

UNDERSTANDING AND FIGHTING PIRACY IN AFRICA

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INTRODUCTION With approximately 95% of world trade reliant on sea transport, the threat of piracy is becoming a major concern for many countries including Africa. While there has been increased international effort in dealing with piracy, the International Maritime Organisation says the situation has progressively deteriorated. Over the past 12 months, it reports nearly 290 piracy related incidents, most of them targeting commercial ships, in an ever widening area, now as far south as the Mozambican port of Beira.

Greater numbers of pirates operate from so-called “mother ships” far out at sea from which pirate-filled skiffs deploy to carry out lucrative thefts, hijackings and kidnappings. Interestingly, there was a global escalation in piracy in the early 1990s. In 2007 almost half of the world’s reported pirate attacks took place in African waters mainly near Nigeria and Somalia. The number of attacks in Somali waters doubled in 2008 and accounted for an estimated 40% of the 293 reported attacks worldwide.¹

MOTIVES AND CAUSES

The final report by a group of experts, convened in November 2008 by UN special representative to Somalia, Ahmedou Ould-Abdallah, cited “poverty, lack of employment, environmental hardship, pitifully low incomes, reduction of pastoralist and maritime resources due to drought and illegal fishing and a volatile security and political situation as the primary contributors to the rise and continuation of piracy in Somalia.”² While the profitability of piracy is perceived as the prime motivator, some observers argue that given the appalling conditions in the country where survival is tenuous and prosperity elusive for most, risks associated with piracy are considered inconsequential by the perpetrators.³

Somali pirates interviewed by international media frequently link their illicit activities to factors, such as illegal fishing and dumping in Somali waters, trends that emerged as the country steadily lost its ability to patrol its waters.⁴ While these explanations may mask the opportunistic angle, some reports suggest that illegal fishing and dumping has indeed disrupted Somalia’s coastal economy. For example, a July 2005 report from the United Kingdom Department for International Development (DFID) estimated that Somalis lost \$100

million to illegal tuna and shrimp fishing in the country's exclusive economic zone during 2003/2004.

The international Contact Group on Piracy off the Coast of Somalia (CGPCS) (see "Contact Group on Piracy off the Coast of Somalia") stated at its inaugural meeting that "piracy is symptomatic of the overall situation in Somalia including the prevalence of illegal fishing and toxic waste dumping off the coast, which adversely affects the country's economy and marine environment."⁵ The CGPCS also reaffirmed "its respect for Somalia's sovereignty, territorial integrity, and sovereign rights over natural resources" and emphasised that the group's participants "ensure that their flagged vessels respect these rights."

Paradoxically, the regional fishing industry was apparently significantly damaged by the threat of piracy. According to some reports, tuna catches in the Indian Ocean fell by 30% in 2008, in part because of the fear of fishing vessels being attacked. This had a major impact on countries like the Seychelles that relies on the fishing industry for up to 40% of its earnings.⁶

The use of force by international naval patrols to apprehend or kill pirates has raised the possibility that revenge may become a driver for those whose associates are killed or captured. The April 14, 2009 attack on the U.S.-flagged MV Liberty Sun was allegedly carried out with the intention of damaging or sinking the ship and injuring or killing its crew in retaliation for the death of three Somali pirates during U.S. military efforts to secure the release of the detained captain of the MV Maersk Alabama days earlier.

PIRACY TACTICS

As noted above, some Somali pirate groups have developed sophisticated operational capabilities and acquired weaponry, equipment, and funds to even the playing field in the stand-off between themselves and local forces bent on eradicating them. The typical Somali pirate team is equipped with a variety of small arms including AK-47 rifles and rocket propelled grenade (RPG) launchers. Many teams use fishing skiffs powered by hefty outboard motors to pursue larger but slower tankers, cargo ships, yachts, cruise ships, barges and tug boats. Often local Somali fisherman are compelled to support piracy while some coastal inhabitants lend their fishing boats, equipment and navigational expertise to teams of aspiring pirates from inland communities.

Somali pirates initially targeted vessels in the western Indian Ocean, off Somalia's eastern coast. When these ships rerouted further out to sea, the pirates set their sights on the Gulf of Aden with its concentration of merchant ships (an estimated 33,000 per year)⁷ operating in a more constrained waterway relatively close to Somalia's northern shore. Most recently, now that international naval forces are patrolling the Gulf of Aden with some effectiveness, Somali pirates have reverted to the Indian Ocean and are currently able to operate hundreds of nautical miles from the Somali coastline often with the support of so-called 'mother ships.' These 'mother ships' are larger fishing vessels often acquired or commandeered through

piracy and tend to operate out of the Somali ports of Bosaso and Mogadishu and the Yemeni ports of Al Mukalla and Ash Shihr.

International officials suspect that there are Somali businessmen and international support networks financing and supplying pirate groups in exchange for shares of the booty. The IMB disputes claims that pirates receive intelligence reports in order to selectively target vessels, arguing that “the suggestion that vessels are targeted in advance using shore-based intelligence is spurious.... Furthermore, there is no information in the public domain that would enable pirates to precisely locate a targeted vessel at sea and then mount a successful attack off the Horn of Africa.”⁸ The pirates refuel and purchase logistical supplies like fuel and engine parts in Yemen, according to US naval officials.⁹ According to the NATO Shipping Centre, Somali pirates returning from raids in the Gulf of Aden often stop at the port of Caluula on the north-east tip of Somalia before proceeding to their safe havens along the coast of the Indian Ocean.¹⁰

Uniquely characteristic of Somali piracy is taking hostages. In this sense, piracy off Somalia can be viewed as a form of maritime kidnapping. Unlike attacks in the Strait of Malacca or Nigeria, where ships are boarded either to take the vessel or its contents, pirates off the Horn of Africa routinely take the crew hostage to elicit ransom. This approach is viable because the pirates are able to retreat to a sanctuary in Somalia and in its territorial waters from which to launch attacks and conduct payoff negotiations. Pirates elsewhere are less likely to have the luxury of a refuge. These circumstances present maritime security forces with significant challenges with the implementation of traditional engagement strategies and tactics.

According to reports, most vessels under attack have less than 15 to 30 minutes between the first sighting of pirates and their boarding the ship and capturing hostages. If a naval ship is unable to reach the scene within this time period, it will be too late to prevent capture. Naval combatant ships are generally able to steam at speeds of up to 30 knots (more realistically 20+ knots), so unless a naval ship happens to be a few miles away when a commercial ship is under attack, it won't arrive until after (perhaps long after) the 15- to 30-minute window of opportunity. The extensive area to be patrolled and the relatively small number of naval ships available means that the closest naval ship is often far too distant to arrive within that timeframe.

While attacks may involve violence and the use of weaponry, most Somali pirates appear reluctant to wantonly harm captives. Pirates in other parts of the world are far more likely to kill or seriously wound merchant ship crew members, since extracting ransom payments is not their objective. Negotiations for ransom involve the use of satellite telephones, third-party intermediaries in Somalia and abroad, and public relations efforts to influence interaction with property owners and foreign officials. Most naval forces avoid rescue operations that endanger the lives of hostages, opting instead to engage in negotiations or wait for shipping companies to negotiate a ransom. According to reports, a rescue operation by French naval

forces, designed to free a family held hostage aboard a small sailboat off the Somali coast resulted in the death of the vessel's owner, a French citizen, during an exchange of fire between the pirates and naval personnel.¹¹

ECONOMIC IMPACT OF PIRACY IN THE GULF OF ADEN ON GLOBAL TRADE

The strategic location of the Horn of Africa increases its importance for international security and commerce. The northern coastline of Somalia lies to the south of the Gulf of Aden, a key transit zone for ships traversing the Red Sea and the increasingly active port of Djibouti. The US Department of Energy estimated that, as of 2006, as many as 3.3 million barrels of oil per day were transiting the Bab el Mandeb strait between the Gulf of Aden and the Red Sea.¹² Vessels using the busy shipping lanes between Asia and East Africa, those making longer voyages around South Africa's Cape of Good Hope or bound to and from the Kenyan port of Mombasa are particularly vulnerable.

Over 80 percent of international maritime trade moving through the Gulf of Aden is with Europe. Although those economies are currently more directly affected by the attacks, piracy places a significant burden on governments and the maritime industry as they take steps to protect themselves from being attacked or hijacked. These actions may include a larger military presence in high-risk areas, redirecting ships to bypass the Gulf of Aden, paying higher insurance premiums, hiring private security personnel and installing non-lethal deterrents. Ultimately, the cost of these actions is passed along to the taxpayer and consumer.

Faced with the threat of attack, a carrier has two courses of action against piracy in the Gulf of Aden either by avoiding the area by rerouting vessels via the Cape of Good Hope, or running the gauntlet by enhancing vessel security. Rerouting may be a viable option for lower value cargoes such as some bulk commodities. However, for high value consumer goods or items needed for scheduled manufacturing the added delay may be unacceptable. For example, routing a tanker from Saudi Arabia to the United States via the Cape of Good Hope adds approximately 2,700 miles to the voyage. This longer distance will increase the annual operating cost of the vessel by reducing the delivery capacity from about six round-trip voyages to five voyages, or a drop of about 26 percent. The additional fuel cost of traveling via the Cape of Good Hope is about \$3.5 million annually.

The cost of precautionary measures becomes more complex for liner trade. A long haul change would result in the need for an additional vessel in order to maintain the scheduled service and capacity commitments. For example, a trip from Europe to the Far East via the Cape of Good Hope as opposed to the Suez Canal, would incur an estimated additional cost of \$89 million annually which includes \$74.4 million in fuel and \$14.6 million in charter expenses. In addition, the rerouting would increase transit times by about 5.7 days per ship. This would result in the need for an additional vessel to maintain the service frequency. However, these costs do not consider the disruption in the logistics chains.

In 2008, the cost of the war risk binder for ships transiting the Gulf of Aden is estimated at \$20,000 per ship, per voyage, excluding injury, liability, and ransom coverage. A year before, the cost of the additional insurance premium was only \$500. It is estimated that the increased cost of war risk insurance premiums for the 20,000 ships passing through the Gulf of Aden could reach as much as \$400 million.¹³ Clearly, this estimate represents an upper bound on the additional insurance cost as not all vessels will seek the additional coverage and the estimate excludes rebates given when no claim is exercised against the policy.

FIGHTING PIRACY IN AFRICA

Ugandan President Yoweri Museveni advised European powers in October last year that the only way to fight pirates in Somalia is to build a strong government in that war-torn Horn of Africa country to combat the major obstacles of instability and ineffective governance.¹⁴ In this light, piracy in the waters off the Horn of Africa is symptomatic of the wider instability that has plagued Somalia and the region since the early 1990s. At present, the internationally recognised Transitional Federal Government (TFG) is working to form a functional unity government and to reconstitute national security and law enforcement entities.

In conjunction with the United Nations Security Council, the US administration supports reconciliatory efforts in Somalia and has taken a leadership role in coordinating a diplomatic and military response to the threat of piracy in the region. Funds pledged at the April 23, 2010 donors' conference for Somalia in Brussels are intended in part to support the development of security forces by the TFG and, once developed, such forces, may improve the ability of local authorities to act against pirates ashore. Cautionary measures should ensure that assistance provided to TFG forces is not transferred to insurgent groups.¹⁵

To date, international efforts to stamp out piracy have been multifaceted. In order to provide a short-term response to the immediate threat to international navigation, the United Nations Security Council authorised third party governments to conduct anti-piracy operations in Somali territorial waters and ashore, but only with authorisation from and in coordination with the TFG. Among CTF-151, the EU's Operation ATALANTA, NATO's Operation Ocean Shield, and other naval fleets "national escort" operations of approximately 30 combatant ships are currently patrolling the region.¹⁶

Regional bodies like the African Union, the Arab League, and ad hoc groupings such as the participants at the December 2008 International Conference on Piracy in Nairobi, Kenya, have held consultative meetings and issued policy statements condemning piracy in the region and providing guidance for the development of coordinated, collaborative regional responses.

SOUTH AFRICA'S RELUCTANCE IN THE FIGHT AGAINST PIRACY

Many are asking why South Africa is not joining the international naval fleets to combat Somali piracy which is essentially an 'African problem'. On several occasions, the European Union (EU) also asked South Africa to join the EU anti-piracy task force. After all, South

Africa acquired naval warships at great expense after the end of apartheid. Why not use them?

Firstly, the primary objective of the South African Navy, as outlined by the South African Department of Finance, is to defend and protect South Africa and its maritime zones.¹⁷ Using SAN resources to combat piracy would therefore only be justified if the threat were to move southwards into the SADC area and threaten South African trade. Yet the South African White Paper on Defence states that, as a fully-fledged member of the international community, South Africa must fulfil its responsibility to participate in international peace support operations.¹⁸ But is the anti-piracy effort strictly speaking a peace mission? This issue is not clear and it would seem that there are considerable contradictions between the SAN's own stated strategy, that of the UN and those of other government strategies. The second issue is South Africa's capability. South Africa has the only naval force south of the Sahara able of conducting credible anti-piracy operations. Currently, there are five frigates, seven medium patrol aircraft and 18 small-range coastal patrol craft belonging to sub-Saharan nations available to patrol the 63.124 km coastline south of the Sahara. Of the five frigates, four belong to the SAN and most of the patrol aircrafts belong to the South African Air Force (SAAF).¹⁹ Thus, in the words of Rear Admiral Robert Higgs, Flag Officer Fleet of the South African Navy, South Africa could play a leading role in fighting piracy.²⁰

The SAN was fairly recently reequipped with modern frigates, submarines, and reconnaissance helicopters and also held comprehensive anti-piracy exercises.²¹ The SAN's Maritime Reaction Squadron (MRS) has special combat capabilities that were initially planned for inland waterways and coastal areas in support of peacekeepers, but that can be adapted to anti-piracy operations. Yet the SAN is being crippled by an acute lack of finance. The South African defence budget has been repeatedly cut in recent years and plans are in the pipeline to reduce the SAN's operational capacity even further in future.²² The government plans to reduce the hours spent at sea by the SAN from 9 000 this year to only 8 000 in 2011 and 2012.²³

Under the current defence budget, the SAN will only be able to deploy one patrol frigate and one support ship at any given time probably depleting its annual operational budget. The SAN also has other responsibilities which it is barely capable of fulfilling, such as anti-poaching, search and rescue, and overall maritime defence of the South African coast. Under the current defence budget, deploying one frigate to the Somali coast would mean that the SAN is unable to fulfil its domestic responsibilities.²⁴ Some 14 countries committed naval forces to the joint maritime task force to deter piracy by patrolling the Somali coastline and adjacent waters.

Although approximately 30 foreign warships patrol the Somalia's coast at any given time, the pirates operate unimpeded in the Indian Ocean and up to a few miles from the Kenyan and Tanzanian coasts, where the poor capabilities of the Kenyan and Tanzanian naval forces have

left coastlines wide open to attack and exploitation. One asks whether the deployment of a single South African warship will make any difference to the situation if the current extensive foreign naval operations are unable to do so. It would be wiser for the South African government to concentrate on patrolling the SADC's eastern maritime border. It is a much smaller area to cover and the SAN could operate from ports in Mozambique (where a hijack incident took place at the port of Beira) and Madagascar. This would make better economic and military sense than to conduct operations in the north Indian Ocean and serve as an African fig leaf for international inaction on Somalia.

According to diplomatic sources, several European countries have indicated their willingness to at least partly finance South Africa's participation in the international effort to combat piracy.²⁵ This would include the integration of marines into the naval task force and training in Djibouti or Mombasa. "It is in line with South African foreign policy ideals of 'Africa for the Africans', and yet there is absolutely no African presence here," said one source. Though it is clear that South Africa won't be able to send more than one warship to the area, the Europeans welcome any help with the mammoth task of fighting the elusive Somali pirates. Perhaps the recent move to the south off the coast of Mozambique by the pirates might change South Africa's role in solving this African crisis.

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