to their leaders. Pirate arms include AK-47s, 12.7mm and 14.5mm heavy machine guns, rocket propelled grenades and rocket launchers.⁹ Pirate towns abound. In Puntland the most prominent group operates from the Eyl region, while other pirate havens include Bossaso, Haradhere (Xarardheere), Quandala and Hobyo.¹⁰

Hijacking ships for ransom is the most common. The *modus operandi* of the pirates can include the following: lure ships into an ambush with false distress calls or attack them with small, fast and manoeuvrable open boats (skiffs) with powerful outboard engines. As many ships steered further from the Somali coast and the small boats have a limited range and sea keeping capability, assaults further from the coast or on the high seas are often supported by a “mother ship”. Such vessels could be anything from trawlers to tugs which would tow open boats (to be used for attacks). Ships are induced to reduce speed by firing at them, or are boarded while underway. This happens quickly – from sighting the pirates to boarding could take fifteen minutes.¹¹ After a vessel has been captured, the crew will be rounded up and may even be taken ashore until a ransom is obtained, while the ships will usually be anchored along the coast. Besides hijackings more ‘traditional’ pirate attacks and cargo theft have also taken place. Many attacks have taken place as ships sail through the congested Gulf of Aden, the Bab el Mandeb Strait, or wait to anchor along the Djibouti coast. Container ships, carrying most of the trade in manufacturing goods, are high out of the water and sail faster, making them more difficult prey, while tankers and bulk carriers (carrying oil, chemicals, coal, wheat and other commodities) are slower, deeper in the water and easier targets. However, all types of ships have been attacked, including ships transporting vehicles, humanitarian food aid and even cruise ships.¹²

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- 8 James Kraska, “Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea”, *Comparative Strategy*, 28 (3), July 2009, p. 199.
 - 9 “Waters that prompt fear from the toughest of sailors”, *New York Times* (New York), 3 July 2006, available at <http://www.nytimes.com/2006/07/03/world/africa/03somalia.html> and “Piracy plagues Somali waters”, OXFAM, 19 November 2007, available at http://www.forbes.com/home/business/2007/11/16/somalia-piracy-africa-biz-cx_1119oxford.html.
 - 10 “Piracy networks identified – UN”, *News 24*, 19 March 2009, available at http://www.news24.com/News24/Africa/News/0,,2-11-1447_2487963,00.html.
 - 11 Roger Middleton, “Piracy in Somalia. Threatening global trade, feeding local wars”, *Chatham House Briefing Paper*, October 2008, AFP BP 08/02, p. 4, available at www.chathamhouse.org.uk.
 - 12 “Piracy spurs threats to shipping costs”, *Wall Street Journal*, 19 November 2008; and “Piracy plagues Somali waters”, OXFAM, 19 November 2007, available at http://www.forbes.com/home/business/2007/11/16/somalia-piracy-africa-biz-cx_1119oxford.html.



PHOTO: REUTERS

Somali people wait to collect their money outside a former local bank in Harardheere, where pirates were dividing ransom payment obtained for the freeing of the Spanish ship *Alakrana*, November 2009

Maritime watchdogs, who meticulously record incidents of piracy, indicate an alarming increase around the Horn of Africa since the late 1990s. From January 1994 to December 2007, 151 “serious attacks” took place in Somali waters, resulting in hijackings, robbery and crew members being killed or injured. Many incidents went unreported. By 2005 Somalia was a piracy hotspot with 35 recorded attacks and 15 hijackings, while by April 2006 45 attempted and 19 successful hijackings had

taken place since the beginning of 2005.¹³ After the UIC seized Mogadishu (June 2006), they declared piracy a crime and captured pirate centres and ports in order to re-establish regular trade. As a result piracy decreased dramatically during the latter half of 2006.¹⁴ The situation worsened again after Ethiopian and Somali troops ousted the UIC at the end of 2006. Hijackings rose to a high of 31 in 2007 and 42 in 2008. According to the International Maritime Bureau (IMB) 111 reported pirate attacks took place in 2008 (122 incidents according to the USN). This implies that 0,5 percent of the total traffic was attacked, while 38 percent of the reported attacks were successful. Somali waters accounted for close to 40 percent of the 293 pirate attacks reported in 2008.¹⁵

From January to June 2009 actual and attempted piracy attacks ascribed to Somalia pirates amounted to 148 and 30 vessels were hijacked. Geographically these attacks took place off the east and south coast of Somalia (44 attacks), in the Gulf of Aden (86 attacks), Southern Red Sea and Bab El Mandeb Strait (14 attacks), Arabian Sea (one attack), Indian Ocean (one attack) and off the east coast of Oman (two attacks). During these attacks 495 crewmembers were taken hostage, four were killed, one went missing and six were injured.¹⁶ Successful hijackings as a percentage of attacks are lower, which could be ascribed to the large foreign naval presence in the Gulf of Aden and to the fact that many ships are applying passive and/or active anti-piracy measures. As far as the 2009 statistics is concerned, it must be emphasised that a more reliable picture will only be available by the end of the year as weather conditions are not conducive for small boat operations during the Southwest Monsoon season (between March and September).

The dramatic increase in Somali piracy could be linked to the lucrative potential of such undertakings. During 2008 pirates pocketed many millions in ransom money alone. Estimations range from a conservative \$ 30 million (USD), to as much as \$ 150 million

13 Henri Fouché, “Piracy: the African Experience”, paper delivered at the International Conference on Maritime Security in Southern African Waters, 22-23 July 2008, STIAS, Stellenbosch, p 5; and “Piracy and maritime crime (Horn of Africa)”, *UKMTO Dubai Briefing*, UK Maritime Trade Operations, 21 September 2006.

14 “Somali pirates release Taiwanese ship”, *Agence France-Presse*, 5 November 2007 in CHINFO News Clips, 6 November 2007.

15 The statistics vary as a discrepancy exists between the sources. However, the reporting of the International Chamber of Commerce International Maritime Bureau (ICC IMB) could be regarded as “reliable”. See *Piracy and Armed Robbery against Ships*, Annual Report 1 January 2008 – 1 December 2008, ICC IMB, London, January 2009. See also “Reported piracy incidents rise sharply in 2007”, *Weekly Piracy Report*, ICC, Commercial Crime Services, available at <http://icc-ccs.org/main/news.php?newsid=102>; CNN, 5 May 2008, in CHINFO News Clips, 6 May 2008; US Navy Office of Information, “Counter piracy and Combined Task Force 151”, *Rhumb Lines*, 16 January 2009; and “IMB Reports unprecedented rise in maritime hijackings”, ICC Commercial Crime Services, 16 January 2009, available at http://www.icc-ccs.org/index.php?option=com_content&view=article&id=332:imb-reports-unprecedented-rise-in-maritime-hijackings&catid=60:news&Itemid=51.

16 ICC IMB Piracy and Armed Robbery Against Ships, Report for the period 1 January - 30 June 2009, London, July, 2009, pp. 1-8 and 20. By the time of writing this report (August 2009), 32 vessels were hijacked.

(USD) according to Kenya's Foreign Minister.¹⁷ High ransoms are still at the order of the day, as \$ 2.75 million (USD) was paid (August 2009) for the release of the German containership *Hansa Stavanger* and her crew (held hostage for four months). Two attempts to free the ship by force were abandoned because it was considered too dangerous. German politicians, however, have criticized the payment, arguing that it makes further hijackings more likely and the Indian Ocean even more dangerous for European ships.¹⁸

Piracy represents the only booming industry in Somalia. It certainly is very lucrative in a country whose economy was ravaged by internecine conflict. As a result probably 1400 Somalis are actively engaged in piracy. According to some experts, the rise of a wealthy pirate class in a politically and economically weak Somalia, might cause Puntland, where much of the piracy activities are based, to become a 'pirate state'.¹⁹ As Puntland is one of the poorest regions in Somalia the economic motive is obvious and the indication is that specific groups have been in the "business" for a while. Though the higher echelons of the "Somali government and clan structure are not directly involved in organizing piracy, they probably do benefit", perhaps "as a gesture of goodwill".²⁰ A pirate hub like Eyl (tailor-made for pirates and their hostages) is a safe haven for pirates and little is done to stop it. The town becomes a hive of activity when a hijacked vessel arrives. "Accountants" and "negotiators" with laptops appear and commence with negotiations, while special arrangements are being made to look after the hostages. Again, the economic motive is obvious: as a 39-year-old Somali pirate explained to a Kenyan journalist, "... my life has changed dramatically because I've received more money than I ever thought I would see, in one incident, \$ 250,000 ... it is incalculable how much money I have made ... I buy cars, weapons, and boats ... having a good time...".²¹

A number of high profile piracy incidents that received much attention in the international

media took place during 2008. These included the Danish-owned tug *Svitzer Korsakov*, the French luxury passenger yacht *Le Ponant*, the Spanish trawler *Playa de Bakio*, the Ukrainian *Faina* and the Saudi super tanker *Sirius Star*. Ransom was paid in all cases, but the French later managed to capture six of the pirates involved in the *Le Ponant* hijacking.²²



PHOTO: UNITED NATIONS, R. BROWN

The Security Council meets to consider the situation in Somalia as well as the issue of pirates and high seas piracy in the region, November 2009

The capture of the *Faina* (on 25 September 2008) caused a stir as the ship, destined for Mombassa, had 33 T72 battle tanks, rocket-propelled grenade launchers, anti-aircraft guns and ammunition on board.²³ The armaments were ostensibly for Kenya, but Kenyan armaments procurement policy does not provide for such ad hoc acquisitions and Kenya

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- 17 D.S. Reveron, "Think again pirates", in *Foreign Policy*, January 2009; "US 5th Fleet Announces new international anti-piracy force", Agence France Presse, 8 January 2009; "America sets up new antipiracy naval force", *The Telegraph*, 8 January 2009; and "U.N. Group charts new course against piracy", Associated Press, 14 January 2009, in CHINFO News Clips, 9 and 15 January 2009.
- 18 "German Politicians Criticize Ransom Payment to Somali Pirates", *Spiegel Online International*, 5 August 2009, available at <http://www.spiegel.de/international/world/0,1518,640543,00.html>.
- 19 "Report of the International Expert Group on Piracy off Somalia", UN Political Office for Somalia, Draft Concept Note, 24/11/2008.
- 20 Middleton, "Piracy in Somalia", p. 5.
- 21 "Somali pirate tells why he is happy attacking ships", *Nation* (Kenya), 20 January 2009.
- 22 "How savage pirates reign on the world's high seas", *The Observer*, 27 April 2008; "Somali President asks French for troops, naval help", *Reuters*, 5 May 2008; "Crew of Spanish ship home after hijacking off Somalia", *Associated Press*, 30 April 2008; and "Brute force on the high seas", *Der Tagesspiegel*, 25 April 2008.
- 23 "MV Faina finally enters Kenya waters", *The Standard* (Kenya), 10 February 2009.

also operate NATO-type equipment. Many sources suggested that the cargo was destined for southern Sudan, as insiders from the 'Rift Valley Railways' indicated that two previous consignments of tanks were delivered by train. The Kenyan military repeatedly stated that the tanks belonged to them and that Kenyan military personnel would undergo training in the Ukraine. The pirates initially demanded a \$ 20 million (USD) ransom, but settled for \$ 3 million (USD) after five months. *Faina* eventually docked at Mombassa on 13 February 2009, a week after being released.²⁴ Her cargo was declared the property of Kenya's Department of Defence, went through customs, was offloaded, and moved to Nairobi's Kahawa Barracks within a week.²⁵

In an incident that alarmed the international shipping industry, it became clear that pirates are capable of extending their operations to even further away from their bases. A Saudi super tanker, the *Sirius Star*, was captured 450 nautical miles south-east of Kenya on 15 November 2008. It was thought that a captured Nigerian tug acted as the pirate "mother-ship" and the fully-loaded ship, low in the water, was probably easy to board.²⁶ The *Sirius Star* was the biggest ship to be hijacked and was carrying two million barrels of oil (a quarter of Saudi Arabia's daily output) worth \$ 100 million (USD). The ship was anchored off the Somali coast, close to the pirate town Eyl, and the initial ransom demand was for \$ 25 million. A ransom (probably \$ 3 million)

was dropped onto the ship by parachute on 9 January 2009. However, six of the pirates with part of the ransom drowned when their overloaded boat capsized.²⁷

The ability of the pirates to track and attack the *Sirius Star* so far off, suggests that they probably had electronic intelligence of its whereabouts. Soon afterwards (7 December 2008) a Dutch-operated container ship outran pirates attacking it with rocket-propelled grenades. The attack is significant because it occurred off the coast of Tanzania, 450 miles east of Dar es Salaam.²⁸ This is an indication of a greater southward expansion of pirate operations, away from constant naval patrols and the Gulf of Aden.

As far as the asymmetrical threat and the possibility of terror is concerned, the *Achille Lauro* incident (hijacking of an Italian cruise ship by members of the Palestine Liberation Front in October 1985) indicated that maritime terrorism is a real threat and states need to consider potential responses. Port security was emphasised after the attack on the *USS Cole* in Aden (12 October 2000), but after the "9/11" attacks the focus quickly turned to air transport. Soon afterwards, on 6 October 2002, the potential danger an asymmetric attack at sea posed, was dramatically illustrated when the French super tanker *Limburg* was rammed amidships by an explosive-laden dinghy in the Gulf of Aden, a few miles off Yemen. The ship burned fiercely and much of her cargo spilled into the sea. The oil price immediately increased, while Yemen lost millions in port revenues as international shipping decreased.²⁹ Of significance is the fact that vessels, even merchant vessels, can be used as weapons of war and not even warships are exempted from possible harm. Furthermore, it is obvious that a very effective way to disrupt the global economy is by attacking oil supplies, or supply routes. In this respect, shipping around Somalia and in the Gulf of Aden is specifically vulnerable.

Kenyan security sources have claimed that Al Qaeda could even be involved in piracy in

24 "Pirates lock out brokers", *The Standard* (Kenya), 22 January 2009; "MV Faina: Freed at last ... but whose arsenal is it?", *The Standard* (Kenya), 6 February 2009; "Pirates to free ship for \$ 3 million ransom", *Nation* (Kenya), 3 February 2009; "Crowd cheers as Ukrainian ship sails in", *Nation* (Kenya) 13 February 2009.

25 "Arms ship's full cargo revealed", *Nation* (Kenya), 17 February 2009; and "Cargo from MV Faina moved to Nairobi today", *The Standard* (Kenya), 18 February 2009.

26 "Hijacked tanker with \$ 100m oil anchors off Somalia coast", *The Standard* (Kenya), 18 November 2008; and "After Hijacking, Saudi Foreign Minister says nation will join anti-piracy efforts", *Washington Post*, 19 November 2008.

27 "Saudi tanker crew 'safe and well'", *BBC News*, 10 January 2009; and "Six pirates drown leaving freed Saudi supertanker", *Agence France Presse*, 10 January 2009, in CHINFO News Clips, 12 January 2009; "Pirates release hijacked tanker", *Wall Street Journal*, 10 January 2009.

28 "Cargo ship outruns pirates off Tanzania", *CNN*, 7 December 2008, in CHINFO News Clips, 9 December 2008.

29 G. Luft and A. Korin, "Terrorism goes to sea", in *Foreign Affairs*, November/December 2004; and "Tanker attack fits bin Laden's economic war", *Independent*, 8 October 2002.

the Horn of Africa region to help finance operations. Many observers do not agree with this notion, and even senior US officials have stated there are “no links” indicating that pirates work for any “established terrorist group”.³⁰ Robert Kaplan has an interesting take on the terror notion, warning that fusion between piracy and terrorism might not be impossible: “a scenario whereby a cruise ship would be captured, and the Americans and Britons on board rounded up and threatened with being thrown overboard if certain demands are not met”.³¹ To prevent such a scenario immediate action is necessary, specifically as naval coalitions have proven easier to create than coalitions ashore.

Potential responses to maritime insecurity

Complex situations call for complex solutions. Maritime policing and navies alone cannot rectify the situation and ensure maritime security. Much of the solution to the maritime security problems are essentially ashore and the typical business of restoring order in a country require the establishment of a proper, operating civilian system of law and order as well as functioning policing ashore. Judging from the failed peacekeeping efforts, the breakdown of various agreements to form a new government and create order as well as the decades of anarchy, this is a vast challenge. Furthermore, the lack of law and order at sea contributes towards making things worse ashore, specifically as organisations engaged in transnational crime (such as human trafficking and smuggling) poses a threat to proper state authority and undermine the rule of law and security. The unique challenge is therefore to create order ashore and at sea.

Various agencies, bodies and states, would have to work together to improve maritime safety and security, harbour security and environmental care. Often the mere presence of a coastguard and civilian policing agencies does much to enhance maritime security. However, maritime policing and coastguards are insufficient in the region and international



Recently, the U.S. Africa Command started using the unmanned aerial vehicle Reaper to monitor pirate activity off the Somali coast

naval cooperation has contributed towards maritime security.

International Cooperation and Unilateral Actions by States

The lack of maritime security around the Horn of Africa severely affects countries in the region and is also the subject of much international concern. It resulted in a series of United Nations Security Council (UNSC) resolutions and considerable international naval involvement in the region.

By early 2008, France, the US, The United Kingdom (UK) and Panama sought consent from the UNSC to allow states to pursue pirates into “the territorial waters of Somalia ... [to] deter, prevent and repress piracy ... board, search, and seize vessels ... suspected of piracy and apprehend persons engaged in such acts”.³² Weakened by war and instability, Somalia agreed to such a violation of its own sovereignty, stating that forces might “come ashore if necessary”.³³ As a result the UNSC adopted a series of resolutions during 2008,

30 “Multi-national force deployed to combat piracy off East African coast”, *Biblioline Basic*, available at <http://www.eastandard.net>; and “U.N. Group Charts New Course Against Piracy”, Associated Press, 14 January 2009, in CHINFO News Clips, 15 January 2009.

31 Robert Kaplan, “Hot spots: Somalia events could force US to ramp up piracy fight”, *Wall Street Journal*, 5 January 2009.

32 “Update Report No. 1 Somalia”, *Security Council Report*, UN Security Council, 2 May 2008, available at <http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.4096805/#top>.

33 “Somali President asks French for troops, naval help”, *Reuters*, 5 May 2008; “Brute force on the high seas”, *Der Tagesspiegel*, 25 April 2008.

authorising a coordinated and cohesive response, “both internationally and nationally”, in the fight against piracy.³⁴ The first was Resolution 1816 (2 June), sanctioning states cooperating with the Somalia TFG to enter Somali waters in anti-piracy operations for a period of six months. Resolution 1838 (7 October) urgently requested states to actively fight Somali piracy in cooperation with the TFG and to continue escorting World Food Programme (WFP) vessels. Resolution 1846 (2 December) prolonged the period stipulated in Resolution 1816 with another year, while Resolution 1851 (21 December) authorised intervention ashore: “States and regional organisations cooperating in the fight against piracy ... [to] undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the TFG”.³⁵

Though many countries desire significant international action, some are apprehensive about the UNSC in effect altering existing international law by accepting these resolutions. For example, the countries that signed the Djibouti anti-piracy code (eight African states and Yemen) argued against this principle because of the sovereignty of countries in accordance with international law. They supported the principle “that each ship pursuing a pirate has to ask for the permission of the concerned state to enter its waters”.³⁶

Due to security concerns in the Middle East and Central Asia, international military forces were present in the region well before Somali piracy became a cause of great international concern. However, specifically the naval

presence increased fundamentally from 2008 onwards. Combined Task Force (CTF) 150 was for a long time the most conspicuous international, or coalition, maritime undertaking in the region. It was launched by the United States in response to the 9/11 attacks in 2001 as the maritime element of *Operations Enduring Freedom*. Its operational area included the Gulf of Aden, Gulf of Oman, the Arabian Sea, Strait of Hormuz, Red Sea and the Indian Ocean, while naval vessels from Canada,

PHOTO: AVDD, S. HILCKMANN



The Dutch frigate *De Ruyter* protects a ship carrying supplies for the World Food Program to the harbour of Mogadishu

France, Germany, Italy, Pakistan, the UK, the US, Australia, Italy, Netherlands, New Zealand, Portugal, Spain, Turkey, Bahrain and Saudi Arabia have participated in it. The key responsibilities of CTF 150 are to monitor, inspect, board and stop suspect shipping,³⁷ limit maritime crime and piracy and conduct “operations to assist states in the region to combat terrorism and to enhance regional

34 “Report of the International Expert Group on Piracy off Somalia”, UN Political Office for Somalia, Draft Concept Note, 24/11/2008.

35 United Nations Security Council Resolution 1851, S/RES/1851, 2008, December 2008; and “Somalia: to move beyond the failed state”, International Crisis Group, *Africa Report*, No 147, International Crisis Group, 23 December 2008, p 28.

36 “Nine countries sign deal to fight Somali piracy”, *Agence France Presse*, 29 January 2009, in CHINFO News Clips, 30 January 2009.

37 “Combined Task Force 150”, *US Fifth Fleet Combined Maritime Forces*, available at <http://www.cusnc.navy.mil/articles/2007/162.html>; and “Coalition naval force secures energy assets”, *Gulf Times*, 13 December 2007, in CHINFO News Clips, 13 December 2007.

stability”.³⁸ Though anti-piracy operations were not the objective of CTF 150, it combated piracy and enhanced maritime security because of its forward presence and area of operations. As no state has the capacity to conduct such extensive operations on its own, the requirement for a permanent coalition force in the region is regarded as obvious.³⁹ CTF 150 will probably maintain its presence for an indefinite period of time.

In January 2009 the US created a multinational task force, CTF 151, with the purpose to “deter, disrupt and suppress piracy ... enhance maritime security and secure freedom of navigation for all nations”. It coordinates with the US Fifth Fleet and operates around the Horn of Africa, in the Gulf of Aden, the Arabian Sea, the Indian Ocean and the Red Sea.⁴⁰ CTF 151 also aims at co-operating with China, India, Russia and the EU. Indications were that by the middle of 2009 vessels from USA, UK, Canada, Denmark, France, Germany, Greece, Italy, Malaysia, Netherlands, Saudi Arabia, Spain, Turkey and Yemen would have participated in CTF 151, while vessels from Bahrain, Jordan, Japan, Singapore, the Republic of Korea, Sweden, Belgium and Poland were set to participate.⁴¹

The European Union Naval Force (EU NAVFOR), codenamed *Operation Atalanta*, was launched as a year-long anti-piracy naval operation on 8 December 2008. The EU contribution to maritime security in the region is substantial and ships from France, Spain, the UK, Italy, Belgium, Netherlands, Sweden, Germany, Greece, Norway and Portugal either participated in *Atalanta* or NATO’s Operation Allied Protector (between March and June 2009).⁴² These vessels protected ships of the WFP, escorted vulnerable vessels around the coast of Somalia and were engaged in deterring and preventing piracy. Though they often provide “close support protection” for ships moving through the Gulf of Aden, only two ships are available for such support at a time (provided upon request). Other vessels would often sail close to such protected groups.⁴³ The UNSC resolutions allows them to breach the 12-mile territorial limit and enter Somali

waters in pursuit of pirates, while they often coordinate their activities with other navies operating in the region.⁴⁴ As most European countries are unlikely to get involved in Africa unilaterally, their involvement stem from their NATO and EU responsibilities.⁴⁵

At a time of a global economic crisis (and the demand for freight substantially dropping) shipping companies are reluctant to increase their overheads even more, with the result that they exert much pressure on their governments for naval support. By the second quarter of 2009, there was substantial international naval involvement as vessels of many other countries (including Pakistan, Iran, Russia, China, India, Iran, Saudi Arabia, Japan and Malaysia) were conducting intermittent patrols in the area. Although much willingness to cooperate exists, coordination remains a considerable challenge. As most of these platforms are concentrated around the Gulf of Aden, evidence suggests that much of the threat is moving to the East coast of Somalia and even further into the Indian Ocean. It is truly a large area to be patrolled, the skiffs or open speedboats used by the pirates are difficult to detect and they often seem to be fishing vessels. As the pirates have the element of surprise to their advantage, it is hard to thwart attacks. Improved coordination between the international forces is therefore self-evident.

38 “Piracy and maritime crime (Horn of Africa)”, *UKMTO Dubai Briefing*, UK Maritime Trade Operations, 21 September 2006.

39 “Coalition naval force secures energy assets”, *Gulf Times*, 13 December 2007, in CHINFO News Clips, 13 December 2007.

40 US Navy Office of Information, “Counter piracy and Combined Task Force 151”, *Rhumb Lines*, 16 January 2009.

41 Lauren Ploch, et al, *Piracy off the Horn of Africa*, Congressional Research Service, CRS Report for Congress, April 2009, p. 14. See also Pierre-Emmanuel Augey, ‘Indian Ocean Maritime Cooperation: the Fight against Piracy off the Somali Coast’, in Australian National Centre for Ocean Resources and Security (eds), *Proceedings from the Indian Ocean Maritime Security Symposium*, Canberra, Australian Defence College, 15-17 April 2009, p. 26.

42 Kraska, “Coalition Strategy and the Pirates”, p. 200. See also Ploch, et al, *Piracy off the Horn of Africa*, p. 15

43 ICC, “EU Initiative for the Gulf of Aden”, 9 December 2008, available at http://www.icc-ccs.org/index.php?option=com_content&view=article&id=322:eu-initiative-for-the-gulf-of-aden&catid=60:news&Itemid=51.

44 “Array of strategies are tried to turn back pirates at sea”, *New York Times*, 9 December 2008 and Augey, ‘Indian Ocean Maritime Cooperation’, p. 26.

45 Discussions with official French and German representatives, 2008/2009.

Maritime security in the Gulf of Aden is very important to Yemen. Many thousands of Somali refugees have fled to Yemen, while allegations of illegal fishing, piracy and smuggling have caused tension between Yemen and Somalia. Yemeni authorities have improved port security in Aden and the Coastguard police coastal waters. However, they lack equipment and should receive more assistance from the better equipped Yemeni Navy.

In order to address the complex maritime security problems of the region, individual states must be aware of possible solutions, have the will to act, enhance their capacity to limit maritime threats, improve law enforcement, customs, environmental control, port security and establish authority in their territorial waters and economic exclusion zones. States usually wish to be independent in security terms, but as countries in the region operate navies with severely limited budgets they should co-operate and create integrated policies – specifically as those that threaten maritime security do not respect national borders. An ideal response is to establish a regional maritime control or coordinating centre, while naval and coastguard forces must be able to respond and cooperate. Collective security and regional co-operation offer important advantages and allow more to be done with less.

Political consent is critical for international deployments. As military actions might produce unwanted political repercussions, are expensive and may lead to casualties, politicians are cautious. Naval and other forces must receive a clear mandate from policy makers and understand the limitations within which they have to operate. Clear strategic objectives and political commitment is therefore essential as the mere presence

of a force or warships are not enough. As politicians seem to agree that the maritime security situation around the Horn of Africa requires urgent attention, the emphasis now is not the ‘why’, but the ‘how’ and ‘who does what’.

Managing Security at Sea: From Navies to Private Security

How can naval forces and coast guards contribute and what is currently being done? Navies can essentially contribute by maintaining good order at sea and through maritime diplomacy. This is based on their ability to use force, to project power and to be an innocent bystander. Naval forces can quickly switch from a peaceful or diplomatic role to being a belligerent. Strategically navies protect trade and military supplies, deny an opponent the use of the sea, protect resources along the coast and offshore, acquire bases from which to operate, move and support troops, and gain and maintain air and sea control in support of operations both at sea and on land.⁴⁶ The following tasks will typically emanate from the above: control sea lanes of communication; guard against illicit trade, piracy, terrorism, pollution, over-exploitation of maritime resources and provide humanitarian and disaster relief. To perform these tasks successfully in the region will require the physical presence of naval or coast guard vessels, good intelligence and multi-national co-operation.

Piracy is endemic around the Horn of Africa and there is a clear need to reduce the risk to shipping by coastal and offshore patrols. The IMB warned that if the international naval vessels operating around the Horn of Africa do not do more, for example to also intercept and apprehend suspicious craft, unrestrained piracy will continue.⁴⁷ Due to its vast geographic area (2.5 million square miles), naval forces are often not present when attacks occur. Once a ship is captured and the crew becomes hostages, very few options are available to warships, even if they are around. On the other hand, navies might be present but unable to respond as the legal apparatus within which

46 John B. Hattendorf, “The Conceptual Foundations for Maritime Strategy in the 21st Century” in *Africa Defence Review*, No 18, 1994 in <http://www.iss.co.za/pubs/ASR/ADR18/Hattendorf.html>. See also Geoffrey Till (ed), *Seapower at the Millennium*, p. 5.

47 “Piracy plagues Somali waters”, OXFAM, 19 November 2007, available at http://www.forbes.com/home/business/2007/11/16/somalia-piracy-africa-biz-cx_1119oxford.html.



Protection by the Dutch naval vessel *Evertsen* resulted in the successful bringing ashore of food in the Somali harbour of Marka

they have to act often does not provide clear guidelines. For example should the Somali pirates be seen as criminals or as a military threat? When the German frigate *Emden* patrolled the Somali coast in 2008 in search of possible Al Qaeda vessels, it came upon pirates attacking a Japanese tanker. It had to let the pirates go, as it could only intervene against a 'terror' threat.⁴⁸ German law requires parliamentary approval for foreign military deployments due to historic uneasiness about German military aggression. As many experts argued that the UNSC resolutions provided the legal mandate for tougher actions against Somali pirates, in December 2008 the German government approved the participation of 1 400 naval personnel in Operation *Atalanta*.⁴⁹

Naval vessels from many countries have been deployed to the area and are engaged in conducting patrols. Though large sophisticated and expensive warships might not be the best platforms for anti-piracy duties, as smaller ship can do the work, the reality is that sophisticated naval vessels are mostly operating in the region. If pirates seize or threaten shipping, any warship in the vicinity must act. The regular patrols have a measure of success as naval vessels have achieved a number of successes against pirates, yet many hijackings are still taking place.

After a series of well-publicized pirate attacks in the first quarter of 2008, some dramatic relief was offered. On 4 April the French luxury yacht *Le Ponant* (with 30 crew-members) were seized by Somali pirates. A few weeks later, after the ransom (Euro 1,25 million) was paid and the crew rescued, elite French troops attacked, killing or capturing the pirates.⁵⁰ French naval vessels were also engaged in rescuing the crew of two small yachts, the *Carré d'As* (September 2008) and the

Tanit (April 2009). In the last operation one of the hostages onboard the yacht *Tanit* and three pirates were killed. In January the *Jean de Vienne* intercepted and captured 19 pirates who tried to hijack two ships.⁵¹ Most other navies operating around Somalia have foiled pirate attacks. Since November 2008, Russia, China and India have thwarted multiple piracy attacks, while during the second half of 2008, the American and coalition vessels have warded off more than two dozen pirate attacks.⁵²

Examples abound. In late February 2009 a Chinese navy helicopter drove off a few small pirate boats closing in on an Italian ship, while a Danish warship, the *Absalon*, assisted a Chinese merchantmen that prevented pirates from boarding by taking evasive manoeuvres and using their fire hoses. The Danes boarded the pirate vessels and found several weapons

48 "Piracy is terrorism", *New York Times*, 5 December 2008.

49 *Deutsche Welle TV News*, 10 December 2008.

50 "Update Report No. 1 Somalia", *Security Council Report*, 2 May 2008, in <http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.4096805/#top>; "Brute Force on the High Seas", *Der Tagesspiegel*, 25 April 2008; and "Le Ponant crew released", *Weekly Piracy Report*, International Chamber of Commerce, Commercial Crime Services, 14 April 2008, <http://icc-ccs.org/main/news.php?newsid=108>.

51 "French Navy saves 2 cargo ships from pirates", *Associated Press*, 4 January 2009, IN CHINFO News Clips, 5 January 2009.

52 J. Kraska and B. Wilson, "Fighting pirates: The pen and the sword", in *World Policy Journal*, Winter 2008/09, p. 42.

on board, including an RPG, AK-47's and grenades.⁵³

Naval forces have captured many suspected pirates and they are dealt with in various ways. Some were released: for example the Danish and Dutch navies have disarmed and released pirates because jurisdiction was unclear (the dilemma of how to, and under which laws, prosecute them) and due to the difficulties of making charges stick. The French have

Naval forces deal with captured suspected pirates in various ways

criticised this approach as 'catch and release'. By the middle of 2009 France has arrested around sixty pirates. The fifteen captured during the *Le Ponant*, *Carre d'As* and *Tanit* incidents, were taken to France for prosecution, while the rest were handed over to the Puntland authorities.⁵⁴ In cases where agreements are in place, suspected pirates are handed over to the Puntland authorities or to Kenya for prosecution (as the British and American navies have done).⁵⁵ Pirates attacking a Dutch ship were captured by the Danish Navy and are being prosecuted in the Netherlands – the first such trial since the 17th century. Sources indicate that by March 2009 naval forces operating around Somalia have disarmed and released 121 pirates and have handed 117 pirates over for prosecution.⁵⁶ Though a discussion on the legalities regarding the prosecution of pirates is not the objective of this paper, suffice to say that the successful prosecution of pirates is legally very difficult due to limitations of the international legal framework and national legislation in the countries involved.

53 BBC TV, *International News Bulletin*, 20:00 GMT, 26 February 2009.

54 Augey, 'Indian Ocean Maritime Cooperation', p. 27.

55 Kraska and Wilson, 'Fighting pirates', p. 46; and 'French Navy hands over eight Somali pirates to Puntland', *Agence France Presse*, 3 January 2009, in CHINFO News Clips, 5 January 2009.

56 Ploch, et al, *Piracy off the Horn of Africa*, p. 14.

57 Discussions with official French and Dutch representatives, 2008/2009.

PHOTO: U.S. NAVY, S. TAYLOR



Naval vessels also contributed by escorting ships of the WFP. After a joint appeal by the WFP and the IMO, France provided the first escorts for food aid ships between Mombassa and Mogadishu in November 2007. After the French, the Danish, Dutch, Canadians and others took over the responsibility of escorting the WFP vessels. During 2009 EU ships were taking turns.⁵⁷ This is certainly an effective way of securing the delivery of food aid.

By late 2008 the EU Naval forces suggested that merchantmen use the UKMTO Transit Corridor when moving through the Gulf of Aden. Ships were warned not to enter Yemeni waters as under international law EU ships cannot then protect them. EU vessels are available to patrol the corridor at specific times, but as it is not possible to escort all merchantmen specific ships, listed on a "Vulnerable Shipping List", receive priority and relevant information is provided to the naval vessels in the area of operations. These are ships with a low



A team from the guided-missile cruiser U.S.S. Chosin conducting a search on board of a suspected pirate dhow in the Gulf of Aden

Maritime watchdogs recommend that vessels do not call at ports in Somalia, Kenya, Tanzania or Yemen, if possible, and keep as far as possible from the coast of Somalia. In fact north-south bound vessels are advised to stay more than 600 nautical miles from the coastline, or East of Longitude 60E until they are to the East of the Seychelles. Ships traversing the seas around the Horn of Africa are urged to maintain sixteen knots if possible, increase their state of readiness, maintain round-the-clock anti-piracy and visual watches, implement the recommended anti-piracy measures and constantly report their position and any suspicious events to the Maritime Security Centre (Horn of Africa) ran by the EU Naval Force, to UKMTO or to naval forces present in the area.⁵⁹

Several private security companies provide anti-piracy services to the shipping industry. Their assistance ranges from training bridge officers to take evasive manoeuvres, to physical security measures and security guards. Many non-lethal anti-piracy measures can be taken against pirates, such as the use of high-tech sonic cannons, electrified handrails, barbed wire perimeters, a visual watch and lookouts, drenching approaching boats with foam sprayers or high pressure fire hoses, while decks could be sprayed to make them very slippery.⁶⁰ So, how effective is private security then? It certainly is a deterrent, but many of the security guards placed on ships are not armed. Though an armed deterrent would obviously be better, many experts, insurers and the IMO do not endorse arming merchant vessels because it could increase the level of violence at sea and unnecessarily endanger crews. Blackwater, a private security concern,

freeboard, slow vessels, or ships with a very valuable cargo. If possible such ships are escorted. Though such a convoy system enhances protection, it also increases to the vulnerability of ships not escorted. Insufficient assets are available to guard all traffic (it is estimated that a comprehensive convoy system through the Gulf of Aden would required more than fifty naval vessels). However, merchantmen grouped together can ensure mutual protection and if escorts sail at specific times, it provides less opportunity than a constant stream of vessels.⁵⁸

Patrolling the area is not enough as insufficient platforms are available and naval vessels usually stand down when pirates have successfully boarded a vessel. Some observers therefore claim that merchantmen need to carry special troops onboard in addition to various passive protection measures. French flagged vessels are inspected to ensure that their passive anti-piracy measures are in place.

58 "UKMTO Transit Corridor", *gCaptain*, 9 December 2008, available in <http://gcaptain.com/maritime/blog/ukmto-transit-corridor/>

59 "Special Advisory Maritime Security Patrol Area (MSPA)", *Notice to Mariners*, UKMTO, 26 August 2008.

60 "Backgrounder: Combating maritime piracy", *New York Times*, 27 January 2009.

availed a vessel to escort ships through the Gulf of Aden, but many shipping companies have instead appealed for more naval support. Security guards have a mixed record around Somalia. On 28 November 2008 (in the Gulf of Aden), five pirates approached the Singaporean chemical tanker *Biscaglia* in a small open speedboat and succeeded in boarding and hijacking it, despite the presence of three unarmed security guards (ex-Royal Marines) working for a British anti-piracy security firm. The security guards promptly leapt overboard, were rescued by a German naval helicopter and taken to a French frigate.⁶¹ However, when the cruise ship *Melody* was attacked by pirates (April 2009), security guards onboard exchanged fire with the pirates and used a fire hose to beat off the attack.⁶²

Pirates do not always have it their way. By using passive and active anti-piracy measures, merchantmen have succeeded in fighting pirates off. In August 2009 the kidnapped crews of two Egyptian fishing vessels (held captive since April) overpowered their captors, killed two and headed home.⁶³ In October 2007 the guided-missile destroyer *USS James E. Williams* came to the assistance of a North Korean freighter, the *Dai Hong Dan* after receiving a message

that she was hijacked. A helicopter from the destroyer investigated the *Dai Hong Dan* and ordered the hijackers to surrender. The North Korean crew overpowered the pirates, killed two and captured five others. Three North Korean crewmen were seriously wounded and were taken aboard the American destroyer for treatment.⁶⁴ The fight against piracy surely makes for strange bedfellows.



Boarding team members from guided-missile destroyer *USS James E. Williams* board the North Korean cargo vessel *Dai Hong Dan* to provide medical assistance

Combating Somali piracy remains a long list of successes and failures. Though maritime constabulary tasks have achieved a measure of success it is not enough. Efforts at sea must be complemented by efforts ashore to create peace and security, proper port security, policing and law enforcement, to improve maritime security and add to state revenue through taxes and tariffs.

Potential African Contribution

Economically African losses resulting from piracy and a lack of maritime security are considerable. Piracy is only part of the problem as illegal fishing, reef destruction, depletion of species and illegal waste dumping has an immeasurable economic and ecological impact. Furthermore, illicit trafficking in arms, drugs and humans are on the increase. Maritime

61 "British crew jump overboard as pirates hijack another tanker off Somalia", *The Telegraph* (UK), 28 November 2008; "Somali pirates hijack 1 ship, free another", *Associated Press*, 29 November 2008, in CHINFO News Clips, 1 December 2008.

62 "Pirates attack *Melody*", *The Mercury*, 27 April 2009, in http://www.iol.co.za/index.php?set_id=1&click_id=68&art_id=vn20090427064934240C855136.

63 "Egyptian Crews Overpower Somali Pirates, Kill 2", *VOA News*, 14 August 2009, available in <http://www.voanews.com/english/2009-08-14-voa21.cfm>.

64 "Navy helps foil pirate attacks on merchant ships off East Africa", *Virginian-Pilot*, 31 October 2007, in CHINFO News Clips, 31 October 2007.

security is therefore important to Africa, yet it usually does not receive much focus in the African security debate.

How could Africa address these problems? Focus on good capabilities. For example, if South Africa has an established blue water capability, why not utilise its navy in maritime security operations? If navies could specialise on different fields capabilities can be combined, which would be cheaper than all navies trying to do everything. In this way one can learn from NATO and such an approach might be the way forward for the African Standby Force. However, much work is necessary regarding policy. Maritime issues are not addressed by the Common African Defence and Security Policy of the African Union (where the concept of the Africa Standby Force originated) and one has the impression that maritime security is not important to African security. Yet, objectives with regards to human security and development will be very hard to achieve, if maritime threats are ignored.⁶⁵

African forces sorely lack crucial capabilities which should be addressed. These include maritime air surveillance and reconnaissance, efficient early warning and intelligence. Furthermore credible mobile forces with the capacity to deter and deliver firepower, flexibility and reach, as well as the capability to sustain operations for a long period, should be created. Before African navies can work together key problems that require attention are common communication and procedures for command and control, as well as standardized logistics and operational doctrine. They must also make sure that national participants are all on an equal footing (with smaller contributors not being dominated by larger).

Despite the challenges, African countries realise that maintaining maritime security around the coast of Africa is essentially an African responsibility – a task that should not ideally be handled by foreign navies. However, African navies are small and maintaining maritime sovereignty in their own waters is

already a mammoth task for many states; to also participate in a multi-national naval task force would be very challenging. It is therefore important to identify the tools African navies require. Prominent states can assist smaller navies to acquire material means and develop the skills necessary.

Kenya recently did much to secure its coastline and harbours. Port security in Mombassa was improved with the installation of electronic surveillance systems, better physical security and a higher police and security presence.

Maritime security is important
to the continent, but does not receive much
focus in the African security debate

The USA donated security equipment (including six speedboats) to Kenyan Navy and assisted with training. Kenyan personnel underwent intensive training in Mombassa and coastal patrols were stepped-up.⁶⁶ The Kenyan revenue service also conducts speedboat patrols to secure border points and fight against illicit trade. These efforts will improve maritime policing and coastal patrols. Besides physical measures, Kenya also did much to create an appropriate legal framework. In December 2008 and January 2009 the UK and USA signed memorandums of understanding with Kenya to cooperate in prosecuting pirates through Kenyan courts.⁶⁷

Since 2005 the IMO have hosted a number of regional anti-piracy workshops. During these negotiations East African states emphasised cooperation and the fact that efforts must be supported by the major trading nations,

65 "Experts Warn of Piracy Threat to South African Waters", *Pretoria News*, 27 November 2006.

66 "US donates boats to secure Kenya's Coastline", *The Standard*, 9 October 2006 and "Kenya: Country Moves to Tighten Security at Mombassa", *allAfrica.com*, 2 October 2007, in <http://www.allAfrica.com:Kenya>.

67 "Kenya agrees to prosecute U.S.-held pirates: Pentagon", *Reuters*, 29 January 2009, in CHINFO News Clips, 30 January 2009; and Media Note, Contact Group on Piracy off the Coast of Somalia, Washington, 14 January 2009.

while legal capacity building should become a priority. “If nations in East Africa develop the legal architecture to deal with piracy, including adequate lawyers, court rooms, and confinement facilities, they will be more willing and better able to enforce the maritime rule of law”.⁶⁸ Regionally states with better capacity should assist those who are still developing. On 29 January 2009 nine countries affected by Somali piracy (Ethiopia plus eight coastal countries, Djibouti, Kenya, Madagascar, the Maldives, the Seychelles, Somalia, Tanzania

PHOTO SOUTH AFRICAN NAVY



The message is unequivocal: an enhanced integrated approach to maritime security in the region is necessary

and Yemen) signed a code of conduct in Djibouti to co-operate in combating piracy in the Indian Ocean and the Gulf of Aden – the first regional agreement between Arab and African countries against acts of piracy. No agreement was reached on the issue of allowing foreign navies to engage in ‘hot pursuit’ in territorial waters, but provision was made for the creation of three information centres (Mombassa, Dar es Salaam and Sanaa) and an anti-piracy training centre in Djibouti.⁶⁹ Signatories are required to create legislation to allow for the arrest and prosecution of piracy suspects. An important issue, specifically as the fate of Somali pirates captured by Western warships patrolling the area is a sensitive issue.

Analysts often suggest that navies from Africa and the Middle East must patrol the coast of Somalia in the same way that navies from Singapore, Malaysia and Indonesia patrol the Straits of Malacca. Though the principle seems logical, the practice is not, because the area to

be secured is very large, navies in the region have limited resources and the reality of keeping ships operational at sea for long periods of time is very difficult. A more reasonable expectation is the creation of regional maritime security or counter-piracy co-ordination centres, which is in line with the Djibouti code.

It is obvious that the South African Navy can contribute. In 1998 the South African Deputy Minister of Defence stated that “the South African Navy has a valuable role to play in supporting South Africa’s ... regional and international policies ... as a diplomatic tool [it] is one South Africa can use as a force for global good ... in support of our neighbours and in protecting the region’s broad interests”.⁷⁰ Though South Africa has declined invitations to participate in combined

68 Kraska and Wilson, “Fighting pirates”, p 51.

69 Ploch, et al, *Piracy off the Horn of Africa*, p. 16.

70 M. Edmonds and G. Mills, *Beyond the Horizon. Defence, Diplomacy and South Africa’s Naval Opportunities* (South African Institute of International Affairs and the Centre for Defence and International Security Studies, Johannesburg, 1998), pp. vii-viii.



South Africa has an established blue water capability, so why not utilise its navy in maritime security operations?

to limit maritime threats amongst states involved is necessary. In essence it is not really about what is to be done, but rather to have the political commitment, to find the wherewithal to perform these tasks and to give those doing the jobs clear mandates.

So, who will perform these tasks? It is common knowledge that Somali piracy and the lack of maritime security have its origins ashore. Yet few states are prepared to get involved on land. There are many historic reasons for this: countries lack the mandate, they are reluctant to get involved in unpopular and costly wars, while the chances of long-term success and a stable Somalia seems limited indeed. Hence, for the powerful countries (who are more concerned with energy flow, security of maritime traffic and piracy around the Horn of Africa), it is much easier to form naval coalitions and address the problem at sea. For Africa and the countries of the region the instability in Somalia is of much concern as it impacts severely on them. Yet, with limited capabilities and insufficient political will, they are unable to create peace and security.

In the maritime domain the message is unequivocal; an enhanced integrated approach to maritime security in the region is necessary – despite financial and material limitations. Navies and civilian role-players involved in the maritime sphere should develop an integrated approach that connects all aspects and they must think, plan and work together. In fact, what is necessary for the region is an integrated “ocean policy”, involving national, regional and international role players. ■

multinational task forces, South African participation has not been ruled out. With attacks occurring further south, South Africa, “... cannot ... allow the situation to continue”, while the SA Navy indicated that its training provides for a “spectrum of operations, including convoy escorting”.⁷¹

Conclusion

In strategic, economic and humanitarian terms maritime security is important to African nations. This is probably nowhere more evident than in the case of Somalia where the lack of stability ashore has impacted negatively on the situation at sea. To improve the situation around the Horn of Africa region, order and stability ashore, higher awareness of the realities of the situation, improved cooperation between role-players and enhanced capacities

71 “SA Navy set to take on pirates”, *Pretoria News*, 23 February 2009.