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**NAVAL WAR COLLEGE
Newport, R.I.**

USAFRICOM's role in counter-piracy operations within the Horn of Africa

by

Dennis W. Sampson

Major, United States Marine Corps

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature: _____

4 May 2009

Table of Contents

Introduction	1
Operational environment	2
Pirate attacks on the rise	3
Factors enabling maritime piracy in the Horn of Africa	6
Recommendations	13
Conclusion	17
Bibliography	19

List of Illustrations

Figure	Title	Page
1.	CJTF-HOA Combined Joint Operating Area	2
2.	HOA pirate attacks within HOA between 2003 – 2008	4
3.	Pirate attacks within HOA between 2003 – 2009 Comparison of other maritime regions to the Horn of Africa	5
4.	USAFRICOM and USCENTCOM AOR boundaries	14

Abstract

Maritime piracy in the Horn of Africa has increased significantly over the last several years and continues to plague the surrounding waterways despite an increase in the presence of U.S. and Coalition naval forces, and an increase in overall international awareness of the threats to maritime security. Piracy not only threatens security within territorial waters, it threatens the maritime trade vessels transiting through the international waters linking the Indian Ocean and the Mediterranean Sea. Piracy is a criminal act enabled by the “sanctuary” provided by the conditions on land. The current sea-centric strategies being employed by the United States and the international community are not targeting the root causes contributing to piracy within the Horn of Africa. In order to solve the threat of piracy within the Horn of Africa, USAFRICOM must take a more proactive role by promoting and encouraging the development of a regionally sourced, multinational coast guard and bolstering theater security cooperation efforts ashore.

INTRODUCTION

Pirates have been flying the “black flag” and conducting organized criminal activities at sea ever since merchant vessels started transiting the world’s vast waterways. Combating the threat of maritime piracy in the Horn of Africa is a complex problem that requires a shift in the current approach and an increase in the efforts of the United States Africa Command. Maritime piracy is a “wicked problem” and requires a holistic approach that can integrate all of the instruments of national power – not just a military response. History shows that it is not enough for the United States Navy or the navies of the international community to increase their presence in the waters of the Gulf of Aden or the Indian Ocean. In fact, despite an increase in U.S. and Coalition naval forces and overall international awareness over the last several years, maritime piracy has increased and continues to severely plague the waters surrounding the Horn of Africa.

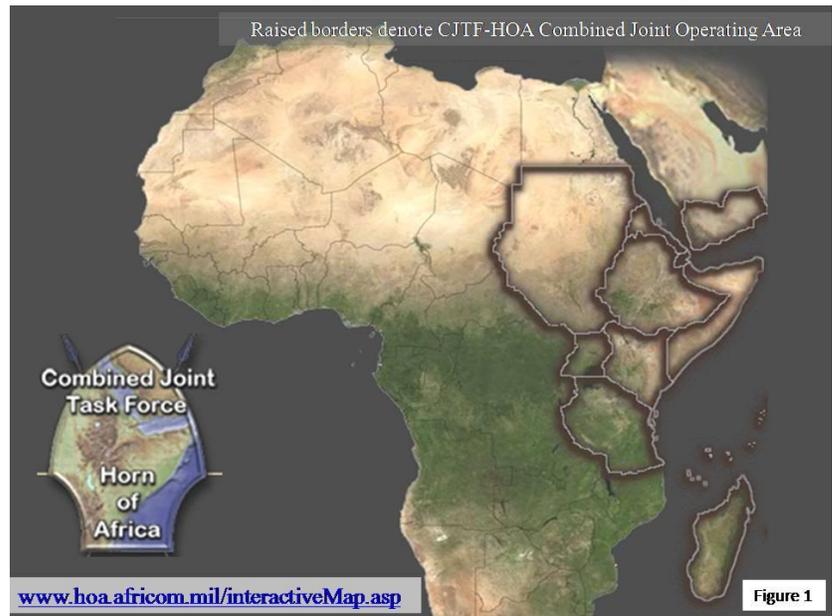
United States Africa Command (USAFRICOM) must take a more proactive role in combating maritime piracy in the Horn of Africa (HOA) by promoting and encouraging the development of a regionally sourced, multinational coast guard and bolstering theater security cooperation efforts ashore. USAFRICOM must initially lead the way in combating maritime piracy; however, providing a long term solution will require USAFRICOM to coordinate and promote cooperation between the East African nations with continued support from the international community in order to reduce the sanctuary, freedom of maneuver, and root causes that currently prevail.

Critical to USAFRICOM’s ability to solve the problem is its understanding of the operational environment and the factors enabling maritime piracy within the Horn of Africa. Additionally, USAFRICOM must recognize that it is uniquely organized and best suited to

take a more proactive role in developing a more effective strategy designed to combat the factors enabling piracy within this region.

OPERATIONAL ENVIRONMENT

The Horn of Africa is an East African sub-region made up of several littoral nations and several landlocked nations. The number of countries making up the Horn of Africa varies depending on the source. Some sources only recognize Djibouti, Eritrea, Ethiopia and Somalia as the “Horn of Africa”, while others include the countries of Kenya, Sudan, Tanzania and Uganda.¹ This paper defines the region similarly to the Combined Joint Task Force Horn of Africa’s Combined Joint



Operating Area (CJTF-HOA CJOA) as depicted in Figure 1.²

Within the Horn of Africa, the surrounding waters of the Red Sea, the Bab el-Mandab straits, the Gulf of Aden, and the Indian Ocean serve as a strategic link to the Mediterranean Sea. In addition to functioning as a major sea line of communication through which a large portion of the world’s oil supply transits and thousands of cargo vessels maneuver each year, these waters serve as a lifeline for many of the local communities located along the vast

¹IRIN (Integrated Regional Information Networks), UN Office for the coordination of Humanitarian Affairs, <http://www.irinnews.org/Africa-Region.aspx?Region=HOA&Service=ENG>, (accessed 10 April 2009).

² Figure 1 depicts the CJTF-HOA Combined Joint Operating Area, the raised borders indicate the CJTF-HOA CJOA, <http://www.hoa.africom.mil/interactiveMap.asp> (accessed 12 April 2009).

coastlines within this region. Offshore fishing has been and remains a critical source of income for the local economies of the Horn of Africa nations.

The United States Energy Information Administration estimates that the total amount of oil produced in 2007 was approximately 85 million barrels per day (bbl/d), more than half of which [43 million barrels per day (bbl/d)] was transported via established maritime routes.³ In 2008, an estimated 3.5 million barrels per day (bbl/d) was transported through the Bab el-Mandab oil transit chokepoint and through the dangerous waters surrounding the Horn of Africa.⁴ Pirates monitor, select, and attack maritime vessels at will based on the volume and vulnerability of maritime traffic within this region. In spite of the region's significant importance to the local African nations and the international community, pirate attacks have become more sophisticated, and piracy continues to thrive and threaten regional security and stability. Additionally, piracy within the Horn of Africa represents a "threat to the economic well being of the world."⁵ Until recently the United States and the international community have largely turned a blind eye to the inadequate conditions and criminal activities taking place within the waters surrounding this eastern sub-region of Africa.⁶ Neglecting the conditions within this region allowed piracy to flourish.

PIRATE ATTACKS ON THE RISE

The International Maritime Bureau (IMB), a division of the International Chamber of Commerce (ICC), established the IMB Piracy Reporting Centre (PRC) in 1992. This

³ Energy Information Administration, Official Energy Statistics from the U.S. Government website: http://www.eia.doe.gov/emeu/cabs/World_Oil_Transit_Chokepoints/Background.html, (accessed 10 April 2009).

⁴ Erik Kreil, United States Energy Information Administration, e-mail message to author, 13 April 2009.

⁵ Dennis W. Sampson and Nikolas K. Gvosdev, "A growing menace: Pirates of the Gulf", International Herald Tribune, 19 November 2008, global edition of the New York Times.

⁶ Ibid.

comprehensive reporting center focuses on information sharing to raise awareness of maritime threat areas and to assist seafarers and various governments, law enforcement agencies, and nongovernmental agencies in an attempt to extirpate piracy.⁷ The data documented by the IMB indicates that despite a decrease in piracy in many of the other

regions around the world, maritime piracy in the Horn of Africa has increased at an alarming rate over the last six years.⁸

Since 2003

Combined Joint Task Force Horn of Africa

(CJTF-HOA) has conducted engagement operations in order to “strengthen partner nation and regional security capacity to enable long-term regional stability” while preventing conflicts, countering violent extremism, and protecting U.S. and Coalition interests.⁹ In addition to CJTF-HOA, there are several maritime task forces conducting operations within this region. Combined Task Force 150 (CTF-150), another post-9/11 established task force, is focused on Maritime Security Operations (MSO) in the Red Sea, Gulf of Aden, Indian

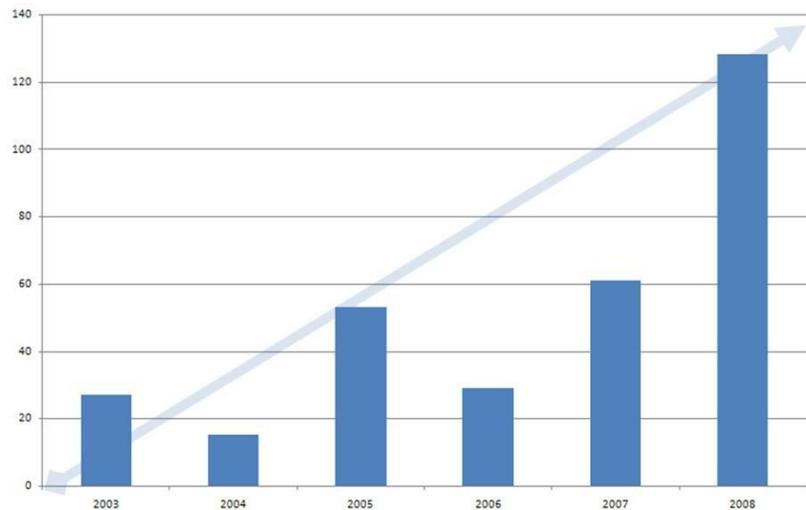


Figure 2: Pirate attacks within the Horn of Africa (2003 – 2008) ICC IMB Annual Report 2008

⁷ ICC International Maritime Bureau, www.icc-ccs.org, (accessed 15 March 2009).

⁸ Figure 2 illustrates the trend of maritime piracy within the Horn of Africa over the last six years. ICC International Maritime Bureau, Piracy and Armed Robbery Against Ships, 2008 Annual Report.

⁹ Combined Joint Task Force Horn of Africa (CJTF-HOA) factsheet, available at: <http://www.hoa.africom.mil/AboutCJTF-HOA.asp> (accessed 12 April 2009).

Ocean, Gulf of Oman, and the Arabian Sea.¹⁰ In a response to the increased maritime security threat [and – in my opinion – the inability of CTF-150 to adequately patrol such a large operating environment] U.S. Fifth Fleet [USCENTCOM] established the Combined Task Force 151, specifically oriented towards counter-piracy operations in the areas surrounding Somalia and the Gulf of Aden.¹¹ It is important to note that until recently, CJTF-HOA and CTF-150 were task forces assigned to United States Central Command. Currently USAFRICOM commands and controls CJTF-HOA while USCENTCOM retains command of CTF-150 and CTF-151. Additionally, NATO, the European Union, and other international navies also conduct independent counter-piracy operations within the Horn of Africa. Although the number of nations and actual naval assets fighting piracy within the Horn of Africa has increased, Somali pirates have successfully maintained their freedom of maneuver and continue to harass and threaten maritime vessels transiting the waters of the

Gulf of Aden and the Indian Ocean. In the eight years preceding the establishment of CJTF-HOA, the 2003 IMB annual report documented 255 actual or attempted

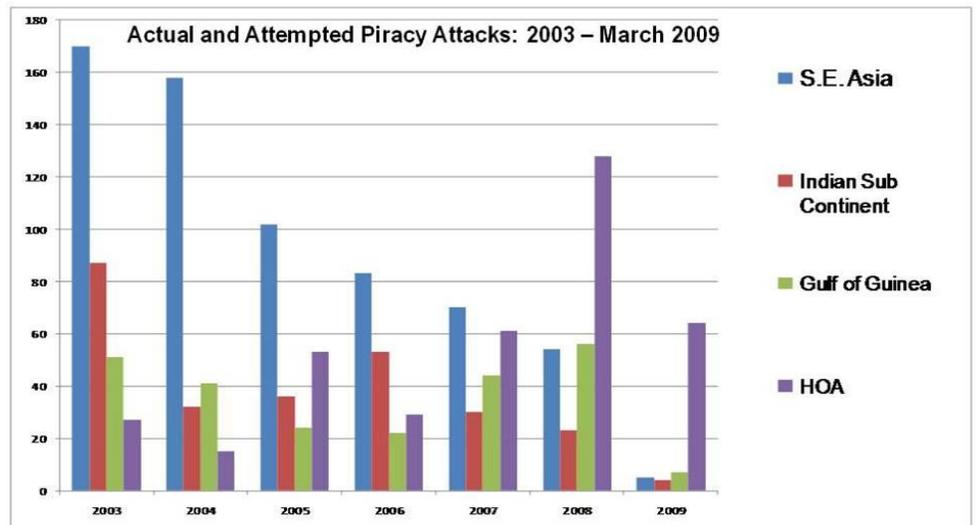


Figure 3: Pirate attacks within the Horn of Africa (2003 – 2008) ICC IMB Annual Report 2008 and 1st Quarter 2009 Report

¹⁰ Combined Task Force 150 factsheet, available at: <http://www.cusnc.navy.mil/command/ctf150.html> (accessed 12 April 2009).

¹¹ Combined Task Force 151 factsheet, available at: <http://www.cusnc.navy.mil/command/ctf151.html> (accessed 12 April 2009).

pirate attacks within the Horn of Africa.¹² Since 2003 there have been 377 actual or attempted pirate attacks – more than 60 attacks in only the first quarter of 2009.¹³ Based on the 2009 first quarter data, and when compared to the historical data of other pirate prone regions, piracy within the Horn of Africa is on track to have its most prolific year in recent history.¹⁴ The dramatic and widely publicized increase in piracy within this region highlights that maritime piracy is a complex operational challenge; it represents a significant threat to maritime security and stability within the Horn of Africa. In order to combat maritime piracy, the efforts within the Horn of Africa must be better aligned and aimed at targeting the root causes and the factors enabling piracy. USAFRICOM is organized and capable of taking a leading role in aligning these efforts and promoting the establishment of a regional coast guard while bolstering theater security cooperation efforts ashore.

FACTORS ENABLING MARITIME PIRACY IN THE HORN OF AFRICA

Several factors contribute to the wave of pirate attacks from the Somali shores and the maritime insecurity in the waters surrounding the Horn of Africa. This complex problem set has evolved since the early 1990s; however, one fact remains constant. Somalia and its surrounding waters have been and still remain a geographically favorable position from which the pirates can attack maritime vessels. Pirates operating within the territorial waters of the Horn of Africa nations historically mirrored the tactics, techniques and procedures (TTPs) of pirates operating in other maritime regions of the world. Today's HOA-brand of pirate and their associated TTPs, prefer hijacking ships, taking hostages, and demanding

¹² ICC International Maritime Bureau, Piracy and Armed Robbery Against Ships, 2003 Annual Report.

¹³ ICC International Maritime Bureau, Piracy and Armed Robbery Against Ships, 2008 Annual Report and the 2009 1st Quarter Report.

¹⁴ Figure 3 depicts the number of pirate attacks between 2003 – 2009 in the following areas: Horn of Africa, S.E. Asia, Gulf of Guinea, and Indian Sub-continent as documented by the International Maritime Bureau in the 2008 Annual Report and the 1st Quarter 2009 Report available at: www.icc-ccs.org.

ransoms over previously classified acts of “highway robbery” that rarely – if ever – involved hijackings, hostages, or ransoms.¹⁵

A Gulf Research Center report on piracy explains that the political environment, the geographical environment or location, and the local and international legal environment are the contributing factors to the rise in pirate attacks along the Somali coast.¹⁶ Similarly, Martin N. Murphy synthesizes seven factors enabling piracy together as “elements...of sanctuary.”¹⁷ Both reports and many other experts in this field indicate that piracy is a criminal act conducted at sea and primarily facilitated by the conditions on land. In order to combat piracy in the waters surrounding the Horn of Africa, puissant efforts of the East African nations and the international community must focus on conditions ashore, coupled with maritime security operations within the surrounding waters. Additionally, a holistic approach is required to counter maritime piracy – the efforts [military and non-military efforts] on land must be coordinated and aligned with the maritime security operations at sea. USAFRICOM is organized to foster interagency cooperation, and capable of leveraging all the instruments of national power in a holistic approach to countering piracy within HOA.

The geography and size of the Horn of Africa make it relatively easy for pirates to target various maritime vessels transiting the surrounding waters. The current efforts of CTF-151 and CTF-150, coupled with the support of other international navies and security agencies, are unable to secure the territorial waters surrounding Somalia; moreover, these maritime forces cannot secure the open waters of the Red Sea, Gulf of Aden, and the Indian

¹⁵ Nicole Stracke, Marie Bos, “Piracy: Motivation and Tactics, The Case of Somali Piracy”, Gulf Research Center, February 2009, p9, available at <http://www.grc.ae/>.

¹⁶ Ibid, p16.

¹⁷ Martin N. Murphy, “Piracy and the Exploitation of Sanctuary”, in *Armed Groups: Studies in National Security, Counterterrorism, and Counterinsurgency*, edited by Jeffrey H. Norwitz, (U.S. Naval War College, Newport, R.I. 2008), p160.

Ocean – the operating environment is just too large. While maritime operations could be designed to secure, protect, or block a relatively small and specific area like the Bab el-Mandab chokepoint or the Somali port town of Eyl [a known pirate base of operations], “no country or naval coalition has the capacity to monitor the Gulf of Aden” and the Indian Ocean.¹⁸ The area is too large giving the pirates the flexibility to pick and choose targets of opportunity. The pirates are enabled by the relatively low technological requirements to conduct their operations, and when the pirates are threatened they are able to blend in and appear as normal fisherman operating from fishing vessels.

The Horn of Africa nations remain mired in poverty and plagued by wide spread civil strife, lawlessness, border clashes and proxy wars, and a myriad of political and social challenges – including maritime piracy and armed robbery at sea. The Horn of Africa nations consistently rank low according to the United Nations Human Development Index and this region is widely recognized as one of the world’s most challenging and volatile security environments.¹⁹ Although many of the HOA nations remain socially and politically challenged, Somalia, with the largest coastline within the region, historically stands out as the uncontrollable pariah. After the 1991 collapse of Mohamed Siad Barre’s regime, Somalia spiraled into anarchy and chaos. Prior to 1991, despite several proxy wars and conflicts between various clans, Barre’s authoritarian regime successfully maintained a semblance of stability throughout Somalia. Since Barre’s removal; however, Somalia has had no effective government and has developed into “a particularly stark example of what is now considered a

¹⁸ Derek S. Reviron, “Think Again: Pirates”, Foreign Policy, January 2009, http://www.foreignpolicy.com/story/cms.php?story_id=4626 (accessed 20 March 2009).

¹⁹ Stephen A. Emerson, “Regional Security Initiatives”, in “Shaping the Security Environment”, edited by Derek Reviron, (NWC Press 2007), 74.

failed state.”²⁰ The 2008 Failed State Index highlights that Somalia is considered the worst failed state with the transitional government struggling to maintain any semblance of control versus the clan warlords and pirates.²¹ The rule of law is nonexistent and the current Transitional Federal Government (TFG) is incapable of protecting or controlling criminal activities on the land or criminal activities within Somali territorial waters.²²

A lack of an officially recognized central government and an overall lack of governance within Somalia is one of the main contributing factors enabling maritime piracy to exist within the region. Without an established government or system in place capable of enforcing the rule of law along the vast Somali coastline and within Somali territorial waters, maritime piracy will continue – even with an influx of yet additional naval forces within the waters surrounding the Horn of Africa. The lack of governance not only allows the pirates to operate with relative impunity, it also allows the waters surrounding this region to be exploited by fishing companies from around the world.²³

Illegal, unreported and unregulated (IUU) fishing activities and over-fishing by foreign vessels within the Somali territorial waters is another issue that is credited as a contributing factor to the surge in maritime piracy in the Horn of Africa.²⁴ Poor governance and an absence of maritime security within this region have allowed the waters to remain extremely vulnerable to IUU fishing activities by foreign fishing vessels.

²⁰ Mackubin Thomas Owens, “What to do About Piracy?”, Foreign Policy Research Institute, April 2009, <http://www.fpri.org/enotes/200904.owens.piracy.html> (accessed 19 April 2009) .

²¹ The Failed States Index 2008, available on the Foreign Policy website: <http://www.foreignpolicy.com/>

²² Central Intelligence Agency, “The World Factbook”, “Somalia”, <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html> (accessed 12 April 09).

²³ Clive Schofield, “Plaguing the waves – Rising piracy threat off the Horn of Africa”, Jane’s Intelligence Review – July 01, 2007, posted 13 June 2007, available at www.janes.com and http://search.janes.com/Search/documentView.do?docId=/content1/janesdata/mags/jir/history/jir2007/jir10184.htm@current&pageSelected=allJanes&keyword=Plaguing%20the%20waves&backPath=http://search.janes.com/Search&Prod_Name=JIR& (accessed 10 April 09).

²⁴ Nicole Stracke, Marie Bos, “Piracy: Motivation and Tactics, The Case of Somali Piracy”, Gulf Research Center, February 2009, p16, available at <http://www.grc.ae/>.

Due to the illegal nature of this criminal action, the actual scope of illegal, unreported, and undocumented fishing is challenging to quantify. The World Wide Fund for Nature (WWF) estimated that IUU fishing threatens essentially every fishery and “accounts for up to 30 percent of total catches in some important fisheries.”²⁵ According to the WWF website, IUU fishing is an “organized criminal activity” – similar to maritime piracy. IUU fishing activities are extremely well coordinated and many of these “bio-pirates” are capable of selling their illegal catch legitimately on the open market in many of the more developed countries around the world.²⁶ The Big Eye Tuna and the Yellow Fin Tuna are the most valuable catch within Somali territorial waters and while many European nations conduct legal fishing activities within this region, a large number of illegal fishing vessels, (many from Taiwan, Sri Lanka, Thailand and Indonesia), regularly exploit the Somali territorial waters.²⁷ There are several reports and some experts that credit the IUU fishing activities with the increase in piracy. Once such report, The Gulf Research Center report, indicates that the IUU fishing impacted the livelihood of many Somalis and the pirate attacks were a result of an initial effort designed specifically to disrupt the IUU fishing activities within Somali waters.²⁸ The GRC report suggest that the pirate attacks were initially unorganized and a spontaneous response by a “desperate group of Somali fishermen against foreign fishing boats.”²⁹ The initial attacks did not involve hijackings or hostage taking and were aimed at preventing the foreign ships from illegally fishing within Somali territorial waters.

²⁵ WWF-World Wide Fund For Nature, global conservation organization, formerly known as the World Wildlife Fund, http://www.panda.org/about_our_earth/blue_planet/problems/problems_fishing/illegal_fishing/ (accessed 21 April 2009).

²⁶ Ibid.

²⁷ The Economist, The Most Dangerous Seas in the World, 17 July 2008, http://www.economist.com/world/mideast-africa/displaystory.cfm?story_id=11751360 (accessed 18 April 2009).

²⁸ Nicole Stracke, Marie Bos, “Piracy: Motivation and Tactics, The Case of Somali Piracy”, Gulf Research Center, February 2009, p15-16, available at <http://www.grc.ae/>.

²⁹ Ibid.

These efforts proved unsuccessful, and over time these activities matured into “organized or semi-organized pirate activities” aimed at earning a lucrative profit by hijacking vessels, taking hostages, and demanding ransoms.³⁰ While it may be easy to sympathize with the Somali fishermen turned brigands, their quick transformation underscores the idea that the lack of governance – and sanctuary it provides the pirates – is a root cause that requires a cooperative approach by the Horn of Africa nations and the international community. IUU fishing may be a motivating factor, but the lack of governance and the rule of law – on land and at sea – is the real enabling or contributing factor. USAFRICOM is uniquely poised to promote, lead, and coordinate a collaborative effort aimed at increasing the security conditions within this region. More proactive theater security cooperation efforts and more regional and international cooperation will enable the AU, the Transitional National Government, or another suitable Somali government to establish legitimacy and the rule of law within Somalia and its surrounding territorial waters.

The final contributing factor is linked to the “sanctuary” provided by the local and international laws relating to piracy and armed robbery at sea. Piracy, unlike other forms of organized criminal activities, has been considered a relatively “risk free” enterprise based on the lack of an established legal framework from which to hold criminals accountable for their actions.³¹ The United Nations Convention on the Law of the Sea (1982 UNCLOS) and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988) have both dealt with the crimes of piracy; however, the definition of piracy and hesitancy of nations to actively pursue pirates under these regulations provides the pirates with some sanctuary and freedom of maneuver. Based on international laws, pirates are able

³⁰ Nicole Stracke, Marie Bos, “Piracy: Motivation and Tactics, The Case of Somali Piracy”, Gulf Research Center, February 2009, p16, available at <http://www.grc.ae/>.

³¹ Ibid, p28.

to maintain an advantage by operating within or evading to positions within the territorial waters of countries unable to govern or legally prosecute criminals within their territorial waters. This is not a new tactic of pirates or a new issue associated with counter-piracy operations. In the days of Blackbeard, pirates operated similarly; however, the international community [and specifically the United States] solved this dilemma by summarily executing anyone conducting pirate activities. The UNCLOS defines piracy as “any act of violence or detention, or any act of depredation” committed “on the high seas, against another ship or aircraft, or against persons on board such ship or aircraft” outside the jurisdiction of any state.³² In 2008 the UN Security Council passed four resolutions, which provide the legal framework to enhance the cooperation and abilities of UN member states to address piracy off the coast of Somalia.³³ Together, the four adopted resolutions opened Somali territorial waters, encouraged states to increase their participation against piracy within this region, and provided “a valuable umbrella of political support for logistics related to extradition and repatriation of suspected pirates.”³⁴ The IMB definition of piracy slightly differs from UNCLOS and defines piracy as: “an act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act” and is not limited to acts committed on the “high seas”.³⁵ Within the Horn of Africa or the territorial waters surrounding other failed states, the IMB definition of piracy is more applicable than the UNCLOS definition because these countries have limited – if any – ability to enforce maritime security within their territorial

³² United Nations Convention on the Law of the Sea, 1982, Article 101 Definition of piracy

³³ Nicole Stracke, Marie Bos, “Piracy: Motivation and Tactics, The Case of Somali Piracy”, Gulf Research Center, February 2009, p28, available at <http://www.grc.ae/>.

³⁴ James Kraska and Brian Wilson, “Maritime Piracy in East Africa”, Journal of International Affairs, Sprint/Summer 2009, Vol.62, No.2, p63.

³⁵ ICC International Maritime Bureau, Piracy and Armed Robbery Against Ships, Report for the period of 1 January – 31 March 2009, p3, available at: www.icc-ccs.org.

waters.³⁶ It is specifically applicable in Somalia, where there is no organic capability to target, isolate, or prosecute the pirates operating or seeking safe haven within Somali territorial waters or port towns along the Somali coastline. Adopting the IMB definition or amending the UNCLOS definition of piracy will allow the international community to respond quicker to maritime security threats within these regions of the world.

RECOMMENDATIONS

There is no immediate or uncomplicated solution to the piracy problem that has besieged the waters surrounding the Horn of Africa. Piracy has increased at an alarming rate and continues to interfere with international maritime trade. The current counter-piracy efforts – focused at sea – do not adequately address the root causes of the problem despite a willingness of the international community to cooperate to counter this regional threat. USAFRICOM is organized and positioned to lead, promote, and coordinate a collective response to this maritime security threat, fulfilling its task of assisting African partners “so that they can provide for their own security” in the long term.³⁷ There are already specific mechanisms in place that USAFRICOM and the African Union should continue to promote and strengthen in order to maintain cooperation and coordination within the Horn of Africa, like the Djibouti Code of Conduct. The Maritime Organization for West and Central Africa (MOWCA), operating within the Gulf of Guinea, can also serve as an example of a relatively successful African regional partnership program. In addition to promoting increased regional cooperation, USAFRICOM is poised to foster the development and training of a regional “Horn of Africa” coast guard, similar to the principles of MOWCA. Until a regional coast

³⁶ Dennis Sampson, “Piracy threatens maritime security in the Horn of Africa”, 7 Oct 2008, (research paper, Newport, RI: U.S. Naval War College, National Security and Decision Making Department, 2008), 1.

³⁷ United States Africa Command 2009 Posture Statement, General William E. Ward, USA, Commander USAFRICOM, 17-18 March 2009, p5, available at: www.africom.mil.

guard is capable of providing maritime security within the Horn of Africa, the United States, the African Union, and the international community must continue to coordinate and cooperate – both at sea and on land – in order to maintain economy of force and unity of effort against the threats to maritime security within this region.

USAFRICOM, designed as an interagency command, is the ideal organization to take the initial lead in the efforts to increase maritime security within the Horn of Africa.³⁸ While

USAFRICOM and USCENTCOM have recently cooperated well along the seams of their respective areas of responsibility (AOR), USAFRICOM should promote the establishment of a single Combined Joint Task Force within the CJTF-HOA AOR.

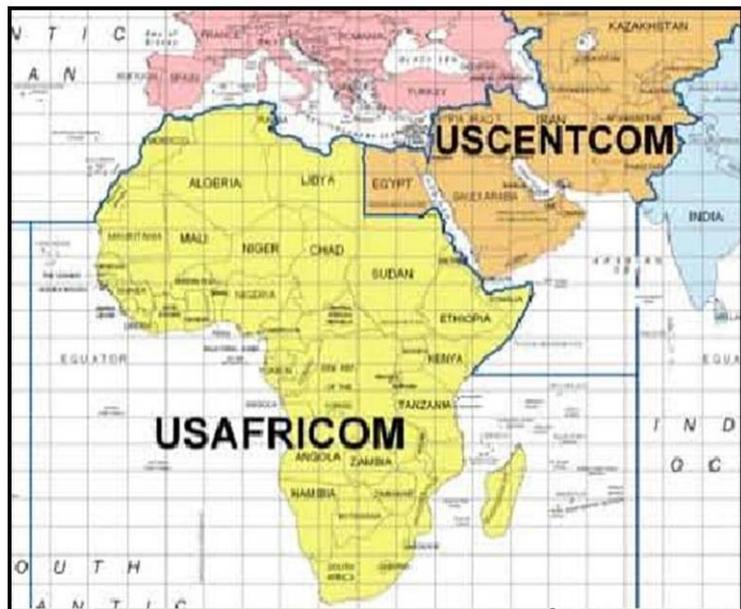


Figure 4: GCCAOR Map, <http://www.defenselink.mil/pubs/pdfs/MAP12-08.pdf>

This CJTF should be specifically oriented toward increasing maritime security and theater security cooperation efforts in conjunction with U.S. non-military organizations and agencies, African regional partners, coalition partners, and other international partners with interests within the Horn of Africa. It is essential for this CJTF to have both a maritime and land component [military and non-military elements] to adequately impact the conditions

³⁸ According to “The USAFRICOM 2009 Posture Statement”, USAFRICOM has the ability to support, coordinate and collaborate [not only the military instrument of national power] the efforts of the other agencies and departments within the U.S. government, as well as the international, intergovernmental and nongovernmental organizations, coupled with the habitual relationships with the African Union and Horn of Africa nations. United States Africa Command 2009 Posture Statement, General William E. Ward, USA, Commander USAFRICOM, 17-18 March 2009, p4, available at: www.africom.mil.

supporting piracy. Although the U.S. Navy's dramatic and widely publicized takedown of the three Somali brigands holding Capt. Phillips has been viewed as a success, it was merely a short term solution to a tactically isolated event that has not deterred subsequent pirate attacks. The foiled attack against the Liberty Sun and the attacks against multiple ships since Capt. Phillips' rescue indicate that the risk of piracy and the factors enabling piracy remain.³⁹

USAFRICOM should assist the AU and HOA nations in promoting, organizing and developing a regionally sourced, multinational coast guard capable of patrolling the territorial waters of the HOA nations. This effort will increase maritime security by reducing pirate sanctuaries and providing the Horn of Africa nations with the ability to target and limit the IUU fishing vessels exploiting the regional waters. Limiting IUU fishing off the shores of Somalia is an important step in promoting and supporting the economic development within this region. In the meantime, USAFRICOM and the international community must continue supporting the efforts to safeguard merchant vessels transiting these waters. Failing to provide any amount of deterrence will only embolden the pirates and could result in future delays or closure of this strategic maritime chokepoint or additional increases in the insurance rates for maritime vessels. An increase in merchant vessel attacks, like the Sirius Star, MV Faina, and the Maersk Alabama, or a catastrophic attack against an oil or cargo tanker could force tankers to use longer routes around the southern tip of Africa and prevent non-oil shipping from using the Suez Canal resulting in increases in total energy costs.⁴⁰

³⁹ Kirit Radia and Maeva Bambuck, "Pirates Hunt American Ships, But Latest Attack Foiled", ABC News, <http://abcnews.go.com/US/International/story?id=7339855&page=1> (accessed 20 April 2009).

⁴⁰ Dennis W. Sampson and Nikolas K. Gvosdev, "A growing menace: Pirates of the Gulf", International Herald Tribune, 19 November 2008, global edition of the New York Times, and U.S. EIA, Official Energy Statistics at: http://www.eia.doe.gov/emeu/cabs/World_Oil_Transit_Chokepoints/Bab_el-Mandab.html (24 Sept 08).

The analysis indicates that in order to impact piracy coordinated efforts need to be focused on the conditions on land. USAFRICOM must lead and bolster theater security cooperation efforts ashore – their organizational structure supports the coordination and combined efforts of all instruments of national power. Engagement activities on land must be focused on eliminating these criminal organizations and the conditions that enable them to exist. Until the current transitional government (or other suitable Somali government of the future) is capable of governing Somalia, the United States and the international community must coordinate with the AU, the TNG, and the HOA nations to target, isolate, and prosecute the pirate organizations operating within Somali territorial waters and from known Somali pirate towns – like Eyl. IMB PRC officials cite several examples where the adoption of proactive security measures and appropriately allocated resources to the law enforcement efforts ashore resulted in a reduction in piracy and other criminal activities.⁴¹ A CJTF operating under USAFRICOM [with land and maritime components], aligned with the AU, and with the support of the East African countries, and international partners is required initially to isolate, target, and prosecute pirates ashore. Although many have argued that the Jeffersonian tactics that were successful against the Barbary Pirates are required to stop piracy, killing pirates is not the solution or a long term fix for the current problem in HOA. There will be times when force is required; however, efforts ashore should include non-military instruments and must be coupled with efforts designed to promote economic stability and good governance.

⁴¹ Nick Brown, “Taking the fight to the pirates”, Jane’s Navy International – May 01, 2006, http://search.janes.com/Search/documentView.do?docId=/content1/janesdata/mags/jni/history/jni2006/jni02482.htm@current&pageSelected=allJanes&keyword=Taking%20the%20fight%20to%20the%20pirates&backPath=http://search.janes.com/Search&Prod_Name=JNI& (accessed 10 April 2009).

Without a shift in the current sea-centric approach to countering piracy, the United States and the international community will continue to be threatened by pirates and potentially terrorist organizations taking advantage of the sanctuary and freedom of maneuver that exist on land and in the waters surrounding Somalia. While there are no direct links between the Somali pirates and terrorist organizations, it is easy to imagine a scenario where a terrorist organization is able to capitalize on the current instability within this region.

Alfred Bradford reminds us of past counter-piracy lessons. He cautions that preventing piracy requires a “cooperative defense” and cooperative efforts aimed at addressing states or conditions that encourage piracy. The international community again faces a situation where we must apply many of the lessons learned from those that battled with pirates or other criminal organizations that took advantage of the sanctuary provided on the open waters.⁴²

CONCLUSION

Piracy, enabled by the sanctuaries provided within Somalia, is “no longer an annoyance” and “no longer exclusively an African problem” that can be largely ignored by the United States or the international community.⁴³ Unless the United States takes more proactive theater security cooperation measures to improve the security conditions within Somalia and is successful in promoting and leading a coordinated effort to improve maritime security, piracy will continue to threaten the world’s sea trade and overall security in HOA. Countering the threat posed by Somali pirates within the Horn of Africa is critical to

⁴² Alfred S. Bradford, *Flying the Black Flag*, (Westport, CT: Praeger, 2007), p191-192.

⁴³ Dennis W. Sampson and Nikolas K. Gvosdev, “A growing menace: Pirates of the Gulf”, *International Herald Tribune*, 19 November 2008, global edition of the *New York Times*.

maritime trade within the region and is linked to the overall 21st century naval strategy.⁴⁴ According to the Cooperative Strategy for 21st Century Seapower, creating and maintaining maritime security is required to mitigate the “threats short of war, including piracy, terrorism, weapons proliferation, drug trafficking, and other illicit activities” and “countering these irregular and transnational threats protects our homeland, enhances global security, and secures freedom of navigations for the benefit of all nations.”⁴⁵ Additionally, in recognition of the importance of solving piracy, the Ethiopian Prime Minister Zenawi stated that if piracy is left unchecked, it will continue to grow and destabilize an already fragile region.⁴⁶

The Horn of Africa – specifically the failed state of Somalia – is the ideal breeding ground for criminal organizations because the conditions ashore provide the sanctuary required to maintain freedom of maneuver on land and at sea. While the geography and access to merchant vessels transiting these waters cannot be changed, USAFRICOM, in collaboration with the African Union and the international community, is positioned to influence and change the political, social and legal environments facilitating maritime piracy. Some may argue that the AU, NATO, or the UN should lead these efforts; however, the data indicates these organizations have been unwilling or unable to respond to these challenges. This complex problem requires an increase in the efforts of the AU, the HOA nations, and the international community; however, USAFRICOM is best suited to assist the HOA nations by promoting, coordinating, and leading the counter-piracy efforts until the HOA nations have the ability to provide for their own regional security.

⁴⁴ Dennis Sampson, “Piracy threatens maritime security in the Horn of Africa”, 7 October 2008, (research paper, Newport, RI: U.S. Naval War College, National Security and Decision Making Department, 2008), 3.

⁴⁵ “A Cooperative Strategy for 21st Century Seapower”, October 2007.

⁴⁶ Jacquelyn S. Porth, “Piracy Off the Horn of Africa Threatens Relief Efforts, Trade”, U.S., NATO, European Union and partners step up anti-piracy missions, 4 November 2008, article is available on the USAFRICOM website: <http://www.africom.mil/getArticle.asp?art=2234&lang=0>. (accessed 20 April 2009).

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