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## Sea Piracy and Maritime Security Threat in the Gulf of Aden and the Indian Ocean (2008-2012)

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### **Abstract:**

*This paper examined the rampant incidence of sea piracy, that had increased the maritime security threat. The Gulf of Aden and the Indian Ocean mainly have been focused through this study. The time period has been fixed from 2008 to 2012. Serious attempt had been made to attack crew members by pirates. The purpose of this study is therefore to assess the economic loss of the activities of piracy in the Gulf of Aden and the Indian Ocean. Data for the study were collected mainly from secondary sources; by reviewing the existing literature on sea piracy and maritime security, discussed in textbooks on international relations and world politics; journals, newspapers and the internet. The study revealed, among others findings that sea piracy contributed to both economic and human losses in the littoral communities of the Gulf of Aden and the Indian Ocean. Because of the danger the threat by piracy posed to the International Security, the UN Security Council passed resolutions 1814, 1816, 1838 and 1846 in 2008 for counter-piracy measures to protect humanitarian aid. The study also highlighted that anti-piracy. The paper recommended that International Maritime Organizations and other related bodies should set in motion the process of institutionalizing the present counter-piracy measures in the region so as to guarantee relative security and stability therein.*

**Keywords:** Sea piracy, Gulf of Aden, Indian Ocean, maritime security threat

### **1. Introduction**

Sea piracy is typically an act of robbery or criminal violence on international waterways or high seas. Modern definitions of piracy include the following acts: emplane, blackmail, menace, detainee, kidnapping of people for ransom, murder, robbery resulting in the ship subsequently sinking and seizure of items on the ship. It has constituted a serious maritime security threat across major bodies of water globally and impedes international trade and tourism. Crimes of piracy also involved the use of mobile phones, satellite phones, Global Position System, Sonar systems, modern sea boats, assault rifles, shotguns, pistols, mounted machine guns, repelled propelled grenades and even grenade launchers. Somalia has become the greatest headache of the international community. Efforts by the international bodies and western countries to combat the problem have rather seemed to escalate it and even compound it. Bands of pirates on small speedboats patrol the waters in the Gulf of Aden and the Suez Canal targeting any ship that crosses their paths. These pirates seized the ship, most of the crew members and demand a ransom from the shipping company (Brice, 2008). In 2008, there were 184 reported pirate incidents off the Somali coast. Out of these, 41 were hijackings and 53 were attempts on commercial vessels (NATO, 2009).

Sea piracy has been a problem to an import dependent economy and merchant shipping industry thus, making water most dangerous for shipping. The Gulf of Aden and the Indian Ocean since 2008 has witnessed an increase in hijacking or capturing of merchant ships for ransom in different forms. These criminal acts of attack on foreign ships perpetrated by pirates in the Gulf of Aden and the Indian Ocean have serious impact on the import dependent economies of the developing states of Djibouti, Somalia, and Kenya, Oman and Yemen and others which lie on the coastal area of the region. Between 2008 and 2012, more than 300 foreign ships were attacked by pirates within the Gulf of Aden and the Indian Ocean region. Worried by this menace of robbery on the sea, governments in the region determined to fight piracy by establishing multinational task force to reduce the sea crime to the barest minimum even though Somali government was initially accused of complicity with the pirates.

This study examines how sea piracy has threatened maritime security in the Gulf of Aden and the Indian Ocean and makes international shipping unsafe in the region. The poor condition also has been highlighted. The disintegration of Somalia since 1991 was of serious concern as crimes and break-down of law and order necessitated the emergence sea piracy in the seaboard. Apart from piracy, terrorism by Al-Shabaab insurgents in Somalia and its allies also posed threat to maritime security in the Gulf of Aden and in the Indian Ocean. In recent years, seaborne piracy transport vessels remain a significant issue with an estimated worldwide loss of US\$13-\$16 billion per year particularly in the waters between the Red Sea and Indian Ocean, off the Somali coast, and also straits of Malacca and Singapore, which are used by over 50,000 commercial ships a year (Krane: 2006). In 2008, pirates threatened and seized many foreign ships thereby causing great concern for and many International Organizations including the International Maritime Organization, and the world food programme. The Liberian-flagged vessel, owned by Saudi Arabia's Aramco, was carrying more than \$100million in oil to

the United States when pirates seized the ship and its 25 crew members some 400 miles out of the sea, then motored for the Somali coast and dropped anchor. The seizure of the supertanker was unprecedented; and the daring attack so far from the shore suggested that the pirates were using the shipping industry's open-access automatic identification system to intercept merchant ships. Instability from maritime piracy in the Gulf of Aden is sending ripples throughout the global supply chain, which is already reeling from the collapse of shipping rates brought on by the worldwide economic slowdown. More problematic, the resurgence is occurring along critical sea lanes; 20,000 ships pass through the Gulf of Aden adjacent to the Indian Ocean each year, transporting cargo that includes 12 percent of the world's daily oil supply. Piracy has contributed to a rise in shipping insurance premiums and impeded the delivery of food aid shipments.

The United Nations Security Council adopted a resolution on November 20, 2008, which was proposed by Britain, introducing tougher sanctions against Somalia over the country's failure to prevent surge in sea piracy ([https://en.wikipedia.org/wiki/Anti-piracy\\_measures\\_in\\_Somalia](https://en.wikipedia.org/wiki/Anti-piracy_measures_in_Somalia)). The Somali government which was struggling for control of the country against an Islamic insurgency since 1991 and its naval development, early 2000 was almost powerless to stop piracy in the regional waters alone.

## 2. Statement of Research Problem

The failure of Somalia in 1991 was a great headache to her citizens and the international community. Domestic institutions in the state collapsed also along with the law. Because of the disintegration of Somalia, lawlessness and crime were promoted by the citizens. This led political chaos, deteriorating security situation, widespread banditry and looting including physical destruction compounded the problem. Crime violence escalated to the state's borders of the Gulf of Aden and the Indian Ocean. The failure of the Somali government to protect her territorial waters caused organized cross-border crimes including piracy that threatens its maritime security. Therefore, piracy in the region may be regarded as a symptom of the failed state of Somalia which is not only a local problem, but a great concern for the international community as a whole. The lawlessness of Somalia provides a perfect breeding area for pirates; however, it is the increase in ransom that continues to serve as motivation for the continuous for the crime. Also in 2006, the United Nations passed a resolution no.1725 which stated that Somalia waters have become 'free for all' to allow for free flow of humanitarian assistance into the war-torn state of Somalia (<http://www.un.org/press/en/2007/sc9101.doc.tnm>). This brought about illegal fishing by foreign ships at the seaboard of the Somali waters to the detriment of the ill-equipped local fishermen. The development forced the Somali fishermen to take strong actions against illegal fishing that threatened their livelihood by foreigners. Income and occupation of the people were also endangered and they became frustrated. According to (Waldo, 2009) the illegal activities by the foreigners hampered the economic, environmental and health of the country and its people. As a consequence of this, the frustrated fishermen abandoned their trade and became pirates in order to protect the water and restore their means of livelihood. This manifested in the formation of organized groups in order to protect their waters among them is the National Volunteer Coast Guard as a pirates' network for hostage-taking and hijacking of foreign ships for ransom. The frustrated fishermen in Somalia believed that they were protecting their fishing grounds and exacting justice and compensation for the marine resources stolen by foreigners.

Furthermore, Somalia had been without a central government since January, 1991. Lawlessness and related crimes ruled in Somalia where government and laws once reigned because of being a failed state. It is a fact that state failure creates numerous challenges for the international system and in some cases serves as breeding grounds for extremism and staging points for organized terrorist groups. Because of the Somalia's strategic location at the entry of the Red Sea and Suez Canal, the Somali pirates became a great international concern. Some Somali people took advantage of the state's failure and organized themselves into pirates band that attacked large foreign ships passing through the Gulf of Aden and the Indian Ocean. They often hijacked cargoes and crew and demand ransom. The Islamist extremist group in Somalia the Al-Shabaab also engaged in pirate activities in order to raise funds for their criminality. Since then, the Gulf of Aden and the Indian Ocean witnessed a high level of pirate's activities especially the hijacking of foreign ships and Yachts. For example:

On April 4<sup>th</sup>, 2008 France-flagged ship MY Le Ponant was seized in the Gulf of Aden by the Somali pirates. The ship had 30 crew members: one Cameroonian, six Filipinos, 22 French and one Ukrainian. On April 12<sup>th</sup>, 2008 the crew and the ship were released, after the owner CMACGM, paid a ransom. After the crew was released, French soldiers tracked the pirates, who were then on land. According to the French military, a sniper in a helicopter disabled the engine of the pirates' car, while another helicopter landed and captured six pirates and recovered some ransom money. On April 13<sup>th</sup>, the six pirates appeared in a French court in Paris and were charged with, among other things, hostage-taking, hijacking and theft (Samuel, H: 2008).

Secondly, on October 7<sup>th</sup>, 2009 French-flagged ship Somme, an 18,000-tonne Durance-class command vessel, fuel tanker, and flagship of the French Navy, was mistaken for a cargo vessel and attacked at night in Indian Ocean by armed Somali pirates from two armed skiffs. The pirates opened fire on the ship with small arms and launchers. The ship returned fire and headed towards the pirates. The pirates attempted to flee after realizing that the ship was a military vessel. The Somme intercepted one of the boats and gave chase. After an hour long chase, the pirates surrendered and were detained aboard the ship. Other warships arrived and began searching for the escape skiff. The Somme had been operating 310 miles off the coast of Somalia, on its way to refuel frigates patrolling ship lanes. The attack was repelled ([http://en.wikipedia.org/wiki/list\\_of\\_ships\\_attacked\\_by\\_Somali\\_pirates\\_in\\_2009](http://en.wikipedia.org/wiki/list_of_ships_attacked_by_Somali_pirates_in_2009)).

Thirdly, the Panamanian-flagged ship MV QSM Dubai was captured by Somali pirates in the Gulf of Aden on June 2<sup>nd</sup>, 2010. Somali government security forces retook the ship and arrested 7 pirates. The captain of ship was killed

by the pirates, and the remaining crewmembers were freed on June 3<sup>rd</sup>, 2010([http://en.wikipedia.org/wiki/list of ships attacked by Somali pirates in 2010](http://en.wikipedia.org/wiki/list_of_ships_attacked_by_Somali_pirates_in_2010)).

Interestingly, the rescue of the French, the Malaysian and the Panamanian ships in the attacks was as a result the counter-piracy war waged by the multinational task force in the region's coastal water. According to Capt. Warredi Enisuoh, NIMASA's Director of Shipping Development, piracy thrives for various reasons. 'Aside kidnapping captains and crew to enjoy juicy ransom, piracy also thrives because there are always buyers of stolen goods. Other factors include lack of enforceable laws, hitherto lack of requisite equipment and technology to tackle piracy and seemingly lack of political will, forged certificates of seafarers, gangsters activities, unusually poor seafarer wages'. However, experts insist that piracy threatens more than just oil and gas assets as criminal gangs at sea are responsible for drug trafficking, arms smuggling, dumping of toxic waste, illegal bunkering and illegal fishing. These criminal acts may result in loss of lives, physical harm or hostage-taking of seafarers, significant disruptions to commerce and navigation, financial losses to ship-owners, increased insurance premiums and security cost, increased cost to both the government and producers, and damage cost to the maritime environment. The incessant attacks at the Gulf of Aden and the Indian Ocean by pirates have compelled shipping and insurance companies to designate the region as 'high risk' with the attendant high premium on imported cargoes. By the end of 2011, 151 attacks were recorded as against 127 incidences in 2010, indicating a renewed increase in piracy in the region. An estimated 3000 to 5000 pirates operated in the Gulf of Aden and the Indian Ocean and by February, 2012 1000 pirates had been captured and were going through legal process in 21 countries. According to the European Union Naval Force, intensified naval operations were adopted which led to a drop in pirate attacks in the Gulf of Aden and Indian Ocean by February, 2012. About 25 military vessels from the European Union and NATO countries, the United States, China, Russia, India and Japan patrolled the coastal area. The problem posed by Somali pirates affects international security and therefore requires a multilateral approach to combat it. This is demonstrated internationally by the level of co-operation and coordination among NATO nations that have to assemble their joint task force in the West Indian Ocean region and the Gulf of Aden to escort ships carrying humanitarian aid to Somalia and to protect vulnerable shipping.

As noted by Fisher (2014) these strong counter-piracy measures developed in East Africa, daring criminal organizations have caused them to relocate to the Gulf of Guinea in West African region. Despite this effort, the vast sea area in which pirates operate makes it difficult to patrol and monitor effectively particularly with the available limited resources. More so, resources in the form of naval vessels and aircraft are needed to combat the scourge. African poor maritime policing has significantly affected security of issues as piracy and associated crimes such as kidnapping, oil theft and smuggling.

However, piracy became substantially more lucrative that financial gain became the primary motive for the pirates. The attendant security threat in the area has resulted in huge losses in financial terms and hindered movement of goods and services across the waters and makes it difficult for the import dependent countries to attain their developmental goals. The impact of these losses are felt through loss of loading fees, taxes and levies as well as outrageous spending to respond to the security threats by the shipping merchants. This is in addition to the problem caused by the profits from piracy that finance other criminal activities such as terrorism and human trafficking that have a significant human and financial cost.

From the situations highlighted above, the following research questions may be asked:

To what extent is pirates' activity threatened the maritime security in the Gulf of Aden and the Indian Ocean?

Are the International Maritime Organization and other security agencies able to contain the spread of piracy in the region during the period under review?

What policy frameworks are put in place by the Somali government and other nations to check maritime insecurity in the Gulf of Aden and the Indian Ocean by the pirates?

The central argument of this paper is that the failure of Somalia might have led to the increasing rate of insecurity in the Gulf of Aden and Indian Ocean. This has also caused sustainable poverty in the countries bordering the two bodies of water and could be used in explaining the heightened pirate activities in the region. More so, proceeds from piracy with the associated arms proliferation through illegal arms smuggling might be used by insurgents in international terrorism.

### 3. Objectives of the Study

#### 3.1. Main Objective

- To examine the impact of the emergence of sea piracy in the Gulf of Aden and the Indian Ocean, and its effect on economic development in the East African region.

#### 3.2. Subsidiary Objectives

- To explore and evaluate the danger of maritime security threat on economic development of Somalia, Djibouti, Kenya, Yemen, Oman and its adjoining states.
- To examine the policy framework put in place and its effectiveness in checking the insecurity in the Gulf of Aden and the Indian Ocean by the International bodies.

#### 4. Scope of the Study

This study aims to check sea piracy and maritime security threat in the Gulf of Aden and the Indian Ocean region from 2008 to 2012. As this has been considered most critical period in the activities of piracy in the region.

#### 5. Hypotheses

- The increase in the incidence of piracy in the Gulf of Aden and the Indian Ocean is related to no. 1725 of the 2006 United Nation's resolution.
- The higher the incidence of piracy in the Gulf of Aden and the Indian Ocean, the poorer the people living in that region.
- The less the number of security personnel and equipment in the Gulf of Aden and the Indian Ocean, the greater the incidence of piracy in the waterways in the region.

#### 6. Significance of the Study

The study seeks to access the impact of Sea piracy and maritime security threat in the Gulf of Aden and the Indian Ocean. The study will be useful to the students' population in political science and marine officers. It will be of immense benefit to shipping companies having ships on international waters. The study will also contribute to the body of knowledge with regards to International Security with particular emphasis on Sea piracy on international waterways.

#### 7. Theoretical Framework

Two theories would be used in explaining the emergence of sea piracy in the Gulf of Aden and the Indian Ocean in the period under review.

- Frustration and Aggression theory as propounded by John Dollard, Miller, Mower and Sears in 1939.
- Structural – Functionalism by Gabriel Almond and Bingham Powell in 1970.

#### 8. Frustration and Aggression Theory

Frustration and Aggression theory as propounded by John Dollard, Miller, Mower, and Sears in 1939 would be partly used in explaining Sea Piracy and Maritime Security threat in the Gulf of Aden and the Indian Ocean. The theory posits that the occurrence of aggressive behaviour always presupposes the existence of frustration and contrariwise that the existence of frustration always leads to aggression. The theory further emphasized that aggression is a consequence of frustration. More so, relative deprivation is a perceived disparity between value expectations and value capabilities and that of a need satisfaction – defined as a gap between aspirations and achievements generally – relies on the psychological state of frustration and aggression attitude emanating from it (Midlasky, 1975: 29). This socio-economic frustration of the people is partly being adduced as the root cause of piracy. The attendant displacement of the fishermen and its effect on the people cannot be ignored in the study. But perhaps its relevance in the interpretation of pirate's activity in the region is that while its proponents admit unemployment and hopelessness of the displaced local fishermen, the socio-economic sector of the affected people might have been endangered.

Megalomaniacs (2010) stated that in 2009, a survey by Wardheer News found that about 70% of the local coastal communities strongly supported piracy as a form of national defense of the Somali's territorial waters. The pirates also believed that they were protecting their fishing grounds and exacting justice and compensation for their maritime resources stolen. This theoretical perspective explains why the displaced Somali fishermen by the illegal fishing on their waters expressed their bottled up frustration and anger through acts of criminality.

#### 9. Structural-Functionalism

This theory argues that, in order to understand a political system, it is necessary to understand not only its institutions, but also their respective functions. The Structural-functional approach is based on the view that a political system is made up of several key components, including interest groups, political parties and other branches of government. In addition to structures, Almond and Powell showed that a political system consists of various functions, chief among them political socialization, recruitment and communication. When the state of Somalia failed in 1991, there was absence of governmental control, both violence and illicit economic flourished and criminal took advantage of the prevailing anarchy. Government institutions (structures) in failed state of Somalia such as the Marine Police, the Navy and other security agencies could not offer the needed security on the territorial waters. The failure of the government's security agencies to defend the maritime domain created fertile grounds for violent crime in the Gulf of Aden off the coast of Somalia and the Indian Ocean. This theory explains why the failure of the government of Somalia to protect the maritime sector of the state gave rise to the increase pirate activities in the region and made the waters dangerous for international trade. However, piracy became substantially more lucrative that, the financial gain became the primary motive for the pirates.

#### 10. Review of Related Literature

The subject of piracy and maritime security threat became a focus in the world politics in late 20<sup>th</sup> and early 21<sup>st</sup>centuries; since then some scholars and researchers have published some work in textbooks in the field of Political Science or International relations on sea piracy. Therefore related literatures would be reviewed on sea piracy and maritime security threat separately as follows:

### 10.1. Sea Piracy

Sea piracy has been variously defined by scholars in the Social Sciences, States and Organizations. The definition of piracy as contained in article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) reads as follows: 'Piracy consists of any of the following acts:

Any illegal acts of violence or detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

- On the high seas, against another ship or aircraft or against persons or property on board such ship or aircraft;
- Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- Any act of voluntary participation in the operation of a ship or an aircraft with the knowledge of facts making it a private ship or aircraft;
- Any act of inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b)' (UNCLOS, 1982).

The law also provides that all states have the obligation to co-operate to the fullest possible extent in the repression of piracy (article 100) and have universal jurisdiction on the high sea to seize pirate ships and aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board (105).

From the definition, it therefore means that not all acts of crime on the sea against a ship is piracy. For a crime to be classified as piracy, 'the crime must be carried out on the high sea which is outside the twelve miles limit of the territorial waters of a maritime State' (Vogt: 1983). It is also important to distinguish between the crime of piracy from armed robbery against ships, which can occur within the internal waters and territorial sea of a coastal state. It is therefore clear from the above postulation that acts of violence against ships, especially those that occur in ports or territorial waters are not regarded as 'piracy' under international law. They are therefore classified as armed robbery (Luis J. 2003).

Kerchove :1961 stated that piracy is an act of robbery, murder, or forcible depredation on the high sea, without lawful authority, in the spirit and intention of universal hostility. He went further to say that that piracy is carried out without authority from any sovereign state and under condition which makes it unfair to hold any state liable for such crime. The postulation by Kerchove puts piracy as a non-state actor in international relations which should be treated as such in a situation of litigation devoid of the affected pirates. According to (Dogarawa: 2012) piracy involves attacks leading to loss of valuables, killing, injury and disappearance of the ship and or crew. It is a universal hostility because the act generally affects ships of nations other than where the attacks took place and the cargoes involved usually belong to different nations business of different countries and crews of different nationalities. However, cases of piracy are more prevalent in certain places in the world and in recent times, among others the; Gulf of Aden being noted as one of the dangerous areas in the world for pirates attack.

Pirates can be divided into three broad categories (2008 BBC report).

- Local fishermen, considered the brains of the pirates' operations for their knowledge.
- Ex-military men, who previously fought for the local warlord, or ex-military from the former Barre's government used as the muscle.
- Technical experts, who operate equipment.

Goldstein J. and Pevehouse J. (2008:200) stated that Somali pirates took advantages of near-anarchy in Somalia, established safe havens onshore and ventured out to capture dozens of ships, holding the vessels, cargoes and crews for ransom. Therefore, shipping companies generally paid up, first hundreds of thousands and eventually millions of dollars per ship, rather than lose valuable goods and people. Juliet K. and James R. (2011:118) in Global politics are of the view that pirates have become transnational actors when they crossed into international waters and target foreign ships. They stated that in 2008, there were over 100 pirate attacks off the coast of Somalia alone. According to them, the growth of transnational linkages is consistent with the liberal theoretical perspective of international relations, which expects increasing cross-national networks to foster more peaceful relations. But non-state actors that operate a cross-border and challenge States and their authorities may instead choose violence against civilians as their method.

### 10.2. Security

Generally, the issue of security is one of basic pre-occupation of man, the society, the government and the State. It touches on all aspects of human needs – health security, economic security, population security, educational security, religious security among others. Onuha and Hassan( 2012: 4) stated that for 'long the idea of national security has been defined from a state-centric, militaristic and strategic perspectives'. National security should not be narrowed to the military and strategic areas alone, but should be extended to include economic, political, population, food, health, education, and maritime security among others. For example, the Nigeria's national security entails the preservation and safety of Nigerians at home and abroad and the protection of the sovereignty of the country and the integration of its assets. (National defense policy: 2006). Therefore threat to national security are numerous, diverse and of course complex. A country is therefore secured to the extent that the leadership is able to anticipate, recognize and respond effectively to these ever-changing multifarious threats, using the available national resources to ensure the safety of lives and property of the citizens, and guarantee the integrity of its territorial boundaries as well as its strategic assets, both within and outside its territory. (Onuaha: 2008).

Imobighe (2003) in his postulation stated that security is freedom from danger, or the threat to nation's ability to protect and develop itself, promote its cherished values and legitimate interests and enhance the wellbeing of its people. From the view of Imobighe, it could be argued that security is the capacity of a country to be able to muster enough strength to counter any threat of insurgency within the territorial integrity of the State. For (Francis: 2005), security

denotes a condition or feeling of safety from fear, anxiety, danger, poverty, oppression, the defense, protection and preservation of core values and the absence of threat to these values. It could also be freedom threat caused by nations, organizations, regions and individuals which may have economic, political and social implications. Alli (2010:63) posits that security is a condition associated with the physical safety of individuals, groups, societies and nations as well as the safety of their values. In his submission, he shared the same idea of the meaning of security with other scholars who have researched on the subject. Professor Ate (2001) in his work 'The State System and Africa' stated that the most significant security challenges to the African State system since the end of political decolonization has been the manifestation of intra-state conflicts. He maintained that political decolonization has neither yielded dividend nor bring socio-economic advancement for the African people. The increase of internal conflicts and their intensification in many African States show that the process of nation-building is distinct from the artificial contraption called state had begun at all with attainment of political independence by African States. The political tension generated under this condition has aggravated a growing dehumanization of the general populace as a result of massive economic mismanagement, human right abuses, including environmental atrocities created in many parts of the region.

Somalia which hugs the Gulf of Aden comprised two different regions united in 1960 to form Independent Somali Republic. Internal differences in the country led to seizure of political power by Mohamed Siad Barre in 1969 and in 1991 Barre's government collapsed and civil war broke out in Somalia. That government became increasingly totalitarian, and resistance movements, encouraged by Ethiopia, sprang up across the country, eventually leading to the civil war. Among the militia groups were the Somali Salvation Democratic Front (SSDF), United Somali Congress (USC), Somali National Movement (SNM), together with the non-violent political oppositions of the Somali Democratic Movement (SDM), the Somali Democratic Alliance (SDA) and the Somali Manifesto Group (SMG). When insecurity generates to war, Prof. Ate held that it would have a cross-border effect which include creation of refugee crisis and its consequences which is a subject of international concern. Political instability, poverty, mismanagement and corruption divert attention of political leaders responsible for border control from the task. As long as this situation persist in the sub-region and states do not understand the need to co-operate in order to exercise efficient control over border areas, cross-border crime will manifest to be a major pre-occupation in them as in the case of the Gulf of Aden. Ayisi (2003) and Tukur (2010) are of the opinion that the Gulf of Guinea and the Gulf of Aden regions are faced with maritime challenges and threats emanating from both internal conflicts within some member-states and the activities of international and local criminals cartels who engaged in illegal oil bunkering and arms proliferation. Other criminal acts carried out in the coastal areas according to them include attacks on merchant vessels, environmental pollution, maritime terrorism, kidnapping of expatriate oil workers, Sabotage and vandalization of oil facilities, drug and human trafficking.

Eze (2010: 234) observed that growing crime complicates the tenuous security climate in the Gulf maritime domain. The situation could be linked to the increase crime rate of piracy in the Gulf of Aden during the Somali civil war and the near anarchy period of the late 1990s and early 2000.

## 11. Research Methodology

This study adopts mainly the descriptive method of data collection which seeks critically to examine various relevant documents on sea piracy and maritime threat. These documents include among others published and unpublished materials, periodicals and journals, Newspapers, textbooks and internet facilities.

In examining the various perspectives that have attempted to capture the causes and impact of sea piracy in the Gulf of Aden and the Indian Ocean, the general theoretical frameworks that have been that have been employed universally to explain similar crimes were consulted. Documents on International Maritime Organization and International Maritime Bureau were not ignored in the study and all other documents of other international organizations in the fight against sea piracy were also consulted. The paper further accommodated the views of persons with security background in maritime sector who share concern over the security threat by pirates in the region.

## 12. Marine Security Threat in the Gulf of Aden and the Indian Ocean by Somali Pirates (2008-2012)

The Gulf of Aden is one of the International waterways in the world. In the North East, it connects with the Red Sea, which is about 20 miles wide. It shares its name with the port city of Aden in Yemen, which forms the northern shores of the Gulf.

The Gulf of Aden has a unique biodiversity. The Indian Ocean is bounded by Asia-including India, after which the river is being named, on the west by Australia and on the south by the southern Ocean. The Ocean is nearly 10,000 km at the southern tips of Africa and Australia, and its area is 73,556,000 km<sup>2</sup> including the Red Sea and the Persian Gulf. Between 2008 and 2012 the Gulf of Aden and the Indian Ocean have evolved into a hub pirate attacks. By 2013 attacks in the waters had steadily declined due to active pirates' security and international navy patrols. The Gulf of Aden and the Indian Ocean are not the only venues where pirates are practiced, but they are most visible and problematic in this region. It is a major concern for shippers, insurance agencies, crews and cargo owners.

Below are case studies of some of ships attacked by pirates in the Gulf of Aden and Indian Ocean between 2008 and 2012 for analysis.

### 12.1. Case Study A: List of Some Ships Attacked by Pirates in 2008

- April 20<sup>th</sup>, 2008 the FV Player de Bakio a Spanish-registered, tuna fishing boat was hijacked by pirates in the Gulf of Aden. The vessel and its crew of 26, made up of 13 Africans and 23 Spaniards. The boat was slightly damaged in

the attack and was anchored off southeast of Punt land by the hijackers. On April 26th, 2008, the ship and its crew were freed and it was alleged that \$1.2 million ransom was paid.

- On May 17th, 2008 the MV Victoria, a Jordanian-flagged ship was hijacked off the Somali coast. The ship was travelling to the Somali capital Mogadishu and had a crew of 12 from Bangladesh, India, Pakistan, and Tanzania. On May 23rd, 2008, the ship was released and continued on its course to Mogadishu, accompanied by Somali soldiers on board. After the release, Islamic militants attacked pirates in Hobyo, apparently in response for the hijacking. According to the Islamic leader, four pirates and two militants were killed in the attack and six pirates were captured.
- A Dutch vessel, the MV Amiya Scan manned by four Russians and five Filipinos was hijacked on the May 24th, 2008 in the Gulf of Aden. The ship was transporting a damaged oil platform. The ship was released on June 24th, 2008 out of the port of Eyl.
- A Greece chemical tanker, MV Action with crew of 20 was hijacked in the Gulf of Aden, on October 10th, 2008 three crew members died due to unknown circumstances while the ship was in the hands of the pirates. The ship was finally released on December 12th, 2008.

Source: [http://en.wikipedia.org/wiki/list\\_of\\_ships\\_attacked\\_by\\_Somali\\_pirates/2008](http://en.wikipedia.org/wiki/list_of_ships_attacked_by_Somali_pirates/2008).

#### 12.2. Case Study B: List of Some Ships Attacked by Pirates in 2009

- On January 1st, 2009 15 armed Somali pirates hijacked the Egyptian cargo ship Blue Star carrying 6,000 tons of fertilizer and its 28 crewmembers right after the ship exited the Red Sea and went into the Gulf of Aden. The ship was released on March 5th, 2009 after \$1 Million was paid as ransom.
- A Greece-flagged ship MV Nipayia was attacked by pirates on March 25th, 2009 off the coast of Somalia. The crew consisted of 18 Filipinos, a Russian Captain and was managed by Athens-based Lotus shipping. The ship was released on May 9th, 2009 after payment of undisclosed amount as ransom.
- The French-flagged yacht Tanit was captured on April 4th, 2009 taking hostage a couple, their 3-year old child, and two friends of the family who joined them Aden. The French forces stormed the yacht on April 10th, 2009 while the pirates refused French offers to free the hostages. One hostage, Florent Leacon, 28, was killed, and the four others freed, including the child. Two pirates were killed in the process and three others captured.
- On July 8th, 2009 the Turkish-owned ship was hijacked by five armed Somali pirates in the Gulf of Aden. The ship was brought first to the Somali port along with 23 crew members.
- On October 19th, 2009 the Chinese bulk carrier De Xin Hai, owned by COSCO Qingdao, was captured 700 miles east of Somali coastline in the Indian Ocean. Two skiffs were utilized in the capture. This was the farthest afield that the Somali pirates had ever struck, and the attack occurred with three Chinese naval vessels in the Red Sea and Indian Ocean. The vessel was released on December 28th, 2009 after collecting \$4 Million as ransom.

Source: [http://en.wikipedia.org/wiki/list\\_of\\_ships\\_attacked\\_by\\_Somali\\_pirates/2009](http://en.wikipedia.org/wiki/list_of_ships_attacked_by_Somali_pirates/2009).

#### 12.3. Case Study C: List of Some Ships Attacked by Somali Pirates in 2010

- On March 3rd, 2010 Saudi Arabia-flagged ship MV Al Nisr al Saudi Oil tanker was hijacked on its way from Japan to Jeddah, Saudi Arabia with crew members of 13 Sri Lankans and 1 Greek. The tanker has a dry weight of 5,136 tonnes. The ship and the crew were released on December 7th, 2010, after an undisclosed amount of ransom was paid to the hijackers.
- On March 29th, 2010, Panamanian-flagged ship MV Iceberg 1, a 3,960 dry weight tonnes vessel was hijacked 10 nautical miles from the port of Aden, Gulf of Aden while heading to Jebel Ali Port, United Arab Emirates. The crew members were 9 Yemenis, 6 Indians, 4 Ghanaians, 2 Sudanese, 2 Pakistani, and 1 Filipino. The vessel was being held at Kulub at the North-Eastern Indian Ocean, off the coast of Somalia. It was released after payment of \$8 Million ransom.
- The Singaporean-flagged Chinese-chartered chemical tanker MV Golden Blessing was hijacked in the Gulf of Aden and its Chinese crew of 19 was taken hostage. The ship was carrying a cargo of Ethylene glycol, a chemical used for antifreeze. The vessel was released on November 6th, 2010 after payment of \$2.8 Million as ransom.
- The Saint Vincent and the Grenadines-flagged freighter MV Syrian Star was hijacked on August 6th, 2010 in the Gulf of Aden and its Syrian and Egyptian crew of 24 (22 Syrian, 2 Egyptian) were taken hostage. The pirates abandoned the ship on August 7th, 2010 leaving on a lifeboat, leaving behind their own skiff. Two crew members were injured in the hijacking.
- On September 28th, 2010, a Panamanian-flagged ship MT Asphalt Venture, an asphalt tanker was hijacked by Somali pirates on its way from Mombasa to Durban. The vessel was held at Kulub, the north-eastern Indian Ocean coast of Somalia.

#### 12.4. Case Study D: List of Some Ships Attacked by Somali Pirates in 2011

- Italian-flagged ship Savina Caylyn (Oil tanker) was captured in the Arabian Sea off the coast of Yemen on the February 9th, 2011 by Somali pirates and the vessel was released after the payment of \$13.5 Million as ransom to the pirates.
- On April 30th, 2011 the 20,989 tonne, Singapore-flagged vessel was attacked and hijacked by pirates on its way to Mombasa (Kenya) from Kuala Tanjung (Malaysia) along with 25 crew members on board; 4 Korean, 13 Indonesians, 3 Myanmar, 5 Chinese. On December 2nd, 2011 the pirates released the vessel and 21 crew members,

while keeping 4 Korean crew members captive until South Korean government paid a ransom of 4 million dollars. The said 21 crew members and the vessel were released after a ransom of \$6 million was paid.

- Indian-flagged ship MT Fairchem Bogey (Oil Tanker) was anchored at the port limit of 5 nautical miles from Salalah, Oman, waiting for berthing instructions when it was hijacked in the early hours of August 20<sup>th</sup>, 2011 with 21 crew members all Indians. The vessel was released on December 1<sup>st</sup>, 2011 after payment of \$8 Million as ransom to the pirates.
- Algerian-flagged ship MV Blida was captured in the Arabian Sea by the pirates off the coast of Oman on January 1<sup>st</sup>, 2011.
- Taiwan-flagged ship MV Chin Yi Wen (fishing vessel) was captured by pirates off the east coast of Africa on November 2<sup>nd</sup>, 2011 and took control of the vessel. The crew consisted of several Vietnamese war veterans, who were kept hostage, were able to fight back and threw the pirates into the Ocean and recovered the vessel while 3 sailors out of the 28 sailors were injured

Source: [http://en.wikipedia.org/wiki/list\\_of\\_ships\\_attacked\\_by\\_Somali\\_pirates/2011](http://en.wikipedia.org/wiki/list_of_ships_attacked_by_Somali_pirates/2011).

#### 12.5. Case Study E: List of Ships Captured by Somali Pirates in 2012

- An Iranian fishing ship FV Al-Khalil (fishing vessel) was captured by pirates on January 25<sup>th</sup>, 2012 while the security team on board was asleep. The ship was released on February 7<sup>th</sup>, 2012 by pirates through the assistance of International Maritime Forces without any ransom paid.
- On March 26<sup>th</sup>, 2012 a Bolivian-flagged ship MV eglantine (Bulk carrier) was captured by Somali pirates in the Maldives' Exclusive Economical Zone 193 miles northwest off Hoarafushi island. The vessel was bound for Iran with a cargo of sugar from Brazil is owned by an Iranian Company. The ship was stormed and recaptured by Iranian Naval Commandos.
- On October 20<sup>th</sup>, 2012 a Malaysian-flagged ship MT Arowana United (chemical tanker) was hijacked by pirates while at port from the Labuan anchorage in Malaysia. 8 crew members were rescued near Pulau Natuna, Indonesia. However, the pirates managed to siphon off 650,000 litres of marine fuel worth \$400,000. The crew sustained minor injuries and robbery also reported. The pirates also damaged the Ship's navigation system severely to avoid being detected by the maritime authorities.
- On November 19<sup>th</sup>, 2012, a Malaysian-flagged ship MT Zafirah (marine gas oil tanker) was hijacked by 11 pirates who were armed with long knives and pistols near CON Son Island, Vietnam. On November 21<sup>st</sup>, 2012, the crew which was afloat on a life boat was rescued by a Vietnamese fishing vessel. The ship and its 11 hijackers were apprehended by the Vietnam Marine Police Special Task Force.
- On November 26<sup>th</sup>, 2012, a cruise liner owned by Azamara Club Cruises, a subsidiary of Royal Caribbean Cruises Ltd, named Azamara Journey was approached by several small pirates' skiffs off the coast of Oman. After taking evasive maneuvers and firing at least three warning flares, the pirates ceased their attack.

Source: [http://en.wikipedia.org/wiki/list\\_of\\_ships\\_attacked\\_by\\_Somali\\_pirates/2012](http://en.wikipedia.org/wiki/list_of_ships_attacked_by_Somali_pirates/2012).

Total number of successful attacks on vessels in the Gulf of Aden and the Indian Ocean from 2008-2012 are listed below:

2008	111 attacks
2009	117 attacks
2010	53 attacks
2011	37 attacks
2012	13 attacks

Table 1

Source: International Maritime Bureau

The above case studies show that pirate activities were high between 2008 and 2009 in the Gulf of Aden and the Indian Ocean and started to decline from 2010. This was observed because of the counter-piracy measures enforced by the International Maritime Organization, NATO and EU countries by establishing the Maritime Security Patrol Area in the Gulf of Aden in 2009. Some of the vessels attacked during the period in the region include among others Chemical Tankers, Bulk Carrier, Tankers, Containers, General Cargo, Tug, LPG Tanker, Offshore Tug, Fishing Vessels, and Dhow of different nationalities with their crew members and seafarers. The hijackers were heavily armed with automatic weapons and Repelled Propelled Grenade (International Maritime Bureau).

### 13. Cost Imputation of Marine Piracy

The amount of ransoms has increased from \$58 million to \$238 million within a time period of two years (2009 and 2010). Several attempts have been made to stop piracy. A report published by Ocean Beyond Piracy (OBP) in the year of 2011, highlighted that the indirect costs of piracy is huge. On a global perspective it ranges between \$6.6 and \$6.9 billion. Many different types of costs are associated with like insurance, naval support, legal proceedings etc (Hopkins: 2012).

One more report has been published in 2011 to check the cause and effect of international piracy. Several studies have been made to highlight the initiatives made by Somali fishermen to protect their waters during the mid-1990s. Moreover studies have been conducted to check the global cost of piracy. The reports also exaggerated the impact that piracy has grown steadily in size from 25,000 billion tones/miles to 35,000 billion tonnes/miles. In the United States the National Cargo Security Council estimated that between \$10 and \$15 billion were stolen from ports in 2003. There are

additional costs as well: having ships out of service, the deployment of naval vessels from a number of countries, tankers and freighters needing to take long detours to avoid danger zones, holding court cases and incarcerating the pirates. While many of these costs are associated directly with protection against piracy and many of them will need to continue despite the decline in attacks committed by Somali pirates.

#### **14. Counter-Piracy Measures in the Gulf of Aden and the Indian Ocean**

On May 28<sup>th</sup> 2007, a Chinese sailor was killed by pirates as he did not able to meet their ransom demand. On October 5<sup>th</sup> 2008, the United Nations Security Council adopted a resolution number 1838 calling on Nations with vessels. At the 101st Council of the International Maritime Organization, India called for a United Nation peace-keeping force under a unified command to tackle piracy off Somalia. The United Nations Security Council also adopted a resolution on November 20<sup>th</sup>, 2008, as proposed by Britain, introducing tougher sanctions against Somalia over the country's failure to prevent a surge in sea piracy. At that time, the Somali government was struggling for control of the country against an Islamic insurgency and its navy could not contain the pirate activities.

Counter-piracy operations have been helping to deter and disrupt piracy attacks while protecting vessels and helping to increase the general level of security in the region since 2008. Currently, there are three international naval task forces in the Gulf of Aden and the Indian Ocean, engaging in piracy counter operations. These three international task forces which comprise the bulk of counter-piracy operations are:

- Combined Task Force 150 – whose overarching mission is Operation Enduring Freedom
- Combined Task Force 151- which was set up in 2009 specifically to run counter-piracy operations.
- The European Union Naval Task Force – operating under Operation Atalanta.

Shared Awareness and Deconfliction (SHADE), a monthly planning conference co-ordinates all types of counter-piracy operations. Actually, the organization has representatives only from NATO, the European Union, and the Combined Maritime Forces (CMF) headquarters in Bahrain, United Kingdom from over 20 countries.

In 2008 NATO started to provide escorts to UN World Food Programme (WFP) vessels transiting through these dangerous waters under Operation Allied Provider. In addition to providing protection to World Food Programme chartered ship, NATO conducted deterrence patrols and prevented, for instance, vessels from being hijacked and their crews being taken hostage during pirate attacks. That operation succeeded by another arm called Operation Allied Protector established in 2009, which continued to contribute to the safety of commercial maritime routes and International Navigation. The operation in August, 2009 evolved in Operation Ocean Shield. This agency by NATO forces also contributes to providing maritime security in the Gulf of Aden and the Indian Ocean and also helps in reducing the overall pirate attack success rate. In order to respond to new piracy tactics NATO has created greater synergies with other initiatives, recognised the continued need for regional capacity-building, within means and capabilities, and focus on areas where it provides added value. The operation has helped in reducing successful pirate attacks in 2012 and other strategies adopted in the operation include among other things, disabling pirate vessels or skiffs, attaching tracking beacons to mother ships and allowing the use of force to disable or destroy suspected pirate or armed robber vessels. NATO is conducting counter-piracy activities in full compliance with the NU Security Council resolutions (UNSC) no. 1814 (2008), 1816 (2008), 1838 (2008), and 1846 (2008).

#### **15. The European Union (EU)**

As part of the International efforts, Europe plays a significant role in combating piracy in the Gulf of Aden and the Indian Ocean. The European Union under the Common Security and Defense Policy (CSDP) launched EUNAVFOR – Somalia – Operation Atalanta.

This Operation is working to protect humanitarian aid and aims to eliminate the corruption to the shipping routes and the de-stabilizing of the maritime environment in the region. Presently, 26 countries have brought some kind of contributions to the operation.

##### *15.1. Self-Defence Strategy*

This is one of the anti-piracy computations taken by International Shipping Merchants to deter attacks against their ships. This method is contained in the fourth volume of the handbook : Best Management Practices to Deter Piracy off the Coast of Somalia and in the Serbian Sea Area (known as BMP4). The guide is issued and updated by a consortium of interested international shipping and trading organizations. The document known as BMP4 encourages vessels to register their voyages through the region with MSCHOA.

#### **16. East African Regional Counter-Piracy Measures In The Gulf Of Aden And The Indian Ocean**

An significant agreement at the region level has been adopted by states level in Djibouti. This has hapenend in the East Africa region. This had taken place in January, 2009. This had highlighted piracy and armed robbery against ships in the Indian Ocean.

It also highlighted the difficulties of buccaneering and armed robbery against the Indian Ocean and the Gulf of Aden. It aims to collect, share and report all the pertinent information through a system of national focal points and information centers.

## 17. Findings and Conclusion

From the study, it could be observed that the greatest component that enables all other activities to accelerate the piracy issue in the Gulf of Aden and the Indian Ocean failure of Somalia as a sovereign state. The next finding was that since the inception of piracy in Somalia, the crime has grown into a lucrative business. Initially, ransom ranged between tens and hundreds of thousands of US dollars; however, in 2008 this figure shot up to average between half a million to an astonishing \$3.5m. These outrageous payments continue to make piracy in Somalia very attractive business. Countries and shipping companies are most often very willing to pay these ransoms because the value of the ships and its crew members outweigh the ransom being demanded (Hunter, 2008). The increase in pirates translates into more hijackings, higher demands of ransoms and in the case of non-delivery of the high ransoms there may be human casualties.

A lawless nation with no central government, or any form of employment for its young men, it is estimated that approximately two-thirds of Somali youth are without jobs. Almost 75% of Somali households survive on less than \$2 a day; thus piracy provides an alternative to make a living in the face of desperation. Piracy reportedly generated over \$30m (USD) between January and November, 2008 (Hunter, 2008). Monetary benefits have been the main attraction for young Somalis men to join the business.

It was also discovered that, piracy contributed to the increase instability of Somalia and further undermined the already weak Transnational Federal Government and made it almost impossible to establish a secured frontier in the Somali seaboard. In the late 2000s the emergence of piracy off the coast of Somalia spurred a multi-national effort led by the United States of America to patrol the waters near the Horn of Africa in order to checkmate the insecurity. The study also revealed that piracy could be successful because of a large amount of international commerce are carried out through waterways and the failure of the Somali government. Major international shipping routes take cargo ships through narrow bodies of waters such as the Gulf of Aden, making them vulnerable to be overtaken and boarded by small motorboats. It was also discovered that the usual modus operandi of the Somali pirates is to attack ships in the northern, eastern, and southern coast of Somalia. Notably, Somali pirates are very dangerous and are prepared to fire their automatic weapons and RPG at vessels in order to stop them. These pirates normally used 'mother vessels' to launch attack at very far distance from the coast. The 'mother vessels' usually hijack dhows or ocean going fishing vessels. The 'mother vessel' is able to proceed very far out to the sea to launch smaller boats or skiffs to attack and hijack unsuspecting passing vessels. Large cargo ships, oil, and chemical tankers on international voyages became the new targets of choice for the Somali hijackers because such would huge ransom. For these reasons, prices of goods and services in region were high because of the inability of ships to cross the dangerous waters. Many past attacks had taken place more than 1000 nautical miles from the Somali coast towards the south coast of Indian Ocean. The pirates also attacked vessels close to the coast Tanzania, Kenya, Somalia, Yemen and Omar and this has had a negative impact on these states that are import dependent states. In some cases many nations forbid ships to enter their territorial waters or ports if the crews of the ships are armed, in an effort to restrict possible piracy. Also it is important to mention in this study that the activities of piracy have been extended to include boarding, extortion, hostage-taking, kidnapping of people for ransom, murder, robbery, sabotage resulting in the ship subsequently sinking, seizure of items on the ship, shipwrecking done intentionally to the ship, smuggling, drug and human trafficking. Modern pirates also used great deal of technology to execute their agenda. It has been reported that crime of piracy have involved the use of mobile phones, satellite phones, GPS, sonar systems, modern speed boats, assault rifles, short-guns, pistols, mounted machine guns and even Repelled Propelled Grenades and grenade launchers.

The last finding was on the efforts adopted in addressing the problem. Thus far the international community through the United Nations Security Council has adopted some Resolutions that are aimed at countering piracy attacks. Mainly, the international community's response has been the deployment of navies and warships. Together the nations affected by the activities of the pirates have both collectively or singularly deployed warship and their navies into the Somali waters to ensure safety for maritime travels.

By December, 2012 attacks on the Gulf of Aden and the Indian Ocean had greatly reduced because of the multilateral anti-piracy measures adopted by various organizations, but the waters still considered risky.

## 18. Recommendations

Piracy in the Gulf of Aden and the Indian Ocean was seen to be undermining international humanitarian efforts in Africa and the safety of one of the busiest and most import maritime routes in the world as could be adduced from the study. While hard statistical figure in terms of both human and economic losses may be difficult to obtain, anecdotal evidence proved the estimated annual global losses by the International Maritime Bureau of \$6.5 billion could be acceptable. Maritime piracy, regardless of where it occurs imposes economic and human costs on the world economy. For example, the economy of the United States West Coast is tied to the maritime industry, and California alone is the world's eighth largest economy (Donna; 2013). If there are maritime threats in the world, there is at least a pathway to the water's edge both through legitimate and illegal trade routes. The global challenge would be to increasingly engage these threats as interwoven whole, rather than as separate, discrete and distinct concerns. Therefore, like terrorism, piracy is a transnational organized crime which no single country on its own alone can succeed in containing its spread. Multilateral approach is therefore required in counter-piracy operations. The current geographical shift of maritime piracy from the Gulf of Aden and the Indian Ocean to Malacca and the Gulf of Guinea is important in this regard.

As the fight against piracy is clearly beyond the capability of one state alone, multinational co-operation collaboration with the shippers is essential to getting control of the problem. Without their cooperation, solution might be impossible and the problem may get worse. Therefore, it is recommended that counter-piracy operations by International Maritime

Organization, Regional and other International bodies should be institutionalized in the region to guarantee long lasting security in the Gulf of Aden and the Indian Ocean.

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