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COMBATING PIRACY ON THE HIGH SEAS

HEARING

BEFORE THE

FULL COMMITTEE

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

HEARING HELD
MARCH 5, 2009

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COMBATING PIRACY ON THE HIGH SEAS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Thursday, March 5, 2009.

The committee met, pursuant to call, at 10:03 a.m., in room 2118, Rayburn House Office Building, Hon. Ike Skelton (chairman of the committee) presiding.

OPENING STATEMENT OF HON. IKE SKELTON, A REPRESENTATIVE FROM MISSOURI, CHAIRMAN, COMMITTEE ON ARMED SERVICES

The CHAIRMAN. Good morning. Today, the committee meets to hear testimony on the challenge of piracy on the high seas and the United States government efforts to deal with this challenge.

Joining us today, Vice Admiral William Gortney, Commander, United States Naval Forces, Central Command; Mr. Daniel Pike, Acting Principal Director of the Office of African Affairs within the Office of the Secretary of Defense; Ambassador Stephen Mull, Acting Under Secretary for International Security and Arms Control from the State Department; and, Mr. Karl Wycoff, Acting Deputy Assistant Secretary for African Affairs.

We certainly thank you for being with us today.

If we had called such a hearing two years ago, many might have wondered why. Until recently, piracy seemed a thing in the past, part of the stories we tell our children or part of the history lessons about the Barbary pirates or Blackbeard.

Recent events in the Gulf of Aden and off the coast of Somalia, however, make this very much a current and important issue for American national security.

Piracy fits in the spectrum of low intensity conflict, with threats like terrorism and cyber warfare. These threats are all fed, in part, by globalization, which radicalizes significant numbers of people who feel alienated and disenfranchised and who seek to undermine the security and prosperity of those they hold responsible.

At the same time, globalization can spread the reach and impact of these kinds of attacks across the world, including the homeland, certainly more than just a cost of doing business.

The United States has always been a seafaring nation. Our ability to project power globally is critically linked to our presence on the seas, the strength of our Navy and our commitment to keeping the lanes of trade and communication open.

The maintenance of free trade and free passage of vessels are crucial components of our national security. At a time when we remain dependent on foreign energy supplies, the free movement of international shipping is very much a national lifeline.

So it is disturbing to see the trends of the last several years. While piracy incidents have come down in other critical checkpoints, like the Straits of Malacca, due to the concerted efforts of neighboring states, incidents in the Gulf of Aden have exploded.

In 2008, there were 293 attacks worldwide, with 111 of them occurring in the Gulf of Aden or the east coast of Somalia.

The international community, led by the United States, has taken some key steps, and I commend you for it. First, combined Joint Task Force 151 has brought together Naval forces and our allies and has sparked support for the mission from friends as diverse as Russia and China.

It has helped focus the attention of many nations in pursuit of our joint interest in maintaining free movement of vessels in the Gulf of Aden.

Second, the efforts of the Kenyan government, through the agreements with the United States and United Kingdom, should be applauded as a promising way to ensure greater prosecution and to raise the cost of doing business for these pirates.

Third, the international shipping community, working with the combined joint task force, has made some progress in improving and disseminating their best practices.

More must be done and must be done quickly. My own view is that the international arrangements coordinated by Central Command should be made more formal, more institutionalized. We need an international counter-piracy league under the auspices of the United Nations.

What is clear to me is that the United States must remain a leader in these efforts, but at the same time, we know that neighboring nations must get involved and the collective weight of the international community must be felt in this regard.

We know, too, that there will be no lasting solution to the problem of piracy in the Gulf of Aden until Somalia's failed state is addressed. I fear that the situation on the ground in Somalia will be repeated in other failed states and states with vast areas of ungoverned territory within their borders.

Piracy cannot exist on this scale and with this level of brazenness if there was effective government control of that nation.

I look forward to the witnesses' thoughts on what can be done to influence Somalia's stability and, in the absence of such stability, what additional steps can be taken to curb piracy in that region.

The issue of piracy is a complex one. Like issues of economic instability and global climate change, it is a nontraditional national security issue, while, at the same time, reminding us of the historic persistence of this problem.

Piracy goes to the hard core of American national security and economic interests. It also demonstrates that any solution must be both multifaceted and multinational, coordinating the world's naval powers, the United Nations, the international shipping community and the nations that neighbor Somalia.

I am confident that today's hearing will lay some of the options for addressing this issue on the table.

Before I turn to the witnesses, let me turn to the ranking member, my good friend from New York, John McHugh, for any remarks he would like to make.

STATEMENT OF HON. JOHN M. MCHUGH, A REPRESENTATIVE FROM NEW YORK, RANKING MEMBER, COMMITTEE ON ARMED SERVICES

Mr. MCHUGH. I thank my good friend and my leader, the chairman, for his gracious comments.

Also, let me add my words of welcome to our distinguished panelists.

As the chairman very ably outlined, it may seem something of a disconnect today for us to be talking about something as ancient really as piracy, particularly when this committee concerns itself on a routine basis with ballistic missile defense, nuclear warfare, those other more modern-sounding problems that beset us.

But that notwithstanding, as the chairman maintains, and I fully agree, the challenge of maintaining the sanctity and security of our shipping lanes and semblance of the sanctity and security on the high seas falls heavily upon the agenda of our national security interests.

Mr. Chairman, I would ask that I just have unanimous consent to enter my full comments into the record and, in lieu of that—excuse me—at that same time, just make a few points, if I may.

The CHAIRMAN. Without objection, of course.

Mr. MCHUGH. First, at the risk of stating the obvious, piracy is not new, as the chairman, again, discussed. Throughout history, we have been dealing with the events of pirates attacking ships and, certainly, most notably in our nation's history, that of the Barbary pirates who operated from the northern coast of Africa from the late 1500s into the early 1800s.

In recent testimony to the Transportation and Infrastructure Subcommittee, a senior policy analyst from RAND stated, "Piracy is, above all, an economically driven phenomenon," and I think that is an important point, one that the chairman alluded to, as well, and it is important that we remind ourselves that piracy, at its root, is often not driven by ideology.

But I certainly hope you gentlemen may have the chance to talk a bit today about your thoughts regarding the possibility that piracy may well be linked in these days with terrorist agendas, by certain Islamist factions seeking to expand particularly control in Somalia.

Second, I think it is important to remember piracy is a criminal activity. International law defines piracy as such a criminal act and requires all nations to work effectively together to suppress that activity, and, therefore, counter-piracy efforts must include coordinated maritime enforcement provisions.

The chairman talked about the Combined Task Force 151 (CTF–151) and it is an important coalition. We have 20 countries operating, as you gentleman all know so very well, in combating piracy in the region, including Russia, China, India, Germany, Denmark and Iran.

But not all of those nations, again, as you know, are part of CTF–151 and, as we have seen, often operate under very different

rules of engagement, and I would very much appreciate comments on how the Navy is working with members of CTF–151 and other members of the international community, as well as the U.S. Coast Guard, in the Gulf of Aden and what challenges may be out there with respect to those differing rules of engagement.

Thirdly, I think we have to put this in a broader context. There is a significant increase in the number of attacks in the Gulf of Aden, particularly, and the chairman cited the data that shows how the larger percentage of worldwide attacks has begun to focus very heavily, statistically, in that region and in the Somali coastal areas.

But just last month at a press conference, Vice Admiral Gortney, you may recall, had commented that, "Your chance of being successfully pirated is 0.13 percent."

In other words, as significant a problem as this is, the chances of being a target of piracy remains low. That is important, not to diminish the challenge before us, but rather to try to put it, as I said, in a larger context.

The U.S. Navy and America, of course, has committed two of its largest surface combatants and the only deployable San Antonio class amphibious transport ship to counter-piracy efforts in this region.

In short, we are throwing thousands of soldiers and—excuse me—sailors and Marines at this fight and almost a dozen vessels. And I think we have to ask ourselves, given the demands on U.S. forces in support of Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) and Naval Forces Central Command's (NAVCENT's) priority mission of partnership strength and presence, how do we use this challenge to better integrate ourselves with our allies and our international partners to make sure that we are not carrying, as perhaps one might argue in other parts of the world, too great a burden.

With that, Mr. Chairman, let me just say again how happy I am that you had the foresight and concern to call this hearing and look forward to our witnesses' comments and the remainder of this event.

And I will yield back.

The CHAIRMAN. Thank the gentleman from New York.

Four witnesses in this order: Mr. Pike, Vice Admiral Gortney, Ambassador Mull, and Mr. Wycoff.

Mr. Pike, you are on. You will have to get very, very close to the microphone and turn it on.

Mr. PIKE. Good morning, Chairman Skelton.

The CHAIRMAN. A little closer.

Mr. PIKE. We will try this.

The CHAIRMAN. There you go, okay, very well.

STATEMENT OF DANIEL W. PIKE, ACTING PRINCIPAL DIRECTOR, OFFICE OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF DEFENSE, FOR MICHAEL COULTER

Mr. PIKE. Good morning, Mr. Chairman, Ranking Member McHugh, members of the House Armed Services Committee.

Thank you for the invitation to appear before you today to discuss counter-piracy operations in the Gulf of Aden.

My name is Daniel Pike, the acting principal director of the Office of African Affairs, and I am speaking on behalf of Mr. Michael Coulter, the principal deputy assistant secretary of defense for international security affairs, who is ill and could not attend today.

The CHAIRMAN. Excuse me. Just a little closer, because I am having a problem——

Mr. PIKE. Just a little closer.

The CHAIRMAN. Push it down right in front of you.

Mr. PIKE. Is this better?

The CHAIRMAN. Almost eat it, yes.

Mr. PIKE. Okay. Mr. Mike Coulter could not be here today. His office provides defense policy guidance for Europe, Africa and the Middle East.

In a moment, I will introduce Vice Admiral Gortney, the naval commander of our military operations in the Gulf of Aden. He will go into details of our efforts to combat piracy, but before he does, I would like to take a brief minute to outline how we see piracy in the broader policy context.

Throughout history, we have depended on maritime highways for a global transportation system that deliver goods and materials around the world. The concept of unimpeded sea lanes underpins the very meaning of an effective national security strategy, a strategy primarily based on global engagement, and to protect and sustain the global interconnected economy system through which we maintain our way of life.

Today, freedom of access means the awareness and control of the entire spectrum of the maritime domain to ensure its access to good actors and deny its access to bad actors.

From experience, we have come to learn that no one nation can singlehandedly secure every ocean and every waterway around the world and because the oceans play an indispensible role in the safety, security and economic stability of the international community, all nations have a vital interest in ensuring that the maritime domain remains secure and open for the free and legitimate use of all.

For these reasons, the recent uptick in piracy in the Gulf of Aden has caused likeminded leaders and industry and government to unite to discuss what can be done collectively to unhinge and defeat the scourge of piracy.

We, along with a number of other countries and international organizations, have now committed additional resources to this task. As you will hear from Vice Admiral Gortney, we are partnering together with traditional allies and with new partners to achieve international interests.

We will, in our collective effort, use the seas to unite and not divide.

The shaping function of this mission must be interagency, as well as international. Only some of the tools required to shape the security environment and to reach into the ungoverned sea spaces reside in the U.S. or international navies.

The root causes of piracy reside on land. The absence of a strong government in Somalia remains the single greatest challenge to regional security and provides freedom of action for those engaged in piracy along the Somali coast.

We are, therefore, reaching out to interagency participants, with their tools, and even further into the private sector. The net beneficiaries of these efforts in the international community must also be proud and robust contributors.

The Department of Defense co-chairs with the Department of State an interagency counter-piracy steering group that addresses the full spectrum of anti- and counter-piracy efforts, from piracy prevention to interruption and termination of acts of piracy, to ensure the accountability of pirates.

The Defense Department is also supporting the State Department through the recently established contact group on counter-piracy off the coast of Somalia, an international forum that is encouraging countries with a direct interest in countering piracy, including flag and crew states, to provide counter-piracy forces, track piracy financing, and accept custody of and prosecute suspected pirates when apprehended.

Mr. Chairman and members of the committee, thank you again for this opportunity to appear before you today.

Now, let me introduce and turn things over to Vice Admiral Gortney. Following Vice Admiral Gortney's comments, I will be happy to take any questions.

[The prepared statement of Mr. Coulter can be found in the Appendix on page 37.]

The CHAIRMAN. Thank you so much, Mr. Pike.

Admiral Gortney, please. Get real close. We can't hear it.

STATEMENT OF VICE ADM. WILLIAM E. GORTNEY, USN, COMMANDER, U.S. NAVAL FORCES CENTRAL COMMAND

Admiral GORTNEY. There we go.

The CHAIRMAN. A little closer.

Admiral GORTNEY. Good morning, Chairman Skelton.

The CHAIRMAN. A little closer.

Admiral GORTNEY. Good morning, Chairman.

The CHAIRMAN. There you go.

Admiral GORTNEY. Ranking Member McHugh and members of the House Armed Services Committee.

Thank you for the opportunity to testify before you today on our coalition counter-piracy operations in the Central Command area of operation.

I have a full opening statement and request that my full testimony be submitted for the record.

The CHAIRMAN. Without objection.

Admiral GORTNEY. I appreciate the opportunity to discuss the accomplishments that have been made over the past several months and to identify some of the challenges that lie ahead.

My name is Vice Admiral Bill Gortney, and I am the commander of U.S. Naval Forces Central Command, headquartered in the Kingdom of Bahrain. I took command of NAVCENT at the beginning of July, but have been operationally deployed to the region throughout my Navy career.

As the NAVCENT commander, I am the Naval component commander for General Petraeus at U.S. Central Command.

I also command two additional organizations. I serve as the commander of the United States Fifth Fleet, the Navy's numbered fleet

commander, and, most importantly, in terms of this hearing, I serve as the commander of the combined maritime forces, an international coalition of more than 20 nations of the willing who provide people, ships and aircraft in the region.

There are national mandates that limit the participation of some of our coalition partners, but this remains a cooperative and multinational effort.

As most of you know, acts of piracy spiked in late August, but the recent history of piracy does not start there. Several years ago, we started to see an increase in piracy off the east coast of Somalia. At that time, it was routine for the merchant vessels to transit within about 30 miles along the coast.

In response to those attacks, Fifth Fleet and the shipping industry moved the transit lane further off the coast, and it has worked and the rate of attacks decreased, returning to just a few per year.

That situation changed in the middle of August, when a new clan of Somali pirates began to attack ships in the Gulf of Aden to the north of Somalia. The number of ships pirated went from three to 12 in just a few days and, ultimately, we knew the solution to the problem of piracy is ashore in Somalia itself.

Therefore, I focused the coalition maritime efforts on the security and stability prevention operations at sea that would give the international community time to address the long-term solution.

In late August, as commander of the combined maritime forces, I directed the establishment of the maritime security patrol area in the Gulf of Aden and we did that in concert with the international maritime organization. We have had coalition ships and aircraft patrolling the area ever since.

Now, the maritime security patrol area is just one part of a counter-piracy campaign plan developed by the coalition staff. The plan was designed to complement and further the efforts of the political, diplomatic and industrial maritime communities.

The operational design of the plan was developed with the purpose of outlining our efforts to engage the international community to help fix this international problem along three primary lanes—a political/legal, an informational and industrial, and a military.

We focused our counter-piracy efforts on these three main areas—to increase international naval presence, to improve the defensive measures from the shipping industry themselves, and to internationalize or create an international legal framework for the resolving of the piracy cases.

Since late August, there have been significant strides made. To date, we have seen forces from the U.S., the U.K., Canada, China, Denmark, France, Germany, Greece, India, Italy, Malaysia, Netherlands, Russia, Saudi Arabia, Spain, Turkey and Yemen.

Some of these forces operate within alliances, such as the North Atlantic Treaty Organization (NATO) or the European Union (EU), some as part of the combined maritime forces coalition, and some independently representing their own nation's interests. Additional forces from Bahrain, Jordan, Japan, Singapore, Republic of Korea, Sweden, Belgium and Poland, are expected to participate in the coming months.

The shipping industry has also been at the forefront. We have seen countless examples of shipping companies and individual mer-

chant mariners taking proactive measures to serve as the last line of defense against pirates, and these are really armed criminals at sea.

On the operational side, I initially gave the mission to the commodore of one of our existing combined task forces, and that was the Combined Task Force–150 (CTF–150). However, I did so knowing that it was an additional mission for an already busy operational commander.

More importantly, I did so very carefully, because at that time, I knew that some navies in our coalition did not have the authority to conduct counter-piracy operations from their government and if we have one red line in our coalition, it is that we will never ask a member of the coalition to be involved in operations that they do not have the authority from their national authority to do so.

As a result of the complexity of the operation in that portion of our area of responsibility, I determined that it was necessary and prudent to establish a separate task force with a specific mission and mandate to conduct counter-piracy operations.

In early January, we established CTF–151, based on the United Nations Security Council Resolutions 1816, 1838, 1846 and 1851. The task force was operational by the middle of that month. Since that time, we have had several nations join the task force and have had formal indications from others who have stated they will be sending ships and/or aircraft in the coming months.

The efforts of CTF–151 are critical to the tactical coordination and deconfliction efforts with all of the international naval forces' operation in the Gulf of Aden. The operational coordination is handled in my headquarters at the combined maritime forces in Bahrain. We have incredible examples of international cooperation, ranging from personnel exchanges to operational mission coordination to maximize the efficiency of our efforts.

CTF–151 and other cooperating naval forces have encountered approximately 250 pirates. A 121 were disarmed and released, 117 disarmed and turned over for prosecution, and nine are pending final disposition. Seven suspected pirates taken by CTF–151 two-and-a-half weeks ago were turned over this morning to Kenyan authorities in the Port of Mombasa with full evidentiary packages.

Higher capacity has been further impacted by the seizure or destruction of 28 pirate ships and the confiscation of the pirates' tools of the trade, including 133 small arms, 28 rocket-propelled grenades, 51 rocket-propelled grenade projectiles, and 21 ladders and grappling hooks.

Ultimately, piracy is a problem that starts ashore and requires an international solution ashore. We made this clear at the offset of our efforts. We cannot guarantee safety in this vast region. Our role in preventing some of these attacks is only one part of the solution to preventing further attacks.

Historical precedent can be found in our nation's encounters with the Barbary pirates. We have been successful not only in our coalition efforts, but in communicating and coordinating with other naval forces deployed to the region, as well as working with the merchant shipping industry to share best practices and lessons learned.

Lastly, I would like to take a moment to acknowledge the tremendous efforts of the sailors, Marines, Coast Guard personnel and civilian navy mariners under the command of Rear Admiral Terry McKnight, the CTF–151 commander. They have truly made a difference.

Mr. Chairman and members of the committee, I want to thank you for inviting me to appear here today and I will be happy to answer your questions.

[The prepared statement of Admiral Gortney can be found in the Appendix on page 39.]

The CHAIRMAN. We thank you. We especially thank you for coming all the way back to testify. We are most appreciative.

Ambassador Mull.

STATEMENT OF AMBASSADOR STEPHEN MULL, ACTING UNDER SECRETARY FOR INTERNATIONAL SECURITY AND ARMS CONTROL, U.S. DEPARTMENT OF STATE

Ambassador MULL. Thank you very much, Mr. Chairman and Ranking Member McHugh. Thanks very much for the opportunity to appear again before the committee today, especially with such distinguished colleagues here on the panel.

As you said, Mr. Chairman and Ranking Member McHugh and Admiral Gortney mentioned, freedom of the seas has been a bedrock interest for the United States foreign policy from the very beginning of our republic. It is the key to our prosperity and key to our security. That was true at the beginning of the republic, as it is today, when pirates pose a growing threat to a key economic chokepoint off the Horn of Africa.

As piracy attacks in this region almost tripled from 2007 until 2008, with the numbers of innocent crew members held hostage growing into the hundreds and ransoms running as high in 2008 as $30 million, which, in turn, fuels the growth of organized crime and the breakdown of authority in Somalia, the United States government decided to act by adopting a strategy on four distinct tracks.

First, the diplomatic track to strength international authority and to coalesce multilateral support to counter piracy. Second, work with industry to press for better efforts for their own self-defense. Third, to improve judicial capacity among states in the region to prosecute and penalize pirates. And fourth, to strengthen our own military involvement, as well as the involvement of other militaries, to counter the force of piracy.

On these four tracks, working together, I think we have made good progress just in the past few months. In the United Nations, the United States played the leading role in passing a series of U.N. Security Council resolutions, most recently, Security Council Resolution 1851, which Secretary Rice was in the chair to organize support for up there at the Security Council, and that extended Chapter Seven authority to enable our militaries, in conjunction with our foreign partners, to take military action against pirates.

Acting on that resolution, in January, the United States formed an international contact group, which today has grown to encompass 28 states and six international organizations, who agreed to pool their efforts to coordinate the fight against piracy, and that

contact group has formed four separate subgroups to look at the military coordination, military and intelligence coordination piece of counter-piracy, to improve judicial cooperation among regional states, to liaise better with industry, and, fourth, to coordinate better diplomatic activity.

As Admiral Gortney mentioned, we put meat on the bones of this framework very quickly with the standup of Coalition Task Force 151, which now features 23 ships from a broad range of militaries, including group operations, such as the European Union's Operation Atalanta, successive NATO operations, and other contributions from countries like China, India and Russia, and the others that the admiral mentioned.

We also in January concluded a memorandum of understanding with the Kenyan government that we, in fact, put into force today, as the admiral mentioned, with the delivery of seven suspected pirates that U.S. forces captured a couple of weeks ago.

Separately, we have worked with the international maritime organization to produce a booklet of guidelines that advises international shippers on how they can best protect themselves against pirate attacks.

We have worked with our military partners to create a transit lane through the Gulf of Aden that has an enhanced military presence to further protect international shipping from the threat of piracy.

The results of all of these efforts combined have been encouraging. The rate of successful piracy attacks, which was 64 percent in October, plummeted to only 17 percent in February and as of today, there are only six ships held hostage compared to 14 ships that were held hostage towards the end of last year.

While weather, bad weather at this time of year and payout of ransoms certainly had an impact in lowering this, I think it is undeniable that important factors have been this sustained and coordinated diplomatic and military effort.

The benefits from this effort, I think, will go far beyond just stopping pirates. This issue has showcased American leadership in multilateral diplomacy. It has opened constructive new channels of communication with the Chinese and Indians and other militaries.

It has improved our overall maritime awareness in a very strategically important region and it has improved the prospects for diplomatic, military and further judicial coordination in the region.

Longer term, I think this cooperation could form the foundation for a new regional security, maritime security framework, with regional states and outside contributors, like our European allies and ourselves, and this new framework could include a whole range of features that I think would improve the security of the region, as well as our own security.

It could offer a framework for more confidence-building measures among the military. It could offer a framework for exercises to build interoperability among these militaries and to help them improve their capabilities in patrolling the seas, in conducting interdiction operations, and responding to humanitarian emergencies.

This is a model that we have followed very successfully with our partners in southeast Asia in the Malacca Straits, which has seen a dramatic decline in incidents of piracy, and which has now fea-

tured much better and much more integrated military and security cooperation among our partners there in southeast Asia.

Finally, no discussion about piracy in the region would be complete without a mention of Somalia. There is no doubt that piracy is a symptom of Somalia's failure as a state. While our efforts to counter piracy described here are strictly focused on piracy, in recognition of the broader problem, the U.S. separately supports the U.N.-led Djibouti peace process, which provides a mechanism for political reconciliation, and we also cooperate with a broad international group of donors to support the recovery and reconstruction of Somalia.

Those efforts face a difficult role and my colleague, Mr. Wycoff, will address them in greater detail. When those efforts succeed in Somalia and the piracy threat goes away, I am confident, based on the great work that Admiral Gortney and our other forces have done in the region, will provide that foundation for a much more improved security climate in the critically important Horn of Africa region.

Thank you very much.

[The prepared statement of Ambassador Mull can be found in the Appendix on page 60.]

The CHAIRMAN. Thank you, Ambassador.

Mr. Wycoff.

STATEMENT OF KARL WYCOFF, ACTING DEPUTY ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. WYCOFF. Thank you, Chairman.

I have a short statement that addresses some of the questions and observations that the committee raised in its opening statement.

The CHAIRMAN. Get real close. We are having difficulty hearing up here. That is why I want you all to get close. The acoustics in this room are not very good.

Mr. WYCOFF. All right. Mr. Chairman and members of the committee, thank you for affording me the privilege of discussing the relationship between the conditions in Somalia and the blight of piracy in the waters off its shores.

Somalia piracy, offshore, is borne out of instability and insecurity onshore. Consequently, a complete, long-term and permanent solution to the piracy problem off the coast of Somalia will require a multifaceted strategy that leads to political and economic stability on the ground in Somalia and the establishment of basic security.

To protect U.S. national interests, our immediate policy objectives in Somalia are to help Somalia regain political and economic stability, respond to the humanitarian needs of the Somali people, and eliminate the threat of terrorism.

Sustainable change in Somalia requires a comprehensive regional strategy and a political solution to conflict that is authored and implemented largely by Somalis themselves and not by outsiders.

In this regard, we continue to support the United Nations-led Djibouti peace process, which has provided the mechanism for So-

malis to make important political and security decisions in recent months.

We also continue to work with a broad international group of donors to support the U.N.-led process, including the African Union and the regional Intergovernmental Authority on Development.

The Djibouti process has led to the establishment of a new unity government with a respected leader as president, Sheikh Sharif Sheikh Ahmed, and a well-experienced prime minister, Omar Abdirashid Ali Sharmarke. The prime minister has now appointed a cabinet. The new team represents a broad cross-section of Somali clans and political opinions.

The next step is for this unity government to foster deeper credibility with Somalis by establishing itself in Mogadishu, a process that has already begun, and to facilitate the delivery of services there and in surrounding regions of Somalia.

The United States worked with the other members of the U.N. Security Council Somalia Sanctions Committee to adopt Resolution 1844 in November of 2008, which empowers the committee to designate spoilers of Somalia's reconciliation process for targeted sanctions.

While the recent political progress is encouraging, no political solution can be sustainable, even if widely supported, unless it is anchored by a robust security force capable of protecting the unity government and its activities. We encourage efforts by the international community to support the unity government as it stands up such a security force.

A good way to address African conflicts or security issues is with African forces and expertise. Africans know and understand their terrain well and have a paramount vested interest and stake in any outcome. In this regard, we continue to support the African Union Mission in Somalia, known as AMISOM, and are especially appreciative for the governments of Uganda and Burundi for sending soldiers to do the difficult work associated with peacekeeping in Somalia.

We are currently funding the deployment of additional AMISOM battalions, which we hope will bring the total number of African Union forces on the ground in Somalia to over 5,000 within the next few months. Nontraditional donors to Somalia, such as Gulf Arab states, have indicated a possible willingness to support AMISOM and the unity government security force.

Mr. Chairman, it almost goes without saying that security must improve in order for displaced people to return home. Without political stability, the humanitarian situation will remain dire.

The U.S. remains the largest bilateral donor of humanitarian assistance to Somalia. We hope the relocation of the unity government to Somalia and the standup of the joint security forces in Mogadishu will help improve security conditions at the community level and produce arrangements to facilitate humanitarian access so emergency assistance reaches those most in need.

I welcome your comments and your questions.

Thank you, sir.

[The prepared statement of Mr. Wycoff can be found in the Appendix on page 66.]

The CHAIRMAN. Mr. Wycoff, thank you very much.

Admiral, tell us a typical example of piracy takeover of a ship and what happens from beginning to end.

And my first question is why in the world don't they just pull up the ladder. Why don't you give us a typical example of what happens from the very beginning to the end?

Admiral GORTNEY. Yes, sir. As you mentioned, as you implied, to have a piracy event, you need two things—you need a pirate and you need a ship willing to get pirated.

And if the coalition is out there with ships, airplanes and helicopters, there aren't any pirates. If they see us, they are fishermen. If they don't see us, they are potentially pirates and, therefore, if we are not around, they will attempt to attack a type of vessel that is susceptible to attack, which is based on the speed of the vessel and the freeboard or the height above the first deck to the water.

If it is a low freeboard and the ship is doing about 13 knots or less, it has got a high probability of being attacked, to be picked out for attack. If it has a high freeboard and going over about 15 knots, high freeboard or doing about 15 knots, it is too hard for the pirates to get on board and they will bypass those vessels.

So if they see one of these vessels that we call low and slow and they are able to get near it, they will pull up alongside with their very small boat that was probably towed out to the area where the merchant ships are by a mother ship, and that mother ship, in most cases, almost all cases, is a pirated vessel itself, a dow of some sort, and it looks just like all of the fishing dows out there that tow their skiffs to tend their nets that are out there.

They will get in their skiffs. They will pull up alongside and intimidate either with the AK–47s or Rocket-Propelled Grenades (RPGs), in some cases, actually shooting both to get the captain to stop.

Early on, we saw instances where the shipping industry did—there are occasions when the ladder was even down and they were able to just come up the Jacob's ladder.

Since then, you are seeing they put up grappling hooks, ladders to get up on board, and intimidate the crew to stop the vessel. The time from the initial attack until on the vessel is about a 15-minute window of opportunity and if we aren't there to prevent them from getting on board in that 15-minute window of opportunity, then if we have—if they are successfully on board and they stay on board, then we are in a hostage situation and the pirates take it to the east coast of Somalia and work the negotiation process with the shipping company that is responsible for that vessel.

We see the attacks occur in the morning and with a sea state less than three feet. We did have an attack last week before the sunrise. We saw that as a change of Tactics, Techniques, and Procedures (TTP), but the sea states and seas, they are very small vessels. We watch very carefully. If it is less than three feet in the morning, we anticipate these fishermen become suspected pirates.

The CHAIRMAN. Mr. McHugh.

Mr. MCHUGH. Thank you, Mr. Chairman.

Just a quick question first, and I guess I would direct it to the admiral, but anybody who may have an answer.

I am sure we are categorizing these acts of piracy against a nation ship or the flag that has been seized. Anybody seem immune? Anybody just kind of never had a ship snatched?

Admiral GORTNEY. I would say no one is immune out of the pirates' intent to get on a vessel, not by a nation state. It really becomes a look for targets of opportunity more than anything else.

We have seen no instances of not targeting a particular nation's flag or targeting one. It is just an opportunity that they can get on board.

Mr. MCHUGH. So we have a lot of misery in our company, a lot of folks affected.

I mentioned in my opening comments the traditional historic root cause of piracy as being financially, economically driven. There are social factors, of course, on the ground that, Mr. Ambassador, you and others have commented upon and, obviously, we need to deal with that.

But having just returned from Afghanistan, of course, the poppy, depending on whose data you use, it is $100 million to $500 million a year in Osama Bin Laden and the Taliban's pocket.

Do we see any connection between the activities on the seas, the piracy and the giving up of the booty, if you will, as to Islamic or radical factions operating in the war in Somalia or elsewhere?

Admiral GORTNEY. No, sir, we do not. We look very, very carefully for a linkage between piracy and terrorism or any kind of ideology and we do not see it. It would be a significant game changer should that linkage occur.

But we have not seen it. We watch very carefully for it. This is financially motivated criminal activity at sea because they have no alternatives to make a living other than that.

Mr. MCHUGH. As I mentioned, as well, last question and then I will be happy to yield back, Mr. Chairman, CTF–151 is a unique undertaking and I commend you and everyone, all our nation's partners for being involved, that there are nations beyond that and some bring both an interesting and a first presence.

This is really, for the Chinese, this is a historic deployment for them, way beyond their traditional bounds of influence and their sea lanes.

How would you describe the cooperation and the differing rules of engagement, particularly from your perspective, with the Chinese who are operating in that same theater?

Admiral GORTNEY. Piracy is defined as a universal crime, and all navies are authorized and obligated to conduct counter-piracy operations.

The founding rules of engagement that we are using are all based on United Nations Security Council resolutions, but it comes down to the individual nation's interpretation of some of those authorities and the aggressiveness that they might pursue.

In some instances, nation's may only be able to respond to a piracy attack. Other nations that have aligned themselves have sent them down there for a pure counter-piracy mission, either inside 151, associated with 151 or underneath their national mandate.

They have authorities to conduct and, I would say, offensively conduct counter-piracy operations.

The coordination effort with that number of nations that are not aligned in a clean chain of command is not insignificant, but naval offices know how to get the job done.

At the operational level, the coordination is done in my headquarters. We have NATO and E.U. liaison officers in my headquarters in the combined maritime forces embedded in my combined maritime forces staff as part of the team that is putting it together.

Through United States Pacific Command (PACOM), we have offered for the Chinese if they would like to put a liaison officer into headquarters, as well.

At the tactical level, though, we leave it to CTF–151, previously, it was 150, to do the tactical deconfliction on the waterfront, that has to occur on the waterfront. We communicate, we share all of our information that is unclassified. We keep nothing from anybody that is down there assisting with it.

And then how we communicate with those nations, with those navies that are down there on the waterfront is a function of the technology that they have. If they are part of NATO, E.U., the combined maritime forces, they have our CENTRICS, which is our coalition Internet communication method, the chat rooms.

In the case of the Russians, we have to do it over bridge-to-bridge radio. That is the only mechanism.

With the Chinese, we communicate via unclassified e-mail with their Yahoo account and they are actually giving us their intentions via that process, where they are going to go the next day. That better helps us put the ships where they are not going to be at that tactical deconfliction.

We have had visits by the Russian commander onboard our flag ship, meeting with Admiral McKnight, and we have made that offer to the Chinese, who have said they would accept it, but we just haven't been able to make the meeting occur in person.

Mr. MCHUGH. Thank you, Admiral.

Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Before I call on Mr. Ortiz, let me ask. The pirates get the ship. They control the ship. Then what normally happens?

Admiral GORTNEY. The pirates, usually, they will take the vessel or have the master drive the vessel to the northeast coast or the tip of the Horn of Africa. Another crew gets on board and then they sail it down to one of the anchorages on the east coast of Somalia, roughly within a mile of—inside of a mile of the shoreline, and another crew, another group of pirates gets on board to maintain that ship while the negotiation process goes on.

The CHAIRMAN. How do they do the negotiations?

Admiral GORTNEY. That is worked out through a pirate clan. Sometimes the senior pirate leader on the vessel itself, with whatever mechanism, the shipping line, the owners of that vessel want to perform that negotiation.

We do not get the coalition or any of the nations get involved with the negotiation process. That is not in our lane. It is not our job to do that. We do not want to do that.

But we do monitor, through any technical means that we have available, to monitor the health and well being of the hostages, the

mariners that are on board, how much fuel they have, how much water they have, are they their food.

So we have an understanding of where we are in the negotiation process. Average time from the attack to release of the vessel averages around 45 days, $1.5 million to $2 million ransom. That was skewed a little bit with Faina, which was a vessel that was carrying T72 tanks and large percentages of RPGs.

We did monitor that and kept a cruiser or destroyer on it so that those weapons didn't get offloaded and further destabilizing a destabilized place. That was a fairly long negotiation process for that one to occur.

The CHAIRMAN. Mr. Ortiz.

Mr. ORTIZ. Thank you, Mr. Chairman.

In December, I guess, 2008, and I think Mr. McHugh mentioned that, the United Nations passed Resolution 1851 that allows states to use land-based operations in Somalia for counter-piracy.

Does the Department of Defense have any intention to combat piracy within Somalia?

Ambassador MULL. I will be happy to take the lead in answering that. On a policy level, while we sought in the negotiations for the Security Council resolution to give that authority to any nation willing to take it, we do not plan, at this time, to conduct any counter-piracy operations on land.

Mr. ORTIZ. So we don't have anybody willing to take it.

Ambassador MULL. None of our other coalition partners as of yet have expressed an intention to do that. But in the negotiations up at the United Nations to put that language in the resolution, it was to plan for what would happen if a member of the international coalition were pursuing a pirate and the pirates managed to escape and get up on land, would we need authority to go after them and pursue them.

And so just to be safe, we sought that authority within the resolution. But there are no plans to conduct counter-piracy operations on land.

Mr. ORTIZ. Now, I know that we have a new command, the Africa Command. What is their role now with these piracy activities?

Mr. PIKE. The U.S. Africa Command does have the geographic responsibility for it if there would be operations in the Somalia territory, if you will.

While we understand that there is a maritime component which is clearly in the Central Command's area of responsibility, the land-based operation would be under the U.S. Africa Command.

At present, as has already been stated, we do not have any intentions to forward any active operations on land. That does not preclude that and, in fact, the Defense Department is looking at that, but there is no such intention at this point to advance that.

Mr. ORTIZ. Do you think that the pirates know what is in the pipeline? Do they know what these ships are carrying? Do you think that somebody might be giving them information as to what is moving along the pipeline so that they know what ships to attack?

Admiral GORTNEY. Sir, I will take that. We do not see them targeting any particular vessel, have any foreknowledge or any intelligence of the vessel that they might want to take.

They really just look for the soft target that they might be able to get on board. Early on, we saw, when the maritime security patrol area as a little further to the north, it was in cell phone range. We did get indications that one piracy, one skiff missed an opportunity, he would call a buddy up the shipping lane and say, "This vessel is coming, you might be able to get on board."

It is one of the reasons why we moved the maritime security patrol area farther to the center of the Gulf of Aden.

Mr. ORTIZ. Can I just have one last question?

You mentioned that once they are apprehended and you have got those pirates in custody, that they are turned over for prosecution. They are turned over to whom to prosecute?

Ambassador MULL. As we mentioned earlier, we have concluded this memorandum of understanding with the government of Kenya and just today they did accept seven pirates with packets of evidence that our Navy managed to collect in a particular incident and the Kenyan foreign minister has said that he would welcome—this is in their economic interest, because Mombasa is a key—the Port of Mombasa is a key source of wealth for them.

And so because of that, the Kenyan government says that they would be welcoming any pirates that the international community can provide them for prosecution.

There are other states in the region. Tanzania has expressed some possible interest and we are exploring that with them. Of course, it is a little farther away.

The challenge we run into, sir, is very often you can't catch pirates in the act of committing. You can suspect that they are pirates, but without any evidence. And without any evidence, in cases like that, we really have very little option under international law except to certainly take their weapons away from them, but then release them.

Mr. ORTIZ. Thank you so much.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Fleming, please.

Mr. FLEMING. Thank you, Mr. Chairman.

When we prosecute these criminals, what law or laws do we prosecute them under or what? Is it international law? Is there state law? How do we approach that?

Ambassador MULL. Well, our authority to capture pirates is based very much on international law and U.N. Security Council resolutions. But the actual prosecution is based on national law.

So when the Kenyan government prosecutes these seven pirates that we have just turned over to them, it will be based on Kenyan laws against piracy.

Similarly, if there were ever a U.S. victim of one of these attacks or a U.S. shipping line that were a victim, our Justice Department has said that it would favorably consider prosecuting such apprehended pirates and, again, it would be on the basis of American national law.

Mr. FLEMING. Thank you. With any kind of crime, it is always an issue of risk and reward and, obviously, you want to do what you can to increase the risk for the criminal and lower the reward.

Has there been an effort or plan to have decoy ships or something that would kind of pull them in and a little bit of honey, if

you will, that will attract them and then create a high enough risk that that is going to make them want to go another direction?

Admiral GORTNEY. We contemplated that a few years back and rejected it as being not as effective. We think a combination of military presence and working with the shipping industry has a higher probability of success.

We have put a slide, I hope you have it in front of you, of campaign results. If you look at the lower left-hand corner of that slide, it has two columns per month. The first column is in red, which is the number of successful attacks. It is not cumulative. It is for that month.

The next bar is either green or blue, green if that bar is unsuccessful attacks and if it is in green, it is because the shipping industry, the merchant ship itself took defensive action and it was successful in breaking it up. If it is blue, it was because of the military.

You see the combination of that is why it has been—the combination of it is having a deterrent effect, but not as successful an effect that we are looking for until last month.

If you look at it even through the month of January, the number of attempts continued to be on the rise, which was telling us our campaign plan wasn't working. It isn't the total number of successful attacks that we are using for our metrics, it is we want to drive the total number of attempts down.

So in order to do that, you need to disincentivize piracy, which is part of your question. Two ways to do that. One is don't pay them. But the shipping industry has said they are going to pay them.

The second thing is we have to disincentivize another mechanism and that is where, in the middle of the month, working to the memorandum of understanding with the Kenyan government that when we capture these pirates, we have a mechanism to take them to a court of law, that are suspected pirates, suspected criminals at that point, try them; if found guilty, hold them accountable for their actions.

And so we think between the combination of all of that is what is having our success right now. The question is where will we be a year from now. Will we continue to be effective?

Sir, as you said, there is a lot of resources being invested into this. Will the E.U., will NATO, will the other nations continue to be there?

Fifth Fleet, United States Navy, will be there, combined maritime forces will be there. And so keeping this international support down there to help while we work the other avenues is very, very important.

Mr. FLEMING. And finally, is there any effort by the shipping industry to harden their ships, make them faster, make them sit higher in the water or do any of the other things that make them less of a target?

Admiral GORTNEY. Yes, sir. We share with them best practices, lessons learned, how to harden the target, the speed and maneuver. Some vessels, though, just can't go any faster or they are laden, so they are going to be low to the water or they are designed to be low to the water.

And then you use mechanisms such as put barbed wire around the low areas so that it is hard to get on board. Embark security guards, we see instances of that, using non-kinetic and kinetic measures with security guards is a last line of defense. Non-kinetic measures, Long Range Acoustic Devices (LRADs), fire hoses, posting lookouts.

The shipping industry have really leaned their crews out. So they don't have the manpower to post the lookout. So they have to put additional people on board and, once again, that is the line of defense and that statistically has proven to be the most effective reason for unsuccessful attacks.

Mr. FLEMING. Thank you, gentlemen.

I yield back, Mr. Chairman.

The CHAIRMAN. Thank the gentleman.

Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Chairman.

I want to thank you gentlemen for being with us today.

Ambassador Mull, I am curious. Is the State Department empowered to say that an attack upon an American vessel will be considered an attack upon America and no matter who apprehends the pirates, we will try them and, if convicted, detain them in an American prison?

Do you have the legal authority to do that at this time?

Ambassador MULL. Our basis for pronouncing on any kind of piracy is really based on recognized international law of the high seas in that a piracy attack is a crime.

We wouldn't really consider it an attack on the United States——

Mr. TAYLOR. Just for clarification, it has always been my understanding that an American flagged vessel is considered a piece of America.

So would that not be a crime on America?

Ambassador MULL. Yes, it very much would be.

Mr. TAYLOR. Okay. So let's follow up, then. To what extent is our State Department putting out the word that an attack on an American flagged vessel would be treated as an attack on America, and that no matter which country apprehends the criminals, that we would expect them to be turned over to a United States court of justice, tried in American court, and, if convicted, detained in an American facility?

Ambassador MULL. The decision——

Mr. TAYLOR. I think that would be a very strong message, and if you don't have the legal authority to do that, I would like to give you that legal authority. So let's get that clarified right now, if we can.

Ambassador MULL. The decision to prosecute really rests with the American law enforcement community, but the Justice Department or the respective U.S. attorney, it would be his or her decision to decide whether or not to prosecute a case.

And so as part of our international engagement, we have been very much seeking Justice Department authority to say that to our international partners, that we are eager to prosecute people.

Mr. TAYLOR. Ambassador, you know where I am going. I would like, in writing, from you, an answer to that question.

Do you have the legal authority to say what I just asked you to say and then to back that up in the American courts, and if not, why not? So that if that is not the case, we can correct that as a legislative body.

Ambassador MULL. Well, we can say it is a violation of U.S. law. The decision and the authority to say that is unquestioned. It is a matter of fact.

But the decision—the second part of your question, sir, about that we will prosecute the case, that would depend on——

Mr. TAYLOR. Well, Mr. Ambassador, I very much appreciate that, but I had the pleasure of a briefing by the admiral in December over in Bahrain. He let it be known to the delegation that part of his problem was if someone is caught, there was no one to take the criminal.

Now, I am old enough to remember when the world had a selective outrage when it came to hijackings. If our plane was hijacked, we were outraged. If a plane coming from a perceived enemy of the United States was hijacked, we thought it was okay.

And only after several tragedies did the world community say hijacking is wrong no matter where it occurs. I am talking about of aircraft.

I think it is time for the world community to do that. Now, until we can get the world community to do that, at least as far as this nation is concerned, I think a strong message coming from our White House, from our State Department, along the lines of what I just said, would be very beneficial.

If you don't have the legal authority to do that, I need to know that so that we can address that.

Ambassador MULL. Well, we do. I am happy to say that and any State Department official would say that a crime against America, that we have the right to pursue and certainly the intention to pursue it.

It is just when it gets to individual cases, it would be up to the Justice Department to make the call on individual cases. But as a general principle, when a crime is committed against Americans or American property or our assets overseas, absolutely, we have total authority to see a prosecution of the perpetrators.

Mr. TAYLOR. To what extent are you pursuing some sort of an international agreement, keeping in mind that a great many of these vessels are flagged in Panama, for example?

I would think the thought of spending time in a Panamanian prison might be a deterrent to that crime.

On the flipside, I have never been to Kenya. So I really know nothing about the country, but I have got to say there is within me a certain concern that there is a lot of money involved here. Let's make sure that that person stays in prison once he gets there. And who is going to track that?

Secondly, what the admiral didn't touch on, Mr. Chairman, it is my understanding that many of these pirates are represented by some of the most prestigious law firms in London and, it has become a business.

It has become that sophisticated and I think we, as an—first, as our country, ought to do it independently and then as part of the

international community take the steps to address this before it gets any further out of hand.

Thank you, Mr. Chairman.

The CHAIRMAN. I think a clarification from the Justice Department, Ambassador Mull, might be of some help on that issue.

Mr. Bartlett.

Mr. BARTLETT. Thank you very much.

Are these pirates rich people getting richer or poor people trying to feed their family?

Admiral GORTNEY. They are poor people trying to pay their—the pirates themselves that are doing—that are in the pure execution mode are just trying to make a living. We do not see there is—the clan is fairly organized. There is a hierarchical process. There are different skill sets. But at the end of the day, the ones that are actually doing—taking the—making the piracy attempts are just trying to make a living.

Mr. BARTLETT. I understand one of the big problems is—well, first of all, these people have learned that crime really does pay in that part of the world, doesn't it?

Admiral GORTNEY. Yes, sir.

Mr. BARTLETT. Because generally, getting ransomed and if they are caught, I understand that there is a problem in finding a legitimate courts to try them.

Admiral GORTNEY. Yes, sir. That was why we felt that we developed our campaign plan was to increase international support, more navies to work with the shipping industry and the most important tool that we needed was a method to, when we capture them, we have the authorities to capture them and rules of engagement to capture them all along, but when we capture them, we had no place to take them to try them and, if they were found guilty, hold them accountable for their actions.

That is why the most significant, decisive event that occurred occurred when the State Department worked that agreement with Kenya to take the pirates that we think—that we are pretty confident we have the evidence that they are asking for to try them and hold them accountable.

Mr. BARTLETT. Is there no world court that could try them?

Ambassador MULL. No, sir, there are not now. There have been some proposals of creating a new international tribunal, perhaps under the aegis of the United Nations. The U.S. view of that is that the number of pirates involved would not justify the many, many millions of dollars that would be required to stand up that court.

So we think a quicker, a cheaper and a more efficient way is to use the national legal authorities with Kenya, with other countries in the region, or, when necessary, using our own courts.

And if I could just follow up, actually, to Congressman Taylor's question by commenting that today, for example, we are meeting legal authorities of the 28 countries that participate in this contact group. The legal authorities are meeting in Copenhagen today, in fact, to get a broader consensus about how to best use those national authorities in prosecuting pirates.

Mr. BARTLETT. Would it be simpler simply to modify the charter of an existing world court so that they could do this?

Ambassador MULL. That is one possibility. We could look at the international criminal court, for example. But part of the challenge in that is that these courts do not have the expertise on their staff. So it would require, again, an expenditure to get them smart enough to try these cases.

But then there is the broader problem of what you do if they were convicted in an international court. What would you do with them then? There is no such thing as a world prison. So there would have to be some mechanism through which pirates could then be incarcerated and held, which would, again, be a significant expense.

In looking at all of these options, we believe the national route is the more efficient way to go.

Mr. BARTLETT. I have a problem with renditions that turn criminals over to countries and courts that do not adhere to the same civil liberties protections that we should adhere to.

I would be much more comfortable and I think that the world generally would be much more comfortable if these criminals were turned over to an international criminal court, where I think most everybody feels that defensible civil liberties are practiced.

Shouldn't it be fairly simple simply to modify the charter of an existing world court? They have to learn that crime doesn't pay. As long as it pays, they are going to keep doing this.

So we have to do something so that crime doesn't pay. There has to be a certain punishment. It has to be swift and sure and it has to be adequate to deter future potential crimes.

Ambassador MULL. Yes, sir. It is an option that remains under consideration and just because we are using national authorities now doesn't mean that we would rule that out.

That is one of the purposes of this meeting in Copenhagen today is to explore whether or not that might be a way of moving forward. Our own judgment is that it would take a while to do that. We would have to work through the United Nations to alter the authorities of the existing courts.

As you may know, sir, U.S. policy on these courts has been somewhat skeptical of these courts out of fear that what happens if an American citizen ends up getting caught up in one of these international courts.

So we would have to work that whole process through the United Nations. In the meantime, we don't want to let that get in the way of putting pirates in jail now. But it is an option that we continue to consider with our international partners.

Mr. BARTLETT. Thank you, Mr. Chairman.

It is everybody's problem. It is not just our problem.

Thank you.

Mr. WYCOFF. If I may just add one comment, please, and that is that the State Department and our interagency partners are very clearly focused on the legal and due process aspects, the humanitarian law and so forth, of how piracy suspects are treated.

We take your concerns about local courts and administrations and due process of law very seriously and that is part of this process. The legal affairs bureau or legal attaches in the field and so forth are all part of a combined effort to make sure that those rights are respected.

The CHAIRMAN. Thank the gentleman.

Mr. Marshall.

Mr. MARSHALL. Thank you, Mr. Chairman.

Not too long ago, I think it was a Chinese vessel that was detained and then ransomed and the ransom was paid and apparently the weather was bad and the upshot was that a number of the pirates drowned and there was some publicity about that, and I was really struck by the statement of the uncle of one of the pirates who had drowned.

He expressed outrage with the delay had resulted in this bad weather and the uncle felt that really those folks who had—that others were actually responsible for the death of his nephew rather than the nephew being responsible for his own death because he is a pirate.

It is as if the view of the family is that this is a legitimate business and somehow the system has wronged the family by making it a little tougher to get the ransom money home. It is really just kind of stunning.

And to pick up on Mr. Bartlett's inquiry, how do we increase the costs so that we discourage the behavior here? I find myself wondering if, say, insurance companies that are probably losing a lot of money covering claims haven't hired mercenaries, essentially, to ride around in slow, low boats, as you described them, Admiral, and, when attacked, kill the attackers and with the idea that if you do that often enough, maybe that will discourage some of this behavior.

Is there a problem with the law of the seas that would somehow prohibit or the law of England probably is where an awful lot of these maritime insurers are located, would prohibit these insurers from doing that, from hiring boats to go out there and lessen the likelihood, lessen the enthusiasm for doing this?

Ambassador MULL. Yes. In fact, sir, a number of private security firms around the world have expressed an interest and have, in fact, marketed themselves to shipping lines to provide exactly the service that you describe.

Many of the shippers, in our contact with them, are very reluctant to take on more aggressive means of self-defense, because they believe that it will have a pendulum effect in that the more violent or aggressive they become in their self-defense measures, the more violent and more armed the pirates will become.

So that the prevailing view within the international shipping community has been to adopt some of the more passive self-defense measures that Admiral Gortney mentioned, which are, in fact, quite effective in repelling the vast majority of pirate attacks.

Mr. MARSHALL. So has there been some—apparently, you are saying that there has been some conscious decision not to do this, not to engage in that kind of behavior, not to hire people to float around in small vessels waiting to be attacked.

Ambassador MULL. That is right. Most shipping companies do not want those sorts of services.

Mr. MARSHALL. And Somalia is such a failed state that it is just impractical to think that somehow we can entice Somalia into dealing with the pirates itself.

Mr. WYCOFF. As I mentioned in my statement, there is a comprehensive set of policies and efforts to try to help Somalia regain its place in the—its stability, its internal security.

We are certainly in touch with Puntland authorities, a lot of this is based in Puntland, and are advocating that additional measures be taken. But I cannot say that that is a short-term solution to this. It is very much a mid-term and longer-term approach, one that we are very focused on.

It is an interagency process, State Department, AID, Department of Defense, a number of partners working on it.

But the short-term—the measures that we have discussed this morning are really kind of the best short-term approach to dealing with the problem.

Thank you.

Mr. MARSHALL. Has anybody considered, I guess, this may be impossible or somehow illegal, employing—I don't know who you would call on. You have got the pirates out there making money attacking ships and taking them and holding them for ransom.

How about paying somebody to make money attacking the pirates? And to the extent that you see significant reduction in the pirating, then pretty generous payments are made. Just let sort of a lawless area work it out.

Mr. WYCOFF. Our approach on that, as I say, has been to work with the authorities that we are able to have contact with in Somalia and to try to build respect for the rule of law and a political process there, an inclusive political process that deals with the basic security problems in Somalia, and it has been limited to that.

Thank you, sir.

Mr. MARSHALL. Thank you, Mr. Chairman.

The CHAIRMAN. Before I call on Mr. Coffman, let me ask—and I don't know, Mr. Pike, you or the admiral might answer the question. The incidents of piracy in the Malacca Straits have gone down.

Why is that?

Admiral GORTNEY. Working with my counterparts in Seventh Fleet, it is because the governments that their waters, territorial waters share those straits took activity to stop the—to prevent the actions from occurring.

So it was the states themselves, the nation states that share those waters that took it upon themselves to take action.

The CHAIRMAN. So the safe havens in that part of the world have disappeared.

Admiral GORTNEY. I wouldn't say they have disappeared. They are significantly reduced.

The CHAIRMAN. Thank you.

Mr. Coffman.

Mr. COFFMAN. Thank you, Mr. Chairman.

I think the first question, I think, in part, was already asked, but let me restate it and get some clarification.

And that is, in Iraq, obviously, we were successful in bringing former insurgent elements, Sunni Arab folks on our side through the awakening councils.

Has there been any discussion for doing the same with some of these clans in Somalia to get them to assist by providing some type of patrols in their area to counter the pirate element?

Mr. WYCOFF. Yes. What I would say is that there is this Djibouti peace process, the formation of this unity government. President Sheikh Sharif Sheikh Ahmed is engaged in a process of outreach to all of the communities in Somalia with the intention of establishing a functional government in all the areas of Somalia that would be in a position then to enforce the rule of law.

Mr. COFFMAN. Well, my question is in terms of our involvement or outside of Somalia, is there any discussion in the international community of engaging some of these clan elements in terms of enlisting their support and helping to patrol these waters?

Mr. WYCOFF. Specifically in terms of helping to patrol these waters, two things I could say, Congressman.

One is that the Puntland government has, as I understand it, a contract with a private Somali company that has several boats—the admiral may know more about this than I do—and there is some nascent effort there that might be built on.

The other is that there are representations with Puntland authorities to be more serious in terms of rule of law in their own area. As you know, Somalia is a very difficult operating environment.

So at this stage, I could not assure you that that would bear fruit and would be a way forward, but there is a larger process that we hope will bear fruit in the longer term.

Admiral GORTNEY. We have turned over, on a couple of occasions, suspected pirates that we lack the evidence to the Puntland coast guard. We see them patrolling in a small effort, but they are just so small, the problem is so large, that they are not very effective.

Mr. COFFMAN. We obviously have a profile of what these folks look like. If they are engaged in fishing, aren't they a little closer to the coast than if they are not engaged in fishing?

I mean, is there a way that we can establish a pattern of behavior whereby we can board these vessels and search these vessels?

Admiral GORTNEY. One of the reasons we moved, if you look on the slide, the maritime security patrol area down in the center of the Gulf of Aden, when it was up to the north, it was actually intermixed with some of the prime fishing grounds just to the south of Yemen.

And so it was very difficult to differentiate between the types of vessels. So we moved it further out and that did help a little bit.

That said, mother ships are pirated fishing dows and the skiffs that the pirates are working from are the same skiffs, same color. So it is really when we get on top either with maritime patrol or with helicopters or with a ship and we look inside these skiffs and we determine that they don't have nets or baskets and they have AK–47s, RPGs and ladders, we know that they are not involved in fishing and that is when we take those—we take them, we disarm them, we take their pictures, we fingerprint them, biometric them, and then we release them if we did not catch them in the act.

Mr. COFFMAN. But we obviously take those weapons.

Admiral GORTNEY. Absolutely. Actually, if we are going to take them and try them, we keep some for evidence. Otherwise, we throw them all overboard.

Mr. COFFMAN. Very well.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Chairman, for holding this hearing.

It has always been said that money is the root of all evil, and so since money is the root of this problem, I want to talk about the money.

It would seem to me that it would not be feasible for these pirates to be able to accumulate the money, hold it and hold onto cash money.

Is that the way the ransoms are paid out, in cash, and if so, is it American dollars? And if so, what is the current state of the Somali banking system? I would think that it would be darn insistent or, at the very least, just not sophisticated enough to fill in dollars.

Also, I understand that these exchanges of the moneys made by air drop, I want to know if that is the way it goes all the time. I also want to know how do the pirates communicate with the victims, in other words, they get a ship and want two million bucks? Where does this money end up?

It would seem that we should be able to track the money. It would seem to me that we would have a theory as to how that money is used. Is it deposited somewhere and if so, where? And ultimately, I would like to know who is behind this whole piracy issue, because I just have a hard time thinking that a small band of uneducated—I am making assumptions—uneducated Somalis would have the capability for pulling off something like this repeatedly.

Admiral GORTNEY. The exact transfer is pretty low tech. The negotiation is completed. The negotiations occur over primarily Inmarsat, satellite radio, between the pirate negotiator and whoever is handling the negotiations for that shipping line, the owner of the vessel.

Mr. JOHNSON. By telephone or cable?

Admiral GORTNEY. It is a satellite phone, satellite mechanism.

Mr. JOHNSON. Do we have the capability of tracking the phone call from the pirate to the victim?

Admiral GORTNEY. We use all mechanisms available to monitor the negotiation process. Once the negotiation has been completed, the cash, it is just pure cash, usually American dollars, and we are seeing now being parachuted in to where the pirated—near to the pirate vessel.

The cash is distributed among the pirates and where it goes once it is ashore, I am not certain. But I do know that we are looking into that process.

It is organized crime. In their sense, it is organized crime. It is clear about that. There are hierarchies. There is leadership and we do see that and we are getting a better understanding of that network as we proceed with our interviews and our collection efforts.

Ambassador MULL. I would just add to the admiral's statements that early in our diplomatic efforts on this, earlier this winter, we

did pursue with our partners the idea of adopting some kind of code of conduct that would regulate the payment of ransom, with a view of trying to diminish it, to stop the flow of funds to them.

But the answer from all of our European allies was that they would not be willing to support it at this time because they fear—they don't want to risk the lives of their citizens who might be at risk of being killed in the event a ransom isn't paid.

We also explored the prospect of looking at what sort of international financial controls are in place, but the problem we run into, as the admiral mentioned, is most of these transactions are cash. And so it is very difficult to use the international banking system to stop it.

Mr. JOHNSON. Is that dollars, American dollars? That is how the ransoms are paid.

And what is the national currency——

Ambassador MULL. Also, pounds, as well. British pounds, also, are commonly used.

Mr. JOHNSON. But what is the currency being used in Somalia currently?

Mr. WYCOFF. There is a Somali currency in circulation. It remains in circulation. But I believe there are also money changers and that dollars are accepted and can be used to gain value to make purchases and so forth in Somalia.

Mr. JOHNSON. Thank you.

The CHAIRMAN. Thank you.

Mr. Wilson.

Mr. WILSON. Thank you, Mr. Chairman. And, Mr. Chairman, thank you for having such extraordinary people here today to discuss piracy in the 21st century.

Who would ever imagine?

And in particular, Admiral Gortney, I want to congratulate you on your command, the Fifth Fleet. It is extraordinary the success of the Fifth Fleet which has been in the Persian Gulf for over 50 years.

I had the opportunity to visit in Bahrain. I was so impressed by the people of Bahrain. I appreciate so much the hosting by the Kingdom of Bahrain of the Fifth Fleet, and it has been so mutually beneficial, providing security for the region, leading to development beyond imagination.

When I visited Bahrain, it just was really heartwarming to see the success of the people in that country and the region.

Another part of encouragement to me is combined Task Force 151, working with nearly 20 nations to try to address the problem of piracy.

And if you could explain how this command, which was established in January, is working. I am particularly interested in our new partner, India, a great ally of America today, but also working with the navies of China and Russia.

Admiral GORTNEY. Well, thank you for those kind words, sir, and I will pass them on to the sailors, Marines and Coast Guard personnel that are there, and to the Kingdom—151, currently commanded by an American one-star, Admiral Terry McKnight. Eventually, we are seeking another coalition nation to command it, and we see opportunities there.

We work coordination efforts. Really, the level of coordination is different with different nations that are not in the combined task force. In the case of the Indian navy, we are in very close communication with them, sharing information, exchanging where we would like them, where they are able to go.

Additionally, we provide them logistics support. As a matter of fact, for all of the nations that are down there, we provide refueling at sea and logistics support, the U.S. Navy does and the combined task force does, with the exception of Saudi Arabia, Malaysia, Russia and China.

Russia and China brought their own ships. Malaysia takes care of themselves and we are working on the capability to expand Saudi Arabia's capability to do that.

But that level of exchange, once again, occurs differently based on the technical needs that we have with those different nations.

With India, they do have CENTRICS and we use CENTRICS with them.

Mr. WILSON. And, again, we do appreciate your personnel and the success they have made.

A pleasant surprise to me, Secretary Wycoff, was to find out that there is a developing government, functioning government in Somalia. I have always been concerned about the failed state as to a haven for terrorism and, obviously, piracy.

And you have already addressed on it about the unity government, but it is just great to see efforts being made to establish a government in Mogadishu, the security forces from neighboring countries, and then the economic assistance from regional countries.

Can you go further into that?

Mr. WYCOFF. I am happy to, sir. I do not want to leave you with the impression—thank you for your comments—do not want to leave the committee with the impression that we are on the certain road to success in Somalia.

Mr. WILSON. Hey, any success is a surprise to me.

Mr. WYCOFF. Thank you, sir. And there is some optimism in the international community on Somalia, but I caveat that, some optimism. There was, for instance, an international contact group meeting on Somalia attended by over 30 countries last week and a half a dozen international organizations, regional organizations.

So there is a tremendous amount of goodwill toward Somalia to try to help them as they work through this process. But, also, there is a very strong extremist element, al Shabaab comes to mind, for instance, but there is a very strong extremist element in Somalia that are acting as spoilers that continue to attack civilians, that continue to attack expatriates, foreigners who are humanitarian workers who are trying to help deal with the humanitarian tragedy in Somalia.

So there is a complex mix underway in Somalia and, as I say, the unity government is taking steps to try to move in the right direction to bring more Somali elements into this political dialogue and that is getting widespread support.

I would just note, for instance, that the Arab League has pledged $1 million to support this process. The African Union is deeply involved, as is the U.S. And it is multifaceted. It is not just this polit-

ical effort, but there are also a number of partners that are trying to work with the unity government to establish a better security force, a joint security force that would take root, I think, in Mogadishu and then would hope to go farther into Somalia.

Mr. WILSON. Thank you.

The CHAIRMAN. Thank the gentleman.

We have three members that still haven't asked questions. We would like to squeeze them in, if at all possible, so that the witnesses won't have to come back.

Mr. Kissell.

Mr. KISSELL. Thank you, Mr. Chairman.

A very quick question. The pirates, is that a growing industry? We talked about these are people trying to feed their families. Is it basically the same clan?

The attacks are up. Is it a growing industry or is it the same people attacking more?

Admiral GORTNEY. We saw a growth industry specifically in the middle of August, when, in 2 days, we went from three pirated vessels to 12 pirated vessels, and it was the result of the clan on the north coast of Somalia, and, clearly, we saw more and more suspected pirates attempting to pirate vessels.

And so our goal has always been to curb that growth, actually drive the demand signal down.

Mr. KISSELL. The ship that had the tanks on it, would that have fit the definition of a low, slow ship?

Admiral GORTNEY. It was, sir.

Mr. KISSELL. Do the pirates have any sense, when they are going out, of what may be on a ship or are they just going after what is there?

Admiral GORTNEY. They are going after any target of opportunity that they think that they can get on board, soft targets.

Mr. KISSELL. Is there any sense, in their minds, from what you all could see, they overreached in all the attention they got when they got the ship with the tanks on it, that maybe, "Hey, we need to go lower profile?"

Admiral GORTNEY. We did have efforts that, when they got on board, they saw what they had, they were very surprised what they had and, initially, they were concerned about that. Then they saw an opportunity that they might get higher ransoms from it, which was exactly what drug on why motor vessel Faina was held for the length of time that it was.

Mr. KISSELL. Thank you, sir.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Wittman.

Mr. WITTMAN. Thank you, Mr. Chairman.

Admiral Gortney, just a question. In looking at the counter-piracy mission, as it expands and as it emerges, can you talk a little bit about the unique training and equipment requirements that you are facing there, and what capabilities might be able to improve the Navy's abilities to counteract these particular threats?

Admiral GORTNEY. We see no shortfalls in either equipment or training of the sailors, Marines or Coast Guardsmen that are involved in this. Through the fleet response training plan that all of the U.S. naval vessels go through, they are taught the skill sets

necessary to execute the mission and the command and control of the mission.

Mr. WITTMAN. In looking at this threat, in total, and, of course, obviously, having small crafts around the ocean and coming up on these different vessels, do you see, is there a benefit for the Navy to maybe be looking at a different class of ships in order to be able to counteract that, especially across the variety of different conditions and shallow water that we are facing these particular threats.

And I am just looking at that into the future, and if you believe that the current mission set might generate requests for new needs within the shipbuilding realm.

Admiral GORTNEY. We see the forces that we have and we are currently procuring adequate to do this mission. It is a fairly low-tech war—I am sorry, excuse me—it is fairly a low-tech capability that we need in order to do it.

We need good sea keeping capability. We need the sustainment. And everything that we currently have and we are projecting to build, we think, will be adequate.

Mr. WITTMAN. Do you think the demand generated now currently by the number of piracy events going on out there, do you believe that that has, in any way, challenged NAVCENT in its ability to meet its mission set across the board?

Admiral GORTNEY. No, sir. We are able to meet all of the tasking that Central Command has given us. The location and the inherent flexibility of the naval forces when there is a need, we are able to position those ships where they are needed in greater detail.

That is the real strength of the coalition with the numbers of ships that are involved is that I can pull the Navy, U.S. Navy ships out to go do the mission that the other nations don't have the authorities to execute and they are still able to do the counter-piracy mission and we continue to command that mission through the combined maritime forces.

So it is a good model.

Mr. WITTMAN. Do you see this particular threat continuing to emerge? Do you see it as topping out? What do you see sort of the future of the challenges that we face in these areas with piracy?

Admiral GORTNEY. Piracy has been around for centuries. It will be around for centuries more. It is just criminal activity at sea.

My concern now is where we will be a year from now. Will we have the level of international effort to assist with the counter-piracy? Will our efforts to try and hold suspected pirates accountable for their actions? Will it be effective? Will it have the enduring effect that we are looking for?

We don't know. So I see that it will be episodic in the future as tactics, techniques and procedures change on both sides to keep the piracy at a level that the international community is willing to sustain.

The CHAIRMAN. Thank you very much.

Mr. Heinrich, grab it up.

Mr. HEINRICH. Thank you, Mr. Chair, and I will keep this short.

I am curious about the relationship with declining fishing stock resources in the Gulf of Aden and what, if anything, can be done regarding that that would reduce the tendency of piracy in the area.

Admiral GORTNEY. The best fishing in the world, I would say, down there. It is really phenomenal fishing opportunities, which, if you study it, is one of the root causes that people are coming down there and fishing out illegally out of Somali waters.

So whether or not it is depleting the stocks or not, we are going to have to get back to you on that. I just don't know on the rest of it.

Ambassador MULL. I would add to what the admiral said that we share your concern that a motivating factor in all of this, Congressman, is it is a very emotive issue, really, in Somalia that these international fishing firms are coming in and depleting the fishing stocks there in the region.

And so one of the goals that we had in standing up this international contact group of these 28 countries and six organizations that we launched in New York back in January was to get all these countries to commit, not only are they going to fight the pirates, but they are also going to commit to not fish illegally or dump toxic substance into Somalia's territorial waters, and to also support the government of Somalia's efforts to assert its rights for exclusive economics zone, the 200-mile zone under the law of the sea treaty.

So all of our European partners have pledged to do that. Some countries have actually passed laws against it. The enforcement is still a little spotty and we will keep working on that with them.

Mr. HEINRICH. I think that is an important point and I am glad to hear that, because if we are not going to be dealing with this 10 years from now, we need to address some of the underlying factors.

I yield back, Mr. Chair.

The CHAIRMAN. Thank the gentleman.

And the hearing has ended. Special thanks to each one of you. We appreciate it. We do have a letter that we will be sending regarding the question Mr. Taylor raised, and hopefully we will get that back.

[Whereupon, at 11:41 a.m., the committee was adjourned.]

A P P E N D I X

May 15, 2009

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

MAY 15, 2009

INTRODUCTORY REMARKS BY
PDASD(ISA) COULTER TO THE HASC ON MARCH 5, 2009

Good morning Chairman Skelton, Ranking Member McHugh, and members of the House Armed Services Committee. Thank you for the invitation to appear before you today to discuss counterpiracy operations in the Gulf of Aden. My name is Michael Coulter and I am the Principal Deputy Assistant Secretary of Defense for International Security Affairs. My office provides defense policy guidance for Europe, Africa, and the Middle East.

In a moment, I'll introduce Vice Admiral Gortney, the naval commander of our military operations in the Gulf of Aden. He will go into the details of our efforts to combat piracy but before he does, I would like to take a brief minute to outline how we see piracy in the broader policy context.

Throughout our history, we have depended on maritime highways for a global transportation system that delivers goods and materials around the world. The concept of unimpeded sea lanes underpins the very meaning of an effective national security strategy...a strategy primarily based on global engagement and to protect and sustain the global, inter-connected, economic system through which we maintain our way of life. Today, freedom of access means the awareness and control of the entire spectrum of the maritime domain to ensure its access to good actors and deny its access to bad actors. From experience, we have come to learn that no one nation can single-handedly secure every ocean and every waterway around the world. And because the oceans play an indispensable role in the safety, security, and economic stability of the international community, all nations have a vital interest in ensuring that the maritime domain remains secure and open for the free and legitimate use of all.

For these reasons, the recent uptick in piracy in the Gulf of Aden has caused like-minded leaders in industry and government to unite to discuss what can done, collectively, to unhinge and defeat the scourge of piracy. We, along with a number of other countries and international organizations, have now committed additional resources to this task. As you will hear from VADM Gortney, we are partnering together with traditional Allies, and with new partners, to achieve international interests. We will, in our collective effort, use the seas to unite and not divide.

The shaping function of this mission must be interagency as well as international. Only some of the tools required to shape the security environment, and to reach

into the ungoverned sea spaces, reside in the U.S. or international navies. The root causes of piracy reside on land. The absence of a strong government in Somalia remains the single greatest challenge to regional security and provides freedom of action for those engaged in piracy along the Somali coast. We are therefore reaching out to interagency participants with their tools and even further into the private sectors. The net beneficiaries of these efforts in the international community must also be proud and robust contributors.

The Defense Department co-chairs with the State Department an interagency Counter Piracy Steering Group that addresses the full spectrum of anti- and counter-piracy efforts, from piracy prevention, to interruption and termination of acts of piracy, to ensuring the accountability of pirates. The Defense Department is also supporting the State Department through the recently-established Contact Group on Counter-Piracy off the Coast of Somalia, an international forum that is encouraging countries with a direct interest in countering piracy (including flag and crew States) to provide counter-piracy forces, track piracy financing, and accept custody of and prosecute suspected pirates when apprehended.

Mr. Chairman and members of the committee, thank you again for this opportunity to appear before you today. Now, let me introduce and turn things over to Vice Admiral Gortney. Following Vice Admiral Gortney's comments, I would be happy to take any questions.

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RELEASED BY THE
HOUSE ARMED SERVICES COMMITTEE

STATEMENT OF

VICE ADMIRAL WILLIAM E. GORTNEY, U.S. NAVY

COMMANDER, U.S. NAVAL FORCES CENTRAL COMMAND

BEFORE THE

HOUSE ARMED SERVICES COMMITTEE

ON

COUNTER-PIRACY OPERATIONS IN THE

U.S. CENTRAL COMMAND AREA OF OPERATIONS

5 MARCH 2009

NOT FOR PUBLICATION UNTIL
RELEASED BY THE
HOUSE ARMED SERVICES COMMITTEE

Good morning Chairman Skelton, Ranking Member McHugh and members of the House Armed Services Committee. Thank you for the opportunity to testify before you today on our Coalition counter piracy operations in the Central Command area of operation. I appreciate the opportunity to discuss the accomplishments that have been made over the past several months and to identify some of the challenges that lie ahead.

My name is Vice Admiral Bill Gortney, and I am the Commander of U.S. Naval Forces Central Command headquartered in the Kingdom of Bahrain. I took command of NAVCENT at the beginning of July, but have been operationally deployed to the region throughout my Navy career. As the NAVCENT Commander, I am the Naval Component Commander for General Petraeus at U.S. Central Command.

I also command two additional organizations. I serve as the Commander of the United States Fifth Fleet – the Navy's Numbered Fleet Commander. And most importantly in terms of this hearing, I serve as the Commander of the Combined Maritime Forces (CMF) – an international coalition of more than twenty nations who provide people, ships and aircraft in the region. There are national mandates that limit the participation of some of our coalition partners, but this remains a cooperative, multi-national effort. a coalition of the willing.

As most of you know, acts of piracy spiked in late August – but the recent history of piracy doesn't start there. Several years ago we started to see an increase in piracy off the east coast of Somalia. At that time, it was routine for merchant vessels to transit along the coast. In response to those attacks, the shipping industry moved the transit lane further off the coast. It worked, and the rate of attacks decreased – returning to just a few per year.

That changed in August, when a new clan of Somali pirates begin to attack ships in the Gulf of Aden – to the north of Somalia. The number of ships pirated went from three to twelve in just a few days. Ultimately, the solution to the problem of piracy is ashore — in Somalia. I focused the Coalition maritime efforts on security and stability prevention

operations at sea that would give the international community time to address the long-term solution.

In late August, as the commander of the CMF – I directed the establishment of a Maritime Security Patrol Area (MSPA) in the Gulf of Aden. We have had coalition ships and aircraft patrolling the area ever since.

The MSPA was just one part of a Counter-Piracy Campaign Plan developed by my staff. The plan was designed to complement and further the efforts of the Political/Diplomatic and Industrial/Maritime communities. The operational design of the plan was developed with the purpose of outlining our efforts to engage the international community along three primary lanes: Political/Legal, Informational/Industrial, and Military.

We focused our counter-piracy efforts on three main areas:

- International Naval Presence
- Improved Defensive Measures from the Shipping Industry
- International Legal Framework for Resolving Piracy Cases

Since late August there have been significant strides made. To date, we have seen forces from the US, UK, Canada, China, Denmark, France, Germany, Greece, India, Italy, Japan, Malaysia, Netherlands, Russia, Saudi Arabia, Spain, Turkey and Yemen. Some of these forces operate within alliances such as NATO or EU, some as part of the CMF coalition and some independently representing their own nation's interests. Additional forces from Japan, Singapore, Republic of Korea, Sweden, Belgium, and Poland are expected to participate in the coming months.

The shipping industry has also been at the forefront. We have seen countless examples of shipping companies, and individual merchant mariners taking proactive measures to serve as the first line of self defense against pirates – these armed criminals operating at sea.

On the operational side of the plan, I initially gave the mission to the Commodore of one of our existing task forces – Combined Task Force (CTF) -150. However, I did so knowing that it was an additional mission for an already busy operational commander.

More importantly, I did so very carefully – because I knew that some navies in our coalition did not have the authority to conduct counter-piracy operations. We will never ask a member of the coalition to be involved in operations that they do not have the authority from their national authority to do.

As a result of the complexity of the operations in that portion of our Area of Responsibility (AOR), I determined that it was necessary and prudent to establish a separate task force with a specific mission and mandate to conduct counter-piracy operations. In early January we established CTF 151 based on United Nations Security Council Resolutions 1838, 1846 and 1851. The task force was operational by the middle of the month.

Since that time we have had several nations join the task force, and have had formal indications from others who have stated that they will be sending ships and/or aircraft in the coming months. The efforts of CTF-151 are critical to the tactical coordination and deconfliction efforts with all of the international naval forces operating in the Gulf of Aden. We have incredible examples of international cooperation – ranging from personnel exchanges to operational mission coordination to maximize the efficiency of our efforts.

CTF-151 and other cooperating naval forces have encountered approximately 250 pirates: 130 were disarmed and released, 110 disarmed and turned over for prosecution, and 7 are pending final disposition.

Pirate capacity has been further impacted by the seizure or destruction of 28 pirate vessels, and the confiscation of the pirates' tools of the trade, including: 133 small arms,

28 Rocket Propelled Grenades (RPGs), 51 RPG projectiles, and 21 ladders/grappling hooks.

Ultimately, piracy is a problem that starts ashore and requires an international solution ashore. We made this clear at the outset of our efforts – we cannot guarantee safety in this vast region. Our role in preventing some of these attacks is only one part of the solution to preventing further attacks. Historical precedent can be found in our nation's encounters with the Barbary pirates.

We have been successful not only in our Coalition efforts, but in communicating and coordinating with other naval forces deployed to the region, as well as working with the merchant shipping industry to share lessons learned and best practices.

Lastly, I would like to take a moment to acknowledge the tremendous efforts of the Sailors, Marines, Coast Guard personnel and civilian Navy mariners under the command of Rear Admiral Terry McKnight – the CTF-151 commander. They have truly made a difference.

Mr. Chairman and members of the committee, I want to thank you for inviting me to appear here today and I will be happy to answer your questions.

Executive Summary:

Piracy is a threat to the security of all nations and ultimately requires an international solution ashore. The U.S. Navy leads a Coalition of nations sending ships and aircraft to deter maritime pirate activity, enabling the shipping industry time to implement self-protection measures and the international community to establish a legal framework to hold pirates accountable for their actions.

Ultimately, the solution is in Somalia — assuring security and stability, enacting the rule of law and eliminating the conditions that breed pirates.

The proactive measures being taken by a considerable number of merchant vessels are exactly what we have been recommending. We have been working closely with the commercial shipping industry and the International Maritime Organization to recommend best practices and leverage lessons learned to employ reasonable self-protection measures. We applaud the efforts that the industry has undertaken.

The following is a comprehensive overview of our Coalition, the problem of piracy, and the measures we have undertaken in the maritime environment to help prevent the problem.

1. BACKGROUND ON THE COMBINED MARITIME FORCES (CMF)

The Combined Maritime Forces is an international coalition consisting of more than 20 nations. Coalition maritime operations are structured along geographic and operational areas of responsibility.

- **CTF 150** conducts Maritime Security Operations (MSO) southeast of the Strait of Hormuz and in the Gulf of Aden, the Gulf of Oman, the Arabian Sea, the Red Sea to the Suez Canal, and portions of the Indian Ocean.
- **CTF 151** was established to conduct counter-piracy operations throughout the CMF area of responsibility. Currently, these operations are focused in the Gulf of Aden with an aim of creating a lawful maritime order and maintaining security in the maritime environment.
- **CTF 152** conducts MSO in the international waters of the Arabian Gulf, and complements the security activities of Gulf Cooperation Council nations in their own territorial waters.

2. PIRACY BACKGOUND

The piracy problem emanating from Somalia has grown from the economic, social and political strife that has gripped that country since the mid-1990s. With a government powerless to stop illegal fishing and dumping in the waters off Somalia, local Somali fisherman began taking it upon themselves to deal with the problem by capturing what they perceived as illegal fisherman. The country has no national level military organization.

During recent years, the Darod and Hawiye clans in Somalia have taken to piracy as a means of conducting this sort of 'vigilante' justice as well as to supplement their livelihood by capturing larger, ocean going boats and ships. With the amount of traffic in the Gulf of Aden (GOA) and the ease with which the pirates were able to seize ships, the Darod clan pirates dramatically increased their efforts to capture larger merchant vessels in order to obtain larger ransoms. These clans operate along more than 1800 miles of Somalia coastline.

This increase in activity sharply spiked in August of 2008, prompting greater international interest. The capture of ships with dangerous military cargo like Motor Vessel FAINA and supertankers like the SIRIUS STAR prompted a greater international naval response.

3. THE STATISTICAL INFORMATION

Piracy impacts less than 1% of shipping. More than 33,000 vessels transit the Gulf of Aden annually, and in 2008 there were 122 attempted attacks, of which 42 were successful and 80 unsuccessful. While this is statistically small, even one attack is too many, and threatens confidence in the safety and reliability of international sea lanes.

To put the challenge into geographic perspective, the area involved off the coast of Somalia and Kenya as well as the Gulf of Aden covers more than 1.1 million square miles, roughly four times the size of Texas.

Of 15 pirate attacks in the Gulf of Aden in late 2008, at least 10 involved ships operating outside the International Maritime Organization's (IMO) recommended traffic corridor or failing to employ recommended self protection measures, making them more vulnerable to a successful attack.

Thus far in 2009 there have been 26 attacks on merchant vessels, with 4 ships being successfully pirated. We believe that the international naval presence, coupled with the efforts of the merchant mariners and the shipping industry – aided in some cases by the weather – has had an impact on the success rate of these pirate attacks. The following are snapshots of piracy in 2008 and thus far in 2009.

2009 Daily Piracy Events Snapshot as of 04 MAR [NAVCENT AOR]

- 26 piracy events
- 4 successful [15 % of the events]
- 22 unsuccessful [85 % of the events]
- 7 suspected pirates currently held by CTF-151
  - ⇒ 0 suspected pirates turned over for legal prosecution
  - ⇒ 9 released based on lack of evidence, positive identification
- 7 ships currently pirated
- Approximately 123 merchant mariners being held hostage

2008 Piracy Events Summary [NAVCENT AOR]

- Estimated 33,000 ships transit the Gulf of Aden annually
- 122 piracy events [0.37% of overall traffic]
- 42 successful [0.13% overall / 38% of the events]
- 80 unsuccessful [62% of the events]

4. COMBINED MARITIME FORCES EFFORTS TO COUNTER PIRACY

The Maritime Security Patrol Area (MSPA)

Our initial response following the August 2008 spike in successful pirate attacks was to establish a presence in the Gulf of Aden using ships and aircraft already working in the region under the command of Combined Task Force 150. We created a Maritime Security Patrol Area (MSPA) to enable warships to work in concert with each other to protect vital shipping in the GOA.

Merchant mariners are being encouraged to transit through the patrol area via Notices to Mariner messages and broadcasts over VHF radio. The have also been asked to share information with naval forces and with their fellow merchant mariners.

Coalition ships are in the area as part of our continual presence in this region. While they have conducted routine operations in the area in the past, the establishment of the MSPA focused efforts to prevent destabilizing activities in the region, while the IMO works the long-term international efforts.

The MSPA was not designed as a specific geographic area, but rather it was established as a moveable area placed atop the existing internationally recognized transit corridor.

This enabled the limited number of warships to protect a greater number of merchant vessels by concentrating them in numbers and in proximity. The MSPA has since proven to be an effective method of de-conflicting the many international warships that are now patrolling the GOA.

Ultimately, the solution to piracy is ashore, and involves removing the conditions which have enabled the pirates to operate with impunity from safe havens along more than 1800 miles of Somali coastline. The designation of the MSPA was originally intended as a near-term effort to allow the international political community time to establish a proper long-term legal framework for dealing with pirates. We also placed a significant emphasis on working with the merchant community identify and implement effective self-protective measures.

Combined Maritime Forces Counter-Piracy Campaign Plan

In order to assist and further the efforts of the Political/Diplomatic and Industrial/Maritime communities, CMF developed a counter-piracy campaign plan. This plan's operational design was developed with the purpose of outlining our efforts to engage the international community along Political/Legal, Informational/Industrial, and Military lines.

We focused our counter-piracy efforts on three main areas:

- International Naval Presence
- Improved Defensive Measures from the Shipping Industry
- International Legal Framework for Resolving Piracy Cases

Most importantly, we articulated that all of these areas must be addressed – none will be successful by itself.

Lessons Learned and Best Practices

We have worked closely with the merchant shipping industry to share the lessons learned and best practices to help merchant mariners more effectively provide the first layer of defense against pirates who would target their vessels.

Some merchant mariners have clearly listened to our recommendations and lessons and have employed reasonable self-protection measures that discourage pirates from attempting to take their vessels. These measures have ranged from proactive lookouts and evasive maneuvering to using charged fire hoses to fend off attackers.

However, we have also recommended that shipping companies embark professional security teams to protect their ships, cargo, and crews. Security teams, whether they employ non-kinetic or kinetic means of deterring pirates add an important layer of defense measures to the equation. We don't have any indications that the pirates are going after specific targets – they are going after the easy targets.

The Establishment of Combined Task Force 151 (CTF-151)

As noted in the introduction, we established Combined Task Force 151 in early January 2009. CTF 151 has been exclusively focused on conducting counter-piracy operations in the Central Command area of responsibility.

Following a growing international naval response, CMF determined that counter-piracy operations required the establishment of a stand alone task force. CTF-151 was formally established on 1 January 2009, and an initial core staff began to work with the staff of CTF-150 to develop the framework for the new task force. The task force became fully operational in the middle of January.

Establishing CTF-151 cleared up the lines of command. Not all nations participating in CTF-150 had national authorization to conduct counter-piracy operations. This allows coalition nations who have a national mandate to conduct counter-piracy operations to join CTF-151, and those nations without such authority to operate with CTF-150 or CTF-152 with their pre-established Maritime Security Operation mandates.

U.S. Navy Rear Admiral Terence "Terry" McKnight commands Combined Task Force 151.

Counter-piracy operations exemplify the basic principals of the Navy's Maritime Strategy, including: Forward Presence, Deterrence, Sea Control, Power Projection, and Maritime Security.

Tactical and Operational Coordination and Deconfliction

As other nations and organizations like NATO and EUNAVFOR began to send ships to combat piracy, we quickly identified the need to coordinate and tactically de-conflict the efforts of the various task forces. It was imperative from an operational risk management perspective as well as an efficiency of mission perspective. Our forces took the initiative to share unclassified tactical and operational level information with any and all forces in the region conducting counter-piracy operations. The reality is that the vast majority of the material is unclassified.

Direct tactical and operational coordination with NATO and EU forces has led to successful interdiction and capture of suspect pirates, enabled the safe transit of otherwise vulnerable shipping, including World Food Programme ships, effective monitoring and intelligence gathering, as well as enhanced communication among an diverse international naval presence in the Gulf of Aden. To date, forces from the US, UK, Canada, China, Denmark, France, Germany, Greece, India, Italy, Japan, Malaysia, Netherlands, Russia, Saudi Arabia, Spain, Turkey and Yemen have conducted counter-

piracy operations. Some of these forces operate within alliances such as NATO or EU, some as part of the CMF coalition and some independently representing their own nation's interests. Additional forces from Japan, Singapore, Republic of Korea, Sweden, Belgium, and Poland are expected to participate in the coming months.

All are in communication with CMF and with each other at some level, and there have been zero safety incidents resulting in injury or death of friendly forces due to lack of effective communication and coordination.

Since implementation of our campaign plan, a number of remarkable positive steps and effects have been achieved. The deployment of the naval forces from all of the nations identified above is a clear indication of the importance of maintaining security in the sea lines of communication.

Shared Awareness and DE-confliction (SHADE) Working Group

CMF has also established SHADE to ensure the various naval forces are working in concert. This is a staff-level group of officers from the various operational headquarters who meet regularly to ensure the naval forces conducting counter-piracy operations are coordinating effectively. The products from this group include the establishment of the Internationally Recommended Transit Corridor (IRTC), and the incorporation of the Fleet Exercise Web (FEXWEB), which is an unclassified internet-based information sharing forum, similar to a chat room. FEXWEB is hosted by the European Union Naval Forces (EUNAVFOR) headquarters in Northwood, UK.

Our initial track record

CMF and other cooperating naval forces have encountered and disarmed approximately 250 pirates: 130 were released, 110 turned over for prosecution, and 7 are pending final disposition.

Pirate capacity has been further impacted by the seizure or destruction of 28 pirate vessels, 133 small arms, 28 Rocket Propelled Grenades (RPGs), 51 RPG projectiles, 21 ladders/grappling hooks, 12 cell phones, and 4 GPS devices.

Despite these results, pirate capacity and number of attempts per month by the pirates have not been significantly reduced. Until the mid- to long-term goals of removing safe havens ashore are achieved, the military presence will be required to be robust. CMF will continue to pursue all elements of the campaign and will continue to seek cooperation, coordination, and de-confliction from all participants.

5. THE COSTS OF COUNTER-PIRACY OPERATIONS

U.S. Navy units operating as a part of Combined Task Force 151 are units already deployed to the NAVCENT / FIFTH Fleet Area of Responsibility. Total costs of the task force's counter-piracy operations from its establishment in January through 19 February 2009 are estimated at $1.5 million. These costs include flight hours, steaming days, and supplies.

6. ADDITIONAL ASPECTS OF COUNTER-PIRACY OPERATIONS

The following sections provide additional information on issues related to piracy and CMF counter-piracy operations.

M/V FAINA – From Attack to Release/Humanitarian Support

The Motor Vessel FAINA was attacked off the coast of Somalia on September 25th. The roll-on/roll-off (Ro-Ro) ship is Belize flagged and operated by "Kaalbye Shipping Ukraine." While the ship initially had a crew of 21, the ship's captain reportedly suffered a fatal heart attack shortly after being taken hostage. The pirates refused all requests to

turn over the Captain's remains. The ship's remaining crew included 17 Ukrainian citizens, as well as two Russians and one Latvian.

For the more than four months that the ship was pirated, the U.S. Navy maintained a visual watch over this ship as it was anchored just off the Somali town of Hobyo. Assigned ships included the cruiser USS Vella Gulf (CG 72), the destroyers USS Howard (DDG 83) and USS Mason (DDG 87), and the Military Sealift Command's USNS Catawba. Operational support of FAINA was a U.S. Navy-only (vs. Coalition / CTF 150/151) operation, and there were no Coalition naval vessels taking part in this specific mission. This was due to the fact that U.S. ships were under national tasking.

The Norfolk-based destroyer, USS Mason (DDG 87) provided humanitarian assistance support to the crew of the M/V FAINA following the ship's release by Somali pirates. A medical corpsman from Mason checked on the health of the crew, and found them to be in good health. The remains of the ship's Captain were also repatriated.

The U.S. Navy fleet ocean tug USNS Catawba (T-ATF 168) provided logistics support to M/V FAINA and her crew – including fuel and water. USNS Catawba is one of four 226-foot-long fleet ocean tugs operated by the Navy's Military Sealift Command.

Days later, the Captain of the FAINA sent thank you letters to the Captains and crews of the U.S. Navy vessels that had kept watch over the ship. The letters were signed by members of the FAINA crew. Copies of those letters are included at the end of this document.

The Supertanker SIRIUS STAR

On November 15, 2008 the very large crude tanker Sirius Star was attacked more than 450 nautical miles southeast of Mombasa, Kenya. The ship is flagged in Liberia, owned by the Saudi Arabian-based Saudi Aramco, and operated by Vela International. The crew

of 25 includes citizens of Croatia, Great Britain, the Philippines, Poland, and Saudi Arabia.

The attack on the Sirius Star set several precedents:

- The ship was the largest pirated in this region: more than 300,000 metric tons, almost three times the tonnage of a Nimitz class aircraft carrier
- It was attacked more than 450 nautical miles southeast of Mombasa, Kenya
- The ship has a freeboard of approximately 10 meters (33 feet)

This SIRIUS STAR attack occurred amid a decrease in the rate of successful pirate attacks on merchant vessels off the coast of Somalia.

The ship was released early on the morning of January 10th, after payment was made via an air drop.

Memorandum of Understanding with Kenya

The United States is consulting with the Government of Kenya about the transfer of suspected pirates for purposes of prosecution in Kenyan courts. However, we're not yet in a position to say where prosecution might take place. There are many possible venues, including the states associated with the victims of these attacks.

Piracy is a universal crime under international law and many states have implemented domestic legislation criminalizing piracy. Moreover, Kenya and the United States have entered into an MOU under which Kenya would prosecute pirates that had been interdicted by U.S. forces.

We are grateful to Kenya in this regard, and want to stress that regardless of where the prosecution takes place, the United States believes that all the affected states must play a role and share the burden in bringing suspected pirates to justice.

Legal Authorities for Holding Suspected Pirates

The legal authority to hold pirates on board a Navy ship is customary and conventional international law, coupled with the recent United Nations Security Counsel Resolutions on Piracy in Somalia (UNSCR 1816, 1838, 1846, 1851). It is customary international law that every State may seize pirate ships and arrest persons suspected of piracy; they must use "warships, or military aircraft or other ships and aircraft clearly marked and identifiable as being on government service and authorized to that effect" to do so. The persons can be held on board the vessels until appropriate arrangements can be made to move them ashore to an appropriate jurisdiction. There is no standard time period requirement.

The suspected pirates have the right to be treated humanely. The pirates' rights with respect to alleged offenses depend on the country that agrees to take them for prosecution. Since piracy is a universal crime, all countries have the right to prosecute them. Whether a particular country has taken steps to create a domestic legal regime for prosecution of piracy and what limitations that regime may have is a separate issue.

We have a number of Somali translators aboard our vessels. We also have basic communication cards with pictures that aid in the communication process.

The task force commander's staff assembles evidence and forwards the material to the legal staff of the Combined Maritime Forces / NAVCENT. The materials will be reviewed, and a recommendation will be made to the Commander, who will determine whether to pursue prosecution or release the individuals. We have embarked security personnel - to include the Naval Criminal Investigative Service - who are experienced in evidence collection and processing.

Each situation is likely to be different. If the vessel they were operating was determined to be sea worthy, suspected pirates may be returned to their vessel -- without their

weapons. If their vessel is not sea worthy, we will make arrangements to ensure they are safely repatriated.

Safe and Humane Treatment for Suspected Pirates

Currently suspected pirates are housed onboard USNS Lewis and Clark in two separate converted storage facilities. Each Suspect Pirate is given a foam mat and blanket, as well as coveralls and shoes. They are provided three meals per day, allowed to shower, and issued fresh clothing every other day. Navy medical personnel evaluate their health daily. They are handled with the utmost of care and monitored by United States Marine Corps security personnel who are trained in handling these situations. Our trained Somali translators have been invaluable to facilitate communication

The Presence of International Navies and Their Missions
EU – Operation ATALANTA

As noted previously, our coalition forces work closely with a number of international naval forces deployed to the region to conduct counter-piracy operations. In accordance with Resolutions 1814 (2008), 1816 (2008) and 1838 (2008) of the United Nations Security Council (UNSC), the EU decided to conduct a maritime military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast and in the broader area.

UNSC Resolution 1838 (2008) of 7 October 2008 commends the ongoing planning process towards a possible EU naval operation and urges States that have the capacity to do so to cooperate with the Transitional Federal Government of Somalia in the fight against piracy and armed robbery at sea. The UN Security Council also urges States and regional organizations to continue to take action to protect the World Food Programme (WFP) maritime convoys.

The EU has publically stated that it is very concerned by the recent proliferation of acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and by the serious threat it poses:

- to the prompt, safe and effective delivery of humanitarian aid to Somalia,
- to international navigation and the safety of commercial maritime routes, and
- to fishing activities conducted in conformity with international law

In the deployment of its forces, the EU has reaffirmed its respect for the sovereignty, territorial integrity, political independence and unity of Somalia. The eradication of piracy in the region will only be achievable through the restoration of peace in Somalia. To this end, the EU acts within a comprehensive approach to achieve a lasting settlement of the Somali crisis, covering its political, security and humanitarian aspects.

7. CONCLUSION

The risk of being pirated is statistically small, but we can not overlook the impact that it has on stability and security in the region.

The ultimate solution to the problem is ashore, and will be hard to solve. The U.S. Navy and our international Coalition partners are committed to maintaining a presence in the region. We will continue to prevent destabilizing activities such as piracy in the maritime domain, while the larger international community works to improve the conditions ashore in Somalia.

I appreciate the opportunity to appear before the committee and stand ready to answer any questions the members of the committee may have.

Viktor Nikolsky
Captain, M/V FAINA
Indian Ocean
February 2009

Dear Captain Mark Genung and the crew of USS VELLA GULF,

On behalf of myself and the crew, I wish to show my sincerest appreciation for all the support VELLA GULF has shown us during our four months of captivity under the Somali pirates. Our liberation would not have been possible without your constant presence. It is difficult for me to express my feelings towards you and your crew. Our lives were spared because you were here to protect us. You gave us the strength to endure the hardest of times. We will keep VELLA GULF and her crew in our hearts and prayers forever. We wish you a safe journey home and good health for all your days. Thanks for everything you have done.

Your friend,

M/V FAINA IMO No 7419377 BELIZE CITY

Viktor Nikolsky
Captain, M/V FAINA

Crew of M/V FAINA:

Viktor Nikolsky
Captain, M/V FAINA
Indian Ocean
February 2009

Dear Captain Charles Rodriguez and the crew of USNS CATAWBA,

On behalf of myself and the crew, I wish to show my sincerest appreciation for all the support CATAWBA has shown us during our four months of captivity under the Somali pirates. Our liberation would not have been possible without your constant presence. It is difficult for me to express my feelings towards you and your crew. Our lives were spared because you were here to protect us. You gave us the strength to endure the hardest of times. We will keep CATAWBA and her crew in our hearts and prayers forever. We wish you a safe journey home and good health for all your days. Thanks for everything you have done.

Your friend,

M/V FAINA IMO No 7419377 BELIZE CITY

Viktor Nikolsky
Captain, M/V FAINA

Crew of M/V FAINA:

FINAL

Testimony of Ambassador Mull before the
House Committee on Armed Services
on Combating Piracy on the High Seas
Thursday, March 5, 2009 at 10am
in Room 2118 of the Rayburn House Office Building

Chairman Skelton, Ranking Member McHugh, and Members of the Committee: Thank you for inviting me today to provide an overview of current U.S. efforts to suppress piracy. I am pleased to appear beside Admiral Gortney.

Over the past year the United States has noted with growing concern the emergence of piracy as a significant threat to international security and the global economy. American leadership in efforts to combat piracy off the Coast of Somalia is entirely consistent with our traditional interest in ensuring freedom of navigation and safety of the seas, which have long been cornerstones of U.S. foreign policy and which will be priorities for the new Administration and Secretary of State Clinton. Beyond ensuring the security of maritime trade and access to critical energy resources upon which our national and the global economies depend, collaboration with both traditional and non-traditional partners on counter-piracy in this region offers strategic opportunities to strengthen existing alliances and coalitions and to create new ones. Counter-piracy efforts could become mutually beneficial platforms for regional capacity-building programs and provide a non-controversial basis for security cooperation in the maritime domain with non-traditional partners such as China, Russia, and India.

Though U.S. ships have not been victimized by piracy attacks off the coast of Somalia, these attacks have disrupted U.S.-supported World Food Program transports delivering aid to some of the world's most vulnerable populations; placed innocent mariners from countries across the globe in immediate danger; posed environmental threats as pirated ships may be damaged or run aground; and jeopardized commercial shipping interests.

The United States has developed a multifaceted strategy to suppress piracy that the Departments of State, Defense, Justice, Homeland Security, and Transportation are in the process of implementing. This strategy includes leading efforts to enhance existing international legal authorities to combat piracy; enhancing multilateral cooperation; collaborating closely with the international shipping industry; coordinating national and coalition military responses to piracy; and pursuing broader diplomatic and political approaches to the longer-term challenge of re-establishing a stable and secure environment in Somalia.

Though international law, as reflected in the Law of the Sea Convention, as well as the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the United Nations Convention Against Transnational Organized Crime, already provides extensive international authority for the apprehension and prosecution of suspected pirates, the United States played a leadership role in securing the passage of United Nations Security Council resolutions 1846 and 1851, adopted late last year, that expanded international authorities to conduct counter-piracy operations off the coast of, and in, Somalia.

The United States is also pursuing bilateral arrangements with countries to ensure suspected pirates are appropriately charged and prosecuted. We are grateful for the leadership the Government of Kenya has shown in bringing to justice those persons engaged in piratical actions, including by concluding a Memorandum of Understanding with the United States for this purpose. We also hope to establish similar bilateral arrangements with other states to ensure that one country alone does not bear the burden of prosecution. Furthermore, we strongly encourage other states affected by an act of piracy to exercise their jurisdiction to charge and prosecute suspects in accordance with international law and any applicable national laws.

United Nations Security Council resolution 1851 also encouraged creation of an international mechanism to coordinate between states and organizations cooperating on combating piracy. Pursuant to this resolution, the United States hosted the first meeting of the Contact Group on Piracy off the Coast of Somalia (CGPCS) in New York on January 14. There, participating countries and organizations established four working groups to review and make recommendations on military and operational coordination and information sharing, judicial aspects of piracy, shipping best practices, and the diplomatic and public information aspects of piracy. The Contact Group, which currently numbers 34 participants, offers participation to nations and international organizations making tangible contributions to counter-piracy efforts, or any country significantly affected by piracy off the coast of Somalia, and may be expanded in the future.

With the support of the International Maritime Organization, the United States is leading the Contact Group's third working group, focused on

strengthening shipping self-awareness and other capabilities. This working group met in London February 26 and 27 where a report on *Best Management Practices to Deter Piracy in the Gulf of Aden and off the Coast of Somalia* was presented by representatives of the International Chamber of Shipping on behalf of the shipping industry. We recognize the central importance of the shipping industry to counter-piracy efforts and look forward to continuing our collaboration.

The United States is also contributing to military efforts through Combined Task Force (CTF) 151, a multinational coalition with a specific mandate to conduct counter-piracy operations in the Gulf of Aden, Red Sea, and Indian Ocean. CTF-151 has joined other forces already operating in the region, notably EU NAVFOR-Operation. International counter-piracy military cooperation also extends to a number of countries – including Russia, China and India – that have deployed national missions to the area, and may grow in the future.

The United States recognizes there will be no long-term solution to piracy in the region unless progress is made in addressing the larger political, security and governance challenges facing Somalia, its government and its people. We also recognize that sustainable change in Somalia requires a political solution to conflict that is authored and implemented by Somalis themselves and not by outsiders. In this regard, the United States continues to support the UN-led Djibouti Peace Process, which has provided the mechanism for Somalis to make important political and security decisions in recent months, and work with a broad international group of donors to support the reconciliation process. The United States also remains committed to

supporting the African Union Mission in Somalia (AMISOM) and Somalia security forces.

Over the past five months, the number of successful attacks has declined from an average of seven a month in October, November and December to only two a month in January and February. While we do not know with certainty the degree to which this decline is a direct result of our and/or our partners' efforts, we believe the unified response of the international community has been a contributing factor, and we plan to build on this success. The Contact Group will reconvene in two weeks at a meeting hosted by the Government of Egypt, where it will receive recommendations from the four working groups and consider the requests of other countries to join the group. We look forward to continuing these important discussions.

The area affected by piracy is of critical importance to the United States, both in economic and in political terms. We need to build upon the enhanced multilateral cooperation the international community has shown itself capable of bringing to bear against shared challenges to peace and security, both in the region and beyond.

We have developed an international consensus for better military, judicial and diplomatic coordination that provide a foundation for near-term regional benefits. International cooperation in support of counter-piracy can and should be expanded in support of security objectives that include building interoperability among forces in the region; extending cooperation in interdiction activities; improving international responses to humanitarian emergencies; and increasing our shared air and maritime domain awareness.

We will continue to explore these opportunities with our partners and will be working with them to identify appropriate areas for engagement.

Mr. Chairman, Ranking Member McHugh, and Members of the Committee: I want to thank you for this opportunity to provide an overview of our efforts. I am happy to answer any questions you may have.

Testimony
Acting Deputy Assistant Secretary Karl Wycoff
Bureau of African Affairs
U.S. Department of State
Before the House Armed Services Committee
Hearing on "Combating Piracy on the High Seas"
March 5, 2009

Mr. Chairman and Members of the Committee: thank you for affording me the privilege of discussing the relationship between the conditions in Somalia and the blight of piracy in the waters off its shores. Somalia piracy, *offshore*, is born out of instability and insecurity *on shore*. Consequently, a complete, long-term and permanent solution to the piracy problem off the coast of Somalia will require a multi-faceted strategy that leads to political and economic stability on the ground in Somalia and the establishment of basic security. To protect U.S. national interests, our immediate policy objectives in Somalia are to help Somalia regain political and economic stability, respond to the humanitarian needs of the Somali people, and eliminate the threat of terrorism.

Sustainable change in Somalia requires a comprehensive regional strategy and a political solution to conflict that is authored and implemented by Somalis themselves and not by outsiders. In this regard, we continue to support the United Nations (UN)-led Djibouti Peace Process, which has provided the mechanism for Somalis to make important political and security decisions in recent months. We also continue to work with a broad international group of donors to support the UN-led process, including the African Union and the regional Intergovernmental Authority on Development.

The Djibouti process has led to the establishment of a new unity government with a respected leader as President, Sheik Sharif Sheikh Ahmed, and a well-experienced Prime Minister, Omar Abdirashid Ali Sharmarke. The Prime Minister has now appointed a Cabinet. The new team represents a broad cross-section of Somali clans and political opinions. The next step is for the unity government to foster deeper credibility with Somalis by establishing itself in Mogadishu, a process that has already begun, and to facilitate the delivery of services there and in surrounding regions. The United States worked with the other members of the UN Security Council Somalia Sanctions Committee to adopt resolution 1844 in November 2008, which empowers the Committee to designate spoilers of Somalia's reconciliation process for targeted sanctions.

While the recent political progress is encouraging, no political solution can be sustainable, even if widely supported, unless it is anchored by a robust security force capable of protecting the government and its activities. We encourage efforts by the international community to support the unity government as it stands up such a security force.

A good way to address African conflict or security issues is with African forces and expertise. Africans know and understand their terrain well, and have a paramount vested interest and stake in any outcome. In this regard, we continue to support the African Union Mission in Somalia (AMISOM) and are especially appreciative for the governments of Uganda and Burundi for sending soldiers to do the difficult work associated with peacekeeping in Somalia. We are currently funding the deployment of additional AMISOM battalions, which we hope will bring the total number of African Union forces on the ground in Somalia to over 5,000 within the

next few months. Non-traditional donors, such as Gulf Arab states, have indicated a possible willingness to support AMISOM and the unity government's security force.

Mr. Chairman, it almost goes without saying that security must improve in order for displaced people to return home; without political stability the humanitarian situation will remain dire. We remain the largest bilateral donor of humanitarian assistance to Somalia. We hope the relocation of the unity government to Somalia and the stand-up of the joint security forces in Mogadishu will help improve security conditions at the community level and produce arrangements to facilitate humanitarian access so emergency assistance reaches those in need.