

Fighting Piracy: Experiences in Southeast Asia and off the Horn of Africa

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Abstract

The recent surge in acts of maritime piracy in the waters off the Horn of Africa stands in sharp contrast to a steep decline of such acts in Southeast Asia. In this study, we compare the development of the problem of piracy in both Southeast Asia and the Horn of Africa. We find that four main elements contributed to the recent decline in piracy in Southeast Asia: U.S. hegemonic interests, existing and emergent international institutions, bilateral relations among regional actors, and the density of naval forces in the region. Unfortunately, not all of these conditions are present in the Horn of Africa. Thus, the problem of piracy in that region will require new and innovative solutions.

Fighting Piracy: Experiences in Southeast Asia and off the Horn of Africa

Dr. Robert M. Farley, Ph.D.

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Overview

The recent surge in acts of maritime piracy in the waters off the Horn of Africa stands in sharp contrast to a steep decline of such acts in Southeast Asia. In this study, we compare the development of the problem of piracy in both Southeast Asia and the Horn of Africa. We find that four main elements contributed to the recent decline in piracy in Southeast Asia: U.S. hegemonic interests, existing and emergent international institutions, bilateral relations among regional actors, and the density of naval forces in the region. Unfortunately, not all of these conditions are present in the Horn of Africa. Thus, the problem of piracy in that region will require new and innovative solutions.

Introduction

Over the course of 2008, Somali pirates, often operating from so-called "motherships," have engaged in increasingly frequent and brazen acts of piracy. These illicit actions have ranged from the capture and ransoming of luxury yachts to the hijacking of freight ships and supertankers.¹ This recent spike in maritime piracy in the waters around East Africa has been so severe that the United Nations Security Council (UNSC) recently adopted Resolution 1816 (2008), calling upon interested states to "increase and coordinate their efforts to deter acts of piracy and armed robbery at sea," which the UN considers a grave threat to the safe delivery of humanitarian assistance and maritime commerce in the region.²

The recent surge in piracy around the Horn of Africa bears a striking resemblance to the resurgence of the phenomenon that took place in the waters of Southeast Asia in the first half of this decade, which was similarly precipitated by regional economic depression and weak local governmental enforcement capabilities.³ After an initial surge in piratical activity in the Straits of Malacca and the South China Sea at the dawn of this century, however, the region has since witnessed its dramatic decline. Between 2004 and 2007, piratical acts in Southeast Asia declined by approximately 50 percent.⁴

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This paper will examine the reasons behind the decline of piracy in Southeast Asia in an effort to identify potential solutions to the rising problem of piracy off the Horn of Africa. In doing so, we argue that despite the fact that piracy in both regions appears to be driven by similar factors, the conditions that helped alleviate the problem in Southeast Asia in recent years are not currently present in the Horn of Africa.

The remainder of this article is organized in four sections. The first section will briefly outline the problem of modern maritime piracy, its causes, and the potential threats the phenomenon poses to international security, governance, and commerce. The second section examines the factors that led to the resurgence and decline of the problem in the previously piracy-infested waters of Southeast Asia at the beginning of the decade, focusing especially on the role of the United States in this process. In doing so, it is possible to derive a number of potential lessons for those confronted with the phenomenon in other areas of the world. The third section of the paper shows that the conditions for a successful anti-piracy campaign around the Horn of Africa do not exist at the present time. In the final and concluding part of the paper we outline a number of potential solutions to the problem and weigh their relative merits and the likelihood of their adoption.

The Problem of Maritime Piracy

Maritime piracy is not a new phenomenon in the international system.⁵ During the Cold War, however, the problem of piracy was seldom viewed as significant. Compared to the superpower struggle for international primacy, maritime piracy appeared to be a trivial issue. Over the past decade, however, observers have increasingly recognized that piracy, while certainly not an existential threat to the global economic system, can pose significant challenges to international order and stability.⁶

Clearly, piracy poses a potential threat to international trade, 80 percent of which involves ocean transit. While the contemporary problem of piracy has yet to reach levels significant enough to directly threaten freedom of movement of cargo on the world's oceans, as it sometimes did in previous centuries, it has already on occasion caused significant increases in insurance premiums for those engaged in maritime trade, in addition to direct losses from hijacked and stolen goods.⁷ Although the threat to maritime trade is most acute in strategically important passageways such as the Malacca Straits and the South China Sea—through which a large percentage of the world's trade passes—it can be felt anywhere.⁸ For instance, the attack on the oil tanker *M/V Limburg* in October 2002

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caused a 300 percent increase in insurance premiums for Yemeni shippers and reduced Yemeni port shipping volumes by 50 percent.⁹ As such, maritime piracy has the potential to become a serious nuisance in an era of increasing globalization.

A resurgence of maritime piracy raises concerns beyond the direct threat to international trade, however. Terrorist organizations may adopt methods used by, or ally themselves with, pirates to strike at the economic order that nations seek to promote and pursue. Regular attacks on shipping, combined with spectacular attacks on key ports (such as Singapore), could significantly increase the costs of international maritime commerce and could undermine international stability. As the rise of container shipping and on-demand production has made international commerce much more dependent on reliable timing and shipping schedules, a serious attack against one of the world's most strategic commercial routes or ports could have devastating effects on the international economy.¹⁰ Moreover, the decreasing number of "hub ports," able to accommodate increasingly large container ships, makes the international economy even more vulnerable to such attacks.¹¹

It is also worth noting that terrorist organizations might not limit themselves to attacks against important economic interests of the United States and its allies. Terrorists could seek to hijack cargo ships in order to obtain various types of weapons and explosives. They could also use the medium of maritime piracy to strike directly at the United States and its allies in an effort to perpetrate a major, high profile terrorist attack by hijacking cargo ships and using them to inflict damage on harbors and/or major population centers. By attacking or hijacking ships en route, terrorists could overcome the enhanced security measures that have been put in place to improve control over cargo containers destined for U.S. ports. In recent years, pirates have hijacked a number of large cargo ships in Southeast Asia. While authorities ultimately located some of these vessels, others have disappeared completely. Terrorists will also have opportunities to hijack ships for their own purposes without being detected.¹² Some observers have singled out the relatively weak security arrangements that characterize the transport of radioactive materials to and from Japan.¹³ If such a shipment were to fall into the wrong hands, it could provide the material for a "dirty bomb," which could be set off in a busy American port. Concerns about the use of ships to attack American ports have been voiced repeatedly since the attacks of September 11th, 2001.¹⁴

More important, perhaps, is the fact that terrorist organizations may make use of the logistical support that transnational piracy networks can provide. Terrorists "are prepared to do business with criminals who have

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specific goods or skills they need, such as forged documents, or services that can expedite their operations, such as smuggling networks that can infiltrate operatives into specific destinations."¹⁵ Terrorist organizations themselves, moreover, could turn to piracy themselves in order to mobilize resources for their fight against their enemies. Certainly, terrorist organizations have turned to organized crime on land in order to fund their activities, and there is good reason to believe that they would resort to sea-based crime in order to do so.

While pirates and terrorist organizations may have different aims, independently and together they can threaten the free market economic system that the United States and other nations seek to maintain.¹⁶ The actions of pirates increase the overall costs of international commerce. Terrorists likewise pose a maritime threat to the U.S.-led international economic order, and may pose a more direct threat to the security of their western enemies. In recognition of these threats, the National Strategy for Maritime Security, developed by the current American administration, states that "[the] safety and economic security of the United States depend in substantial part upon the secure use of the world's oceans... maritime security must be a top priority."¹⁷

Finally, failure to deal in a coordinated fashion with maritime piracy may lead to power vacuums in regions affected by the phenomenon, with potentially detrimental consequences for regional order. Both Japan and India, for instance, have shown interest in taking an active role in suppressing piracy in the Malacca Straits and the Indonesian archipelago. Other regional actors have met these efforts with suspicion.¹⁸ Thus, the problem of piracy, while not a major direct threat to international order and stability, may have important secondary and unintended consequences. By drawing in regional powers, the problem of piracy may spur or exacerbate regional rivalries and the rise of regional security dilemmas. As such, individual acts of piracy may cause little harm or impose only negligible economic costs on the powerful states in the system, but they may have more powerful political consequences than may appear to be the case at first blush.¹⁹

In sum, therefore, while the problem of maritime piracy is not an existential threat to any of the world's major powers, or to the international system itself, it generates three major concerns. First, it can make maritime commerce more difficult and expensive to conduct. Second, pirates may ally themselves with politically-motivated terrorist groups that seek to harm the interests of the U.S. and its allies. Finally, the lawlessness associated with piracy may lead regional powers to undertake efforts to repress the phenomenon, thereby triggering unwanted and potentially

destabilizing regional rivalries. All three problems associated with contemporary piracy are present around the Horn of Africa and as such the maritime powers in the international system would do well to make efforts to curb the phenomenon in the region.

A Blueprint for Success? The Rise and Decline of Piracy in Southeast Asia

The turn of the century witnessed the emergence of a troubling trend in Southeast Asia. Whereas the International Maritime Organization (IMO) had recorded a total of 1,587 acts of piracy in the fifteen years between 1984 and 1999, the four-year period between 2000 and 2003 alone witnessed 1,676 such acts.²⁰ Much of this phenomenon was driven by the Asian financial crisis, which not only created incentives for local fishermen and criminals to turn to piratical activities, but also limited the capacity of local states to build up the forces required to enforce law and order in their territorial waters and beyond.²¹ At the same time, technological developments lowered the bar for those wishing to enter the piracy "business." Small arms, fast boats, and navigational devices, all necessary tools of the trade, have become accessible to an ever-growing number of people.

Initially, it appeared that there was little hope that piracy would subside in the region. Local anti-piracy efforts proved inadequate to contain the problem due to a lack of political will, regional jealousies, and paucity of resources.²² Part of the problem was asymmetry of interests. While for Singapore the threat of piracy was paramount, given its reliance on foreign trade, neither Malaysia nor Indonesia was overly concerned about the issue. Instead, they defined their maritime interests primarily through issues such as smuggling, illegal fishing, and illegal immigration. As a result, neither Malaysia nor Indonesia expressed much interest in investing scarce resources in the fight against piracy. Also, neither state feared the piracy/terrorism nexus as much as Singapore did. In fact, both Malaysia and Indonesia were more concerned with maintaining their sovereignty and claims of authority over the Malacca Straits than with eradicating piracy.²³

Finally, while Malaysia, Singapore and Indonesia ultimately did step up their cooperation in an effort to respond to the rise in maritime piracy, their efforts were hampered by operational constraints.²⁴ As Young and Valencia noted in 2004:

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Indigenous Southeast Asian enforcement capacity is generally insufficient, although Malaysia has increased its enforcement effectiveness in recent years. Air surveillance and pursuit would be an important adjunct, but most Southeast Asian nations, and particularly Indonesia, cannot afford the number of aircraft necessary to adequately patrol their vast coastal region.²⁵

The most powerful maritime nation in the region (and the world, for that matter), the U.S., also did not want to intervene directly for a variety of reasons, not the least of which was regional resistance to an overt American role.

Despite these initial setbacks, by 2008 piracy was clearly on the decline in the region. Since 2004, piratical activity in Southeast Asia has declined each year. Whereas in that year 170 cases of piracy were reported in the region, last year saw this number drop to 78, a 50 percent decrease.²⁶ So what accounts for this drastic decline? Although it is difficult to pinpoint a single cause, and one should be cautious about reading too much into this relatively short trend, a number of contributing factors seem to be at play in reducing the incidence of piracy, especially in the Straits of Malacca. One factor, in particular, seems to have been decisive: the role of external powers, such as the U.S. and Japan in boosting naval capabilities, resolve, and regional cooperation.

While the U.S. has played a key role in the repression of piracy in Southeast Asia in recent years, it has not played the traditional role of the hegemonic maritime power. In contrast to its hegemonic predecessors, such as Great Britain and even the Roman Empire, the U.S. did not take upon itself to provide for system-wide maritime security and the protection of the world's sea lanes.²⁷ In fact, the resurgence of piracy in Southeast Asia at the end of the 1990's did not prompt an immediate or vigorous American response. Prior to the 9/11 attacks, American policymakers were reluctant to embark on a potentially costly counter-piracy campaign. This was partly due to the fact that while the costs associated with maritime piracy rose they did not reach such levels as to significantly undermine international maritime commerce.²⁸ Moreover, the costs of piracy were largely borne by non-American owners of the affected vessels. In the absence of strong domestic public pressure and powerful parochial interest groups pushing for an active anti-piracy role for the U.S. government, U.S. policymakers had few incentives to undertake costly anti-piracy measures. The U.S. Navy, moreover, was not prepared to take on an anti-piracy role. Spurred by both material limitations and institutional interests, the U.S. Navy chose to focus instead on its traditional role of preparing for naval warfare with great power competitors and as the provider of

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expeditionary power projection capabilities.²⁹ Altogether, it is not surprising that before 9/11 the problem of piracy was considered to "merit U.S. participation in regional seminars on the issue," but no direct and costly action.³⁰ This was especially true for the incoming administration of President George Bush in early 2001. After all, President Bush had actively campaigned for a more modest U.S. role in international affairs.

In the aftermath of the 9/11 attacks, however, American policymakers increasingly recognized the threat posed by piracy, especially in combination with maritime terrorism. Yet, despite the recognition for the need for maritime security and the decreasing domestic constraints on its ability to act, the Bush administration did not choose to pursue a vigorous anti-piracy campaign in Southeast Asia. In part, this passivity can be attributed to the fact that maritime piracy and/or terrorism have yet to make a significant impact upon the American public's consciousness and to the aforementioned absence of a strong constituency pushing the administration to take more vigorous action.

While there has been no strong domestic U.S. pressure to take direct action against the resurgence of piracy, international constraints have worked *against* direct American action against maritime piracy in Southeast Asia. The concept of sovereignty—the bedrock of the contemporary international system—formed and forms a serious stumbling block to the pro-active pursuit of an effective anti-piracy campaign by the United States. As Robert Beckman points out:

Under international law, no state has a right to exercise police power in an area under the territorial sovereignty of another state. The only exception would be if the coastal state expressly authorizes patrol craft or warships of another state to exercise police power in its territorial sea or archipelagic waters.³¹

The definition of piracy as an act perpetrated on the high seas and the concomitant restricted conditions under which states are free to act against it, have serious implications for the fight against maritime piracy in the Malacca Straits and other sea lines of communication (SLOCs) in close proximity to territorial waters of coastal states.

Malaysia, Indonesia, and Singapore each claim at least part of the Malacca Straits as their territorial waters. As a result, many acts of robbery and violence against ships in the Straits do not fall under the strict definition of piracy. Responding to such acts is the responsibility of the states in question. Almost any military or law enforcement action within the straits, therefore, will infringe upon the sovereignty of one, two, or all

three of these countries. For all intents and purposes, this means that any American anti-piracy campaign would have to be coordinated with these three states (and most likely also with the Philippines) or face the risk of precipitating serious diplomatic and perhaps even military confrontations. This is true for Malaysia and Indonesia. Although Malaysia and Indonesia lack the resources to effectively respond to piracy on their own accord, they are unlikely to acquiesce in or support American military action in the Malacca Straits.³² According to Sheldon Simon, "there is considerable sensitivity, particularly in Indonesia and Malaysia, that overt assistance for the U.S. war on terrorism can be used by Islamic groups and political parties to undermine the governments in Jakarta and Kuala Lumpur."³³

This sensitivity to overt U.S. involvement in the Straits of Malacca became exceedingly clear in 2004, when the U.S. sought to launch an initiative to increase maritime security in the region by way of the Regional Maritime Security Initiative (RMSI). The initiative strove to appear benign and non-invasive, ostensibly aiming to develop "a partnership of willing regional nations with varying capabilities and capacities to identify, monitor, and intercept transnational maritime threats under existing international and domestic laws."³⁴ Despite its understated tone, the RMSI was not welcomed in the region—especially because it was accompanied by suggestions that American naval forces could be deployed in the Straits to protect shipping. Neither Malaysia nor Indonesia was willing to support or even consider such deployments, and the mere suggestion of direct American action in the Straits ignited a great deal of protest. In fact, the protests were so vehement that U.S. policymakers quickly dropped RMSI from their lexicon, although they continued to pursue various aspects of the program in relative anonymity. Indeed, a 2006 pledge by Admiral William Fallon to help Malaysia and Indonesia fight piracy specifically excluded the possibility of U.S. naval forces operating in their territorial waters.³⁵

While the RMSI died an early and ignominious death, it does ultimately appear to have had some positive externalities. In particular, the implied threat that the U.S. would ultimately resort to unilateral action against piracy in the region seems to have spurred Indonesia and Malaysia into action. In July of 2004, Indonesia, Malaysia and Singapore launched coordinated maritime patrols, code-named MALSINDO patrols, to address the problem of crime in the Malacca Straits. In contrast to previous bilateral arrangements, the MALSINDO patrols were to be year-round, rather than ad hoc, patrols.³⁶

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In addition to joint maritime patrols, Indonesia, Singapore, and Malaysia also initiated joint aerial patrols over the Straits. Finally, regional states have also undertaken efforts to increase their naval capabilities. In early 2004, the Malaysian government established the Malaysian Maritime Enforcement Agency, an organization similar to the U.S. Coast Guard, with responsibility for patrolling the Malaysian maritime zone.³⁷ The organization operates some forty vessels, mostly small patrol boats, and takes responsibility for a significant portion of the Malacca Straits. The Royal Malaysian Navy has also added several patrol vessels and mine warfare units in the last few years.

As pirate activity in the Straits peaked, the Thai Navy became involved in maritime police operations. The budget of the Royal Thai Navy has expanded since 2000, largely in response to concerns about piracy.³⁸ The acquisition of a former Spanish aircraft carrier was publicly justified as an anti-piracy step.³⁹ While the size of the Royal Thai Navy has not substantially grown, increased funding has allowed a greater tempo of operations and longer anti-piracy deployments.

In 2002, the Republic of Singapore Navy ordered its first locally-built *Formidable*-class frigate. The lead ship of a class of six (four of which have been delivered), *Formidable* has been called "by far the most advanced surface combatant in East Asia."⁴⁰ The acquisition of these frigates has been accompanied by the modernization of the rest of Singapore's Navy, including its air arm. Finally, in early 2005, Indonesia announced plans for an expansion of its Navy by the addition of 60 patrol vessels, which would represent a 50 percent increase in the size of the fleet.⁴¹ These plans included an expansion of Indonesian maritime air patrol capability. Indonesia has also initiated programs to check the "demand" side of piracy, by trying to dissuade individuals and communities from supporting piratical activities.⁴² Together these regional and unilateral efforts seemingly have helped reduce the incidence of piratical activities in the Straits of Malacca. While weaknesses remain—especially due to distrust among the regional actors and the lack of resources to maintain a high level of vigilance and operations against pirates—the situation seems to have improved, as can be seen from the drop in piratical activity in the region. One key component of this has been the more low-key role that the U.S. has played in the process. Rather than take the public lead in the fight against piracy in the region, something that was clearly unwelcome given the responses to the RMSI, the U.S. has played an active role in trying to bolster the capabilities of the regional states to maintain their operational readiness as it pertains to resolving the piracy issue.

Not surprisingly, U.S. efforts since 2004 have focused on Indonesia. As part of a major program aimed at helping Indonesia obtain a clearer picture of vessel movements in territorial waters, the United States has agreed to supply twelve coastal radar facilities worth \$50 million; five on the Indonesian side of the SOM and seven in the Makassar Strait. The U.S. government has also promised to donate a total of 30 25-foot long *Defender*-class patrol boats to the Indonesian marine police, the first 15 of which were delivered in January 2008... U.S. support for Indonesia in this area has been without fanfare, principally because of the domestic sensitivities associated with receiving security aid from the United States.⁴³

Finally, the U.S. has not only contributed to building capabilities of the regional actors to deal with piracy, it has also tried to increase communication and coordination among these states. Beginning in 2000, the U.S. military's Pacific Command (PACOM) began pursuing a series of initiatives designed to facilitate cooperation between the states of the Pacific Rim. Apparently influenced by the writings of Karl Deutsch, PACOM chief Admiral Dennis Blair sought to create an Asian "security community" using the influence of his Command. In 2000, PACOM introduced APAN, the Asia Pacific Area Network. APAN is an internet network designed to increase transparency and information sharing between states and civilian organizations. PACOM also initiated MPAT (Multinational Planning Augmentation Team) workshops, which brought together officers from various regional military organizations in order to help facilitate teamwork and multilateral planning. MPAT is a loose coordinating body that allows the militaries of its member states to coordinate action, to conduct joint planning efforts, and to become familiar with one another with regards to common security threats, of which piracy is only one.⁴⁴

In sum, maritime piracy in the Straits of Malacca appears to have declined in recent years due to the combination of factors, in addition to an improvement of the economic environment, which is widely considered to be the root cause of piracy in the region. First, U.S. interest in, and facilitation of, communication between regional states has aided and abetted a process of regional institutional cooperation. Second, the implicit threat of U.S. (and Japanese) intervention spurred regional actors not only to take unilateral action, but also gave them an incentive to pursue multilateral approaches. Third, the United States has invested, and continues to invest, resources to increase the capabilities of regional states to fight maritime piracy. This support allows the U.S. to support the suppression of piracy, while reducing its direct involvement and the potentially adverse political ramifications associated with it. Given the recent surge

in piratical activity off the coast of East Africa, and the successful anti-piracy campaign in the Straits of Malacca, the question arises whether the blueprint for reducing piracy in Southeast Asia can be successfully replicated in Africa. In the next section we examine this question.

Prospects for the Horn of Africa

Whereas the number of reported acts of piracy has dropped in the past two years in Southeast Asia, the International Maritime Organisation (IMO) has reported a significant increase in piracy off the coast of Africa. More specifically, based upon the records kept by the IMO, the number of piratical incidents off the coast of East Africa has been on the rise since 2004, with a brief dip in 2006. Piracy off the Horn of Africa has typically involved attacks from small, fast boats against foreign fishing, recreation, and cargo vessels (some carrying food aid to Somalia).⁴⁵ Recently, activity against oil tankers has increased.⁴⁶ The attackers have focused on targets that can provide a significant ransom, and have taken care to seize and preserve hostages, both to deter possible rescue operations as well as to facilitate ransom payments.⁴⁷ A French commando raid against a group of pirates who had seized a French yacht proved the exception, rather than the rule; most states have paid the ransoms that the pirates demand.⁴⁸ As of September 11, 2008, over 150 sailors and other crew members were being held hostage by Somali pirates.⁴⁹

Since the International Maritime Bureau has recommended that shipping avoid the Somali coast by 200 miles (a move that adds two to three days to most voyages), Somali pirates have begun to operate small boats from "mother ships" well outside territorial waters.⁵⁰ Attacks off Somalia and in the Gulf of Aden are resulting in significant economic costs. Insurance rates for vessels moving through the Gulf of Aden have jumped 1,000 percent.⁵¹ Kidnapping settlements are now moving into the seven-figure range.⁵² One naval analyst estimates the total insurance cost alone at over \$160 million a year, to say nothing of the ransom demands, lost cargoes, damaged vessels, and lost productivity.⁵³ Perhaps most troubling, the ransom demands may be funding insurgent and terrorist activities within Somalia, and thus serving to further destabilize the state and the region.⁵⁴ These concerns were heightened when Somali Islamists seized the port of Kismayu in late August of 2008.⁵⁵

The reasons for the rise in piracy in this region are easy to identify. The breakdown of governmental authority in Somalia, ongoing economic woes, and the ready availability of small arms have clearly created an environment conducive to maritime lawlessness and provided an incen-

tive for individuals and groups to engage in piratical activities. Somalia has been in turmoil since the collapse of the Somali central government in 1991, which plunged the country into civil war. Warlords replaced government authority, and international intervention between 1993 and 1995 failed to restore order. In 2006, the Islamic Courts Union (ICU), an alliance of several warlord groups with an Islamic militia, succeeded in imposing order over a substantial portion of southern Somalia. In late 2006, however, a U.S.-backed Ethiopian invasion of Somalia drove the ICU from power, replacing it with a transitional government consisting largely of warlords with no particular allegiance to a central state authority. Since that time the new government has failed to establish order in the capital city of Mogadishu, as well as the surrounding countryside. Unfortunately, the chaos that has followed the U.S.-supported Ethiopian invasion of Somalia has reversed the gains made by the ICU in restoring order and reducing piracy.

In addition to providing a safe harbor for pirates, who do not need to fear governmental sanctions, the lack of a Somali state makes cooperation between sea and shore difficult, and complicates intelligence gathering efforts. There is little reason to believe, therefore, that the problem of piracy will be resolved through law enforcement on the part of the Somali state, or through a diminution of the structural economic incentives for piracy. The economic situation in Somalia, which appears to be one of the chief driving forces behind the surge in piratical activity, does not seem to be improving. Like in Southeast Asia, therefore, the impetus for the suppression of piracy will likely have to come from external powers. This is also true because of the lack of established cooperative regional institutions.

In contrast to Southeast Asia, East Africa lacks a well-developed regional organization such as ASEAN, which when combined with material and political support of the United States could form the institutional basis for a concerted and multilateral regional anti-piracy campaign.⁵⁶ Since the fall of the Islamic Courts Union, the African Union has taken on an increasingly significant role in keeping the Somali peace, acting as guarantors of one of the factions in the ongoing Somali civil war. Compared to the security institutions of Southeast Asia, however, the African Union does not exhibit the characteristics of a mature security community, nor does it have a significant capacity to call on the military capabilities of its member states for collaborative action.⁵⁷ The lack of an African capability to respond to piratical activity is reflective both of the relative poverty of the continent and, thus far, of a lack of regional consensus on borders and priorities. The Horn of Africa region in particular has seen several wars in the last twenty years. As such, the prospects for bilateral and multilateral

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cooperation are much grimmer in Africa than in Southeast Asia. This is problematic for two reasons. First, suspicion between states prevents direct communication and collaboration on active anti-piracy efforts. Second, an increased tempo of anti-piracy operations from any one state can appear threatening to other states, especially in the absence of good communication.

However, even the presence of close regional ties and cooperative institutions would likely not produce an effective anti-piracy regime in the region. The states in the region simply lack the basic naval capabilities to act decisively against pirates. Unfortunately, the density of local naval forces in the Horn of Africa region is substantially lower than that in the Malacca Straits area. Somalia, Ethiopia, and Djibouti have no navies to speak of. Saudi Arabia possesses the largest navy in the region, but Saudi attention focuses on the Persian Gulf, rather than the Gulf of Aden or the Horn of Africa. Israeli and Egyptian naval forces typically do not leave the Red Sea. As the *Economist* notes:

East Africa does not have a single warship in good shape. Tanzania's navy chief, Brigadier Said Omar, says that his fleet never reaches the high seas; its operational range is 20 nautical miles. When asked to describe his ships he laughs sadly. "Ships? We don't have ships. We have very old, very small boats." Peter Kivuyo, Tanzania's police marine chief, says his force might reach five nautical miles offshore "if the waves are small." His men do not even have binoculars. After President George Bush visited Tanzania earlier this year, some hints were dropped—so far to no avail—that some high-speed interceptor boats might come in handy.⁵⁸

Indeed, other than South Africa, no sub-Saharan African state possesses combat vessels of note. This situation contrasts sharply with that of Southeast Asia, which enjoys a comparatively high density of naval force and has seen an increase in force capability over the last five years. To the extent that naval force prevents piracy, therefore, the solution for the Horn of Africa must lie with naval forces outside Africa.

Given these conditions, it is difficult to imagine how the United States, at this present time, could successfully reprise its role as an external facilitator of a successful regional counter-piracy campaign in the Horn of Africa. The basic institutional and material conditions which allowed it to successfully support both regional and unilateral counter-piracy efforts in the Straits of Malacca without getting directly involved simply do not exist in the Horn of Africa. In addition to efforts to alleviate the social and eco-

conomic conditions that provide incentives for the local population to resort to piracy as a means to subsist, direct outside intervention is needed to deal with the immediate and most obvious manifestations of the problem of piracy in the area. There are, however, two possible solutions to this problem, one short term and one long term.

First, the U.S. can use its position in the North Atlantic Treaty Organization (NATO) to lead and facilitate a multilateral naval campaign against piracy in the seas of East Africa. Members of the NATO alliance, including the United States, enjoy the most substantial naval capabilities of any region in the world. Moreover, NATO vessels already regularly deploy to East Africa and the Gulf of Aden. Spanish, Dutch, Canadian, German, French, and American ships have all confronted Somali-based pirates in the last year.⁵⁹ However, the primary vehicle for Western naval presence in the Horn of Africa and Gulf of Aden area, known as Combined Task Force-150 (CTF-150), is currently not up to the task of undertaking an extensive counter-piracy campaign. The force normally includes about fifteen vessels and has been tasked with patrolling the approaches to the Persian Gulf.⁶⁰ Since early 2006, CTF-150 has taken on a direct role in preventing piracy and maritime terrorism off Somalia and in the Gulf of Aden, and most of the foreign warships that have encountered pirates have in fact been part of CTF-150.⁶¹ According to Combined Maritime Forces Commander Vice Admiral Bill Gortney, however, CTF-150 lacks the capabilities to control piracy off the Horn of Africa and in the Gulf of Aden.⁶² Indeed, the dozen or so ships that typically constitute CTF-150 make up only a small fraction of the naval forces available in the Straits of Malacca. A deployment similar in scale to Operation Active Endeavour, a NATO-sponsored project involving Mediterranean navies, might have an effect.⁶³ Indeed, NATO recently decided to deploy seven frigates to the Horn of Africa to conduct anti-piracy operations, although it is unclear how long the ships will remain.⁶⁴ Even such an operation, however, would provide only a temporary fix to the problem.

NATO and other non-local forces also face legal difficulties in the apprehension of Somali pirates. These difficulties have produced different responses in different navies. The Danish Navy returned ten captured pirates to Somali territory, where no legal authority could hold them accountable.⁶⁵ The United States has detained suspected pirates in off-shore vessels, and has received criticism for doing so from international human rights groups.⁶⁶ The French Navy has brought pirates captured in commando raids to France for prosecution, but the outcome of these prosecutions is as yet undetermined.⁶⁷ The Royal Navy has expressed reluctance to capture pirates, which obviously hampers anti-piracy efforts.⁶⁸ Legal analysis suggests that states have the right to prosecute

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captured pirates, but the will for such prosecution may be lacking.⁶⁹ At a minimum, any concerted anti-piracy effort requires a common approach to the legal treatment of apprehended pirates.

The reorganization of the United States' regional Combatant Commands may facilitate the emergence of such a long-term solution. The United States decided in 2008 to carve a new African Command (AFRICOM) out of three existing Combatant Commands.⁷⁰ As the name implies, AFRICOM will have special responsibility for military planning on the African continent, which will presumably include offshore areas of Somalia and Nigeria. Simply removing Somalia from the overcommitted Central Command will allow devotion of greater attention to the problem. As the Combatant Commands have both military and non-military assets with which to influence regional states, the prospect for some increase in local anti-piracy efforts appears bright. AFRICOM cannot force local states to do anything they don't want to do, but it can influence them through military-to-military contacts and through promises and actual provision of military assistance. Greater U.S. interest in the area can also alleviate security dilemma dynamics and improve cooperation, just as it has in Southeast Asia.

Conclusions

We have argued that four major factors contributed to the reduction of piracy in the Malacca Straits region: U.S. hegemonic interest, existing and emergent international institutions, decent bilateral relations among regional actors, and density of naval forces. U.S. interest and capability helped to facilitate cooperation between regional states in order to fight piracy. In particular, the fear of unilateral American intervention was among the catalysts for regional cooperation between Indonesia, Malaysia, and Singapore. This cooperation was further facilitated by the presence of robust, long-standing international institutions that included and gave voice to the relevant regional players, while new cooperative structures emerged over time under American tutelage. Finally, supported by the United States, the states of Southeast Asia developed sufficient naval capabilities to patrol areas of high piratical activity, and enjoyed sufficiently benign bilateral relations to avoid the precipitation of security dilemma dynamics. These factors have combined to allow the states in the region to significantly reduce the incidence of piracy in the Straits of Malacca, and across Southeast Asia.

An analysis of these same factors indicates that short term prospects for the reduction of piracy around the Horn of Africa remain grim. While the

United States and other major powers have an interest in reducing piratical activity off the Horn of Africa, the other conditions do not hold. International institutions, which limit inter-state competition and facilitate cooperation, are much more robust in Southeast Asia than in Africa. The primary security institution for the Horn of Africa, the African Union, has failed to prevent competition and conflict between its members in the region, and has also failed to bring order to Somalia, leaving pirates with a safe haven. The Arab League lacks the institutional writ to challenge piracy in the Gulf of Aden, and also suffers from problems of internal competition and conflict. Finally, the density of naval force in Southeast Asia is extremely high compared to the Horn of Africa. Including only those states immediately adjacent to the problem areas, the navies of Southeast Asia possess over 60 modern major naval units, and over 150 patrol vessels, along with numerous helicopters and other patrol aircraft. African navies possess no modern naval units and only a handful of aircraft and patrol ships.

What might change this forecast? An increase in African naval capability would help, but given the poverty of the states in question and the bureaucratic and technological capability necessary to operating a modern navy, quick progress in this area is unlikely. The transfer of patrol ships to local navies would increase capability somewhat, but modern vessels require infrastructure to operate and keep in service. As for international institutions, the capability of the African Union depends largely on the capability of its members, both in terms of conflict cooperation (the ability to "get along") and in terms of material strength. Although the African Union has taken important strides in the security arena, the road to a robust organization capable of dealing with piracy will be long.

On the upside, the United States and the European Union have expressed a clear interest in reducing the incidence of piracy off the Horn of Africa. In part because European ships often fall prey to pirate attacks, a number of European navies have deployed ships to the area in an effort to ward off pirates. The European Union itself could become involved; it is possible to interpret French aggressiveness in the fight against piracy as a message in favor of an independent EU military capability. Non-European navies have become involved as well. In response to the seizure of two Malaysian tankers, three Royal Malaysian Navy warships have deployed to the Gulf of Aden.⁷¹ The deployment of naval forces by the United States and the nations of the EU can ease some of the problems created by a lack of local naval capacity. Similarly, the U.S. and the nations of Europe have powerful and robust international institutions that can prevent competition and create a collaborative environment. Non-European states may also have an incentive to participate; the presence of Chinese fishing boats off the

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coast of East Africa has led China to cooperate in anti-piracy intelligence gathering with France.⁷² Still, the long term deployment of naval forces to the Horn of Africa in density similar to that of the Southeast Asia states would tax the capabilities of even the largest European navies. Moreover, because of the difficulties presented by the lack of state institutions in Somalia, and of terrorist threat and other political problems in Yemen and Oman, the availability of suitable naval bases is limited. Legal restrictions on the pursuit of pirates in international and Somali waters also take their toll; Germany, for example, has been unable to decide the restraints under which the German Navy will operate in anti-piracy operations.⁷³

Private, market-based solutions to the piracy problem have also been floated. In June 2008, France facilitated the signing of a contract between the rump Somali government and the private security company Secopex, with the goal of providing a force that could fight pirates.⁷⁴ Blackwater, perhaps the best known private security provider, unveiled a maritime subsidiary earlier this year.⁷⁵ Claude Berube of the United States Naval Academy has also promoted the idea of using private security companies to support the "1,000 Ship Navy."⁷⁶ The idea of arming merchant ships has also returned, although this presents practical problems and runs at odds with maritime tradition.⁷⁷ To some degree, the role of the market and of the involvement of private security organizations rests on a philosophical question: what role ought the state play in the facilitation of trade? That the state (and, by extension, international institutions) should play a positive role in the facilitation of trade has been the most common answer, but certainly anti-piracy activity will involve some combination of private and public action.

The lack of an organized Somali state remains a problem. As long as pirates can seek safe harbor (literal, if not legal) along the Somali coast, anti-piracy forces will face difficulty deterring attacks. The lack of an established, unified Somali state also makes it difficult to taken any multi-lateral legal action to prevent the paying of ransoms, as the area has no financial monitoring infrastructure worth noting. Rebuilding a Somali state (or Somali successor states) will likely have a positive effect on piracy rates; troops from the semi-autonomous Puntland region of Somalia recently attempted to liberate a pirate-controlled vessel.⁷⁸

Concerted multi-lateral action helped to reduce rates of piracy in Southeast Asia. However, the Horn of Africa lacks the necessary elements for a successful anti-piracy campaign. Either the international community will need to substantially step up its efforts, or new and innovative solutions to the problem (such as private military companies) will need to be found.

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