



# MSR InDepth

**Piracy in the Horn of Africa:** Some good news, but a lot of work has still to be done...

**By Commander Dimitrios Dalaklis H.N.**



**Maritime  
Security  
Review**



# Maritime Security Review

***Piracy: “an unlawful depredation at sea involving the use or threat of violence possibly, but not necessarily, involving robbery”***

**With oceans covering almost three-quarters of the earth’s surface and with well over 80% of all international trade transported by sea<sup>(1)</sup>, piracy - without any intention to downgrade other types of maritime crime, i.e. illegal weapon trafficking, or terrorism- is undoubtedly an issue of international concern.**

A short, and rather simple, definition of piracy is: “an unlawful depredation at sea involving the use or threat of violence possibly, but not necessarily, involving robbery”<sup>(2)</sup>

Since the beginning of the new millennium, Somali outlaws of the sea have gradually escalated their activities in the vicinity of the coastline and the Gulf of Aden; during 2008 in particular their activity increased to a level that the majority of ships crossing the aforementioned areas felt threatened by the risk of becoming a victim of piracy.

Large numbers of armed attacks against various types of vessels -from small sailing ships and fishing trawlers, up to large cargo ships and tankers- were recorded practically every day; the hijacking of ships and the kidnapping of the crewmembers for ransom was something that the pirates could quite easily achieve.

These actions (and illegal profits) attracted the attention of the international community and brought about a coordinated international response in the region. One important course of action has been the stabilization of the Transitional Federal Government of Somalia.

With the aim of stopping, or at least deterring pirates at sea, another vital effort was implemented: the European Union's (EU) first military campaign (Naval operation ATALANTA) was launched in the Gulf of Aden, and was run in cooperation with naval vessels from other interested countries, such as India, China, USA and other NATO members.

It is also important to note that in addition to Somalia, the Gulf of Guinea and, to a lesser extent, the Malacca Straits are also part of the piracy equation.<sup>(3)</sup>

Piracy is a very challenging issue in the overall security structure of the areas in which it is committed. It is strongly associated with disturbances to economic, societal and political stability. In addition, as a maritime crime -which inevitably involves violence- it poses a serious threat to sailors' lives.





There is clear evidence that piracy has become more sophisticated when compared even with the recent past; piracy efforts have ceased to be just robberies of and against small vessels and sailing craft.

Today, the preferred *modus operandi* of pirates is an armed attack on larger ships -such as tankers and cargo ships- with the objective of hijacking the vessel and kidnapping its crew for ransom.

There are numerous arguments that the consequences of modern piracy are limited to a regional level, with Africa being its epicentre. On the other hand, there is always the possibility that the ongoing implications of piracy might impact the economy at a global level.

#### **Piracy in the 21st Century: The Question of Africa**

In the contemporary era, maritime transport should be considered as the backbone of globalization and extremely vital for all 'just-in-time economies', such as those of Europe and, above all, the United States.

It is true that various factors have contributed to the general emergence of modern piracy. However, first and most fundamentally, there has been a massive increase in commercial maritime traffic.

Combined with the large number of busy ports around the world, this growth has provided pirates with an almost limitless range of tempting, high-payoff targets.

Additionally, there is the higher incidence of seaborne commercial traffic that passes through a series of narrow and often congested maritime chokepoints. These bottlenecks require ships to significantly reduce speed to ensure safe passage, which dramatically heightens their exposure to midsea interception and attack.

Of course, lax coastal and port-side security have played an important role in enabling low-level piratical activity, especially harbour thefts of goods from ships at anchor.

Furthermore, corruption and emergent voids of judicial prerogative have encouraged

official complicity in high-level pirate rings, which has impacted directly on the 'phantom ship' phenomenon.

Last but not least, the global proliferation of small arms and electronics has provided pirates (as well as terrorists and other criminal elements) with enhanced means, for example RPGs and similar weaponry, portable Global Positioning System (GPS), and Automatic Identification System (AIS) devices that allow their operations to be conducted at a more sophisticated level.

### ***“Piracy is a diachronic phenomenon”***

Piracy has always been a challenge for policy makers around the globe. With a closer examination of historic testimonials, it is obvious that piracy is a diachronic phenomenon.

The reasons are quite clear: piracy is a low-risk, criminal activity that pays well. In fact, the profit from piracy is disproportionate in contrast to the potential losses of the individuals who are engaged in this kind of activity.

Piracy, like other forms of organised crime requires both a motive and an opportunity.<sup>(4)</sup> The motive is almost always the same; the easy gain of wealth, especially where weak and poor states exist.



The ICC-IMB (International Chamber of Commerce – International Maritime Bureau) is responsible for collecting and analysing the reported incidents of piracy and armed robbery against ships worldwide. The Annual Reports of the ICC-IMB provide extremely interesting reading.

A quick look at the map of reported incidents indicates that the majority of piracy incidents are located in places where the chances for such actions are higher, like Somalia and the Gulf of Guinea (mainly Nigeria).

Both the aforementioned areas are characterised by a high density of maritime traffic and a lack or absence of effective law enforcement capabilities.



### International Response towards the “Somali Piracy” Phenomenon.

In the exact words of the IMB 2008 Annual Report: *“from every perspective, the phenomenon of Somali piracy is unprecedented and has spiralled out of control.”*<sup>(5)</sup>

## ***“Somali piracy is unprecedented and has spiralled out of control”***

The international response followed swiftly<sup>(6)</sup>. UNSCRs 1814, 1816, 1838 and 1851 condemned and deplored all piratical actions off the coast of Somalia and gave extended powers to third parties to act in the area against piracy in contrast to the existent international legal framework.<sup>(7)</sup>

Warships from various EU countries, the US, the Russian Federation, China, India, Malaysia, and Iran were deployed to the area to assist in counter-piracy operations.

Additionally, a pact named the ‘Code of Conduct’ was signed by nine Indian Ocean and Red Sea countries (Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, Tanzania and Yemen) *“to cooperate in seizing, investigating and prosecuting pirates off the coast of war-ravaged Somalia.”*<sup>(8)</sup>

It is crucial to note that quite often the argument that the current framework is providing an adequate solution towards the Somali piracy problem is put forward. Therefore, nothing further should be done and over the course of time all pirates will be arrested by those warships patrolling the area and brought to justice. Statistics sometimes have the tendency to support these views.

As was emphasized in Dominick Donald's presentation during the 2012 Safety4Sea Annual Forum in Athens, over the last three months a significant drop in Somali pirates' attacks has been noticed. During his speech, he commented<sup>(9)</sup>: *“Regarding the drop in Somali pirate attack, if you compare July, August and September of this year with the previous six months, you will notice a substantial drop in pirate activity...”*

Over the last three months, we have seen a substantial drop in all these four categories.<sup>(10)</sup> So, why this has happened? Why we have this drop in attacks? The first reason is the weather. The summer monsoon makes it much harder for pirate skiffs to operate. Therefore this period from July to September always sees a significant drop in pirate attacks about of 20-30%. This year, February, March and April attacks were cordially 24, 17, 13, so it is about 20-30% drop.

The second reason is navies. Naval patrol has particularly helped in the reduction. However, political will to continue this expenditure is limited, so first world presence is likely to decrease. Another reason is Privately Contracted Armed Security Personnel (PCASP) which has led to a significant fall in the number of vessels fired upon. It is true that pirates do not open fire once they see PCASP going through escalation of force measures. But still the proportion of suspicious approaches remains relatively high; pirates still approach vessels but then do not convert approach into an attack because of the armed guards on board.”

## Summary and Conclusion

Piracy and maritime terrorism are two 'grey-area' phenomena that are often used as buzz words within the academic world and by various security analysts or journalists.

Needless to say, the previous analysis is concrete and summarizes many of the important factors in the Somali piracy situation.

It is true that the presence of patrolling warships in the region is a deterrent and that the presence of private armed guards can prevent pirates from boarding an endangered ship.

However, the current state is only an interim step towards the final solutions.

Piracy in Somalia will diminish only when the rule of law is well-established in this burdened country.

When Somalis themselves can provide reliable law enforcement in every location of their state, and especially along its coastline, pirates will lose their safe-heavens.

Of course, anyone, not only maritime security experts, can understand that in order to reach this new status there are still very many steps to be taken, probably with the UN best suited to assume the key role.<sup>(17)</sup>

International naval forces in the Gulf of Aden and the Indian Ocean do make a very positive contribution to the suppression of piracy.

On various occasions they have thwarted pirate attacks in progress, engaged with pirate skiffs, and successfully taken back hijacked ships during opposed boarding attempts.

## ***“West Africa will result in the region becoming the next piracy hotspot”***

The famous transit-corridor is heavily patrolled by naval forces and has helped reduce the number of attacks within the Gulf of Aden, although pirates have been able to adapt to the specific effort.

Certainly, reliable statistics do indicate that piracy efforts have been reduced in terms of total numbers; nevertheless, pirates continue to bedevil international shipping.

To make things even worse, the problem of piracy is by no means limited to the Gulf of Aden and/or the Indian Ocean. Somali pirates have now expanded their operations up to the west coast of India.

Many analysts believe that the worrying rise in the number of attacks off the coast of West Africa will result in the region becoming the next piracy hotspot.



*For further reading on maritime crime in West Africa, see:*

*MSR Viewpoint 04 - Maritime Security in the Gulf of Guinea*

*MSR Viewpoint 05 - It Will Continue*

**Footnotes:**

1) United Nations Convention on the Law of the Seas, "Oceans: The Source of Life", 20th Anniversary, United Nations, p. 13,

[http://www.un.org/Depts/los/convention\\_agreements/convention\\_20years/oceanssourceoflife.pdf](http://www.un.org/Depts/los/convention_agreements/convention_20years/oceanssourceoflife.pdf), accessed May 2009.

2) Martin N. Murphy, *Small Boats, Weak States, Dirty Money: The Challenge of Piracy* (New York: Columbia University Press, 2009), p. 7.

3) See Report of the (UN) Secretary-General on the Situation in Somalia, UNSG S/2008/709, 17th of November 2008.

4) Eric F. Ellen, Ed., *Piracy at Sea*, (Paris: ICC Publishing SA, 1989), p. 41.

5) ICC International Maritime Bureau, Annual Report 1 January–31 December 2008, p. 39.

6) International cooperation and coordination is mainly regulated by the contemporary international Law of the Seas. The 1982 United Nations Convention of the Law of the Seas (UNCLOS) constitutes the foundation of international anti-piracy law. However, the incapability and insufficiency of UNCLOS to foresee and regulate incidents like the Achille Lauro hijacking in 1985, resulted in the development of a supplementary body of law. As a result, the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) combined with the provisions of UNCLOS constitutes the contemporary international anti-piracy law. The recent incidents of piracy -in the Malacca Straits initially, or the Gulf of Aden later on- showed weaknesses of the contemporary international law in combating piracy. Regional initiatives like the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and the Proliferation Security Initiative (PSI) show the truth of such an argument. See Dimitrios Dalaklis, "Legal Background of Counter Piracy Operations both in NATO and EU", Seminar on EU's Common Security and Defence Policy, Spanish Naval Academy, Marin-Spain, March 2010.

7) United Nations Security Council, "Security Council Asks Nations with Military Capacity in Area to Actively Fight Piracy on High Seas off Somalia",

<http://www.un.org/News/Press/docs/2008/sc9467.doc.htm>, accessed June 2009.

8) United Nations News Centre, "Regional States sign Pact to fight piracy off Somali Coast", United Nations,

<http://www.un.org/apps/news/story.asp?NewsID=29725&Cr=somalia&Cr1=pirates>, accessed June 2009.

9) See Dominick Donald, "The drop in Somali- based pirate attacks and its implications for ship operators", in more detail at:

<http://www.safety4sea.com/analysis/104/157/the-drop-in-somali--based-pirate-attacks-and-its-implications-for-ship-operators>, accessed November 2012

10) The attacks are separated in four categories: suspicious approach where skiffs usually approach a commercial vessel in a

manner that suggests they have piratical intent, vessel fire- upon where people make a suspicious approach open fire on the target vessel, boarding and robbery where the pirates actually manage to get on the vessel and hijack.

11) A new government is already power; efforts to expand its control along the whole of Somalia is currently underway. There are many actors involved, i.e. Arab League, African Union and neighboring countries to name just a few. A new, different analysis is necessary in order to cover the specific subject in more detail.

**About the Author**

H.N. Commander Dimitrios Dalaklis, a Hellenic Naval Academy graduate, has spent a significant portion of his carrier onboard various vessels of the Hellenic Fleet with duties of high responsibility, including the positions of Executive

Officer and Commanding Officer.

Holding a dual Master's Degree (ITM & DA) from the Naval Postgraduate School (Monterey-California-USA), his PhD research took place in the University of the Aegean, Department of Shipping, Trade and Transport.

He is also a graduate of the Hellenic Naval Staff and Command College, as well as of the Hellenic Joint Warfare College.

Under his expertise in anti-piracy activities, he has lectured in both the aforementioned institutions about the "Somali Piracy Phenomenon" that is fully examined in his latest book.

Additionally, he has lectured in the Hellenic Defense College about the same subject and has represented Greece in the 1st EU's Common Security and Defense Policy Seminar, with his study "Legal Background of Anti-piracy Operations both in NATO and EU".

He is the author of a significant number of books, studies and articles in both Greek and English and he has an extensive teaching/training activity, in the fields of navigation, electronics, geopolitics and international relations.





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By Mark Lowe

Over the past few years, the world of academia has begun developing and promoting courses for those considering investing in their personal and professional development. With an ever greater number of options and possibilities being offered, the Maritime Security Review has taken a look at a few of the more interesting options currently available.

Viewpoint, No.6 - 19 November 2012

**MSR InDepth**  
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InDepth, No.9 - 21 December 2012

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MSR InDepth - Number 9  
Published by Maritime Security Review Limited

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