

**Countering the “Unholy Alliance”: The United States’ Efforts to Combat Piracy and
Violent Extremism in the Western Indian Ocean, 2001-2014**

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Paper presented to the International Studies Association International conference

Hong Kong

June 15, 2017

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From Roman efforts to destroy pirate fleets in the Mediterranean in the first century BCE, to American counter-piracy patrols off the Horn of Africa today, powerful maritime states have at times intervened militarily to suppress piracy. These efforts have generated a large body of literature in a wide array of academic fields. Despite the considerable scholarly interest in examining how powerful states go about suppressing piracy, however, there has been little in-depth examination of why powerful states are willing expend resources combating piracy in the first place. When this question is addressed in the academic literature, counter-piracy efforts are usually portrayed as the provision of the global public goods of secure sea lanes and access to the global maritime commons by a maritime hegemon.¹ As a result, counter-piracy is presented as a quintessential example of hegemonic power at work in international system. This claim is based on the tenets of hegemonic stability theory, which posit that hegemons — states that dominate the international system through a combination of military and economic power — have an interest in taking a leading role in providing stable global trade because this allows it to maintain or increase its access to overseas markets.² While providing the public good of global stability facilitates free riding from other states, these actions are still in a hegemon's best economic interests, as it stands to accrue more gains relative to these other states.³ This standard explanation for counter-piracy predicts that maritime hegemons will intervene militarily in

¹ For example see Paul Kennedy, *The Rise and Fall of British Naval Mastery* (New York: Scribner, 1976), 164–65; Niall Ferguson, *Empire: The Rise and Demise of the British World Order and the Lessons for Global Power* (New York: Basic Books, 2003), xxiv; Niall Ferguson, *Colossus: The Price of America's Empire* (New York: Penguin, 2004), 191; Joseph S. Nye, "The American National Interest and Global Public Goods," *International Affairs* 78, no. 2 (2002): 233–244; Joseph S. Nye, *The Paradox of American Power* (Oxford: Oxford University Press, 2003), 144; Michael Mandelbaum, *The Case for Goliath: How America Acts As the World's Government in the Twenty-First Century* (New York: PublicAffairs, 2005), 14; Michael Mandelbaum, *The Frugal Superpower: America's Global Leadership in a Cash-Strapped Era* (New York: PublicAffairs, 2010), 98.

² Charles P. Kindleberger, *The World in Depression, 1929-1939* (Berkeley, CA: University of California Press, 1986).

³ Josef Joffe, "Defying History and Theory: The United States as the 'Last Remaining Superpower,'" in *America Unrivaled: The Future of the Balance of Power*, ed. G. John Ikenberry (Ithaca, NY: Cornell University Press, 2002), 179.

response to pirate attacks carried out against commercial vessels, irrespective of flag-state or crew nationality. Maritime hegemons should also be willing to conduct counter-piracy wherever the public goods of secure international maritime trade and universal access to the global maritime commons are threatened.

A detailed examination of the contemporary empirical record, however, raises questions about this claim. The United States has deployed dozens of warships to the Gulf of Aden and the Western Indian Ocean in an effort to suppress Somali pirates. In late 2008, the outgoing George W. Bush administration even wanted to conduct military operations ashore in Somalia to combat piracy, but was dissuaded by European allies, fearful of getting dragged into a ground war in the Horn of Africa. While the United States has focused on Somalia, pirates in other parts of the world, such as Southeast Asia and West Africa, continue to attack merchant vessels, with little American response.

This paper asks why does the United States' intervene to suppress piracy in some instances, but not in others. Specifically, I study American efforts to suppress piracy off the Horn of Africa between 2001 and 2014. I subdivide this case into three temporal phases, determined by the United States' response (or lack thereof) to piratical attacks off the Horn of Africa: 2001 to November 2005; November 2005 to late 2008; and late 2008 to 2014. These three phases serve as sub-cases, allowing me to examine causal explanations in each time period. This paper proceeds as follows: after a brief discussion of the case's historical background, I examine each sub-case in detail and present each one's respective findings. I conclude with a discussion of the overall theoretical findings of the case as a whole.

The Somali Pirates

Every year more than 20,000 merchant ships transit the Gulf of Aden, making it one of the most heavily trafficked shipping lanes on earth. The Bab-al-Mandeb Strait, that connects the Gulf of Aden and the Red Sea, is only eighteen miles across at its narrowest point, forcing ships to navigate relatively close to shore. Finally, Somalia's chaotic political situation since the early 1990s has proved advantageous to would-be pirates. Prior to the collapse of Somalia's central government in 1991, there were few recorded cases piracy off the Horn of Africa.⁴ Between 2006 and 2014 International Maritime Bureau (IMB) attributed 959 reported incidents to Somali pirates — most of those occurring between 2008 and 2011

Figure 1 Here

Pirate activity off Somalia over the past twenty years has not progressed in a steady linear fashion, but instead has transitioned through separate stages. The initial stage, which lasted from the collapse of the Barre regime in 1991 until 2005, saw relatively low levels of pirate activity mainly concentrated in the Gulf of Aden. A second stage, which began in 2005, involved a much higher frequency of attacks carried out off Somalia's Indian Ocean coast by larger and more organized pirate groups. Between 2007 and 2012, Somali pirates again increased both the number and range of their attacks. During this stage it was not uncommon for ships to be hijacked more than one thousand nautical miles from the Somali coast. Since 2012, piracy off the Horn of Africa has decreased dramatically, returning to levels comparable to the initial stage of

⁴ Martin N Murphy, *Somalia, the New Barbary?* (New York: Columbia University Press, 2011), 11.

piracy.

Phase I (2001-2005): No Counter-Piracy Intervention

Between 2001 and 2005, piracy off Somalia went virtually unnoticed both by government officials and the public in the United States. During this early period, piracy in Somalia was closely tied to the country's fishing industry. While the desire to defend fishing rights served as one of the original justifications for attacking foreign vessels, these activities also provided a lucrative profit. The number of attempted and actual pirate attacks during this stage also remained low. Prior to 2005, the number of reported attacks per year attributed to Somali pirates never exceeded twenty-two, with most of these were carried out in the heavily transited Gulf of Aden. The ransom payments provided the pirates with an incentive to continue hijacking the occasional ship; however, the rewards were too low to allow piracy to flourish. In 2004 there were only eight reported attacks in the Red Sea and Gulf of Aden, as well two additional attacks carried out off Somalia's Indian Ocean coast. In 2005, by contrast, pirates carried out thirty-five attacks in Somali waters, as well as an additional ten in the Red Sea and Gulf of Aden.⁵ The attacks carried out in mid-2005 differed from earlier piracies not only in frequency, but also in geographic location. Although incidents of piracy in the Gulf of Aden and the Red Sea remained relatively constant (eight incidents in 2004 versus ten in 2005) the number of attacks in the western Indian Ocean increased from to thirty-five in 2005, from just two the year before. These figures indicate the use of new pirate havens along Somalia's southern coast. These increasingly professionalized groups employed sophisticated tactics and technologies that distinguished them from earlier pirates. These tactics allowed pirates to extend their operating range, while still

⁵ "ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2005," 2006.

maintaining the advantages of speed and maneuverability. These advances meant that Somali piracy began to pose a more significant threat to international maritime trade, although the overall percentage of ships attacked was still relatively low.

Many of the conditions that allowed for piracy to flourish in Somalia — a lack of a central government and endemic political violence and poverty — also facilitated the rise of militant Islamic groups. After September 11th, the United States government's principal concern was that Somalia would become a refuge for al Qaeda, similar to Afghanistan under the Taliban.⁶ With the cooperation of regional allies, such as Djibouti, Kenya, and Ethiopia, the United States conducted counter-terrorism operations throughout the region. In October 2002 the United States established Combined Joint Task Force – Horn of Africa (CJTF-HOA).

Aside from CJTF-HOA, the United States Navy's principal involvement in the region after September 2001 was the deployment of Combined Task Force 150 (CTF-150). While the multinational fleet had existed prior to 2001, after September 11th it was re-established and given the mandate of patrolling the waters off the Horn of Africa and western Indian Ocean in support of counter-terrorism and maritime security operations.⁷ While CTF-150 is an American initiative, the task force's flag ship rotates between participating nations. Although following September 11th, the presence of CTF-150 was intended to promote maritime security overall, combatting piracy off Somalia was not one of the taskforce's missions,⁸ as piracy went mostly unnoticed by a United States government preoccupied with counter-terrorism.⁹ This is reflected in *The National Strategy for Maritime Security*, published in September 2005. For example, the terms

⁶ Hailes Janney, "Terrorism and Insurgency - Somalia: A Likely Refuge," *Jane's Defence Weekly*, January 4, 2002, www.janes.com; Bellamy interview.

⁷ "CTF-150: Maritime Security," *Combined Maritime Forces*, accessed August 28, 2015, <http://combinedmaritimeforces.com/ctf-150-maritime-security/>.

⁸ Interview with a former senior officer in the United States Navy, September 8, 2015.

⁹ William Bellamy (United States Ambassador to Kenya, 2003-2006), interview with the author, Washington, DC, September 7, 2015.

“piracy” and “pirate” are used six times in the document, as compared with sixty-seven for the terms “terrorist” and “terrorism.” Although the *National Strategy for Maritime Security* does dedicate two paragraphs to transnational crime and piracy, the discussion focuses primarily on the possibility that terrorist organizations could use piracy as a source of funding.¹⁰ The brief discussions of piracy in the *National Strategy for Maritime Security* is indicative of how piracy fit into the United States’ broader national security strategy at this time; piracy was only viewed as a threat to the United States if it facilitated terrorism.

Phase I: Conclusion

The lack of American response in this initial phase could have several explanations. First, United States flagged ships and citizens were minimally impacted by Somali piracy during this period. Second, Somali piracy was not viewed as linked to the United States’ broader strategic interests in the Horn of Africa region, which after September, 2001, were focused on counter-terrorism. Third, the small-scale subsistence piracy that took place for most of this phase did not significantly imperil maritime trade in the region. To better examine these causal explanations for Great Power intervention to suppress piracy, it is necessary to turn to the second and third phases of United States counter-piracy off Somalia.

Phase Two (2005-2008): Counter-Piracy as a “Secondary Duty”

On November 5, 2005 the luxury cruise ship “Seabourn Spirit” was approximately one hundred miles off the Somali coast while transiting from Egypt to Kenya.¹¹ The cruise ship was

¹⁰ “The National Strategy for Maritime Security,” accessed August 31, 2015, <http://georgewbush-whitehouse.archives.gov/homeland/maritime-security.html>.

¹¹ “Pirates Attack Liner Off Coast of Somalia,” *New York Times*, November 6, 2005.

approached by fast moving skiffs filled with armed men. Using small arms, including a rocket propelled grenade launcher, the pirates inflicted superficial damage to the “Seabourn Spirit’s” hull and caused minor injuries to one crewmember, but were unable to board the ship.¹² Unlike most previous attacks, the aborted piracy of the cruise ship received widespread media coverage and was followed by an immediate reaction from the global maritime industry. The attack also garnered the attention of international organizations and governments, including the United States, as well as political factions within Somalia.

Unlike previous piracies, the “Seabourn Spirit” attack garnered considerable interest from the United States government officials in both the east Africa region and in Washington.¹³ On 16 November, senior officials at the American embassy in Nairobi, Kenya, held a meeting to discuss the potential ramifications of any military interventions to suppress Somali piracy. On 25 November, the embassy dispatched a diplomatic cable to Washington, relaying the minutes from the meeting on the 16th, and warning of the potential impact of any United States military action. The cable recommended that American actions be constrained to international waters to avoid causing “collateral damage” to the general population. The embassy was concerned that civilian casualties could result in a backlash against the United States and harm counter terrorism efforts. The diplomats also advised Washington that any actions taken should not jeopardize the United States’ policy of neutrality regarding the ongoing schism within the TFG.¹⁴

The wording of the diplomatic cable makes clear that by the 16th of November, some elements of the United States government were considering conducting a military intervention against Somali piracy in response to the attack on the “Seabourn Spirit.” According to the cable,

¹² “U.S. Navy Boards Ship after Pirate Attack,” *CNN.com*, November 7, 2005, <http://www.cnn.com/2005/WORLD/africa/11/07/somalia.pirates/>.

¹³ Bellamy, interview.

¹⁴ “Somali Piracy — Additional Recommendations,” November 25, 2005. Available at:

participants “were encouraged by ongoing efforts from Coalition Forces Maritime Component Command (CFMCC) to develop a Concept of Operations (CONOPS) for the disruption and prevention of further acts of piracy in the vicinity of the Somalia coast.” From this statement, it is possible to infer that the impetus for intervention came from United States Central Command (CENTCOM), and in particular the CFMCC. This is also the view is held by the United States Ambassador to Kenya at the time, William Bellamy, who attributes the push for intervention as coming primarily from the naval forces stationed in the region. In my interview with Bellamy, he expressed the opinion that the navy saw counter-piracy as a way to take a more direct role in the “Global War on Terror.”¹⁵

Media reports from this period provided further evidence that the decision to take a more active role in counter-piracy operations was a military-led initiative, stemming directly from the “Seabourn Spirit” attack. In early 2006, an anonymous CENTCOM official told *Jane’s Defence Weekly* that “Before, pirates were more of an annoyance — if you ran across something and you were able to act, fine. But now the idea is to use our intelligence assets better ... and then act on that intelligence. This is occurring and will continue to until such time as piracy wanes.”

Regarding the “Seabourn Spirit” attack, the official added that it “was bordering on an act of terrorism....and I think in large part that was one where the commander of CENTCOM [General John Abizaid] said ‘Enough, we need to increase our efforts or we will never stop this in our AOR [area of responsibility].’”¹⁶ Although the Pentagon and White House would be informed of operations, Unified Combatant Commanders, such as General Abizaid, had the prerogative to allocate forces within their AORs, including tasking naval forces for counter-piracy operations

¹⁵ Bellamy interview.

¹⁶ Joshua Kuchera, “Coalition Patrols Step up Efforts against Pirates,” *Jane’s Defence Weekly*, February 16, 2006, www.janes.com.

off Somalia. While the availability of sources makes it impossible to determine the precise decision-making process within CENTCOM that led to the policy shift in late 2005, the decision to intervene against Somali piracy likely originated from CENTCOM and came in direct response to the attack on the “Seabourn Spirit.”

As part of the United States’ policy shift on how to respond to Somali piracy following the attack on the “Seabourn Spirit,” American naval forces in the Western Indian Ocean began to increasingly focus on counter-piracy. By early 2006 CTF-150 had expanded its counter-terrorism and maritime security missions to specifically include counter-piracy. In public statements, however, CENTCOM’s naval forces downplayed CTF-150’s role in combatting piracy, preferring to highlight the navy’s role in countering maritime terrorism.¹⁷

As CTF-150 took on a greater counter-piracy role, United States Navy ships began to have more frequent encounters with Somali pirates. For example, on 20 January, 2006, American naval assets responded to an attempted attack on a Bahaman flagged bulk carrier, the “Delta Ranger.” The following day the USS “Winston S. Churchill” approached a suspicious Indian flagged dhow and forced it to stop. After boarding the vessel, naval personnel discovered ten Somalis holding sixteen Indian crewmembers hostage.¹⁸

Although the United States government considered piracy a threat, these concerns were overshadowed by the UIC’s rise to power throughout the first half of 2006.¹⁹ Once the UIC gained control of Mogadishu, American counter-piracy actions largely ceased. This was not only because the United States government efforts in Somalia increasingly focused on the UIC, who had been steadily gaining territory in the country’s south, but also because the UIC effectively

¹⁷ Steven Donald Smith, “U.S. Navy, Coast Guard on Lookout for Piracy,” *Defense.gov*, January 27, 2006, <http://archive.defense.gov/news/newsarticle.aspx?id=14505>.

¹⁸ “U.S.-Captured Somali Pirates now in Kenyan Custody,” January 30, 2006. Available at:

¹⁹ Bellamy, interview.

ended Somali piracy after coming to power.

As the threat of piracy largely disappeared from the Western Indian Ocean during the UIC's tenure, the United States government's full attention returned to the threat of terrorists using Somalia as a safe haven for attacks outside the country. These fears were heightened in October 2006 when the UIC declared a jihad against Somalia's long-time regional rival, Ethiopia. According to the UIC, 35,000 Ethiopian forces were operating in Somali territory, assisting the TFG.²⁰ In response to these perceived threats, and with the cautious approval of the United States, Ethiopia invaded Somalia in December 2006.²¹ Although the Ethiopian military would eventually get bogged-down in Somalia, the armed incursion was successful in driving the UIC from power.

In the chaos that followed Ethiopia's invasion, piracy in both Puntland and southern Somalia began to flourish once again. The first attacks of 2007 occurred in February, despite the Northeast Monsoon season. On 25 February the St. Vincent and Grenadines flagged "Rozen," which had just delivered a shipment of WFP aid to Somaliland. The "Rozen" was attacked while rounding the Horn of Africa in Somalia's northeast.²² This was not the only attack on a WFP chartered ship in 2007, as two other ships were fired upon by pirates while carrying out food aid deliveries to Somalia.²³

In early 2007, the United States' efforts in Somalia remained focused on counter-terrorism. In the immediate aftermath of the collapse of the UIC, American warships patrolled Somali coastal waters in an effort to intercept UIC leaders with ties to terrorist organizations.²⁴

²⁰ "Somali Islamists Declare Jihad," *Jane's Defence Weekly*, October 13, 2006, www.janes.com.

²¹ Rice and Goldenberg, "How US Forged an Alliance with Ethiopia over Invasion."

²² "ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2007," 2008.

²³ *Ibid.*

²⁴ "Piracy Flourishes off Somali Coast," *Jane's Country Risk Daily Report*, October 17, 2007, www.janes.com.

As levels of piracy off the Horn of Africa again began to increase, the United States again began to receive calls for assistance. The renewed acts of piracy and the calls for a response did not fundamentally alter the United States' military response to maritime insecurity off the Horn of Africa, which still focused primarily on counter-terrorism. The increased number of attacks did, however, lead to a clarification of official government policy regarding piracy, as the Bush administration released the *Policy for the Repression of Piracy and Other Criminal Acts of Violence at Sea* memorandum on 14 June, 2007.²⁵ The "Piracy Policy," as it was referred to, was appended to the terrorism focused 2005 *National Strategy for Maritime Security*. The memorandum stated that piracy "threatens U.S. national security interests and the freedom and safety of maritime navigation throughout the world, undermines economic security, and contributes to the destabilization of weak or failed state governance." It went on to state that the "combination of illicit activity and violence at sea might also be associated with other maritime challenges, including illegal, unlawful, and unregulated fishing, international smuggling, and terrorism."

By mid-2007 it was increasingly clear that the problem of Somali piracy continued to grow. In October 2007, pirates hijacked a Japanese owned chemical tanker, "Golden Nori." The ship had also sent a distress call to the IMB's Piracy Reporting Centre, which informed international naval forces in the area.²⁶ The United States Navy responded to the request and dispatched warships to intercept the hijacked merchantmen. On reaching the pirated vessel, the USS "Porter" sank the pirate skiffs being towed behind the "Golden Nori."²⁷ The Japanese ship

²⁵ According to the Government Publishing Office this memorandum was drafted on 13 June; "Memorandum from the President," *George W. Bush White House Archives*, June 14, 2007, <http://georgewbush-whitehouse.archives.gov/news/releases/2007/06/20070614-3.html>.

²⁶ Marcus Hand, "Pirates Hijack Japanese Tanker off Somalia," *Lloyd's List*, October 29, 2007, <http://www.lloydslist.com/ll/sector/piracy-and-security/article66634.ece>.

²⁷ Barbara Starr, "U.S. Destroyer Pursuing Hijacked Ship in Somali Waters, Military Says," *CNN.com*, accessed September 8, 2015, <http://www.cnn.com/2007/WORLD/africa/10/29/somalia.pirates/index.html>.

was carrying a cargo of flammable chemicals and according to contemporary news reports, some in the United States intelligence community feared that the “Golden Nori” could be used as floating bomb to carry out terrorist attacks on oil installations or a Middle Eastern port facility.²⁸ For the first time American warships followed a hijacked ship into Somali waters, having received permission from the TFG. The pirates, however, had no ideological motivations, and instead sought only ransom money. After six weeks the “Golden Nori” was released by the pirates. Although unclear, it is likely that a ransom was paid to the pirates in this instance.²⁹ As the “Golden Nori” was held captive, it was shadowed by American and German warships from CTF-150. The robust response was unique to the “Golden Nori” hijacking during this phase, and was a result of concerns that the cargo ship could be used in a terrorist attack.

The fear of a potential nexus between Somali piracy and terrorism was also discussed in Congressional hearings during this period. In May 2008, during his confirmation hearing for commander of CENTCOM before the Senate Armed Services Committee, General David Petraeus described piracy as one of four primary transnational threats facing the AOR. According to Petraeus’, pirate attacks pose a threat to “legitimate commerce and the flow of strategic resources, and often benefit terrorist networks.” Furthermore, piracy “must be addressed if international efforts to combat terrorist financing are to succeed.”³⁰

Together with these military interventions, the United States participated in the international community’s diplomatic efforts to tackle the piracy issue. On 19 November, 2007, the United Nations Security Council met in one of several regularly scheduled meetings held that

Terry McKnight and Michael Hirsh, *Pirate Alley: Commanding Task Force 151 Off Somalia* (Annapolis, MD: Naval Institute Press, 2012), xx.

²⁹ “Somali Pirates Release Vessel,” *Lloyd’s List*, December 12, 2007, <http://www.lloydslist.com/ll/sector/piracy-and-security/article69383.ece>.

³⁰ “Petraeus Appears before Armed Services Committee” (Lanham, MD: Federal Information & News Dispatch, Inc., June 12, 2008).

autumn to discuss the broader security situation in Somalia. During the meeting, Qatar, a non-permanent member of the Security Council at the time, raised its concerns about the increased number of attacks off the Somali coast. These concerns were echoed by the United States representative, who also lent American support for the notion of a Security Council resolution on Somali piracy.³¹ Over the next six months diplomatic cables show that State Department officials made repeated efforts to gain support for a United Nations Security Council resolution addressing Somali piracy from a plethora of countries. These included major actors with large maritime interests, such as Japan and Italy, as well as smaller nations, such as Suriname, Slovenia, and Laos.³² American efforts were bolstered in March 2008, when the Secretary General of the United Nations issued a report calling for the establishment of an international maritime task force to combat piracy and enforce the 1992 arms embargo on Somalia.³³

On 28 April, 2008 the United States, together with France, the United Kingdom, and Panama,³⁴ circulated a draft resolution to the Security Council. The draft resolution proposed that foreign warships be authorized to enter Somali territorial waters to conduct counter-piracy operations.³⁵ Although the resolution was generally well-received by the rest of the Security Council, both Russia and China expressed certain reservations; China was particularly concerned that counter-piracy operations would lead to infringements on Somalia's sovereignty.³⁶

³¹ "Security Council Looking To Be Useful On Somalia," November 21, 2007.

³² "Somalia and Piracy: Message Delivered," February 28, 2008.; "Slovenia to Decide On Somalia Piracy After EU PSC Meeting," February 28, 2008.; "Somalia and Piracy, Seeking Views On Possible UN Security Council Action," February 29, 2008.; "Piracy [*sic*] Demarche Delivered," March 5, 2008.; "Italy On Somalia and Piracy in The UNSC," March 6, 2008.

³³ "Report of the Secretary-General on the Situation in Somalia" (United Nations Security Council, March 14, 2008).

³⁴ Panama was a non-permanent member of the United Nations Security Council in 2007-2008. It also has the world's largest merchant marine fleet by flag state.

³⁵ "UNSC Resolution On Somali Piracy," May 5, 2008

³⁶ "UNSC Resolution On Somali Piracy," May 7, 2008.; "Demarche Delivered: UNSC Resolution On Somali Piracy,".

Indonesia, a non-permanent member of the Security Council at the time, raised similar objections, fearing that these provisions could lead to foreign military incursions into its own pirate plagued waters.³⁷ These reservations, however, did not prove fatal for the initiative, and United Nations Security Council Resolution 1816, co-sponsored by the United States, Panama, and France, was adopted unanimously on 2 June, 2008.

Resolution 1816 was adopted as pirate attacks off Somalia continued to increase. If 2007 entailed a return to pre-UIC levels of piracy in Somalia, 2008 saw pirate activity occur in record numbers. Overall, in 2008 ninety-two actual and attempted pirate attacks were reported in the Gulf of Aden — a more than a 600 percent increase from the previous year. This figure, combined with nineteen attacks off Somalia's Indian Ocean coast, made the Horn of Africa the world's most piracy-prone area, accounting for nearly forty percent of global piracy in 2008. Somali pirates also carried out forty-two of the forty-nine successful ship hijackings reported worldwide in 2008.³⁸

Despite this significant increase in piracy in 2008, and the targeting of larger merchant vessels, the number of ships attacked still represented only a fraction of one percent of the total number of ships transiting through the region. While the number of ships targeted was small, relative to the total amount of shipping in the region, the economic costs of piracy were felt across the maritime industry. The most direct costs resulting from piracy for shippers came through increased insurance premiums.³⁹ In May 2008, the influential London-based marine insurance underwriters group, the Joint War Committee, added Somalia to its listed areas of "hull

³⁷ "Somalia/piracy — GOI Remains Opposed To French Proposal," May 28, 2008. Available at: Interview with a Ministry of Foreign Affairs of Indonesia official, November 26, 2013.

³⁸ IMB, "ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2008," 2009.

³⁹ Leo Bonser (United States Flag, Intermarine, LCC), interview with author, September 11, 2015.

war, strikes, terrorism, and related perils,” which entailed additional insurance premiums for ships transiting in the Somali region.⁴⁰ The new insurance premiums were estimated to increase the cost of one trip through region by as much as \$25,000.⁴¹ As these additional costs directly cut into shipping companies’ profit margins, they began to call for better naval protection for their ships. By the summer of 2008, it was becoming increasingly clear that the international community’s approach to combatting Somali piracy was a failure.

Phase II: Conclusion

United States counter-piracy efforts during this second phase were primarily tied to broader strategic efforts as part of the Global War on Terror. Although Somali pirates were not linked to terrorist organizations, the fear that a nexus between the two could develop drove the American response to piracy between 2005 and 2008. These concerns over the ties between terrorism and piracy are best exemplified during this phase by response to two particular attacks: the “Seabourn Spirit” and “Golden Nori.” Tellingly, the impetus for this second phase was the “Seabourn Spirit” attack in late 2005, an act that “bordered on terrorism,” at least in the minds of CENTCOM officials.⁴² The 2007 “Golden Nori” hijacking, which officials feared could be used as a “floating bomb,” led to the United States’ most significant military response of this entire phase, and saw an American warship shadow the Japanese tanker in Somali waters. While engaged in combatting piracy off Somalia, CTF-150 also supported counter-terrorism surveillance and operations ashore — which remained their primary mission. The concept of a

⁴⁰ Jerry Frank, “Waiting and Watching on Iran’s Gulf Threat,” *Lloyd’s List*, July 17, 2008, <http://www.lloydslist.com/ll/sector/Insurance/article41255.ece>.

⁴¹ This estimate is based on a 0.025% premium on a vessel valued at \$100 million. “Hellenic Says No Additional Charge for Gulf of Aden Transits,” *Lloyd’s List*, June 3, 2008, <http://www.lloydslist.com/ll/sector/posidonia/article40024.ece>.

⁴² Kuchera, “Coalition Patrols Step up Efforts against Pirates.”

potential nexus between piracy and terrorism can be found in in policy documents,⁴³ Congressional testimony by top military officials,⁴⁴ diplomatic cables, and interviews with senior government officials. Although this nexus never materialized, preventing any links between Somali pirates and militant insurgent groups linked to al-Qaeda provided the primary impetus for United States counter-piracy operations during this phase.

Phase Three (2008-2014): The Counter-Piracy/Counter-Terrorism Nexus

In the late summer and autumn of 2008, the United States modified its efforts to combat piracy off the Horn of Africa. Rather than continued piecemeal and ad hoc interventions, counter-piracy operations became more coordinated, as military assets were specifically dedicated to the task of counter-piracy. The policy changes enacted in the latter half of 2008 delineates the shift from the second to the third phase of counter-piracy operations off Somalia. By late 2008, counter-piracy had become a central focus of American military and diplomatic efforts in Horn of Africa region.

Unlike the shift to the second phase in 2005, which was closely linked to the “Seabourn Spirit” attack, this policy change cannot be tied to a single incident of piracy. Broadly, this policy shift occurred during a spike in pirate attacks off Somalia in late summer and autumn of 2008; a spike that also highlighted the failure of previous efforts to suppress piracy. More specifically, the shift to the third phase of the United States’ counter-piracy efforts was precipitated by three specific circumstances or events: the “Faina” hijacking in September 2008; al Shabaab’s successful campaign to gain control over much of southern Somalia — including a number of port towns; and intelligence reports stating that al Shabaab had made an alliance with pirate

⁴³ “The National Strategy for Maritime Security.”

⁴⁴ “Petraeus Appears before Armed Services Committee.”

organizations.

The shift to a more robust counter-piracy policy in late 2008 was most clearly exemplified by the establishment of Combined Task Force 151 (CTF-151), which began operating off Somalia in January 2009. Unlike CTF-150, which focused on maritime security and counter-terrorism, CTF-151's primary mission was "to disrupt piracy and armed robbery at sea...."⁴⁵ Together with this new naval taskforce, in November and December 2008, the outgoing Bush administration tried to garner support in the United Nations for military counter-piracy interventions ashore. While conducting military raids inside Somalia was opposed by some European allies and the policy was abandoned, the fact that the United States favored these measures demonstrates the seriousness with which it viewed the pirate threat during this phase.

The first challenge facing the international community in this phase was protecting WFP aid shipments to Somalia. The international community had been aware of possible attacks on WFP chartered ships since 2005. The political instability in the arid and drought prone Horn of Africa meant that in 2008, 2.4 million people in Somalia were reliant on food shipments to meet their basic nutritional needs.⁴⁶ As most of the food aid arrived by sea, any disruption of maritime shipping could put millions of Somalis at risk. Throughout 2007 and 2008 warships from several European countries had taken turns escorting food shipments to Somalia. In August a Canadian naval frigate took over escort duties, following an urgent plea from the WFP. The Canadian mission, however, was due to end in late September, with no warships slated to take over from the Canadians.⁴⁷

⁴⁵ "CTF 151: Counter-Piracy," *Combined Maritime Forces*, accessed September 14, 2015, <http://combinedmaritimeforces.com/ctf-151-counter-piracy/>.

⁴⁶ "Somalia," *World Food Programme*, accessed September 14, 2015, <http://www.wfp.org/countries/somalia>; Tim Fish, "Somalia Aid Could Suffer without Naval Escorts, Warns WFP," *Jane's Navy International*, June 27, 2008, www.janes.com.

⁴⁷ Edward Lucas, "Canadian Escort Prepares for Third Somali Aid Mission," *Jane's Navy International*, August 28, 2008, www.janes.com.

While the international community deliberated over how to best protect the WFP chartered ships after the Canadian escort mission ended, pirates continued to hijack ships that did not have the luxury of a designated warship to protect them. On a single day in August, three separate groups of pirates successfully hijacked three merchant vessels.⁴⁸ The following day NAVCENT established a maritime security patrol area (MSPA) in the Gulf of Aden in response to the recent flurry of hijackings. On 26 August, seven warships from CTF-150 began patrolling the zone, which was to serve as a buffer zone between Somalia and the recommended commercial transit sea-lanes to the north. State Department cables were clear to point out, however, that this new policy did not entail any operations to rescue ships already being held for ransom.⁴⁹ The details of decision-making process that led to the establishment of the MSPA have not been disclosed; however, as the decision to establish the patrol area did not entail a significant alteration of CTF-150's mandate, this policy was likely developed by CENTCOM, as these operational decisions fall within the purview of the Combatant Commander.

CTF-150's new operations coincided with French and Spanish efforts to develop a multinational counter-piracy fleet comprised of navies from European Union member states.⁵⁰ These efforts were designed to solve the problem of providing WFP escorts, as well as address piracy overall. France's efforts coincided with its assumption of the Presidency of the European Union, and, according to American and British diplomats in Europe, were a policy priority for President Nicolas Sarkozy. Spain's interests were viewed as being more parochial, and were

⁴⁸ Udo Ludwig and Holger Stark, "Piracy in the Gulf of Aden: German Shipowner Paid Ransom to Somali Pirates," *Spiegel Online*, September 16, 2008, sec. International, <http://www.spiegel.de/international/world/piracy-in-the-gulf-of-aden-german-shipowner-paid-ransom-to-somali-pirates-a-578495.html>; IMB, "Piracy and Armed Robbery against Ships - 2008."

⁴⁹ "Somalia — Piracy Spikes, Coalition Navies Begin Patrols," August 22, 2008.

⁵⁰ Edward Lucas, "France, Spain Float Plan for Anti-Pirate Force for Somalia," *Jane's Navy International*, August 2008.

focused on protecting its substantial fishing fleet.⁵¹ Although the United States did not publically oppose the proposed European Union Naval Force (EU NAVFOR) action off Somalia, Washington preferred to cooperate with European militaries through NATO rather than the European Union. This view was shared by the United Kingdom, who actively delayed the establishment of the European Union mission.⁵² Together with the high degree of interoperability developed over the decades, American diplomats stated that NATO allowed the United States to “sit at the same table with our European Allies on an equal footing,” use American military commanders, and veto any undesired actions.⁵³ Washington also expressed concern that an EU NAVFOR counter-piracy mission would reduce European countries’ naval contributions to Operation Enduring Freedom, and existing NATO commitments. The American government’s concern that counter-piracy operations could divert allied naval asset away from counter-terrorism missions also extended to the Canadians’ decision to protect WFP shipments — a decision described as “of particular concern” in a diplomatic cable from Washington signed by Secretary of State Condoleezza Rice.⁵⁴

On 27 August, the day after CTF-150 patrols of the MSPA began, at a meeting of the North Atlantic Council, the United States envoy raised the possibility of a NATO counter-piracy mission off Somalia.⁵⁵ Over the subsequent weeks, American diplomats also tried unsuccessfully to get European allies to shift the discussion of an international counter-piracy fleet from the European Union to NATO.⁵⁶ The Europeans’ efforts resulted in the establishment of EU NAVFOR’s first ever mission, Operation Atalanta, which arrived off the coast of Somalia in

⁵¹ “Anti-Piracy: UK Mission to EU Views on the State of Play,” September 4, 2008..

⁵² Ibid.

⁵³ “Demarche Request: FR Must Not Block NATO Counter-Piracy Discussion,” 26 August, 2008.; “Using NATO to Address Piracy and Engage the European Union,” October 8, 2008.

⁵⁴ “Demarche Request: FR Must Not Block NATO Counter-Piracy Discussion.”

⁵⁵ Ibid.

⁵⁶ “Request for Escort Assistance for World Food Program Shipments to Somalia,” 22 September, 2008.

December 2008.⁵⁷

As these discussions were ongoing, the rate of pirate attacks off Somalia continued to increase.⁵⁸ On 25 September, Somali pirates captured the Belize flagged, Ukrainian owned cargo ship “Faina” as it was proceeding to Mombasa, Kenya.⁵⁹ Unbeknown to the pirates, the “Faina” was carrying a shipment of arms, including thirty-three Soviet-made T-72 main battle tanks, forty-two anti-aircraft guns, thirty-six rocket propelled grenade launchers, and six self-propelled multiple rocket launcher systems, together with tens of thousands of rounds of ammunition.⁶⁰ The weapons had been sold by the Ukrainian government and were ultimately destined for Sudanese People’s Liberation Army (SPLA) in what is now South Sudan. Although the United States government had been concerned about the potential for a nexus between piracy and terrorism in East Africa, the “Faina” attack was the clearest example of a hijacking being viewed as a direct security threat to the region. The United States government’s principal concern was that the pirates would offload the weapons and sell them to al Shabaab. The fear that the weapons would end up in the hands of a radical Islamist terrorist organization dominated Washington’s response to the hijacking. In diplomatic cables dispatched immediately after the hijacking, the State Department stressed that “it is extremely important to ensure the cargo of the ‘Faina’ is not offloaded in Somalia....” And that the “Department is deeply concerned that the armaments may fall into al-Shabaab’s hands if off-loaded from the vessel in Somalia.”⁶¹ On September 30, a Pentagon spokesman told reporters that “our concern is making sure that this

⁵⁷ Glen Forbes (former Royal Navy staff officer at EU NAVFOR Headquarters), interview with author, 16 September, 2015.

⁵⁸ There were twenty-six reported actual and attempted attacks by Somali pirates in September, compared with eleven in August. IMB, “Piracy and Armed Robbery against Ships - 2008.”

⁵⁹ Helmoed-Romer Heitman, “Somali Pirates Seize Arms Shipments,” *Jane’s Defence Weekly*, September 2008.

⁶⁰ “Notification of Affected States: Hijacking of Belize-Flagged Cargo Ship M/V Faina, IMO Number 9419377,” September 27, 2008.

⁶¹ “Notification of Affected States: Hijacking of Belize-Flagged Cargo Ship M/V Faina, IMO Number 9419377.”

cargo does not end up in the hands of anyone who would use it in a way that would be destabilizing to the region.”⁶²

Although media reports tended to focus on the T-72 tanks, Washington’s principal concern were the rocket propelled grenade launchers and ammunition, which could be offloaded and transported with relative ease. To ensure that the weapons stayed onboard, a United States naval ship shadowed the hijacked vessel as it proceeded to an anchorage point near Hoybo in southern Puntland. Once at anchor, several American warships maintained a constant watch over the “Faina.” Washington also considered most robust actions, including disabling fire or conducting an opposed boarding to take back the ship.⁶³ The “Faina” and its crew remained in Somalia until February 2009 when a \$3.2 million ransom was paid and the ship was released. Although most crewmembers were not physically harmed during their traumatic five month ordeal, the “Faina’s” Russian captain died of an apparent heart attack in the initial assault.⁶⁴

The “Faina” was one of nine ships hijacked in September 2008, a monthly record at the time.⁶⁵ The surge in attacks lead to further action from the United Nations Security Council, which adopted Resolution 1838 in early October. The Resolution called for renewing the provisions provided in Resolution 1816 and called on states “to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft....”⁶⁶ United Nations Secretary General Ban Ki-Moon also reiterated calls for naval vessels to escort WFP shipments, a request he put directly to NATO. The Canadian

⁶² Michael J. Carden, “Ukrainian Ship Hijacking Causes Concern at Pentagon” (Lanham, MD: Federal Information & News Dispatch, Inc., September 30, 2008).

⁶³ “Notification of Affected States: Hijacking of Belize-Flagged Cargo Ship M/V Faina, IMO Number 9419377.”

⁶⁴ Sam Jones and Chris McGreal, “Somali Pirates Release Ukrainian Arms Ship,” *The Guardian*, February 6, 2009, sec. World news, <http://www.theguardian.com/world/2009/feb/05/somali-pirates-free-military-ship>.

⁶⁵ IMB, “Piracy and Armed Robbery against Ships - 2008.”

⁶⁶ “Security Council Asks Nations with Military Capacity in Area to ‘Actively Fight Piracy’ On High Seas Off Somalia,” *United Nations*, October 7, 2008, <http://www.un.org/press/en/2008/sc9467.doc.htm>.

permanent representative to NATO also pushed other NATO members to act.⁶⁷ Although in August Washington had expressed concern that escorting WFP shipments would divert naval assets away from counter-terrorism operations, American representatives at NATO now supported these requests.⁶⁸

While the NATO operation ensured that WFP chartered ships were protected from being hijacked, the deployment did little to protect shipping more generally. During the month-and-a-half long mission, Somali pirates hijacked ten commercial ships, including five during a four day period in mid-November.⁶⁹ The most notable incident during this string of attacks came on 15 November, when a group of pirates hijacked the Saudi owned, Liberian flagged “Sirius Star,” 450 miles off the coast of East Africa. The 318,000 ton, 1090 foot “Sirius Star,” which classified it as a Very Large Crude Carrier (VLCC), was perhaps the largest ship ever hijacked by pirates, Somali or otherwise.⁷⁰

Attacks, such as those on the “Faina” and “Sirius Star” made the failure of the piecemeal approach to counter-piracy clear to United States government officials. In late November, American diplomats began discussions with foreign counterparts, in an effort to develop a more coordinated international approach to counter-piracy that included both diplomatic and military efforts.⁷¹ These efforts included high level meetings, such as between Secretary Rice and Danish Prime Minister Anders Fogh Rasmussen. Rasmussen, who became NATO’s Secretary General the following year, expressed his concern that piracy and terrorist organization in Somali “may make common cause if the international community does not soon act.”⁷² Rasmussen’s concern

⁶⁷ “Readout: October 1 North Atlantic Council Meeting,” October 3, 2008.

⁶⁸ “Using NATO to Address Piracy and Engage the European Union,” October 8, 2008. Available at:

⁶⁹ “ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2008.”

⁷⁰ Robert F. Worth, “Pirates Seize Saudi Tanker Off Kenya,” *The New York Times*, November 2008.

⁷¹ “Demarche: Enhancing Efforts to Combat Piracy,” November 26, 2008. Available at:

⁷² “Secretary Rice’s December 5, 2008 Meeting with Danish Prime Minister Anders Fogh Rasmussen,” December 15, 2008. Available at:

about a nexus between piracy and terrorism was not a new concept; policymakers had been worried about this since the 2005 “Seabourn Spirit” attack. The dramatic increase in Somali piracy in 2008, however, gave these concerns a renewed impetus. The fears were heightened by intelligence reports that al Shabaab and the pirate organizations were already cooperating. In late October the respected publication *Jane’s Terrorism and Security Monitor* reported that confidential sources in Somalia had confirmed cooperation between pirates and al Shabaab ranging “from business deals to loose operational interactions and outright control of pirate groups by the Shabab [*sic*]....” *Jane’s* sources went on to claim that in mid-2008 al Shabaab established a maritime force comprised of nearly 500 militiamen, which was being trained by the pirates. Al Shabaab’s maritime component was tasked with smuggling foreign jihadists into Somalia, together with sophisticated weapons, such as “man-portable surface-to-air missile systems, guided anti-tank weapons and explosives.”⁷³ The *Jane’s* report was later picked up by the BBC News.⁷⁴

The United States government was also receiving classified intelligence reports of a growing pirate/terrorist nexus in Somalia. In a November 2008 diplomatic cable, the United States embassy in Nairobi relayed information to Washington from a Somali source, stating that “al-Shabaab is using piracy ransoms to fund its armed opposition.”⁷⁵ In December, another cable stated that there “are reports that al-Shabaab’s federated groups have their sites [*sic*] set on the Puntland pirate capital of Hobyo, in order to share in the financial windfall that ship hijackings bring.”⁷⁶ The significance of Hobyo — where the “Faina,” and its cache of weapons remained at

⁷³ Bruno Schiemsy, “Unholy High Seas Alliance,” *Jane’s Terrorism and Security Monitor*, October 31, 2008, www.janes.com.

⁷⁴ Martin Plaut, “Pirates ‘Working with Islamists,’” *BBC*, November 19, 2008, http://news.bbc.co.uk/2/hi/in_depth/7737375.stm.

⁷⁵ “Somalia – ARS Leaders Ready for Radical Change,” November 17, 2008. Available at:

⁷⁶ “Somalia – Al-Shabaab Gains but Battles Continue,” December 11, 2008. Available at:

anchor — was likely not lost on policymakers in Washington.

Compounding the concerns over a possible connection between terrorists and pirate organizations was al Shabaab's successful military campaign, which saw the militant organization gain control over much of southern and central Somalia. These territorial gains included several port towns, including Haradheer, one of the principal anchorage locations for pirated vessels at this time, including the "Sirius Star."⁷⁷ Together with conventional military operations, al Shabaab also expanded its use of terrorism during this period. On October 29 a coordinated attack by six suicide bombers killed at least thirty people in Hargeisa, Somaliland, and Bosaso, Puntland.⁷⁸

At the United Nations, the Security Council adopted another resolution on Somali piracy (UNSCR 1846) on 2 December that extended counter-piracy provisions enacted in UNSCR 1816 for twelve months and allowed states and regional organizations to use "all necessary means" to combat pirates.⁷⁹ In the weeks leading up to the vote on UNSCR 1846, American diplomats had pushed for the inclusion of the phrase "all means necessary" to be included in the resolution.⁸⁰ The outgoing Bush administration wanted these means to include raids inside Somalia to target pirate assets ashore, and attempted to garner support for the idea from other countries in December.⁸¹ In a cable from Washington, United States representatives were instructed to argue

<http://cables.mrkva.eu/cable.php?id=182331>.

⁷⁷ World Bank, "The Pirates of Somalia: Ending the Threat, Rebuilding the Nation," 2013, 150.

⁷⁸ David Johnston, "Militants Drew Recruit in U.S., F.B.I. Says," *The New York Times*, February 23, 2009, <http://www.nytimes.com/2009/02/24/washington/24fbi.html>.

⁷⁹ "Security Council Decides States, Regional Organizations May Use 'All Necessary Means' to Fight Piracy Off Somalia Coast for 12-Month Period," *United Nations*, December 2, 2008, <http://www.un.org/press/en/2008/sc9514.doc.htm>.

⁸⁰ "Somalia Piracy: Demarche Instructions for UK and French Governments," November 15, 2008. Available at: <http://www.scoop.co.nz/stories/WL0811/S01378/cablegate-somalia-piracy-demarche-instructions-for-uk-and.htm>

⁸¹ Neil MacFarquhar, "U.S. Proposes Going Ashore To Hunt Pirates," *New York Times*, December 11, 2008.

that pursuing pirates on land.⁸²

Despite these efforts, plans to expand the international community's counter-piracy intervention ashore were rebuffed by some key allies, like Germany, which feared "being 'dragged into' a ground war in Somalia."⁸³ The United States' efforts to garner support for military intervention on land represent the most forceful counter-piracy policy proposal found in this entire case. These efforts stand in stark contrast to Washington's previous counter-piracy policies examined in this case, which either ignored piracy (1991-2005) or took a piecemeal approach to the problem (2005-2008). The details of the American decision-making process leading up to the December proposal have not been disclosed to date; however, it is clear that the decision to press for a military intervention inside Somalia would have had to have come from the Oval Office. Diplomatic cables and press reports also demonstrate that Secretary Rice was personally invested in building support for the proposal, appearing at the United Nations Security Council and meeting with foreign diplomats to build support for a more robust response to piracy.⁸⁴

Although the Bush Administration failed to get international support for attacking pirates in their "nests", it did find wide support for establishing a Contact Group to improve coordination between states and organizations interested in combatting piracy.⁸⁵ The role of the proposed Contact Group was first outlined in the December 2008 United States National Security Council document *Countering Piracy off the Horn of Africa: Partnership & Action Plan*.⁸⁶

⁸² "Horn of Africa Piracy: Formation of Contact Group," December 10, 2008. Available at:

⁸³ "Germany Supports Contact Group, but Wary of any Discussion of Pursuing Pirates Ashore," December 12, 2008. Available at:

⁸⁴ "Horn of Africa Piracy: Formation of Contact Group," December 10, 2008.

⁸⁵ "Somalia: Instructions on Tabling our Resolution on Somalia Piracy," December 10, 2008. Available at:

⁸⁶ "Countering Piracy off the Coast of Somalia: Partnership & Action Plan" (Washington, DC: National Security Council, December 2008).

On 16 December the United Nations Security Council unanimously adopted Resolution 1851, which encouraged states and organizations to “establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia’s coast....”⁸⁷ As a result, the Contact Group on Piracy off the Coast of Somalia (CGPCS) was established the following month in New York.^{88 89}

The inaugural meeting of the CGPCS was held on 13 January, 2009. On that same day NAVCENT stood up a new counter-piracy taskforce: CTF-151. Unlike CTF-150, the new taskforce’s mandate was dedicated to primarily counter-piracy, rather than counter-terrorism. In testimony to the House Armed Services Committee on 5 March 2009, NAVCENT Commander, Vice Admiral William Gortney, explained the need for CTF-151 for two principal reasons.⁹⁰ First counter-piracy operations had distracted CTF-150 from its principal missions of counter-terrorism and maritime security. Second, some of the foreign navies participating in CTF-150 did not have the authorization from their national governments to conduct counter-piracy operations.⁹¹ While CTF-151 required reorganizing the command structure of Combined Maritime Forces, its establishment did not entail deploying additional United States naval vessels to CENTCOM’s AOR.⁹² Instead, CTF-151 units were draw from Fifth Fleet assets already

⁸⁷ “Security Council Authorizes States to Use Land-Based Operations in Somalia, as Part of Fight Against Piracy off Coast, Unanimously Adopting 1851 (2008),” *United Nations*, December 16, 2008, <http://www.un.org/press/en/2008/sc9541.doc.htm>.

⁸⁸ Captain Owen Doherty (Former director, Security Office, United States Maritime Administration), interview with author, October 2, 2015.

⁸⁹ Douglas Stevenson (Director of the Center for Seafarers Rights, Seaman’s Church Institute), interview with author, September 11, 2015.

⁹⁰ Based in Bahrain, the NAVCENT Commander also serves as the Commander of the United States Navy’s Fifth Fleet and of Combined Maritime Forces (CMF).

⁹¹ *Combating Piracy on the High Seas* (Washington, DC, 2009) Statement of VADM William Gortney. “New Counter-Piracy Task Force Established,” January 8, 2009, http://www.navy.mil/submit/display.asp?story_id=41687.

⁹² Although Somalia fell within the newly established Africa Command (AFRICOM) AOR, the waters off the Horn of Africa remained part of CENTCOM. (Author’s interview with a former United States Navy senior officer with

stationed in Bahrain.⁹³

CTF-151 joined the European Union's Operation Atalanta, as the second multi-national counter-piracy fleet patrolling the waters off Somalia. In March they were joined by a third multi-national fleet, NATO's Operation Allied Protector, later to become Operation Ocean Shield.⁹⁴ Together these multinational fleets comprised the "Big Three" in terms of counter-piracy operations off the Horn of Africa. Although the international fleets' missions and compositions differed somewhat, they were able to establish a high degree of operational coordination and cooperation in combatting piracy.⁹⁵ The three organizations also frequently shared information informally, which helped to avoid any potential political friction, particularly those arising from European Union and NATO cooperation.⁹⁶

In total more than two dozen states contributed naval ships to counter-piracy operations off Somalia between late-2008 and 2014. The "Big Three" were joined by independent deployments from navies from around the world. These ships operated independently for a variety of reasons. Some countries, like Japan, were prohibited from officially joining international naval operations overseas because of domestic laws.⁹⁷ Others, such as Russia and China, were excluded because of national security concerns (both their own and others'). While levels of cooperation with these independent naval missions varied, the United States Navy did cooperate to a certain degree with nearly all other state actors. For example, South Korean

command experience in the region, September 7, 2015.)

⁹³ Captain (ret.) Peter Brennan, USN (former commander of Amphibious Squadron 5 and participant in CTF-151), interview with the author, September 10, 2015.

⁹⁴ "Counter-Piracy Operations," *NATO*, accessed September 23, 2015, http://www.nato.int/cps/en/natohq/topics_48815.htm; Edward Lucas, "NATO Continues Counter-Piracy Mission," *Jane's Navy International*, April 28, 2009, www.janes.com.

⁹⁵ Forbes, interview.

⁹⁶ "Working with the EU's [sic] Counter-Piracy Headquarters," February 12, 2009. Available at:

⁹⁷ Rear Admiral Yuki Sekiguchi, JMSDF (Defense and Naval Attaché, Embassy of Japan, Washington, DC), interview with author, September 8, 2014.

warships would sometimes join CTF-151 operations when not tasked with convoying Korean flagged ships through the Gulf of Aden.⁹⁸ The Chinese and American taskforce commanders were also able to pay visits to one another's flagships in March 2009, despite the two navies sometimes having to communicate via civilian email accounts.⁹⁹ Perhaps the only navy participating in counter-piracy operations off Somalia with which the United States did not cooperate was Iran.¹⁰⁰ Although there is no indication that Iran sought to coordinate its own counter-piracy efforts with the broader international community's operations, the United States and French governments still thought it necessary to discuss barring Iranian assets from participation in both naval operations and the CGPCS. One possibility considered was to develop an "objective criteria" that would exclude Iran without having to name it specifically. The French favored excluding countries that faced United Nations non-proliferation sanctions. The Americans preferred what they considered more positive language, such as "all countries are welcome to participate except those currently subject to UN or other international sanctions."¹⁰¹

The Iranian issue aside, cooperation between the plethora of navies participating in counter-piracy off Somalia — particularly those operating within the "Big Three" — was high. Although some navies chose to operate a convoy system for their own flagged ships, the United States and its CMF, NATO, and EU NAVFOR partners preferred to patrol the waters between an Internationally Recommended Transit Corridor (IRTC) in the Gulf of Aden and the Somali coast. Together with keeping a lookout out for suspicious vessels, the naval units would respond to distress calls from any mariners, regardless of flag state.¹⁰²

⁹⁸ Interview with a senior officer in the United States Navy who participated in CTF-151, 10 September, 2015.

⁹⁹ McKnight and Hirsh, *Pirate Alley*, 172–175.

¹⁰⁰ Rear Admiral (retired) Terrence McNight, "Pirate Alley: Commanding Task Force 151 off Somalia" (lecture, Jewish Institute for National Security Affairs, Washington, DC, December 17, 2012); Forbes, interview.

¹⁰¹ "Horn of Africa: French Favor Inclusive Approach but Want Control Mechanism to Prohibit Certain Countries from Participating," July 17, 2009.

¹⁰² Interview with a senior officer in the United States Navy who participated in CTF-151, 10 September, 2015.

By early 2009 the international community was undertaking an unprecedented response to piracy off Somalia in both the diplomatic and military spheres. Unfortunately for the seafarers operating the merchant ships transiting through region, these efforts did not curtail piracy, as 2009 proved to be another record-setting year for Somali pirates. In 2008, the IMB attributed 111 actual and attempted attacks to Somali pirates; in 2009 this number increased to 217. The attacks in 2009 included forty-eight successful hijackings, which resulted in 867 merchant sailors being taken hostage. As the international community deployed warships to protect shipping in the IRTC, Somali pirates began to shift the geographic location of their attacks further into the Arabian Sea and Western Indian Ocean. In 2008 the IMB warned of attacks taking place “almost 500 nautical miles from the [Somali] coast;”¹⁰³ by 2009 the warning had more than doubled to over 1000 nautical miles.¹⁰⁴ Somali pirates were now hijacking ships from the Omani coast in the Arabian Peninsula to the waters off Tanzania and Madagascar in southern Africa — an area twice the size of continental Europe.¹⁰⁵ Several of these attacks were carried out against VLCCs comparable in size to the “Sirius Star.”¹⁰⁶

Of all the attacks carried out by Somali pirates, none garnered more attention in the United States — both from government and the general public — than the attack on the American flagged “Maersk Alabama” on 8 April, 2009. The container vessel was owned by Maersk Line, Ltd., an American subsidiary of the Danish conglomerate A.P. Moller-Maersk Group, one of the largest shipping companies in the world. The “Maersk Alabama” was also a part of the Maritime Security Program (MSP), which provides the Department of Defense with a

¹⁰³ IMB, “Piracy and Armed Robbery against Ships - 2008.”

¹⁰⁴ IMB, “ICC International Maritime Bureau: Piracy and Armed Robbery against Ships - Annual Report 2009,” 2010.

¹⁰⁵ Robert Wright, “Daunting Challenge of Pirates’ Growing Range,” *Financial Times*, February 14, 2011, <http://www.ft.com/cms/s/0/34c7af5c-386a-11e0-959c-00144feabdc0.html#>.

¹⁰⁶ “ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2009,” 2010.

fleet of privately owned United States flagged commercial vessels “to meet national defense and other security requirements.”¹⁰⁷ The MSP’s federally contracted fleet is used to transport American military equipment and some other government property around the globe. In order to participate in the program, ships are required to be United States flagged. Participation in the MSP is one of the main incentives for shippers to register in the United States, rather than using “flags of convenience,” such as Panama, the Marshall Islands, or Liberia.¹⁰⁸

The “Maersk Alabama” was hijacked by four pirates while en route to Mombassa; however, the pirates were never able to gain full control of the crew of twenty United States citizens, most of whom had locked themselves in a secure room. At one point the crew captured one of the Somalis and attempted to exchange him for the ship’s captain, Richard Phillips. The American’s plan failed, however, and the four pirates were able to escape in a lifeboat with Phillips as a hostage.¹⁰⁹ In response to the attack and Phillips’ kidnapping, NAVCENT dispatched the USS “Bainbridge,” USS “Halyburton,” and USS “Boxer” to intercept the “Maersk Alabama” and the lifeboat. All three ships had been deployed to the region as part of CTF-151, although at the time of the attack USS “Bainbridge” had also been supporting counter-terrorism operations ashore in Somalia.¹¹⁰ Within hours the American warships intercepted the lifeboat and after tense negotiations, convinced the Somalis to allow them to take the lifeboat under tow. As the pirates attempted to negotiate a way out of their predicament, the tow cable was gradually shortened until the lifeboat was only twenty-five meters astern of the “Bainbridge.” This put the pirates well within range of the Navy SEAL snipers who were positioned on the warship. When

¹⁰⁷ “Maritime Security Program (MSP),” *MARAD*, accessed September 25, 2015, <http://www.marad.dot.gov/ships-and-shipping/strategic-sealift/maritime-security-program-msp/>.

¹⁰⁸ Bonser interview.

¹⁰⁹ Richard Phillips and Stephan Talty, *A Captain’s Duty: Somali Pirates, Navy SEALs, and Dangerous Days at Sea* (New York: Hachette Books, 2011); Marine Officer, “The Real Story of the MAERSK Alabama,” *M.E.B.A. Marine Officer*, Summer 2009.

¹¹⁰ McKnight and Hirsh, *Pirate Alley*, 133.

it appeared that Phillips' life was in imminent danger, the snipers fired into the lifeboat, killing three of the pirates. The fourth pirate, Abduwali Muse, was onboard the "Bainbridge" at the time, for what he thought were negotiations. Muse subsequently pled guilty to hijacking, kidnapping, and hostage-taking charges in a New York court. He is currently serving a thirty-three year prison sentence in Indiana.¹¹¹ Although the thwarted attack on the "Maersk Alabama" was viewed as an example of American military prowess, like the attacks on the "Faina" and "Sirius Star," it also demonstrated the increased capability of Somali's pirates to operate far offshore.

The "Maersk Alabama" attack and the subsequent high profile rescue of Captain Phillips generated considerable media attention in the United States. The incident, as well as the failed attack on another American flagged vessel, "Liberty Sun," the following week, on 14 April, also led to increased attention to maritime piracy in both the executive and legislative branches of the United States government. On 15 April, Secretary of State Hillary Clinton announced a plan to seize the assets of suspected pirate financiers.¹¹² In the subsequent weeks, Congress held a series of committee hearings on Somali piracy. On 30 April, Phillips and John Clancy, the Chairman of Maersk, Inc., testified before the Senate Foreign Relations Committee. Much of the hearing focused on the issue of placing armed security personnel onboard ships. Phillips stated the need for the United States military to provide armed guards to protect American flagged ships. While Clancy addressed the issue of arming merchant ships more broadly, he also testified that there were ongoing discussions with the Department of Defense regarding protection for United States flagged merchant ships.¹¹³ The issue of armed guards on American ships was also the focus of a

¹¹¹ Chad Bray, "Somali Man Sentenced to More Than 33 Years in Hijacking of Ships," *Wall Street Journal*, February 16, 2011, sec. US, <http://www.wsj.com/articles/SB10001424052748703373404576148393224867726>.

¹¹² "Clinton Announces Plan to Seize Assets to Thwart Rise of Piracy," *The Guardian*, April 16, 2009, <http://www.theguardian.com/world/2009/apr/16/hillary-clinton-piracy-asset-seizure-somalia>.

¹¹³ *Confronting Piracy off the Coast of Somalia*: Hearing before the Comm. on Foreign Relations of the United States Senate, 111th Cong. 101 (2009) (statements of Capt. Richard Phillips, Master of the MV "Maersk Alabama," and John Clancy, chairman, Maersk, Inc.).

Coast Guard and Maritime Transportation subcommittee hearing in early May. Executives from the American shipping industry and seafarer unions took the opportunity to raise their displeasure with Department of Defense for not providing security teams for United States flagged merchant vessels.¹¹⁴

Despite the pressure from some United States flag operating shipping companies, Washington did not deploy military personnel to protect privately owned American ships in most cases.¹¹⁵ Some exceptions included ships carrying particular types of Department of Defense equipment,¹¹⁶ and the “Maersk Alabama” after the April 2009 attack, which received government maritime security teams.¹¹⁷ Although most American ships were not provided with military anti-piracy guards, the United States Maritime Administration (MARAD), Naval Criminal Investigative Service (NCIS), and the Coast Guard sent Anti-Piracy Assistance Teams (APAT) for voluntary inspections of all United States flagged ships in port. Inspectors provided ships with an assessment of their vulnerability to piracy.¹¹⁸

By 2009, the wealth being generated by piracy dwarfed that of the subsistence pirates of the 1990s and early 2000s. This was due not only to an increase in the number of ships hijacked, but also in the ransoms paid for ships and crews. In 1998 a fishing vessel held by Somali pirates was released after the payment of a \$300,000 ransom; in 2009 the Belgian-owned dredger “Pompeii” was ransomed for \$3 million. In January 2010, the VLCC “Maran Centaurus” was ransomed for between \$5.5 million and \$7 million — one of the largest ransom amount ever paid to Somali

¹¹⁴ *Piracy Against U.S.-Flagged Vessels: Lessons Learned*: Hearing before the Sub. Comm. On Coast Guard and Maritime Transport of the Comm. On Transportation and Infrastructure of the House of Representatives, 111th Cong. 35 (2009).

¹¹⁵ Kevin Doherty (President, Nexus Consulting), interview with author, September 2, 2015.

¹¹⁶ Bonser interview.

¹¹⁷ O. Doherty interview.

¹¹⁸ O. Doherty interview.

pirates at the time.¹¹⁹ As ransom payments fueled more piracy, the United States government tried to pressure the maritime industry to refuse to meet the pirates' demands.¹²⁰ A refusal to pay ransoms that was strictly adhered to might have been effective in curtailing piracy; however, while Somali pirates usually do not purposefully physically harm their captives, they have killed hostages if they perceive that ransom payments are being unduly delayed.¹²¹ A blanket refusal to pay ransoms would likely have meant death for some of the hundreds of sailors held hostage in Somalia during this period. For large shipping companies and insurers, the costs of paying even multimillion dollar ransoms was generally preferable to allowing ships and cargoes to remain in the hands of pirates for prolonged periods.

Despite the combined efforts of the international community, Somali pirates continued to prosper in 2010 and 2011. The records set in 2009 for number of attempted and actual attacks did not remain on the books for long. In 2010 pirates carried out a reported 219 attacks on ships and successfully hijacked forty-nine. They also kidnapped 1,016 sailors, of which 638 were still being held hostage at the end of 2010. Eight seafarers were killed in pirate attacks or in rescue attempts by security forces.¹²² The following year saw even a greater number of reported piracy incidents, as Somali pirates carried out 236 actual and attempted attacks. While the overall number of incidents increased in 2011, the number of ships successfully hijacked decreased from 2010 by forty-three percent to twenty-eight.¹²³ The pirates declining success rate was due to two

¹¹⁹ "Somali Pirates Battle over Ransom," *BBC*, January 18, 2010, sec. Africa, <http://news.bbc.co.uk/2/hi/africa/8464737.stm>.

¹²⁰ Brent Lang, "Gates: Stop Paying Ransom To Pirates - Political Hotsheet," April 2009, http://www.cbsnews.com/8301-503544_162-4952864-503544.html.

¹²¹ For an account of how a group of pirates treated the crews of one ship whose owners refused to pay a ransom, see James Verini, "Escape or Die," *The New Yorker*, April 20, 2015, <http://www.newyorker.com/magazine/2015/04/20/escape-or-die>.

¹²² "ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2009."

¹²³ IMB, "ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2011," 2012.

key factors. First, as more merchant ships began implementing the BMPs, which included increased passive defensive measures, such as barbed wire and water cannons, climbing on board became increasingly difficult for pirates. If the pirates did manage to gain access to the ship, crews were often able to lock themselves in a safe room until international military forces could arrive on scene. Second, by 2011 many shipping companies had overcome their reservations and began to employ private armed anti-piracy guards on board their ships. Climbing on board a large merchant ship from a small skiff underway in the open ocean is a difficult and dangerous undertaking; with people shooting at you it becomes nearly impossible. To date, no ship with armed security guards has been hijacked by Somali pirates. The maritime industry's initial fears that armed guards onboard ships would lead to increased violence has also proved unfounded. In general, pirates have chosen to stay clear of merchant ships carrying armed security personnel, rather than engage in firefights at sea.

The factors that made piratical attacks less likely to succeed in 2011, helped precipitate the collapse of the Somali pirate model by mid-2012; there were no successful hijackings of ships at sea off Somalia in the second half of 2012.¹²⁴ This trend continued in 2013, when Somali pirates hijacked just two vessels: an Indian dhow and an Iranian fishing vessel. In 2014 no ships were successfully hijacked by Somali pirates, with only eleven reported attempted attacks. Together with the factors listed above, the decline of piracy off the Horn of Africa was hastened by prosecutions of suspected pirates in neighboring countries, such as Kenya and the Seychelles. Political changes within Somalia, which has become relatively more stable over the past several years, also likely contributed to the end of largescale piracy.

The near complete absence of Somali pirate attacks since 2012 has not led to the

¹²⁴ IMB, "ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2012," 2013.

disappearance of the counter-piracy measures put in place in 2008 and 2009. CTF-151, EU NAVFOR, and NATO still conduct counter-piracy operations in the region, and the CGPCS continues to meet.¹²⁵ Many merchant ships also still employ armed anti-piracy guards on board ship and shipping companies continue to pay additional insurance premiums for transiting through region.¹²⁶ While some of these measures, such as naval patrols, have been reduced, there is no indication that these measures will be done away with entirely. While Somali piracy may be largely gone, it appears that that counter-piracy is here to stay — at least for the foreseeable future.

Phase III: Conclusion

The United States' concerted efforts to combat piracy off Somalia during this phase cannot be explained through only one causal explanation. In the particular case of the "Maersk Alabama," the United States responded to protect an American ship and American citizens under threat. This, however, does not explain the United States' decision to undertake more resolute actions against piracy in 2008 — such as the establishment of CTF-151 and the proposal to conduct raids inside Somalia — several months prior to the "Maersk Alabama" attack. Instead, the basis for this decision was predicated on three additional causal explanations. First, and most significantly, counter-piracy remained subordinate to the United States' broader strategic interests of combatting radical Islamic terrorist organizations like al Shabaab. Second, by late 2008, Somali piracy was perceived as a threat to international maritime trade. This threat also led

¹²⁵ NATO's Operation Ocean Shield no longer deploys warships part of SNMG1 and SNMG2 to Somalia for counter-piracy. NATO now periodically deploys individual naval units to the Horn of Africa. See: "Danish Ship HDMS ABSALON Joins NATO's Counter-Piracy Operation OCEAN SHIELD Visits Jordan," *NATO: Maritime Command*, September 29, 2015, <http://www.mc.nato.int/PressReleases/Pages/Danish-ship-HDMS-ABSALON-joins-NATO%E2%80%99s-Counter-Piracy-Operation-OCEAN-SHIELD-visits-Jordan.aspx>.

¹²⁶ K. Doherty interview; Bonser interview.

to a concerted lobbying effort by the maritime industry, which did influence United States counter-piracy policies in some limited instances, such as placing military anti-piracy guards on board some American flagged vessels. While a number of explanations are present in this within case analysis, the United States' principal motivation for conducting counter-piracy operations off Somalia during this phase derived from critical national security interests in combatting terrorism. This explanation is necessary for understanding the United States' military interventions to combat piracy across all three phases.

Conclusion

Over the past two decades, the United States, together with more than twenty other states, has deployed dozens of warships and spent billions of dollars in an effort to suppress piracy off the Horn of Africa.¹²⁷ The United States government's principal motivation for undertaking these military interventions has been because counter-piracy operations fit into its broader strategic goal of combatting Islamic terrorist organizations in the region. While there is no evidence of any substantial links between pirates and terrorists in Somalia, the fear of a potential nexus between the two types of organizations provided a compelling incentive for American policymakers. These fears were reflected in public policy documents, such as the 2005 *National Strategy for Maritime Security*,¹²⁸ as well as diplomatic cables,¹²⁹ and public statements from senior military officers, like General Petraeus.¹³⁰ The United States' concerns over a nexus between terrorism and piracy were also reflected in its response to specific pirate attacks. Prior to

¹²⁷ Anna Bowden, "The Economic Costs of Somali Piracy 2011," 2012, http://oceansbeyondpiracy.org/sites/default/files/economic_cost_of_piracy_2011.pdf.

¹²⁸ "The National Strategy for Maritime Security."

¹²⁹ For example, see "Secretary Rice's December 5, 2008 Meeting with Danish Prime Minister Anders Fogh Rasmussen."

¹³⁰ "Petraeus Appears before Armed Services Committee."

November 2005, the United States government took very little notice of Somali piracy. Following the attempted attack on the cruise ship “Seabourn Spirit,” which was described as “bordering on terrorism,” American warships began conducting counter-piracy patrols off Somalia. The United States’ response to the “Golden Nori” and “Faina” attacks in 2007 and 2008, respectively, also support this causal explanation. In both instances, the ships’ cargoes were seen as posing a national security threat, and thus elicited a robust military response. The “Faina” hijacking was also an important factor in the shift from the ad hoc approach to counter-piracy of the second phase, to the more coordinated efforts of the third. The concerns that the “Faina’s” cargo of weapons would fall into the hands of al Shabaab were heightened by the militant organization’s military victories in 2008, which saw it gain control of much of southern and central Somalia, including port towns like Harardheere. Intelligence reports in diplomatic cables, as well as in open source material, claimed that al Shabaab and the pirates had made an “unholy alliance.”¹³¹ For several years, the United States government had spoken about the possible development of a nexus between piracy and terrorism. In the autumn of 2008, this nexus was perceived by policymakers to be coming to fruition. As a result, the outgoing Bush administration proposed conducting military raids ashore to combat piracy — the most robust policy considered in this entire case.

While the nexus between piracy and terrorism never materialized, the nexus between counter-piracy and counter-terrorism continued to play a central role in United States policy towards the Somali pirates. Even without a direct link between pirates and al Shabaab, the deployment of military assets off the Somali coast under the banner of counter-piracy can assist counter-terrorism operations ashore. For example, although the USS “Bainbridge” was assigned

¹³¹ Schiemsy, “Unholy High Seas Alliance.”

to CTF-151, it was supporting counter-terrorism operations in Somalia when the “Maersk Alabama” hijacking occurred. Since mid-2012 the piracy threat off Somalia has been nearly non-existent. Despite this, the United States continues to deploy warships to the region as part of CTF-151. This fact further supports the explanation that the motivation for military interventions to suppress piracy derives from the pursuit of broader American strategic interests in the region: combatting radical Islamic terrorist organizations.

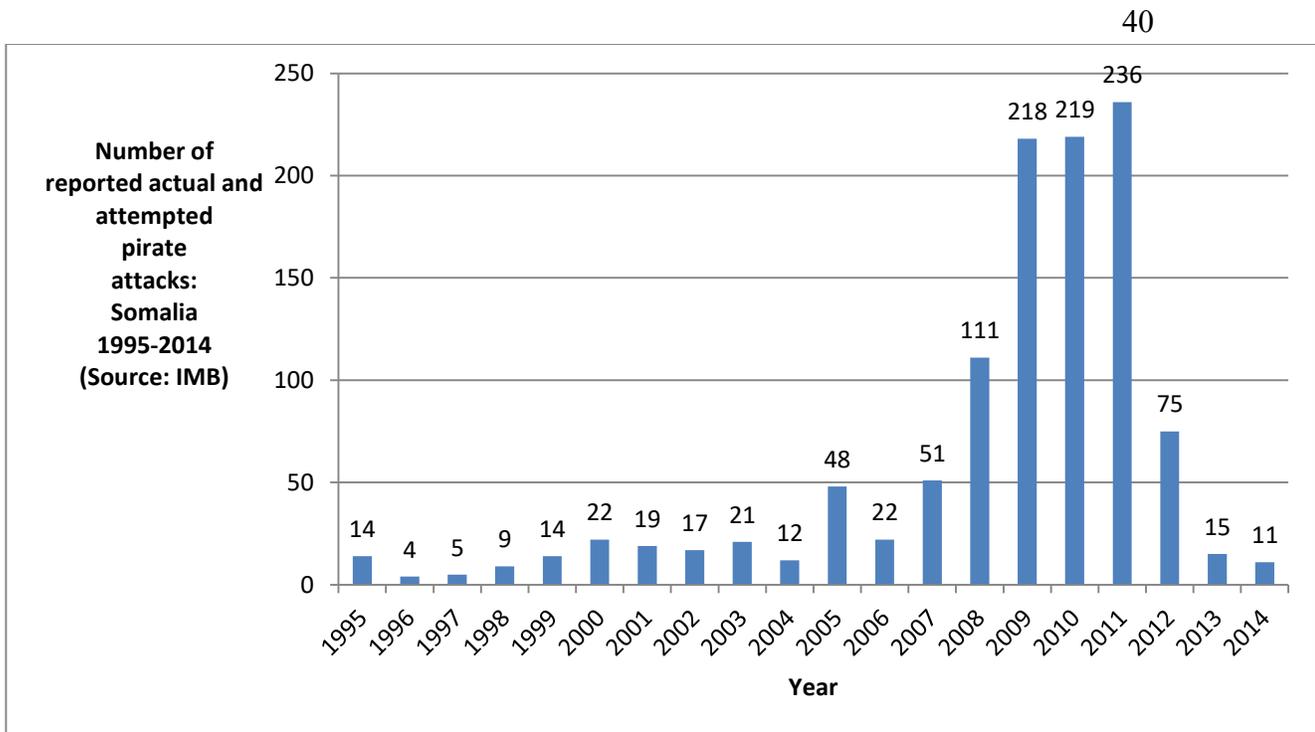


Figure 1 Somali pirate attacks, 1995-2014¹³²

¹³² “ICC International Maritime Bureau - Piracy and Armed Robbery Against Ships,” 2012.

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