Abstract

Since 2008 the U.S. has played a major role in attempting to suppress piracy off the Horn of Africa (HOA). While Somali pirates have captured international public attention in recent years, this is not the only place in Africa that has experienced an increase in pirate activity. Piracy has also been prevalent in Nigeria for more than a decade. In 2011 Nigerian pirates began carrying out attacks off neighboring countries as well; Benin and Togo have both experienced increased piracy over the past two years. Nigerian and Beninese waters, as well as their exclusive economic zones, now carry the same maritime insurance risk classification as the waters off the HOA. Unlike Somalia, however, piracy in West Africa has not entailed a U.S. military intervention. This paper examines the factors that have caused the U.S.’s inconsistent response regarding piracy in Africa. This research aims not only to inform the study of African maritime security, but also to increase understanding of how Great Powers form and comprehend their interests regarding violent non-state actors, such as pirates.
Once thought of as the relic of the age of sail, over the past two decades piracy has returned to the world stage as a significant menace to merchant vessels. While piracy is known in many parts of the globe, from 2007 and 2012 Somalia was the world’s leader in pirate attacks, with 219 actual and attempted hijackings reported in 2010, and another 236 in 2011 (IMB 2014). While often thought of as merely an annoyance, the overall costs of Somali piracy are estimated to have been in the billions of dollars (World Bank 2013; Bowden 2012). Somali pirates also kidnapped over one thousand sailors, holding many of them hostage for months or even years. Although most hostages are eventually released after a hefty ransom was paid, some seafarers lost their lives as a result of piracy. Pirate activity off Somalia also likely had serious economic implications for the already impoverished East African region. In response to the threat of Somali piracy, the U.S., together with over thirty other countries, have deployed warships to the waters off the Horn of Africa. Despite international naval missions, Somali piracy increased every year between 2006 and 2011, both in terms of the number of attacks carried out and the pirates’ operational range (IMB 2013). Although the number of pirate attacks off Somalia has declined dramatically since 2012, piracy remains a serious problem in other parts of Africa. Over the past two years there have been more than eighty attacks attributed to Nigerian pirates (IMB 2014). Since 2011, Nigerian pirates have also begun operating off neighboring countries, as Benin and Togo have both experienced increased piracy over the past two years (IMB 2012a, 5). Although the number of pirate attacks in West Africa over the past decade is considerably lower than off Somalia, Nigerian and Beninese waters, as well as their exclusive economic zones, carry the same maritime insurance risk classification as the waters off the HOA (Lloyd’s Market Association). Unlike Somalia, however, piracy in West Africa has not resulted in a U.S. military intervention.

This paper provides a comparison of Somali and Nigerian piracy, as well as the international community’s response. Together with an in depth examination of piracy, this paper posits five separate possible explanations for the U.S.’s inconsistent response to piracy off Somalia and Nigeria.
Defining and Reporting Piracy

The first step in researching the rise in Somali piracy is to define what is meant by the term “piracy.” The 1982 UN Convention of the Law of the Sea (UNCLOS) defines maritime piracy as acts of violence carried out for personal gain “against a ship, aircraft, persons or property in a place outside the jurisdiction of any state” (UN 1982, 60-1). The UNCLOS definition of piracy assumes a Weberian conception of statehood, namely that all states are capable of exercising a “monopoly of legitimate physical violence within a particular territory” (Weber 2004, 33). This distinction of territorial versus international waters is not applicable in the case of Somalia, which has not had any semblance of a functioning central government since 1991. Furthermore, as the human and economic costs of piracy do not typically change depending on whether the attacks occur within twelve nautical miles of land or not, it is important not to limit this analysis based on an out-of-date convention. The International Maritime Bureau (IMB), which is a specialized division of the International Chamber of Commerce (ICC), takes a geographically broader view of piracy than UNCLOS by tracking attacks both in and outside of states’ territorial waters. The attacks recorded by the IMB range from petty theft from ships at anchor or alongside to the hijacking of supertankers hundreds of nautical miles from shore. Although the IMB does not differentiate between types of piracy in its published statistics, it does offer a brief description of each event in their annual reports. From these descriptions it is possible to categorize reported pirate activity by the scale of the attack. In order to get a more complete understanding of Somali piracy, rather than using the limited definition found in UNCLOS, this examination will include pirate attacks in both territorial and international waters.

Although the IMB is the world’s premiere source for information on piracy, it relies on the voluntary self-reporting of incidents. Because shipping companies are often concerned about issues of rising insurance premiums, it is estimated that at least half of all pirate attacks go unreported (Murphy
Despite this significant discrepancy, it is still possible to use the IMB’s figures for analysis as there is no indication that the proportion of attacks that go unreported has changed significantly over the past twenty years. While this is not ideal, such approximations are unavoidable when dealing with the complexities of both global shipping and maritime piracy.

**Piracy, Counter-Piracy & International Relations Scholarship**

The conventional view is that Great Powers intervene to suppress piracy primarily to provide the public goods of secure international shipping routes and global maritime trade is referenced in several important works of international relations theory (Gilpin 1981, 104; Keohane 2005, 36–7; Nye 2003, 141–7). Similarly, Paul Kennedy views Britain’s nineteenth century counter-piracy interventions and its willingness to make nautical charts freely available to mariners of all nations as sharing the same motivation — to facilitate and protect international maritime trade (1976, 164–5). The foundation of these ideas lies in hegemonic stability theory as articulated by Charles Kindleberger (1973).

Kindleberger proposes that a hegemon, which dominates the international system through a combination of military and economic power, has an interest in maintaining global stability because this allows it to increase its access to overseas markets. By providing the public good of global stability a hegemon facilitates “free-riding;” however, this stability is still in the hegemon’s best economic interests as it stands to accrue more market gains relative to other states (Kindleberger 1973; Keohane 2005, 32–3).

A different explanation for great power intervention against piracy comes from Oded Löwenheim (2007). Löwenheim argues that a great power intervenes against pirates and other “persistent agents of transnational harm” (PATHs) in order to “punish” PATHs when it perceives them as challenging its authority. This “punishment serves not only to deter or incapacitate but also to reassert the Great Power’s authority by excluding a challenger from the rest of society and thus
demonstrating the authority’s commitment to the norms and institutions from which the challenger deviated” (Löwenheim 2007, 218). Although PATHs include international terrorist organizations as well as pirates, Löwenheim focuses much of his analysis on Britain’s intervention against the Barbary pirates in 1816 (2007, 134–74). Löwenheim expands the meaning of “great power” beyond material factors to include considerations of “role identity” and norms (Wendt 1992, 398). Following this approach, a state that assumes the role of a maritime great power also assumes the responsibility to uphold the norms that are associated with this identity. Although some realist scholars also examine the role of prestige and reputation, Löwenheim’s focus on great power identity and norm enforcement locates his work within the constructivist approach to international relations (2003; 2007; Markey 1999).

Although scholars do provide some explanations for U.S.’s motivations for intervening to suppress piracy, what is missing is a more generalizable explanation of this phenomenon that incorporates a more comprehensive array of core international relations theories. This paper aims to fill this gap in the scholarship.

**Somali Piracy 1991-2012**

**Historical Context**

Somali piracy is inseparably linked with the political history of Somalia itself, thus any examination of piracy must also involve a study of the Somali state. The borders of Somalia are a foreign and arbitrary invention that were carved out by the British and Italians in the colonial era. During this period Somalia was two separate political entities: a British controlled area in the north and Italian Somaliland in the south. When Somalia became an independent country in 1960 the two regions were merged into the Republic of Somalia, with its capital in the southern city of Mogadishu. While this created an official Somali state, it did not entail the political unification of the Somali
people, many of whom still lived in the French colony Djibouti, northern Kenya or in the Ogaden region of Ethiopia.

The first nine years of Somalia’s independence witnessed both democratic successes, such as the adoption of a new constitution in 1961, as well as considerable political instability. In 1969 the elected president, Abdirashid Ali Shermarke, was assassinated by one of his own bodyguards. Six days later the army staged a coup d’état, which installed Major General Siad Barre as country’s new ruler.

Barre’s reign lasted over twenty-one years, during which time he ruled over Somalia's complex clan system through a combination of repression and neo-patrimonialism. In the bipolar world of the 1970s Barre, a devotee of Marxist ideology, initially sided with the Soviet Union. However, following Somalia's disastrous 1977 invasion of Ethiopia’s Ogaden region – in which Moscow sided with Ethiopia – Barre switched allegiances to the US.

As the years progressed and Barre's health declined, so too did his control over Somalia. In the late 1980s several anti-Barre insurgencies broke out, mainly concentrated in Somalia's northern regions. In January 1991 these insurgencies, which had spread throughout the rest of the country, forced Barre to go into exile in Saudi Arabia. Later that year the northern region of Somaliland declared its independence from Mogadishu and established a de facto national government in Hargeisa (Lewis 2008).

The chaos that ensued following the collapse of Somalia's central government created a humanitarian disaster for the country's beleaguered civilian population. As a result, the international community launched a substantial peace-enforcement mission in 1992, which saw the deployment of UN peacekeepers, as well as US marines and special forces. Despite the mission's robust mandate, the
foreign troops were unable to restore stability to Somalia and the entire force was withdrawn in 1995.\footnote{March 1995 marked the end of the U.N.’s military presence in Somalia. US forces had been withdrawn the previous year following the deaths of nineteen American servicemen.}

Since the ignominious end of the UN Mission in Somalia (UNOSOM), the country has continued to be plagued by violence and a lack of a legitimate government. As a result of this instability the northeastern region of Puntland declared its autonomy from Mogadishu in 1998 (Lewis 2008, 127). The international community has made numerous attempts to create a functioning Somali central government that would reunite the Republic of Somalia, however, these have met with little success. The most recent of these attempts, the Transitional Federal Government (TFG), controls only a small area of Mogadishu and requires substantial protection from African Union (AU) peacekeepers (Menkhaus 2010, 2-3).

Perhaps Somalia's best chance for a functional government came in June 2006 when an insurgent group known as the Islamic Courts Union (ICU) gained control over most of southern Somalia, including Mogadishu. Although the ICU brought relative stability to areas of Somalia under its control, it also imposed sharia law and was known to have ties to Islamic extremist groups. Angered by some ICU members' calls for jihad against Ethiopia and fearing that Somalia would turn into a haven for terrorist groups, Addis Ababa – with tacit US support – launched a full-scale invasion in December 2006 (Murphy 2011, 89). While Ethiopia's invasion removed the ICU from power, resistance against the Ethiopians – traditional rivals of the Somalis – served as a unifying force among Somalia's disparate armed factions. When Addis Ababa withdrew its forces in January 2009, it left behind a significant power vacuum in southern Somalia. This vacuum was soon filled by al-Shabaab, a radical Islamic insurgent group that makes the ICU appear relatively moderate. Since gaining control of most of southern Somalia al-Shabaab has imposed its own strict interpretation of Islamic law, banning such things as Western music and handshaking between members of the opposite sex, as well
as carrying out stonings and other severe punishments for transgressors. *al-Shabaab* has also claimed responsibility for numerous terrorist attacks, both inside Somalia and in other African countries (Jane’s World Insurgency and Terrorism 2011).

The one bright spot for Somalia has been the success of breakaway Somaliland. Since its *de facto* independence in 1991, the government in Hargeisa has managed to bring both relative stability and moderate economic growth. In 2009 Somaliland underwent a peaceful transition of power following a democratic election – a rarity not just for Somalia, but for the African continent. Although the international community still refuses to acknowledge Somaliland's official independence, a number of countries maintain direct diplomatic ties with Hargeisa (The Economist 2010).

**The Three Phases of Somali Piracy**

The political upheaval that has plagued most of Somalia for the past two decades has also left the country's economy in tatters. Although accurate data on Somalia are difficult to collect, recent estimates put the *per capita* gross domestic product at around $600 (CIA - The World Factbook 2011). In contrast to this economic deprivation, the average ransom paid by shipping companies is now well in excess of one million dollars (Middleton 2010, 18); thus even a low-ranking member of a pirate organization can earn as much as $20,000 for one successful hijacking (Apps 2010). This economic incentive is coupled with the excellent opportunity for piracy afforded by Somalia's geographic location. Every year over 20,000 merchant vessels transit the Gulf of Aden, making it one of the world's busiest shipping lanes (McKeeby 2008). The *Bab-al-Mandeb* Strait, at the Gulf’s western end, is only eighteen miles across, forcing ships to navigate close to shore as they transit to and from the Red Sea (US Energy Information Administration 2011). These factors have contributed significantly to piracy becoming one of the Somali economy's fastest growing sectors, as it has likely overtaken agriculture and fishing in revenue generated (Anderson 2010, 323).
While economic and geographic factors offer a partial explanation for Somali piracy, they do not account for the dramatic increase in pirate activity over the past twenty years. Instead, this rise is primarily a result of Somalia's political instability outlined above. Prior to the collapse of Somalia's central government in 1991 there were very few recorded cases piracy off the Horn of Africa (Murphy 2011, 11). Over the past three years the IMB has attributed 310 reported incidents of Somali pirates alone (ICC 2011, 5-6). While this is partially a result of a lack of comprehensive record-keeping prior to the 1990s, it, nevertheless, denotes a dramatic rise in piracy since the toppling of Barre’s regime.

The increase in pirate activity off Somalia has not occurred in a steady linear progression, but instead has taken place in three separate phases. The first phase, which lasted from the 1990s until the mid-2000s witnessed relatively low levels of pirate activity mainly concentrated in the Gulf of Aden. The second phase, 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. Since 2007, Somali pirates have again – and even more dramatically – increased both the number and range of their attacks. Presently, it is not uncommon for ships to be hijacked more than 1000 nautical miles from the Somali coast. This most recent manifestation represents a third phase of Somali piracy.

**Somali Piracy: Phase One**

The Somali coastline, which stretches for more than 2000 miles, is comparable in length to US’s Atlantic coast (Murphy 2011, 89). While most Somalis have traditionally made their livelihood as nomadic herdsmen, the country also has a long tradition of fishing. The waters off Somalia have historically proved a rich fishing ground for tuna, swordfish and other high-value catches (Lehr and Lehmann 2007, 11). As a consequence of the collapse of the Somali state – including the country’s maritime security forces – these fisheries were left utterly unprotected. It did not take long for fishing vessels from Europe and Asia to exploit this vulnerability. Without any form of regulation, these
foreign fishing vessels were free to employ a variety of unsustainable practices, such as “nets with very small mesh sizes and sophisticated underwater lighting systems,” which devastated Somalia's coastal fisheries (Lehr and Lehmann 2007, 13). Between 1991 and 1999 a Dutch NGO, Ocean Training and Promotion, has estimated that more than 200 foreign vessels had engaged in illegal fishing practices off the Somali coast (Lehr and Lehmann 2007, 12). The deleterious effects of these foreign fishing vessels have been documented not only in deep ocean fish stocks, such as tuna, but also in inshore catches, like lobster (Fielding and Mann 1999).

The dramatic decline in Somalia’s fishing industry in the 1990s exacerbated the already dire economic conditions faced by average citizens. In an effort to regain sovereignty over coastal fish stocks, some Somalis began acting as a de facto coast guard, attacking and boarding foreign fishing vessels and “detaining” or “fining” their crews (Murphy 2009, 102). While the desire to defend fishing rights may have served as the original impetus for boarding foreign vessels, these activities also provided an opportunity for lucrative profit. An early example of the attempt to profit from boarding ships is demonstrated by the experience the merchant vessel Bonsella, which was highjacked by twenty-six pirates while transiting off northeastern Somalia in 1994. The pirates, who were in a wooden dhow, had been able to board the merchantman after her master had let the dhow draw too close. Claiming to be the “Somali Coast Guard,” the pirates commandeered the Bonsella for five days, during which time they made several unsuccessful attempts to highjack other vessels in the area. In the end, the pirates gave up and departed the Bonsella, after stealing as much as they could carry (Ryan 1997). The hijacking of the Bonsella demonstrates the somewhat amateurish nature of both pirate organizations and their tactics in the early 1990s.

In the decade following the attack on the Bonsella, Somalia's pirates groups grew in sophistication, competency, and organization. Despite these changes, many piracy organizations remained what maritime security scholar Clive Scholfield has termed “subsistence pirates” (2007).
These consisted of small, loosely organized criminal gangs that periodically proceeded to sea in search of easy targets, such as dhows, small merchant vessels, fishing boats, and the occasional yacht. Subsistence piracy differs greatly from the professionalized organizations that carry out many of today's attacks off Somalia.

**Somali Piracy: Phase Two**

Throughout the 1990s and the first half of the 2000s, Somali pirates remained a relatively minor threat to merchant traffic. Prior to 2005, the number of reported attacks per year attributed to Somali pirates never exceeded the low twenties, most of which were carried out in the heavily transited Gulf of Aden. This relatively constant level of attacks is the result of Somali piracy having achieved an equilibrium; the money earned by a few groups of pirates provided them with the incentive to continue hijacking the occasional ship, however, the rewards were too low and the barriers to entry too high to allow piracy to flourish during this first phase. As a result, 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, however, pirates carried out thirty-five attacks in Somali waters, as well as an additional ten in the Red Sea and Gulf of Aden (ICC 2006, 5). The cause of this 350 percent increase in pirate attacks off Somalia has been the subject of considerable speculation. Some analysts have attributed this dramatic upswing to increased inter-factional conflict within the TFG (Murphy 2009, 102). In early 2005 a dispute erupted between two TFG factions surrounding the government's upcoming relocation to Somalia from Kenya, as well as the planned deployment of AU peacekeepers. One faction, led by then TFG president, Abdullahi Yusuf, established itself in the southeastern town of Jawhar, while the opposing faction moved into Mogadishu. In anticipation of renewed hostilities, both
sides began rearming their supporting militias, which had been partially demobilized as part of Somalia's peace process. In an effort to deny his opponents force of arms, President Yusuf imposed a blockade of Yemeni weapons transiting into Mogadishu from the port city of Boosaaso, which was under the control of the president's clan. Shortly after the arms embargo came into effect, ships began being attacked in the waters off Mogadishu at a high rate. The ransoms collected from these ships served as a “form of emergency revenue collection,” which was used to offset the higher cost of weapons in Mogadishu (Jane’s Terrorism & Security Monitor 2005).

While inter-factional fighting onshore likely fueled much of the increase in pirate attacks in 2005, Peter Lehr and Hendrick Lehmann view the 26 December 2004 tsunami as another possible contributing factor (2007, 14). Although caused by an earthquake off the coast of Sumatra, Indonesia, the massive tsunami seriously affected more than 400 miles of Somalia's coastline, devastating coastal villages and destroying the livelihoods of thousands of fishermen (UNDP 2005). Left with no other way of making a living, these fishermen turned to piracy to make ends meet. Whether the result of a changing political situation in Somalia, the destruction brought by the tsunami, or some combination of factors, in 2005 some exogenous force or forces altered the equilibrium that had existed for more than a decade, leading to an increase in pirate activity.

The attacks carried out during this second phase differed from phase one pirate activity not only with regard to frequency, but also in terms of geographic location. As noted above, 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 two in 2004 to thirty-five in 2005. These figures denote the use of new pirate havens located along Somalia's Indian

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2 In only a ten day period during July 2005, eight merchant vessels were attacked off the east coast of Somalia. There were only five attacks off Somalia's eastern coast during previous two years combined (Scott 2005; ICC 2006).

3 While it is uncertain to what extent the 2004 tsunami is actually responsible for the increase in piracy in 2005, the tsunami has added legitimacy to the pirates' claims of acting in defense of Somalia's coast by washing ashore hundreds of barrels of toxic waste. This waste was jettisoned by foreign ships that found Somali waters a convenient dumping ground following the collapse of the Barre regime (Al Jazeera 2008).
Ocean coast. While the subsistence pirates of the northeastern Puntland continued to carry out a handful of attacks in the Gulf of Aden and the Red Sea, just as they had done in previous years, new bands of pirates began attacking ships that ventured too close to the Somali coast. Two of the most prominent and best organized pirate groups operating along the Indian Ocean coast during this second phase were the self-styled “Somali Marines” based north of Mogadishu in Haradheere, and the “Somali National Volunteer Coastguard” in the southern city of Kismaayo (Schofield 2007).

Professional groups, such as the Somali Marines, employed a number of relatively advanced tactics and technologies that distinguished them from earlier pirates. While piracy had already evolved from the rudimentary maneuvers employed in the 1994 attack on the *Bonsella*, second phase pirates made greater use of small, fast-moving boats launched from mother ships (Glassborow 2005). These tactics allowed pirates to greatly extend their operational range, while maintaining the advantages of speed and maneuverability. For example, on 5 November, 2005 a bulk carrier was attacked by pirates in speedboats launched from a mother ship 325 nautical miles offshore – well beyond the operational range of the less advanced subsistence pirates of Somali piracy’s initial phase (Glassborow 2005).

Phase two piracy is also distinguished by the brazen and often high-profile nature of many of the attacks. On the same day that pirates gave chase to the bulk carrier, a different group of pirates attacked the US-operated cruise ship *Seaborne Spirit* seventy nautical miles off the Somali coast. Although the 10,000 ton cruise ship was able to evade the pirates, it was riddled with small-arms fire and rocket-propelled grenade fire, injuring one crew member (BBC News 2005).

Somali piracy's second phase lasted until June 2006 when the ICU gained control of most of southern Somalia. In an effort to restore peace and security, the ICU removed the system of road-blocks in Mogadishu, as well as the “ubiquitous piles of rubbish that had blighted the city for a decade or more...” (Barnes and Hassan 2007, 4). The ICU also publicly “declared war” on piracy, which they viewed as contrary to Islamic law (Schofield 2007). In November 2006 the ICU went so far as to
retook the hijacked cargo vessel, *Veesham I*, rescuing the crew unharmed and injuring two of the pirates. The crew were subsequently released without a ransom being paid (ICC 2007, 23; Jane's Terrorism Watch Report 2006). As a result of the ICU's efforts, piracy off Somalia's Indian Ocean coast declined from thirty-five reported incidents in 2005, to only ten in 2006. Furthermore, the attack on the *Veesham I* was one only two successful hijackings to take place in 2006 after the ICU came to power (ICC 2007, 44; Murphy 2011, 140).

While the ICU certainly took measures to counter the pirates' actions, prominent piracy scholar Martin Murphy questions the conventional narrative that they were primarily motivated by “Islamic rectitude” (2011, 141). Instead, Murphy posits the hypothesis that the *Veesham I*’s cargo was property of a Somali businessman, who was also one of the ICU’s financial backers. In raiding the *Veesham I* the ICU was simply repaying a favor to one of their patrons (Murphy 2011, 141). Murphy contrasts the ICU's response to this highjacking to that following the seizure of the *Fishana*, which occurred only two days before the pirates captured the *Veesham I*. Although, unlike the *Veesham I*, the *Fishana* was registered in a Muslim country (the United Arab Emirates), the ICU made no efforts to recover the vessel (Murphy 2011, 140). Whatever the ICU’s principal motivations actually were, it is undeniable that during their brief months in power they did successfully curtail piracy off Somalia's Indian Ocean coast, thus effectively ending the second phase of Somali piracy.

**Somali Piracy: Phase Three**

Somalia’s new-found maritime security was short-lived, as the ICU was driven from power by the December 2006 Ethiopian invasion. In the ensuing chaos, piracy once again began to flourish, both

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4 Although the IMB's report on piracy in 2006 makes no mention of the highjacking of the *Fishana* (ICC 2007), the attack was reported in Somalia's local media (Kalkata 2006).

5 Islamist forces in Somalia sometimes oppose acts of piracy carried out against ships from other Muslim countries. For an example of this see the case of the hijacking of the Saudi oil-tanker *Sirius Star* below.
in Puntland and in southern Somalia. The first attacks of 2007 occurred in February, despite being during the Northeast Monsoon season.\(^6\) One attack involved the hijacking of the *Rozen* on 25 February, which had just delivered a shipment of World Food Program (WFP) aid to the port of Berbarra in Somaliland. The *Rozen* was attacked while rounding the Horn of Africa. Although Puntland maritime security authorities responded to the vessel's distress call, they were unable to retake the ship from the heavily armed pirates. The *Rozen* was taken to Ehinowea Dhiedhiglay in southern Somalia, where it remained at anchor until released that April (IMB 2008, 61). The *Rozen* was not the only WFP-chartered ship to be attacked in 2007, as two other ships were fired upon by pirates while carrying out food aid deliveries to Somalia (IMB 2008, 32). While these ships were able to avoid capture, attacks on WFP aid shipments greatly increased the notoriety of the Somali pirates, and served notice that after a brief lull, piracy had returned to the Horn of Africa. These attacks also further contradicted the claims made by many pirates that they were only acting to protect Somalia's waters from illegal fishing and toxic-waste dumping.

In 2007 the IMB recorded thirty-one pirate attacks off Somalia's Indian Ocean coast, as well as thirteen in the Gulf of Aden and Red Sea. These numbers are comparable to those in 2005, prior to the ICU’s takeover of southern Somalia (ICC 2008, 6). While this increase in pirate activity off Somalia following the Ethiopian invasion entailed a greater risk for maritime shipping, most attacks were carried out relatively near to shore. The attack on the Danish cargo vessel *Danica White*, which was captured 130 nautical miles off Puntland's coast, represents the furthest offshore that pirates were able to successfully hijack a vessel in 2007 (Murphy 2011, 94). Despite this fact, there were indications that Somali pirates had the potential of greatly increasing their effective operational range. On 28 January the *Ganta*, a Panamanian-flagged vehicle carrier, was underway in the Indian Ocean, approximately

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\(^6\) The Horn of Africa region has two monsoon seasons per year: the Northeastern Monsoon, December to March and the more powerful Southwest Monsoon, from June to September (Naval Research Laboratory: Marine Meteorology Division 2002).
halfway between the Horn of Africa and the Indian subcontinent, when it encountered three small craft requesting fresh water over maritime radio. The *Ganta*’s crew became suspicious when the boats began surrounding the merchant ship in what was perceived as a coordinated manner. The *Ganta* raised an alarm and increased speed, allowing it to escape from the suspected pirate vessels. Five days later the cargo vessel *Achilles*, transiting through the same area as the *Ganta*, was hailed on maritime radio by a boat claiming to be a “Korean fishing vessel” and again requesting fresh water. The *Achilles’* Master, suspecting a ruse, maneuvered to avoid the suspected pirate vessel, which then gave chase for approximately an hour before giving up. The suspicious vessel was also joined by four other fast-moving craft, none of which appeared to be Korean or fishing vessels (ICC 2008, 89-90). These two probable incidents of attempted piracy occurred beyond what was thought, at the time, to be the operational range Somali pirates (ICC 2007, 16). While both attempts were unsuccessful, they nevertheless demonstrate the increasing capabilities of Somalia’s pirate groups. These types of coordinated attacks, carried out hundreds of nautical miles offshore by small boats launched from mother ships, have become the hallmark of the third phase of Somali piracy.

If 2007 entailed a return to pre-ICU levels of piracy in Somalia, the following year saw pirate activity in record numbers. For 2008, the IMB reported ninety-two actual and attempted pirate attacks in the Gulf of Aden – a more than 600 percent increase from the year before. 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 (ICC 2009, 5-6).7 Furthermore, Somali pirates carried out forty-two of the forty-nine successful ship hijackings reported in 2008, as many other regions experience only small-scale piracy. The factors that led to this unprecedented rise in pirate activity are complex and have yet to be fully understood. While the return

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7 The decrease in attacks off the Indian ocean coast from 2007 levels is likely a result of merchant ships choosing to give the Somali coast a wider berth than they had previously.
to 2005 and early 2006 levels of piracy can be attributed to the ICU’s removal from power, this does not explain why the number of pirate attacks grew so dramatically in 2008. One possible explanation of this phenomenon concerns the establishment of a positive feedback loop. As discussed above, in 2005 an exogenous force or forces disrupted the equilibrium that had maintained the levels of piracy throughout the preceding decade, increasing the number of attacks off the Somali coast. Although the ICU also constituted an exogenous force – one which served to decrease pirate activity – its influence was eliminated by Ethiopia's military invasion in late 2006. The revival of piracy in 2007 rapidly began generating considerable wealth for the pirate organizations. While much of this money was spent on bribing local clan leaders or on luxury items, some was reinvested into pirate operations. This allowed for the purchase of more weapons, ships and other pirate paraphernalia, as well as the hiring of additional personnel. This, in turn, brought pirate organizations greater levels of success, thus allowing for even more investment in their operational capabilities. Increased wealth generation also encouraged greater numbers of young men to turn to piracy, further fueling pirate activity.

While the maritime security world was well aware of the increasing levels Somali piracy, two hijackings in late 2008 significantly altered the broader international community's view of both the threat of piracy and the pirates' capabilities. On 25 September, 2008 Somali pirates captured the Belize-flagged, Ukrainian-owned cargo ship *Faina* en route to Mombasa. Unbeknownst to the pirates, the *Faina* was carrying a shipment of arms – including thirty-three Russian T-72 main battle tanks – destined for Sudanese People's Liberation Army (SPLA) in southern Sudan (Bridgeland 2010; Gettleman and Gordon 2010; ICC 2009, 36). Given the political situation in Somalia, the international community's immediate concern was that the weapons would find their way into the hands of Islamic militants, such as *al-Shabaab*. In an effort to prevent this, the US Navy (USN) deployed a number of

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8 Although denied at the time, in 2010 Wikileaks released classified US State Department documents that confirmed the tanks were being shipped to the SPLA through Kenya, in contravention of a UN arms embargo (Gettleman and Gordon 2010).
warships to ensure the arms were not unloaded. The Russian navy also sent a frigate to guard the 
*Faina* (Heitman 2008). In February 2009, with the armaments still on board, the *Faina* was released, after the payment of a $3.2 million ransom (BBC News 2009).

On 15 November, while the *Faina* saga was playing out, another group of pirates hijacked the Saudi-owned Sirius *Star*, 450 nautical miles off the coast of Kenya. The 318,000 ton, 1090 foot Sirius *Star*, which classifies it as a Very Large Crude Carrier (VLCC), was the biggest ship ever hijacked (Worth 2008). Carrying two million barrels of crude oil – approximately the entire daily consumption of Mexico – the Sirius *Star* was also perhaps the most valuable vessel ever captured by pirates (CIA - The World Factbook 2011). After the hijacking, the pirates diverted the VLCC to Haradheere, where the ship was anchored while ransom negotiations took place (Murphy 2011, 100-1). Despite the immense value of its cargo – worth $100 million at the time – the lack of infrastructure in Somalia left the pirates with little choice but to ransom the vessel back to its owners.9 While the pirates were engaged in negotiations, *al-Shabaab* publicly condemned the hijacking of a ship from a Muslim country. *al-Shabaab* also sent forces to Haradheere, although no armed confrontations were reported. While this may be evidence of *al-Shabaab*’s Islamic-based anti-piracy philosophy, it is also possible that the insurgent group was interested in obtaining a share of ransom money from the Sirius *Star* (Murphy 2011, 101). Whether *al-Shabaab* ever benefited from the $3 million ransom that was eventually paid for the release of the Sirius *Star* is unknown.

While the hijackings of the *Faina* and Sirius *Star* brought considerable media focus to the problem of piracy, this paled in comparison to the attack on the US-flagged *Maersk Alabama*, which occurred in April 2009, 400 nautical miles off the Somali coast. The well-publicized events, which involved a shootout between pirates and the *Alabama*’s American crew, a self-sacrificing ship's captain,

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9 This contrasts with piracy in Southeast Asia, where hijacked ships and their cargo are typically sold on the black market. While this is generally more lucrative than ransoming vessels, it also requires significantly more onshore infrastructure than is available in Somalia (de Groot 2010).
and a spectacular rescue carried out by USN ships and a SEAL sniper team seemed drawn from Hollywood film rather than actual events.\textsuperscript{10} Although the thwarted attack on the \textit{Maersk Alabama} is viewed as an example of US military prowess, like the attacks on the \textit{Faina} and \textit{Sirius Star}, it also demonstrated the ever-increasing capability of Somali’s pirates to operate far offshore.

While the pirates who attacked the \textit{Maersk Alabama} were unsuccessful, overall 2009 was another record-setting year for Somali piracy. In 2008, IMB attributed 111 actual and attempted attacks to Somali pirates; in 2009 this number had increased to 217. These attacks included forty-eight successful hijackings, which resulted in 867 sailors being taken hostage. As the international community deployed more warships to protect shipping in the Gulf of Aden, Somali pirates also began to shift the geographic location of their attacks into the Arabian Sea and Indian Ocean, further increasing their geographic range. In 2008 the IMB warned of attacks taking place “almost 500 nautical miles from the [Somali] coast” (IMB 2009, 24); by 2009 this warning had more than doubled to over 1000 nautical miles (IMB 2010, 23). 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 the European mainland (Financial Times 2011). Furthermore, several of these attacks were carried out against VLCCs comparable in size to the \textit{Sirius Star} (IMB 2010, 36).

The piracy records set in 2009 did not remain on the books for long. In 2010, despite a greater presence of international warships, pirates attacked 219 ships, successfully hijacking forty-nine of them. They also kidnapped 1016 sailors, of which 638 were still being held hostage at the end of 2010. Sadly, in 2010 eight seafarers were also killed either in pirate attacks or in rescue attempts by security forces (ICC 2011, 19). Although in academic and policy circles piracy is often discussed in terms of figures about range and number of attacks, this is a stark reminder that for the men and women who

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\textsuperscript{10} For a complete recounting of the \textit{Maersk Alabama}’s ordeal see “The Real Story of the MAERSK Alabama” \textit{Marine Officer}, 2009.
transit the waters off Somalia the threat of piracy is far from an abstract. In order to gain a greater understanding of what crew members experience when their ships are highjacked it is important to hear it in their own words. This description will also serve to illustrate third phase Somali pirate tactics. The following was recounted to Martin Murphy through a confidential source:

The ship was sailing approximately 270 miles off the coast of Somalia and Kenya at the time it was captured. The crew had been tracking the approaching ships from sixty miles away on the radar but they had disappeared temporarily and when they re-appeared they were very close. The vessel did not try to use any evasive manoeuvres or aggressive deterrents to try to keep the pirates from coming on board, which they were able to do quickly.

Using two small boats, the pirates systematically boarded the ship – one provided cover while the other delivered its crew. They used a rigid, lightweight aluminium ladder to hook over the gunnel at the middle of the beam. Nine pirates each about nineteen or twenty years old came on board with AK-47s, [rocket-propelled grenades] and 60 caliber machine guns....

After making contact with the Captain, the pirates requested that the entire crew be brought to the bridge. Once mustered, they escorted each crew member to their respective staterooms to steal any valuables (money, gold, watches, electronics, etc.) and any means of communicating with the outside world (i.e. cell phones). After they had done this for everybody, they allowed the crew to go back to what they were doing and asked the Captain to get the vessel to an anchorage approximately two miles off the coast possibly near Hinbarwaqo, between Hoboyo and Eyl. This is when the pirate leader and his men departed the ship to go attack another vessel and an awaiting crew of seventeen men came aboard to start their watch led by a negotiator (Murphy 2011, 98).

The experience recounted by this seafarer demonstrates Somali pirate organizations' high level of efficiency. It also shows the links between piracy at sea and supporting operations ashore. Without the coordinated arrival of the seventeen additional personnel, the original pirates would have been unable to return to sea so rapidly. This division of labor allows pirate organizations to ensure that their best men can spend more time hijacking ships, while less willing or capable members are used to guard the ships at anchor.

Somali pirates, however, receive much more than just reinforcements from shore. In many coastal towns and villages piracy has become something of a communal effort; in exchange for the continued citizen support, pirates reportedly give a percentage of their earnings to the district in which
they operate. In Haradheere this arrangement was made more formal by the establishment of a pirate stock exchange. The exchange, which is said to operate twenty-four hours a day, allows locals to by shares in pirate ventures. When the ransom is collected stockholders share in the earnings (Ahmed 2009). As a result of the windfall from piracy, impoverished fishing villages have been transformed by an influx of expensive automobiles and large houses, as well as prostitutes and alcohol (Harding 2009).

The wealth generated by piracy in the third phase dwarfed that of earlier stages. This was not only due to increases in the number of ships hijacked, but also in the ransoms paid for these ships’ release. 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 $6 million to $9 million – perhaps the largest ransom amount ever paid to Somali pirates (Murphy 2011, 26, 107).

Counter-Piracy

Throughout the first two phases of Somali piracy, the U.S., and the international community as a whole, mostly ignored the problem. Although foreign warships occasionally were able to come to the aid of vessels under attack, there were no concerted efforts to defend merchant shipping in the region. Since the unprecedented growth in piracy witnessed since the downfall of the ICU, however, U.S. have increasing became involved in counter-piracy operations off the coast of Somalia.

The first coordinated international naval mission solely dedicated to counter-piracy began in October 2008, when NATO launched Operation Allied Provider consisting of four ships. Two months later the EU sent its own fleet to the Gulf of Aden, dubbed Operation Atalanta. This mission, which had been initiated by Spain and France, was intended to serve as a replacement for the NATO fleet (Lucas 2008; Murphy 2011, 130). However, by the following spring, with the number of pirate attacks

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11 Most shipping companies do not report the amount of ransom they pay to pirates.
continuing to rise, NATO decided to extend its own counter-piracy operations indefinitely. In January 2009 a third international fleet – Coalition Task Force (CTF) 151 – was established by the USN as a offshoot of maritime security operations in the Persian Gulf. These fleets have been joined by naval units from a number of non-Western countries, including Japan, Korea, India, Pakistan, Malaysia, Iran, Russia, and China. The large number of navies involved in counter-piracy operations led to unusual instances of cooperation between non-traditional allies. In one case USN and Chinese warships were able to carry out coordinated operations, although they had to rely on civilian email accounts for much of their communications (Murphy 2011, 131-4).

Perhaps the most unusual instance of cooperation between nations with respect to counter-piracy occurred on 30 October, 2007 when the Dai Hong Dan – a North Korean merchant vessel – was attacked by Somali pirates in the Gulf of Aden. The North Koreans immediately contacted the IMB, which in turn sent a distress call to international naval forces in the region. The closest navy vessel to the Dai Hong Dan was the USS James E. Williams, which proceeded to the assistance of the North Korean ship. Although the Koreans were able to overpower the pirates on their own, the American warship provided medical attention to Dai Hong Dan crew members who had been injured in the clash. Despite the more than sixty years of hostility between Washington and Pyongyang, at the behest of the IMB the US willingly came to the aid of one of its staunchest enemies (Korea Times 2007).

**Nigerian Piracy 2000-2014**

**Causal Explanations for U.S. Response to Piracy**

Based on the analysis of these two cases, I propose five separate possible explanations for the

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12 While this incident occurred prior to the establishment of the dedicated counter-piracy fleets mentioned above, international forces were often still present in the region.
U.S.’s inconsistent response. Each explanation examines a separate causal mechanism to explain why great powers, such as the U.S., intervene to suppress piracy (or not). These causal explanations are not mutually exclusive, as a more complete understanding of this puzzle will likely need to combine several, if not all of them.

**Explanation 1:** The U.S. intervenes militarily to suppress piracy in order to protect its citizens or merchant vessels from attack. The causal mechanism in this explanation is pirate attacks on U.S. merchant vessels or citizens. To provide support for this explanation, a causal chain directly linking attacks on U.S.-flagged ships or citizens with a military intervention to suppress piracy must be shown to exist.

**Explanation 2:** The U.S. intervenes militarily to suppress piracy as part of its larger geopolitical or strategic goals. This explanation comes from a realist understanding of state interests, as articulated in some of the seminal texts of international relations theory (Carr 2001; Morgenthau 1985; Waltz 2001; 1979). While realism is primarily concerned with challenges to state power and security from rival states, these challenges can also come from non-state actors, such as pirates. The causal mechanism in this explanation is U.S. geopolitical or strategic interests in a particular region that are not directly related to counter-piracy. To support this explanation, a cause-effect link must be shown that ties counter-piracy operations to these other geopolitical or strategic goals, such as providing support for counter-terrorism operations or great power rivalry (Van Evera 1997, 64).

**Explanation 3:** The U.S. intervenes militarily to suppress piracy in order to secure critical sea lines of communication and international maritime trade, and to defend access to the “global maritime commons” (Mahan 2003, 22). This explanation is derived from hegemonic stability theory (Kindleberger 1973; Keohane 2005, 36–7; Nye 2003, 141–7; Gilpin 1981, 104). The causal mechanism is pirate attacks on large merchant ships engaged in intercontinental trade regardless of their flag-state. If this explanation is correct, I expect U.S. intervention to be directly linked with pirate attacks carried
out in major shipping routes or against large ocean-going merchantmen, regardless of flag-state.

Evidence to support this explanation would come from demonstrating the existence of a causal chain linking counter-piracy operations to the defense of international commerce.

**Explanation 4:** The U.S. intervenes militarily to suppress piracy in response to significant pressure from domestic actors. The pressure can come from shipping companies, seafarers unions, or merchants. This explanation draws from what Andrew Moravcsik (1997) has defined as a “liberal theory of international relations.” According to this theory, domestic actors who possess sufficient influence within the state are able to use the apparatuses of power to achieve their own foreign policy goals (Moravcsik 1997, 513; Snyder 1991, 14–7). The causal mechanism is pressure from domestic actors exerted on the American government to suppress piracy. Evidence of lobbying efforts by domestic actors can be found in archival documents — particularly the private business archives of industry stakeholders. A second requirement is to demonstrate that pressure from domestic actors had a causal effect on the state’s decision to intervene against pirates. Although it is impossible to fully ascertain the effects of lobbying on government policy, process tracing based on in-depth case studies provides one of the best tools for examining this phenomenon (Snyder 1991, 14; Richardson 2000).

**Explanation 5:** Borrowing from Löwenheim’s constructivist approach, the U.S. intervenes militarily to suppress piracy when these acts are viewed as challenging the “normative structure that enables great power authority in world politics” (2007, 58). The causal mechanism is the perception that acts of piracy represent a challenge to U.S.’s authority as a great power. If this explanation is correct, I expect to find statements in the public record that reference suppressing piracy in terms of great power reputation, identity, or moral responsibility. Using Löwenheim’s criteria for demonstrating causality, I would need to show that the U.S. intervenes to suppress piracy if the pirates are viewed as a challenge to its reputation or moral authority, even when doing so is harmful to other national interests (2007, 137).
Conclusion

Over the past twenty years the waters off both Somalia and Nigeria have experienced unprecedented levels of piracy. While the actions of pirates rarely capture the attention of the world’s media, they constitute a serious menace to merchant shipping. Although these two cases share a number of similarities, the response from the U.S. has varied considerably. While the U.S. has deployed dozens of warships to suppress piracy off the Horn of Africa, there have been no U.S. ships deployed to the Gulf of Guinea. This paper has presented five possible explanations for this inconsistent response to piracy in Africa.


http://www.ft.com/cms/s/0/34c7af5c-386a-11e0-959c-00144feabdc0.html# (Accessed April 13, 2011).


