Pirates of Aden

A Threat Beyond Somalia's Shores?

Natalia Piskunova

This study focuses on trends in maritime piracy in the Gulf of Aden in the period 2009-2012. My research examines core actors and their activities and the corresponding responses of local and international authorities. This work is based on analytical monitoring conducted over the same period. The point of this work is to illustrate the projection of Somali pirates from beyond their "traditional" waters and how this is impacting regional – and with it, international – security.

Keywords maritime, piracy, Gulf of Aden, Somalia, international intervention

Introduction

The problem of maritime piracy in the Gulf of Aden presents a new research area for regional and global studies. Academic interest gravitates around both theoretical and practical issues surrounding the problem of piracy. This work considers that the key scholarship-based tasks are based on: analysing the current situation, questioning the status of pirates as possible actors in the regional security system and examining new trends in maritime piracy in the region. This work aims to do just that. This is especially tÂe since there is an assumed relationship between *jihadis* and Gulf of Aden piracy. Given the current level of the problem, there is a need to prove – or refute – the thesis that maritime piracy is now a local rather than an international issue since such identification will assist decision-makers apply more appropriate policies for stemming such activities. The same clarity is required on the question of whether maritime piracy is linked to Somali state failure and whether there is a need for an international response. Global security threats that could arise from this situation also call for assessment.

Scan this article onto your mobile device

This study incorporates soft security issues into its analysis of current maritime piracy trends in the Gulf of Aden. In particular, it widens the spectÂm of issues understood to influence the regional security configuration to include internal political developments and state failure—an event that fosters favourable conditions for maritime piracy and kidnappings in the region.

Research Methods and Aims

A new research method is applied in this study; *analytical monitoring*, which is used to determine the situation in the Gulf of Aden during the 2009-2012 period. This approach facilitates the creation of a database of related events; widening the scope for long-term research on maritime piracy in the Gulf of Aden. The aim of this work is to analyse the problem of maritime piracy in the Gulf of Aden in the context of regional political processes. To accomplish this goal, three analytical tasks must be completed:

1 Assessing on-going trends in maritime piracy in the Gulf of Aden,
2 Evaluating the level of the international community's involvement in resolving the region's piracy issue,
3 Assessing the viability of pirates' status as actors in the regional system of international relations with all the rights such a status generates.

The object of this research is to depict the current configuration of maritime piracy in the Gulf of Aden. This research is divided into three key issues:

1 Current trends in maritime piracy in the Gulf of Aden,
2 Specific activities of pirate groups related to trade and private vessels whose routes traverse the Gulf,
3 Activities of the international counter-piracy coalition.

The *analytical monitoring* applied in this study presupposes a deeper, more data-based analysis of the timeline of events in the Somali region for an, overall, more in-depth analysis and greater harmony with theories of foreign policy and international relations. Analytical monitoring can also broaden the scope of the methods of situational and comparative analysis which have traditionally been used in similar cases. The analytical monitoring approach presumes the creation and prompt updating of a database of related events. In this database, all piracy-related events reported in the press are divided into relevant

groups: actions by pirates; actions by local government; and responses/actions of the world community. This enables a demonstration of major changes and trends in the development of maritime piracy problems in this region. Applying this method also provides for a more probing study of events, with actions categorised by actor and context. It is thus easier to visualise both qualitative and quantitative changes in the maritime piracy problem in this region. This, in its turn, allows researchers to account for both local and regional events.

Natalia Piskunova

The data used in this research comes primarily from leading world news agencies with a focus on reports of piracy-related events in the Gulf of Aden. These include reports of kidnappings, shipwrecks and international operations to prevent or combat pirates. Reports of trials and prosecutions of pirates are also used to demonstrate political-legal trends concerning whether piracy is approached as a national or world security issue.

Major Trends in Maritime Piracy in the Gulf of Aden

Over 30000 vessels traverse the Gulf of Aden annually, making it an important transport hub in the Indian Ocean.[1] At the same time, international media features weekly reports of kidnappings and attacks in this area. Given the growing scale of this security issue, implementing analytical monitoring is a timely way to track major trends in pirate attacks in this area. The 2010-2011 period saw a surge in the level of attacks by pirates in the Gulf of Aden. This was visible from the widening of the geographical area marked out for potential attacks. To make the comparison: whereas in October-November 2009, the zone for possible attacks was limited to 165 nautical miles (287 km) from Somali shores, in April 2010, attacks were recorded some 1100 nautical miles (2037 km) from the Somali coast, which amounts to 500 nautical miles (926 km) from India's coast.[2] This means that the southern border of the attack zone shifted up to 250 nautical miles south of Madagascar.[3] In other words, the zone grew 10 times larger.

Assessing maritime piracy in the Gulf of Aden region in 2010-2012 showed that the geographical hubs from which the majority of aggressive actors set out were limited to specific areas of the collapsed Somali state. These hubs took the form of naval ports, illegal weapon arsenals and even unauthorised settlements of pirates from which organised pirate groups launched their criminal activities on the coast.

All wrecked vessels were transferred to the ports of Garader, Garakad or Hobio in the south-west part of Somalia's coastline.

Analytical monitoring of maritime piracy near Somali shores in 2009-2012 also highlighted the indiscriminate character of these pirate attacks. Pirates set out to capture any kind of ship which crossed their route; no special planning of concrete attacks was detected. The only exception was the destÂction of the *Maersk Alabama*, a vessel subjected to three attacks over the course of one year. The motivation here may be seen as a criminal vendetta: after each attack, the attacking pirates were sent abroad for trial while their accomplices still in Somalia stepped in to take revenge at sea. However, besides this exceptional case, attacks were aimed at any passing vessel, regardless of the type of cargo it carried or the number and nationality of those on board. The same was tÂe of the political implications of pirate attacks: there was no discrimination when it came to flag, nationality or type of vessel ownership.

Data from analytical monitoring of maritime piracy in the Gulf of Aden allows us to maintain that there is no organised or stÂctured group or network of pirates in this region. Attacks were carried out by dispersed groups of pirates—a fact complicating efforts to combat them. Additionally, there was no single common identity among all the pirates; none of the individuals on trial for maritime piracy associated themselves with any political or religious group globally.

Based on these facts, we cannot assume that pirates are actors in the contemporary system of international relations. These pirates did not constitute a common group since they did not identify or position themselves as a viable political or social association with global demands. Similarly, they did not associate themselves with any existing international criminal or non-criminal groups such as terrorist networks or other radical network stÂctures, and they never supported the manifestos of these groups. In terms of internal organisation, it was hard to make out any strict hierarchy or type of subordinate relations within the pirate groups. In the majority of cases, pirates gathered in small local crews to carry out a single attack at a concrete place and time. The list of members of a single pirate group was subject to change over a period as short as a month or even a week. Also evident from analytical monitoring was that the pirates did not put forward any political demands or demonstrate any political position. Generally, all their demands aimed to exact a ransom for the destroyed ship

and crew taken hostage. Any accusations about the Somali government (and/or unrecognised territorial and political units existing *de facto* in its territory) which pirates voiced at international trials were unsystematic and unrepresentative. The same was tÂe of random allegations about "Western" vessels polluting the waters of the Gulf of Aden or totally corÂpt local authorities stealing international aid and leaving the population to starve or become pirates.

In 2011, the number of attacks on private boats and yachts grew significantly. The problem was aggravated by the fact that negotiating over private vessels and crews is harder since they are not usually monitored by any international services or supported by any official authority. Beginning in June 2010, another trend was visible—the refusal of pirates to voice their ransom demands immediately after a ship was attacked. The "waiting" period before demands were presented to the crew stretched to two-to-three months. This was very different from the pattern in 2009-2010 when pirates issued their ransom demands directly after an attack. At the centre of this process, was a marked increase in the involvement of the Somali diaspora in Europe, and especially the UK, in liberating kidnapped crew and tourists. This trend was epitomised in the ransom negotiations conducted to free UK citizens caught by pirates on a private yacht on the open seas.[4]

Such trends occurred against the backdrop of significant improvements in the technical and military equipment deployed in pirate vessels. While pirates only used single vessel, with minimal fuel available to them, throughout 2010 and 2011, they had several groups of vessels at their disposal and good reserves of fuel, fresh water and food throughout 2010 and 2011. This enabled them to stay at sea for longer periods of time in order to lie in wait and follow heavily loaded transport vessels and pursue their victims without the need to return to Somali ports. The improved quality and assortment of military equipment was also seen in several cases of captured pirates in the Gulf of Aden area; they were equipped with AK-47s, small arms and cold weapons together with various types of modern arms and grenade cup dischargers.[5] These pirates had an ample supply of radio transmitters, mobile phones and special mobile and radio signal blockers that were used to prevent the crews' of seized ships from transmitting SOS signals or making contact with the outside world.

The cat-and-mouse tactics of some Somali pirate groups also changed. The number of attempted kidnappings carried out with the

help of "mother vessels" rose substantially. The strategy of using a mother ship is quite straightforward: it involves the hijacking of one ship while several pirate vessels stay close to the captured ship. The hijacked ship is then towed to Somali ports while the pirates seek out other victims who will be fooled by the non-Somali flag. The problem for rescuers is that these hijacked ships are mostly tankers loaded with large quantities of oil so that it is risky to fire at them when trying to free hostages. In a number of cases in the first half of 2011, pirates also forced these hostages to maintain their course and followed it in order to find and pursue other possible victims.[6] This complicated both the timely exposure of kidnappings at sea and the taking of measures to render the pirates harmless and ensure the safety of the ship and crew.

Analytical monitoring of piracy in the Gulf of Aden showed an increase, since May 2010, in the number of pirate attacks on vessels passing through the Gulf of Aden as well as on those heading to South Asian ports. Importantly, the geographic area of potential attacks widened beyond Somalia to include India. For example, the *Tai Yuan 227* fishing vessel, flagged by Taiwan, was hijacked by pirates in the Indian Ocean 700 nautical miles (1300 km) to the north-east of the Seychelles islands.[7] The ship had 28 crew members on board of unknown citizenship. It was towed by the pirates to the Somali coast.

The extent of the problem of piracy was made clear to influential world powers and oil producers when, on 05 May 2010, the Russian-owned tanker *Moscow University* was hijacked by pirates in the Gulf of Aden.[8] The tanker's crew had 23 members, all of them Russian citizens. It was loaded with oil valued at approximately $50 million (usd). A day later and Russian naval forces conducted military operations led by the ship *General Shaposhnikov*. As a result, the tanker was freed from the pirates and none of the crew was injured. At the same time, one pirate was killed and 10 more were detained.[9] A decision was then taken regarding whether to extradite the captured pirates to Russia for trial on charges of maritime piracy and armed robbery. Under Russian law, they faced up to 15 years in prison. Following the incident, an intensive debate eÂpted both online and offline in Russia. One sticking point was the issue of adequate measures to be taken by Russian military forces in counteracting piracy. There was great divergence of opinion about the need to use military means during operations to free hostage crews.

One stance held that it was not expedient to mount military operations to free captured crews and ships since this created conditions that were a direct threat to crew members' lives. Moreover, carrying out operations with firearms increased the risk to cargo, especially oil, and thus the chances of a vast ecological catastrophe in the region in the event of an oil spill caused by firing.

Natalia Piskunova

Other advocates claimed that modern technical equipment – and the professional training of the Russian marine forces patrolling the Gulf of Aden – meant these liberation operations could be conducted without any harm to persons and/or cargo. Another view, that extending and enhancing the presence of naval forces in the Gulf of Aden could strengthen any country's status internationally and support its foreign policy, was also present in the debate. This step was also said to improve bilateral relations with all anti-piracy groups and promote better information and patrolling of the entire dangerous Gulf of Aden area.

International Community Responses
to Somali Piracy in Aden

The period 2009-2012 saw a spike in international counter-piracy efforts in the Gulf of Aden. A number of successful rescue operations were conducted to free kidnapped crews and stolen cargo in the Aden area. Besides operations to rescue crews and cargo into the potential attack zone with special anti-piracy military vessels in the lead, the international community raised the issue of strengthening measures against hijackings in Aden. A set of practical strategies was established to protect crews and captains including manoeuvring, escaping pursuit in the open seas, issuing warning fire, etc. Some crews also took special EU NAVFOR courses on skills to counteract pirates in attempted hijackings.

It is noteworthy that information about hijackings and hijacking attempts in the Gulf of Aden is only available for ships registered with the EU NAVFOR, i.e. the EU Navigation Force Group that monitors ships and assists in cases of attempted hijacking. In fact, it is almost impossible to retrieve information about these matters for ships that are not registered with EU NAVFOR. This, in turn, prevents researchers from speaking with any accuracy about the actual numbers of ships that

successfully pass through the Gulf and those that are hijacked. This in-accuracy complicates the monitoring of the dynamics of both success-ful and unsuccessful attacks, and it hinders the analysis of potential trends and changes in the problem's development.

The current international stÂggle against maritime piracy is aggra-vated by the lack of a unified international database of laws and norms that would allow for conducting trials and criminal investigations anywhere in the world. Even in those countries where standard and criminal maritime laws do exist, it can be difficult to conduct trials since these laws are largely out-dated and do not reflect the existing reality. In Holland and the US state of Virginia, for example, trials of pirates caught kidnapping and terrorising crew at gunpoint in the Gulf of Aden, relied on 18th- and 19th-century laws. This is emblematic of the failure of modern international and national legal systems to revise their maritime laws in any way to address modern versions of piracy, a phenomenon which they believe to be strictly historical with no rele-vance to the times we live in.

Active piracy in the Gulf of Aden raises the question of the need for prompt updating of the database of international laws and agreements on fighting maritime piracy. Across different countries, the majority of those accused of maritime piracy have stood trial on charges of terrorism, kidnapping, attempted murder of crew and armed robbery. However, they have rarely been tried for classic maritime piracy. Thus, though the comprehensiveness of these charges has meant that all of those accused have received long-term prison sentences, including several life terms, there are grounds for reassessing and revising inter-national maritime laws.

Between 2010 and 2011, the international community increased the use of military-type measures aimed at countering maritime piracy. The US and Russia especially assumed active roles in the fight against maritime piracy after their ships were came under attack in the Gulf of Aden. For example, on 01 April 2010, the *USS Nicholas* reported a pirate attack in the Seychelles region.[10] These pirates came under heavy fire and their vessel was pursued to the west of the Seychelles. As a result, six pirates were captured by the *USS Nicholas* and the pirate ship was confiscated and wrecked.[11] Aside from training crews in military ap-proaches to combating pirates and capturing several groups of pirates

who were trying to abduct crew from US ships, US authorities have be-
gun to develop more comprehensive measures as well. The *uss Nicho-
las* example is again a case in point: here all the pirates were extradited
to the US for trial following the failure of their hijacking attempts and
the crew's active countermeasures.

This case reflects yet another trend: the conducting of maritime pi-
racy trials not at federal, but at the state level. The reason for these
state-level piracy hearings is that in the absence of a unified nation-
al strategy on fighting maritime piracy from US authorities, the legal
systems of several states allow for the holding of maritime piracy tri-
als. For example, under Virginia state law, if a ship attacked by pirates
is registered in any port in the state of Virginia and it was carrying
the American flag, then the ship's captain may ask a court to launch a
criminal investigation and trial. In this case, the Âle of law on fighting
maritime piracy extends not just to crimes committed by pirates in US
territorial waters, but to any place in the world where these events take
place. This Âle allows for the on-the-spot detention of pirates caught
attacking a ship and makes it possible to organise the pursuit of major
and supporting pirate vessels.

This situation is illustrative of expanding efforts internationally to
fight piracy. At the moment, it is the EU which has exhibited maximum
efforts in this direction by creating the EU NAVFOR, which registers and
patrols ships from any country that pass through the dangerous piracy
zone. This appears to be logical since nearly 20% of EU trade comes
from the Gulf of Aden and 95% of EU trade is maritime trade. Nev-
ertheless, in France and Spain – two countries which have extensive
experience combatting maritime piracy – both the criminal investiga-
tion and prosecution of those suspected of piracy are impeded. And,
in April 2010, Kenya, which borders on the Somali territory hosting
pirate hubs, officially refused to keep piracy suspects in Kenyan jails or
to hold their trials at Kenyan expense even in cases where the piracy
crimes in question occurred in Kenyan territorial waters.[12] Kenyan au-
thorities repeated the statement later in October 2010 when the Ken-
ya-EU agreement on cooperation against piracy in the Gulf of Aden
expired.[13] Kenya's official explanation was that piracy proceedings had
a negative impact on the country's tourist industry and there was an
absence of the vast budget allocations needed to cover the expenses

of those accused of piracy and trial costs. The situation is not conducive to the coordination of international community actions aimed at fighting piracy and preventing pirate attacks.

Between 2009 and 2012, there was a widening debate in the international community on the need for non-state companies and organisations to patrol ships in the Gulf of Aden. A pressing issue was that private patrol companies need greater legal powers and broader authority to accompany ships that are passing through the Gulf of Aden and assuming the risk of pirate attack. Besides patrolling the area and accompanying ships, such contractors also offer private security services to ships. Their services are offered and performed by former military officers of various origins, who are hired by private companies to maintain ship security against pirate attacks.[14]

Opponents of this practice are against giving extensive rights and authority to non-state actors who patrol the area and assist with armed resistance to pirate attacks on ships in Aden. These critics believe that these contracts will increase ship insurance costs and create misunderstandings about the legal status of the armed groups accompanying crews and ships.[15] Stephen Askins, a lawyer from international shipping law firm Ince and Co, told the BBC that the majority of armed security contractors are from the UK while others come from the US, South Africa, Australia and New Zealand.[16]

Involving private contractors in the international stÂggle against maritime piracy may produce positive and negative consequences. On one hand, increasing the number of groups and organisations combating piracy will allow for the widening of the geographic scope of secured areas while also boosting the worldwide fight against piracy. Alternatively, there is a rise in ship insurance costs and a need to make higher payments to non-state armed guards. This will, in turn, increase the costs of transporting cargo and its price on the world market. It will also result in the development of fraudulent practices since there is now no strict procedure for vetting those contracting with companies to accompany their vessels and protect them from pirates.

In recent years, the international community has shown a propensity for action at an organisational level as well as the national level. The acute nature of the piracy problem was discussed at a UNSC meeting in April 2010, and various cases of pirate attacks and kidnappings in the Gulf of Aden area were examined. As a result, the UNSC passed a unanimous resolution calling for the international community and

regional organisations to widen the stÂggle against piracy and develop comprehensive measures aimed at the criminal prosecution of the culprits of pirate attacks. The UNSC also authorised the UN's Secretary General to prepare a special report on the piracy problem within three months for assessment at a UNSC meeting.[17] The Council praised the experience of the EU, NATO and other organisations that patrol the waters of the Gulf of Aden and called for these organisations to continue and expand their efforts to fight piracy.[18]

Natalia Piskunova

Since the second half of 2010, the international community's efforts to fight maritime piracy in the Gulf of Aden have been sporadic. Here, it is interesting to look at one large-scale trial of pirates who were caught attempting to kidnap the crews of American ships. The trial was held in Norfolk, Virginia. In addition, Abduvali Muse, who was accused of attempting to kill the captain of the Maersk Alabama in 2009 as well as attempted kidnapping, stood trial in May 2010 in New York.[19] During the proceedings, he confirmed his guilt on both counts.[20] He also admitted to being the ringleader of a pirate group which had attempted to kidnap the crew of several ships passing through the Gulf of Aden. In his words, it was Somalia's government that was to blame for the piracy. He also claimed that he had failed to recognise the American flag on the vessel though admitting that he had held Captain Richard Phillips hostage for four days on a boat owned by the pirate group.[21] The court sentenced Muse to 34 years in prison.[22]

Conclusion

Several trends were seen in maritime piracy in the Gulf of Aden during and beyond the 2009-2012 period including changes in the geographic scale of the problem and its legal, economic and political dimensions. We can assume that the increase in legal proceedings and the intensification of prosecution processes are part of a positive trend in the recognition of the means to combat this issue worldwide. Politically, the existence of closer and more vigorous international cooperation in both preventing and fighting maritime piracy in the Gulf of Aden points to a positive trend in the elimination of the problem while also demonstrating the clear common interest of many world states. The united international response to this problem shows that maritime piracy in Aden has been acknowledged as both a regional and global issue that needs to be addressed unanimously.

The tendencies highlighted briefly in this study also reflect long-term debates about the possible means by which the international community can counteract piracy. A comprehensive stÂcture of systems for the prevention, criminal investigation and legal prosecution of maritime piracy may lead to positive results. At the moment, the primary problem in fighting maritime piracy in the Gulf of Aden is the lack of coordination of international community efforts to unify the legal measures to counteract piracy and curb crimes by pirates active not only in the Gulf of Aden but worldwide.

༅

NATALIA PISKUNOVA is affiliated to the Political Science Department at the National Research University-Higher School of Economics Russia and may be reached at *natalia.piskunova@gmail.com*

Notes

1   Anna Bowden (2010), 'The Economic Cost of Maritime Piracy,' *One Earth Future* working paper, December 10, p.11, available at: <http://oneearth-future.org/sites/oneearthfuture.org/files//documents/publications/The-Economic-Cost-of-Piracy-Full-Report.pdf> (accessed 18 April 2015).
2   Nick Childs (2010), 'Navies StÂggle with "Swarming" Pirates,' *BBC News*, 01 April, <http://news.bbc.co.uk/2/hi/africa/8598726.stm>
3   See *CNN* (2010), 'Ship Hijacked Off North Africa,' 29 September, <http://edition.cnn.com/2010/WORLD/africa/09/29/indian.ocean.ship.hijacked/index.html?iref=allsearch>; *CNN* (2010),'Pirates Hijack Taiwanese Fishing Vessel off African Coast,' 08 August, <http://edition.cnn.com/2010/WORLD/africa/10/08/somalia.pirates/index.html?iref=allsearch> .
4   Frank Gardner (2010), 'The Long Road to the Chandlers' Release,' *BBC News*, 14 November, <http://www.bbc.co.uk/news/uk-11753927>.
5   *CNN* (2010), 'Vessel Released from Pirate Control; Suspected Pirate Ship Destroyed,' 18 October, <http://edition.cnn.com/2010/WORLD/africa/10/18/indian.ocean.pirates/index.html?iref=allsearch>.
6   Brad Lendon (2010), 'Pirates Use Hijacked Vessel to Attack Spanish Warship,' *This Just In* (blog), *CNN,* 09 November, <http://news.blogs.cnn.com/2010/11/09/pirates-use-hijacked-vessel-to-attack-spanish-warship/?iref=allsearch>.
7   *CNN* (2010), 'Taiwanese Boat Hijacked in Indian Ocean,' 11 May, <http://www.cnn.com/2010/WORLD/africa/05/10/taiwan.hijacking/index.html?iref=allsearch>.
8   *CNN* (2010), 'Russian Marines Storm Hijacked Oil Tanker,' 06 May, <http://www.cnn.com/2010/WORLD/africa/05/06/somalia.pirate.attacks/index.ht-

ml?iref=allsearch>

9   Ibid.
10 *CNN* (2010), 'Suspected Pirates Nabbed after Skirmish with U.S. Navy Ship,'
    01 April, <http://www.cnn.com/2010/WORLD/africa/04/01/navy.pirates/index.html?iref=allsearch>.
11 Ibid.
12 Ibid.
13 Lillian Leposo (2010), 'Kenya Ends Agreement with EU to Prosecute Sусected Somali Pirates,' *CNN*, 04 October, <http://edition.cnn.com/2010/WORLD/africa/10/04/kenya.eu.pirates/index.html?iref=allsearch>.
14 *BBC News* (2010), '"Pirate" Dies as Ship's Guards Repel Attack off Somalia,' 24 March, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/8584604.stm>.
15 *BBC News* (2010), '"Pirate" Death Puts Spotlight on "Guns for Hire,"' 24 March, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/8585967.stm>.
16 Ibid.
17 *CNN* (2010), 'U.N. Eyes International Tribunals for Pirates,' 28 April, <http://edition.cnn.com/2010/CRIME/04/28/un.pirate.tribunals/index.html?iref=allsearch>.
18 Ibid.
19 Cheryl Robinson (2010), 'Somali Pirate Pleads Guilty in Maersk Alabama Hijacking,' *CNN,* 19 May, <http://edition.cnn.com/2010/CRIME/05/18/new.york.pirate.plea/index.html?iref=allsearch>.
20 Ibid.
21 Ibid.
22 Ibid.