LEGON CENTRE FOR INTERNATIONAL AFFAIRS AND DIPLOMACY (LECIAD)

UNIVERSITY OF GHANA

AN ASSESSMENT OF THE POLICIES AND STRATEGIES IN ADDRESSING THE PROBLEM OF PIRACY IN THE HORN OF AFRICA SINCE 2013

## BY
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THIS DISSERTATION IS SUBMITTED TO THE UNIVERSITY OF GHANA, LEGON, IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF THE MASTER OF ARTS DEGREE IN INTERNATIONAL AFFAIRS

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DECLARATION

I, **BEATRICE BOATEMAAH**, do hereby declare that this research is my own original work under the supervision of **DR. BONI YAO GEBE** and that apart from other sources which have been duly acknowledged, no part of it has been submitted at any university in order to obtain an award of any degree by a university.
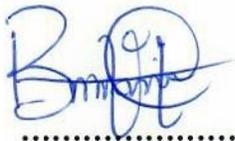
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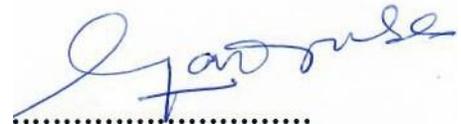
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DATE: 15TH JULY, 2021

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DEDICATION

I dedicate this dissertation to the Almighty God for his unfailing love, grace and strength to successfully complete this work.

I also dedicate this work to my uncle Mr. Kofi Baah Agyepong and mother Rosina Ama Owusuaah. I am very grateful for their prayers and support throughout this study.

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 God bless you all.

LIST OF ABBREVIATIONS

AMISOM   -   African Union Mission in Somalia

BMP   -   Best Management Practices

CGPCS   -   Contact Group on Piracy off the Coast of Somalia

CMF   -   Combined Maritime Forces

CTF   -   Combined Task Force

DCoC   -   Djibouti Code of Conduct

ECCAS   -   Economic Community of Central African States

ECOWAS   -   Economic Community for West African States

ECSDP   -   European Common Security and Defense Policy

EU NAVFOR -   European Union Naval Force

GoA   -   Gulf of Aden

GOG   -   Gulf of Guinea

GPS   -   Global Positioning Systems

HoA   -   Horn of Africa

ICC-IMB   -   International Chamber of Commerce's International Maritime Bureau

LECIAD   -   Legon Centre for International Affairs and Diplomacy

MEND   -   Movement for the Emancipation of the Niger Delta

MOWA   -   Maritime Organization of West and Central Africa

MPRA   -   Maritime Patrol and Reconnaisance Aircraft

MSPA   -   Maritime Security Patrol Area

MSTC   -   Maritime Security Transit Corridor

NATO	-	North Atlantic Treaty Organization
PASSEX	-	Passage Exercise
RAS	-	Replenishment as Sea
RPGs	-	Rocket Propelled Grenades
SBP	-	Somalia Based Piracy
TFG	-	Somalia's Transitional Federal Government
TFIs	-	Transitional Federal Institutions
UN	-	United Nations
UNCLOS	-	United Nations Convention on the Law of the Sea
UNSCR	-	United Nations Security Council Resolution
VPD	-	Vessels Protection Detachment
WFP	-	World Food Programme

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ABSTRACT

The surge in piracy at the Horn of Africa received massive international attention following the incidence of high-profile hijackings and the threat it posed to international commerce. The international community implemented several policies and strategies to curb the menace. This study assesses specific international measures implemented namely, Operation Atalanta, Operation Ocean Shield, Combined Task Force 151, Djibouti Code of Conduct and The Contact Group on Piracy Off the Coast of Somalia. This study is hinged on the theory of International Cooperation to explain how the International Community through coordinated effort achieved a mutually beneficial outcome. This study also assesses the role played by the United States of America in addressing the problem. This study employs the qualitative method of research, making use of both primary and secondary sources. Semi-structured interviews were used to obtain relevant primary data from respondents through purposive sampling technique. This study revealed that, these specific international measures have contributed greatly to the decline of pirate attacks in the region since 2013, however, these international efforts are not devoid of challenges as there have been few recent pirate attacks in the region undermining the long-term sustainability of the international measures. Ultimately eliminating piracy requires more robust efforts to tackle the root causes, not solely focusing on naval actions. This study concludes by recommending that, the international community should actively help in rebuilding the state of Somalia by improving upon the economic condition of the citizens and tackling corruption. There is the need for the international community to employ more of diplomatic efforts rather than military engagements in the region. Using effective anti-campaign to conscientize the people of Somalia about the implication of the menace, improving the fishery sector of Somalia, implementing more capacity building initiatives and enhancing cooperation amongst regional states to fully commit to the cause can provide long term solutions to combat the threat of piracy in the region.

CHAPTER ONE

INTRODUCTION

1.0   Background of the Study

The Horn of Africa (HoA) is the peninsula of Northeast Africa comprising of countries like Djibouti, Somalia, Eritrea, Ethiopia, Kenya, Sudan, South Sudan, and Uganda. It is the easternmost extension of the African continent separating the Gulf of Aden (GoA) from the Indian Ocean. This region is strategic to global trade due to the oil shipments from the gulf countries that transit to Africa, Asia and America. It is also one of the major trade sea lanes and land route for international trade. The Gulf of Aden is essential to commercial shipping route from the Indian Ocean to the Mediterranean Sea by the Suez Canal. Ho (2009) describes the Gulf of Aden as the transit point for over 20,000 ships that use the Suez Canal annually. Moreover, about millions of tons of crude oil, petroleum products, iron ore, coal and other essential products from other regions convey through the Gulf of Aden. Another reason for the region's importance to the international trade is the fact that it is the source of the Nile River and a gateway to the Red Sea and the Gulf of Aden, additionally, there are a number of sea traffic going by major ports in the area. Its importance is heightened because of its proximity to the oil-rich Arabian Peninsula. The significance of the maritime industry to international trade and development is underscored by the fact that the oceans and sea lanes serve as an avenue for interaction and resources necessary for survival (Okyere,1981). Piracy in this region became an issue of global concern.

Maritime piracy in the HoA threatened the security of vessels and crew who transited through the region as Ships were constantly exposed to risk. The incessant attacks of ships by the Somali pirates

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triggered a reaction from the international community whose attention was drawn to the surge of the menace and the risk it poses. Amongst the numerous pirate attacks is the hijacking of the first Indonesian ship called MV Sinur Kudus in March 2011. The pirate held the ship and the crew hostage for 46 days until their release following payment of a ransom of US$4.5million (Ismunadi, 2011). The world witnessed a tremendous increase in the rate of piracy attack in 2008 as major reports were recorded in that year. The International Maritime Bureau 2008 Annual report gave statistics of the pirate incidence that occurred in 2008. The report recorded that more than 111 ships were attacked in 2008 as compared to 44 in 2007. Specifically, 92 attacks were recorded in the Gulf of Aden. As of 31st December, 2008, there were 13 vessels with 243 crew members being held hostage for ransom on the East Coast of Somalia. Ransom demanded for the hijackings ranged from US$500,000 to US$2,000,000 and escalated towards the end of 2008.

The principal motivating factor to the surge in Somali piracy is connected to the absence of a legitimate government in Somalia after the fall of Siad Barre's government. The fall of Siad Barre's regime in 1991 was marked by violence, lawlessness, poverty and political instability (Chalk, 2010). Since there were no rules or laws to govern the behavior of the Somalis and also protect the borders of the state from external forces, maritime criminality became rampant. This created a haven for pirates and robbers to engage in all sort of unlawful actions. The effect of the rise of Somali piracy in the HoA was appalling. The World Bank estimated that between 2008 and 2012, the global economy lost US$18billion annually due to Somali piracy. Shipping is the medium through which about 80% of international trade is done. Also, about half of the world's daily consumption of oil as well as travelling are done through confined waterways such as straits and canals which are easy preys to pirates. It is estimated that, maritime piracy costs the international community between US$7

and US$12 billion annually Potgieter (2012). The surge in Somali piracy incurred high costs on shipping insurance, self-protection measure and naval deployment among many others. The United Nations Security Council invoked chapter 7 of the charter arguing that Somali pirates were a "threat to World Peace". Therefore, the International Community mobilized to fight the threat in the HoA.

According to Hurburt et al (2013), between 2011 and 2013, the number of Somali pirate attacks dropped by 80% with 851 Seafarers fired upon in 2013 compared to 4,185 in 2010 and 1,090 taken hostage in 2010. The response to Somali piracy took effect in 2008 when the UN Security Council passed Resolution 1816 to authorize foreign states to enter Somalia's territorial sea to suppress piracy. Several states were involved in military counter-piracy operations in the region through three coalitions namely, the European Union Naval Force Somalia through Operation Atalanta, North Atlantic Treaty Organization (NATO)'s Operation Ocean Shield and Combined Task Force 151.

Additionally, in pursuant to the United Nations Resolution 1851, the Contact Group on Piracy off the Coast of Somalia (CGPCS) was launched to help in coordinating counter-piracy activities of the member states and the international organizations involved in working to combat the menace in the region. Also, several other institutional, international, national and regional initiatives such as the Djibouti Code of Conduct, the Regional Anti-Piracy Prosecutions Intelligence Cordination Centre and the Indian Ocean Commission Anti-Piracy partnership program, complemented the international mobilization. In the quest to combat the threat of Somali piracy, international navies offered protection to vessels transiting through the High-Risk Area. Shipping vessels employ shipping self-protection measures to safeguard themselves against pirates. The regional states reformed their laws to ensure that piracy was an offence in domestic legislation. This helped in the prosecution of suspects

in any of the regional states. A number of Criminal Justice practitioners were trained in the regional states to facilitate such judicial processes. To enhance the judicial system in the regional states, prisons were built and the existing ones were improved to house convicted pirates. Although the rate of piracy in the HoA has tremendously declined since 2013 as very few cases of piracy are recorded compared to the previous years, the international community is still faced with the challenge of providing a long- term solution to curb the menace entirely. This research aims to critically assess some specific strategies and policies implemented by the international community to identify their successes and challenges. The responses to Somali piracy are of various forms which include naval deployment, donations to support state initiatives, modification of insurance rates by shipping industries and capacity building by International Community, Regional blocs, Non-Governmental Organizations, individual states, Maritime industries and other non- state actors. However, this study concerns itself with some specific policies and strategies implemented at the international level to address the problem.

1.1   Statement of the Research Problem

The rate of pirate incidence skyrocketed between 2007 and 2008 in the Horn of Africa. This phenomenon was caused by the weak state of Somalia, fueled by the absence of a sovereign government to regulate the maritime industry of Somalia. Piracy grew exponentially attracting the attention of the international community who through collaborative means formulated policies and strategies to countercheck the rise of the menace. Since 2013, the rate of occurrence of pirate activities in the region has declined tremendously compared to previous years. This decline is attributed to the polices and initiatives that have been implemented by the international community to suppress piracy in the region. Although, these measures have caused a substantial decline in piracy, there have been

a few recent reports of Somali piracy . This study seeks to critically assess the successes and challenges of some the international policies and strategies that have contributed to the suppression of the high rate of piracy in the region since 2013.

1.2   Research Questions

- What necessitated the rise of maritime piracy in the Horn of Africa?

- What were some of the implications of piracy in the Horn of Africa and the international community?

- What are some of the international initiatives implemented and the role of the United States of America in the fight against piracy in the Horn of Africa?

- What are the successes and challenges of these initiatives?

1.3   Research Objectives

- To examine the factors that necessitated the rise of piracy in the Horn of Africa.

- To examine some of the implications of piracy to the Horn of Africa and the international community.

- To highlight some of the international initiatives implemented as well as the role played by United States of America in the fight against piracy in the HoA.

- To examine some of the successes and challenges of the initiatives taken by the international community.

1.4   Scope of the Study

Amongst the various policies and strategies implemented to address piracy in the Horn of Africa, this study focuses its lens on the international counter-piracy initiatives implemented with emphasis on The United Nations Security Council Resolutions, Operation Atalanta, Operation Ocean Shield, Combined Task Force 151, Djibouti Code of Conduct and Contact Group Off the Coast of Somalia. Also, amongst the major states that engaged in counter-piracy operations in the HoA, this research is limited to highlighting the role of the United States of America in the fight.

1.5 Rationale of the Study

There have been several research on the emergence and implication of piracy in the Horn of Africa but few have been done on assessing specific international policies and strategies implemented to curb it, therefore, this study finds it quite essential to assess some specific strategies and policies that were implemented to address the problem of piracy in the HoA since 2013. This research seeks to add to existing literature on the relevant subject matter and also make laudable contributions to policy makers, international organization, key stakeholders and actors on effective implementation of counter-piracy operations to eradicate piracy for a long- term**.**

1.6 Theoretical Framework

This study uses the theory of International Cooperation. Cooperation occurs amongst different entities such as political parties, ethnic organizations, terrorist groups and nation states. Since the end of World War II, states have made considerable efforts to engage in collaborative ventures in both economic and security affairs to achieve cooperative outcomes. A number of scholars have defined international cooperation in several ways. Aubyn (2010) defines it as "when actors adjust their behavior to the actual or anticipated preferences of others, through a process of policy coordination".

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Grieco (1990) defines international cooperation as "the voluntary adjustment by states of their policies so that they manage their differences and reach some mutually beneficial outcome". Again, Dougherty & Pfaltzgraff (1990) also define it as "a set of relationships that are not based on coercion or compliance and that are legitimized by mutual consent of members".

States cooperate with one another to achieve a goal, however, the goal may not be the same for the actors involved. Cooperation provides a mutual gain for the actors as they help one another to realize their goals by adjusting their policies. Axelrod & Keohane (2018) posit that, indeed the international system is anarchical making cooperation seems difficult but not impossible as perceived by realists. They argue that, cooperation cannot be equated to harmony as harmony requires complete identity of interests. It occurs in the midst of conflicting and complementary interest; therefore, it is attainable when adjustment of behavior of the exact preference of others are done by the actors involved. They believe that although the international system is anarchical, it is not disorganized.

According to the authors, "payoff structure, the shadow of the future and the number of actors affect the disposition of actors to work together". They used the game theory as its central tool of analysis of how cooperation emerges among states. Oye (1986) contends that relations among states are characterized by war, arm races, trade wars and tariffs, competitive devaluation and monetary stabilization because there do not exist a central international authority. This somehow impedes on the states' ability to cooperate. However, Oye (1986) claims that, despite the absence of an international authority, states are able to cooperate by binding themselves to mutually advantageous course of action. This is achieved when states engage in formal bilateral and multilateral negotiations

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and enforce the terms of agreement of such pacts. International Cooperation theory includes several elements that underpins its study. One of such elements is that cooperation involves the voluntary effort made by states to agree on an issue of interest for mutual gains. It also involves the specification of states of some common ends to which they devote their combined efforts.

This theory has been criticized by proponents of the realist's school of thought such as Kenneth Waltz and Hans Morgenthau. According to these scholars, the international system is anarchical, thus making cooperation amongst states not only difficult to achieve but impossible. There do not exist any sovereign or central government in the international system that makes decisions to bind the actions of states, therefore states tend to do whatever they please and of their interest. This makes cooperation highly impossible.

According to Waltz (1986), the international environment severely penalizes states if they fail to protect their vital interests or pursue objectives beyond their means; hence, states are "sensitive to costs and behave as unitary-rational agents". Due to the anarchical nature of the international system, states concern themselves with power and security making them liable to conflict and competition which often times impede on their willingness to cooperate even in the face of common interests (Gilpin,1986).

Grieco (1990) posits that, states are positional in character, therefore relative achievements of jointly produced gains not advantage partners are preferred. States concerns about relative gains may be an inhibitory factor to their willingness to cooperate. Grieco (1990)'s study, "Cooperation Amongst Nation States" outlines the three underlying basic assumptions of the realist political theory.

According to realists;

(i)   States are the major actors in World Affairs.

(ii)   The international environment severely penalizes states if they fail to protect their interest or if they pursue objectives beyond their means, hence they are sensitive to costs and behave as unitary rational agents.

(iii)   International anarchy is the principal force conditioning the external preferences and actions of states.

Realists' assumption is that states main goal is power maximization and security. States often seek their own security through means which challenge the security of others. This is where security dilemma comes to play. Scholars of international relations have argued that security dilemma is a contributing factor to the occurrence of conflict amongst states. The logic of security dilemma was first described by the British historian Herbert Butterfield in 1949 but the term was coined by John Herz, an American political scientist in 1950. Neo liberal institutionalism theory challenges realists' concept on cooperation although it accepts the proposition made by them that the international system is anarchical, thus making cooperation difficult. Neo Liberal institutionalism argue that, international institutions can facilitate cooperation amongst states.

Despite the criticisms, the theory of international cooperation is relevant to this study because the decline of the high rate of pirate activities in the HoA was as a result of the collective coordinated effort by several individual states, international and regional organizations, institutions, shipping industries, non-state actors amongst others. The International cooperation which was pushed and promoted by the UN Security Council was very essential in combating the threat particularly given

the regional power vacuum left by Somalia's lack of governance. The three international naval coalitions namely, European Union Naval Force (EUNAVFOR) 's Operation Atalanta, Operation Ocean Shield and Combined Task Force 151 helped immensely in disrupting pirate activities. Adding on, the efforts of international initiatives like Djibouti Code of Conduct, Contact Group on Piracy off the Coast of Somalia enhanced capacity building and contributed greatly to the suppression.

1.7   Literature Review

The scholarly works that are relevant to this study are reviewed. The Literature review of every research seeks to share results of other studies that are related to the field being studied (Biggam, 2008). To facilitate coherent and systematic achievement of the research objective, the literatures are reviewed along the following thematic areas; factors that encouraged piracy in the Horn of Africa, the implication of piracy, successes and challenges of the international initiatives implemented.

1.7.1   *Factors that encouraged piracy*

According to Ho (2009) in "Piracy around the Horn of Africa", Somalia piracy is an old phenomenon which existed in the 1980s even before the fall of Siad Barre's regime although it did not receive international attention, However, it was after Siad Barre was ousted from power that it skyrocketed threatening international trade and human security. He argues that, although several factors may have contributed to the surge in piracy, he believes that the genesis of the rise of the menace is greatly linked to the political upheavals in Somalia in the 90s. This situation necessitated the rise of illegal activities of which piracy was paramount.

Eichstaedt (2010) observes that, the emergence of piracy in the HoA began when the local Somali fishermen lamented on the illegal international encroachment of their coast and sought to protect it. He indicates that, according to them, due to the unguarded fishing coast of Somali resulting from the absence of effective regulation of the maritime domain, it became a breeding ground for illegal activities such as illegal fishing and dumping of toxic waste substances. Therefore, the fishermen in their bid to protect their coast resorted to hijacking of ships for ransom which subsequently evolved in a multi -million-dollar organization that took in roughly US\$2million per ship in ransom from shipping companies all across the globe. The author further states that, the environmental reports by the United Nations (UN) after the Tsunami on 26th December 2004 revealed findings of hazardous materials such as uranium radioactive waste, mercury, lead along with hospital chemical and other toxic waste that were swept by the tsunami from the coastal waters onto shore causing several health hazards to the nearby settlers. He argues that, these illegal toxic waste dumping were done by some European nations who may have agreed on some contract with some of the warring clans in Somalia to enable them to do so. The relevance of Eichstaedt's work to my study is that, it presents information on the illegal activities on Somali coast and the extremities of Somali fishermen.

Again, Rees (2011) argues that, there is no existence of a universally agreed cause of Somalia piracy stating that "much of the existing literature is overly focused on outlining incidences and implications of piracy and proposing possible legal and naval responses to the issue". He therefore examined the motivating factor to the surge in piracy by using a people centered approach. The author believes that what accounted for the rise of piracy in the HoA was based on the motives of the actors involved. Using two general schools of thought namely economic rationalist understanding and grievances-based understanding, he explained these motives. With economic rationalists understanding, he

explained that the profit driven nature of the people involved in the act accounted for the surge whilst the grievance-based understanding attributes the surge to the grievances of the pirates (local fishermen) and a sense of injustice compelling them to engage in piracy.

Also, Treves (2009) affirms that piracy thrived and became more lucrative in Somalia as a result of the weak political system and conflict in Somalia. The absence of a viable government after the fall of Siad Barre's government created an avenue for all forms of illegal activities to flourish. Somali coast was not policed as there did not exist any maritime apparatus to regulate the activities in the maritime domain. The author suggests that, the incessant civil wars coupled with maritime criminality made pirate activities in the region rampant.

Similarly, Neal (2011) agrees that the source of piracy in the HoA was as a result of the lawless coast and the failed state of Somalia. According to the author, the lucrative aspect of hijacking by the fishermen evolved into a profit-making business. Describing the effects of the collapse of Siad Barre's government, she stated emphatically that the absence of a legitimate entity to regulate maritime domain of Somalia accounted for the rise of piracy in the Horn of Africa.

In a like manner, in "Regional Approaches to Maritime Security in the Horn of Africa", Fantaye (2014) argues that the main causal dynamic that accounted for the rise of maritime insecurity in the HoA was the failed state of Somalia. In analyzing how the collapse of Siad Barre's government in 1991 culminated in the rise of piracy, he contends that the absence of a security apparatus to monitor the Somali maritime domain resulted in the illegal, unreported and unregulated fishing, chemical and waste dumping, trafficking in small arms and light weapons. He further argues that, the high proceeds

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from hijacking of ships by the fishermen who claimed to protect the coast from external forces induced their engagement in piracy. The author posits that, the focus of addressing the threat of piracy should encompass other maritime insecurity issues aside piracy. He examines the dynamic and scope of maritime security in the HoA by analyzing the issue of inter and intra state conflict, the underdevelopment amidst other factors in the region.

Additionally, Kartika (2019) confirms that piracy in the HoA emerged as a result of the disintegration of Somali state. The author claims that, the incessant conflict in Somali following the collapse of Siad Barre's regime in 1991 created violence. Kartika (2019) states that "with no functioning government to perform state duties such as assuring security on land and sea, Somalia became the victim of plundering from foreign ships and the dumping ground of toxic waste". The author further points out that, these illegal activities along Somali coast compelled the local fishermen to take up arms to protect the coast, an act that eventually transformed into piracy.

Chalk (2010) opines that abject poverty in Somalia contributed to the emergence of piracy in the HoA. The author is of the view that, in a state where the average person earns less than US$2 a day, it is good to say the high proceeds raised from hijacking one ship attracted people to engage in piracy. He further states that most of the Somali fishermen and coast guards complained about bad living conditions due to the depletion of offshore protein stocks from poaching and illegal dumping of toxic waste. He observes that, the willingness of some of the ship owners to agree and pay the ransom demanded by the pirates to secure their ships fueled the unprecedented rise in piracy in the HoA.

In "Piracy along the Horn of Africa: An Analysis of the Phenomenon within Somalia", Maouche (2011) contends that, piracy along the HoA is multifaceted, therefore cannot be linked to a particular approach. The author asserts that although the collapse of Siad Barre's government contributed to the emergence of Somali piracy, this assertion "explains to some extent the development of piracy but it is far from being sufficient explanation". According to the author "the causes consist in a combination of factors like poverty, lack of security and rule of law, the opportunity key actors, and the use of networks based on trust through intra-clan cooperation". He concluded that the international community can ultimately eliminate piracy in the region by using a pragmatic approach based on the characteristics of each specific situation.

Bueger (2015) analyzes the various factors that triggered the rise of Somali piracy and reveals that the HoA's close proximity to waterways encouraged the rise of piracy. According to the author, the coastline of Somali is 3,025km which is quite impressive making the area strategic to international commerce considering the number of ships that transit the route yearly. He adds that, the cultural acceptability of piracy from the local community in Somali as a legitimate act to protect the coastal areas enabled the menace to thrive.

1.7.2   The Implications of Somali Piracy

The impact of piracy in the coast of the HoA exacerbated because of how strategic the region is to international trade. It incurred financial loss in international commerce by increasing the cost of international trade. According to Pichon & Pietch (2019), the maritime transport conducts over 80% of world trade. This depicts the importance of maritime industry to the economy of Africa and the world at large. The authors point out the impact that piracy caused to international trade. The losses

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that were believed to have been incurred by piracy on international trade ranged from US$1billion to over US$16 billion per year.

Also, Ocean Beyond Piracy (2012) added up ransoms, insurance and the cost of private security to measure the cost of piracy in Somalia. The estimated cost recorded ranged from US $12billion to US$17billion. Moreover, piracy affected the willingness of seafarers to sail on high-risk route hence, many companies battled the reality of staff refusing work. This caused financial loss to the companies.

Martinez-Zarzoso & Bensassi (2011), state that for each additional 10ships hijacked, trade volumes fall by 11% and a single additional hijacked ship increases maritime shipping costs by 1.2%. It is for this reason that Johnson (2014) argues that the thread of hijackings by the pirates compelled most for the shipping companies and ship owners to purchase more expensive insurance packages.

Moreover, Ho (2009) indicates that the rise of piracy in the Horn of Africa caused an increment in insurance rates for the shipping industry as there was the need to purchase additional insurance to cover the risk associated with transiting a piracy prone region. He asserts that the adverse effects of piracy caused a great deal of financial loss to the shipping industry and world trade. The high risk of Somali piracy compelled most ships to change their route to avoid being attacked. He records that, most ships in their quest to avoid being hijacked or held ransom diverted their route to the Cape of Good Hope which was considered as less prone to piracy and thus, increased the travel time with its attendant cost. It added 400km or 12 to 15 days to a tanker's trip at a cost of between US$20,000 to US $30,000.

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Bendall (2010) points out that not only was there a rise in fuel costs for the ships that attempt to reroute via Cape of Good Hope, the additional time spent in rerouting limits the number of voyages per year. It can therefore be inferred from Bendall's work that, the high cost of shipping and financial deficits that merchants faced were caused by the rise of piracy.

Mbekeani and Ncube (2011), record an estimated amount of about $3.5 billion as the annual cost for rerouting tankers carrying oil from the Gulf of Aden to the Cape of Good Hope. With regards to humanitarian action, they also point out the ripple effect that piracy had on humanitarian aid. It affected the delivery of food aid to war torn Somalia. Another substantial risk caused by piracy was that, it impeded maritime trade and economic opportunities in Somalia and the region as a whole.

1.7.3 *Success and Challenges of the International Policies and Strategies Adopted*

- **Success**

In "Piracy off the Horn of Africa"; Scope, Dimensions, Causes and Responses". Chalk (2010) points out that, Combined Task Force 151 (CTF 151) worked hand in hand with European Union Naval Force Somalia (EU NAVFOR) Operation Atalanta and also with independently deployed naval ships to effectively patrol the Maritime Security Transit Corridor (MSTC). According to author, CTF 151 ran the Counter Piracy Focused Operation which aimed at suppressing piracy in areas such as Socotra Gap, the Somalia Coast and the Gulf of Aden. In view of this, units involved were different countries including Japan, Oman, Pakistan, Spain, among others. The units were concentrated around the Socotra Gap. They monitored the movement of Merchant Vessels (MV) transiting through the high-risk areas as a navigational short-cut, and ensured that Merchant Vessels adhered to Best

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Management Practices (BMP4). The author concluded that the massive efforts by the international naval coalition deployed in the Horn of Africa helped in suppressing the high rate of incidence of piracy in the region.

Additionally, Rear Admiral Joseph W. Kuzmich (2015) in his study, "*Navy efforts to combat piracy continue*", asserts that the deployment of international naval forces under Commander Task Force 151 is one of the initiatives that contributed greatly to the suppression of the incidents of attacks and hijackings in 2011. He points out that the mission of the CTF 151 which was to "*deter, disrupt and suppress piracy in order to protect global maritime security and secure freedom of navigation for the benefit of all nations"* was achieved. He also stressed on the fact that the increased use of the privately contracted armed security personnel on merchant vessels helped in the attainment of the ultimate goal of the CTF 151.

Poulin (2016) affirms the important role played by the CTF 151 in the fight against piracy in the HoA in his work "How the World Overpowered piracy in the Horn of Africa". He argued that the establishment of Combined Task Force 151 was one of the successful responses to the UN resolutions of 2008. He further revealed that, the CTF 151 alliance with Operation Atalanta and Operation Ocean Shield were very instrumental in disrupting pirate activities and enhancing human security.

Zach et al (2013) argues that the Contact Group on Piracy off the Coast of Somalia (CGPCS) fostered the development and emergence of counter piracy institutions. The flexibility and inclusiveness of several states, actors, stakeholders, scholars, researchers, industry players, amongst others presented like-minded coalition of those willing to engage in counter-piracy operations. This contributed to the

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suppression of Somali piracy. The authors concluded in their analysis that the CGPCS can be essential to be used as a collective effort to address issues requiring fast and adaptive responses to charging situations on the ground.

Geiss and Petrig (2011) reveal that Djibouti Code of Conduct has been "praised as a milestone development in a central instrument in the development of regional capacity". The authors indicate that, the code has enhanced capacity building in the region through the numerous workshops and training given to the local coast guards. The authors indicate that, "a number of workshops have been organized to address the process of enforcing national piracy law at sea and what the justice process requires to achieve successful prosecutions through the Djibouti Code of Conduct".

In "Safe Seas at what price? The costs, benefits and future of NATO's Operation Ocean Shield", Bridger (2013) claims that the factors that led to the suppression of Somali piracy since 2013 is multifaceted. However, he asserts that the efficient coordination coupled with more robust rules of engagement amongst the international naval forces namely, Operation Ocean Shield, Operation Atalanta, and Combined Task Force 151 were very instrumental in the successful suppression of Somali piracy. The author further indicates that, NATO's modification of its rules of engagement greatly improved surveillance of pirate beach camps and destruction of mother ships helped in combating the menace.

- **Challenges**

According to Bilyana Tsvetkova (2016) the surge in Somali piracy posed a challenge to international trade and human security. The ramifications of Somali piracy compelled the international community

to be proactive in adopting possible solutions to combat the threat. She indicates that, the United Nations Security Resolutions (UNSCRs) laid the foundation for the adoption of other international strategies. She further states that, although the international strategies have achieved success, minimal effort has been done to interrupt the system supporting it inland hence the possibility of re-emergence of Somali piracy. Therefore, the absence of adequate and robust measures to address the issues of land supporting the rise of the threat provides an opportunity for Somali piracy to emerge once again.

Murphy (2009) describes the international approach in addressing Somali piracy as "*the least efficient and cost-effective form of piracy suppression*". He claims that "*the belief that piracy can be suppressed solely at sea is largely illusory*". According to the author the international naval deployment towards piracy in the HoA cannot ultimately eradicate the scourge entirely as they seem to deal with the issues mainly at sea but not on land which is actually the root causes. This greatly challenges the long- term sustainability of these strategies. Although Murphy's work is relevant to my study as it highlights the inefficiencies of the international naval deployment as a counter piracy measure, it however glosses over the prospects of other international initiatives like Djibouti Code of Contact and Contact Group on Piracy off the Coast of the Somalia which focuses on capacity building rather than naval operations. This study seeks to examine the success of these initiatives as well.

Rothe and Collins (2011) point out the inefficiencies of the policies used to suppress the high rate of Somali piracy. According to the authors, the root causes of piracy are not tackled by the international community hence the inability to curb piracy in the HoA entirely. They claim that, the policies and strategies implemented rather aid global, state and corporate self-interests. The measures are not able to eradicate piracy on shore where the menace is taking roots. They also state that, the United Nations

(UN), European Union (EU), United States of America (USA) and other major states whose maritime commerce is largely aided by maritime commerce claim that best approach against piracy is fighting it offshore, hence the reason for the naval deployment. Considering the major players involved that is US, UN and EU, their military approach seems to have dominated other counter piracy operations.

Santiago Iglesias-Baniela (2010) in "Piracy at Sea: Somalia an Area of Great Concern" analyzes Somali piracy and the international counterpiracy measures adopted. He also agrees that, the international measures do not address the factors that necessitated the surge of piracy. He argues that pirate attacks are mostly predominant in states with "emerging economies, large stretches of remote coastal areas and ongoing political insurgencies". These factors he confirms contributed to the rise of Somali piracy. The author concludes that the international community should adopt effective measures to intensify efforts to address the problem on land, thus, their approach should encompass a comprehensive and multifaceted responses that are directed at both offshore and onshore

Baniela and Ríos (2012) argue that, lack of maritime capacity resources, adequate funds, internal economic and political crisis of some of the regional states that are signatories to the Djibouti Code of Conduct limit their capacity to contribute to a long -term solution of eradicating the menace entirely. According to the authors, piracy is a transnational threat therefore it demands efficient collaborative effort and cooperation of several states to achieve a long -term sustainable goal of eradicating it. Also, the cost and resources involved in counter-piracy operations is very high. The states that are signatories to the code have less maritime capacity as compared to major maritime powers like US, and China. The incessant intra state and inter-state conflict amongst states like

Somalia and Kenya, Yemen as well as poor economic conditions of most of these regional states limit their willingness to effectively cooperate or contribute resources.

Baniela (2009) believes that one of the main challenges that undermine the long-term sustainability of the international naval effort is high cost of maintenance. According to the author, sea-based approach is very costly and disproportionate in the region. He claims that, the cost involved in maintenance of vessels and training of personnel is extremely high. He further states that, the naval efforts can only minimize the rate of occurrence but cannot ultimately eliminate piracy. He stresses on the fact that not every coastal area in the region is being patrolled by the international naval force therefore there is the high possibility that pirates would transfer their activities to areas that are not protected. Hutchins (2011) contends that, one the challenges of international naval forces to offer long term solutions to address piracy in the HoA is as a result of their inability to fully patrol an area of 2.5 million square miles in the Indian Ocean.

According to Warner (2010) "*despite assertions that lawlessness on land allows maritime piracy to emerge, present counterpiracy methods have failed to address poor governance and instability within Somalia. Instead, they have dealt only with the sea-based manifestation of land-based malaise"*. The author indicated that, for a long -term solution to a problem like piracy, the counter piracy measures should be able to address the root causes as well as the symptoms. Therefore, the inability of the international counter piracy strategy to tackle this effectively undermines its long -term sustainability.

From the literature review, most scholars unanimously agree that the root cause of piracy is attributed to the fall of Siad Barre's regime. Most of the literature are directed at ascertaining the causes and

effects of piracy in the HoA with little emphasis on assessment of specific international policies and strategies that have contributed to the decline since 2013. Also, the researcher noted that the few available literature on assessment of the international policies and strategies specified in this study exist separately. Therefore, it is this gap that this study seeks to fill.

1.8 Sources of Data

Data for this research is drawn from primary and secondary sources. Primary sources of data were derived from semi structured interviews with experts whose background is relevant to the study. In view of that, data was obtained from experts from Ghana Navy, Ghana Armed Forces Command and Staff College, Ghana Maritime Authority, Ghana Military Academy, Regional Maritime University and Centre for Maritime Law and Security Africa. First -hand information was also gathered from an interview with a former seafarer and a victim of the hijacking of MV Iceberg 1 by Somali pirates for 1000 days in 2010. Several literatures have been published concerning the research topic and responses have been posted in news sites. This study also uses secondary data gathered from different books, and journal articles. The perspectives offered by the various scholars and researchers in the books are critically weighed. Moreover, books on the prevalent issue in this research were obtained through credible online platforms like Research Gate, Legon Centre for International Affairs and Diplomacy (LECIAD) Library and Balme Library of the University of Ghana. Information was also obtained through a well scrutinized internet search, series of articles, about the maritime piracy in the Horn of Africa and its responses.

1.9   Research Methodology

This study is a cross sectional one which employed the use of qualitative methods. Qualitative research methodology was preferable because of its ability to focus on interpretation of facts and derive meaning in relation to the study. Additionally, it is inductive, constructive and interpretive. It also helps to uncover trends in thought and opinions, and dive deeper into the problem.

1.9.1   *Sampling Size, Sampling Method, Target Population*

Purposive sampling technique was employed in this research as the selection of people were based on their expertise and knowledge in the area of study. This technique was preferred because purposive sampling enables the researcher to rely on her own judgment when choosing members of population to participate in the study. (Creswell, 2012). Therefore, the researcher selected experts from the Ghana Navy, Ghana Armed Forces Command and Staff College, Ghana Maritime Authority, Ghana Military Academy, Regional Maritime University, Centre for Maritime Law and Security Africa and a victim of Somali pirate attack. This was because, the researcher believes these officials possess the required expertise and relevant knowledge to the study. Moreover, due to the limited number of respondents available, the researcher considered purposive sampling as the appropriate method to use. The population of this study is made up of 7 respondents.

1.9.2   *Data Collection*

The semi structured type of interview is what was utilized in this research. The interview guide was structured around these areas; causes, implication and the specific policies and strategies adopted to combat the surge in piracy in the HoA. The qualitative method was preferable in this study because it ensures openness as well as stimulating the individual experiences of people. It also helps in

avoiding pre- judgement. (Watkins, 2012). The use of open- ended questions in qualitative method makes it preferable in this study. The respondents were not provided with predetermined set of answer choices as they were allowed to respond in their own words. Therefore, several responses other than a yes or no were received from the respondents thus enabling the researcher to ask further relevant questions**.** The interviews of the respondents were recorded and transcribed by the researcher stating verbatim their responses.

1.9.3 Data Analysis

The qualitative data that was collected during this study was duly analyzed and edited to correct possible errors that have might occurred. Content analysis was used to analyze the collected data. A content analysis is a "detailed and systematic examination of the contents of a particular material for identifying patterns or themes". (Lee 2001,pg 240). It helps make sense of the data collected and also highlights the important messages, features or findings. This analysis was used because it provides valuable historical and cultural insights over time through analysis of texts.

1.9.4   Ethical Considerations

Official letters were given by LECIAD to be delivered to the intended respondents. The researcher upon agreement with the respondents scheduled a date and venue for the interview. The interviews were conducted on the date scheduled and ethical considerations were taken into account as the researcher sought the consent of the respondents before recording the views electronically. The researcher gave the respondents options to either remain anonymous or provide their names or titles in analyzing the data.

1.10   Limitations of the study

The researcher was faced with some challenges in the cause of conducting the research. The number of respondents to be interviewed were very few owing to the current COVID 19 pandemic and the busy schedules of the resource persons. As a result of the outbreak of the pandemic, a few face- to - face interviews were granted and also most people were working from home. The researcher was compelled to rely mostly on secondary sources of data due to the limited access to primary data.

1.11   Arrangements of Chapters

Chapter one constitutes the Introduction, Statement of the Problem, Research Questions, Research Objectives and the Hypotheses. In addition, the Scope, Rationale and Research Methodology are highlighted. Also, the Theoretical Framework, Literature Review, Sources and Arrangements of chapters are presented in this chapter.

Chapter Two provides an overview of piracy in the world and the emergence of Somalia Piracy.

Chapter Three gives an overview on the causes and effects of piracy as well as assessment specific policies and strategies adopted by the international community that played a key role in the decline of the high rate of piracy in the Horn of Africa since 2013. The role of the United States of America in counter-piracy operation in the HoA is also highlighted in this chapter.

Chapter Four presents research findings, Recommendations and Conclusion. This chapter summarizes the research findings and also provide necessary recommendations to this study.

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CHAPTER TWO

AN OVERVIEW OF PIRACY AND THE EMERGENCE OF SOMALI PIRACY

2.0   Introduction

This chapter of the study presents a historical overview of piracy and a highlight of modern piracy. It also offers some perspectives on piracy in Africa and in the Gulf of Guinea. It further concludes with an overview of the emergence of Somali piracy. Contemporarily, Piracy has been a trending issue although it has existed over two millenniums. It dates back to ancient times where coastal powers contended for power and control over the maritime domain. History records that the period from ancient time to the 19th century witnessed a high rate of maritime piracy along the coast and seas of Europe and America. However, it was after the 19th century that incidence of piracy was largely recorded in African Seas. Pirate activities can also be traced to the end of the revolutionary war in 1783 when the United States of America was threatened by the Barbary pirates at Tripoli (Fiorelli, 2014). In many respects, Piracy is said to have existed even before the advent of colonization.

2.1   History of Piracy

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) defines piracy as "*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:*

i)   *on the high seas, against another ship or aircraft, or against persons or property on boards such ship or aircraft;*

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ii)   *against a ship, aircraft, persons or property in a place outside the jurisdiction of any State".*

The International Chamber of Commerce's International Maritime Bureau (ICC-IMB) defines piracy as "*the act of boarding any vessel with an intent to commit theft or any other crime, and with an intent or capacity to use force in furtherance of that act".* Piracy on the high seas and armed robbery against ships in sovereign waters or in port are thus included in the description. The ICC-IMB concept also states that the goal of the attack should be the committing of a robbery or another offence, and pirates have to use or be able to use force in order to carry out the act (Ploch, et al., 2011). Piracy remains an emerging and a transnational threat. Giulia (2012) in her work "Piracy: History", mentions that, "*the first recorded piratical attack dates back to the 14th century BC when the Lukkans based in Asia Minor raided Cyprus*".

In ancient times, most of pirate activities and armed robbery at sea were witnessed in the Mediterranean Sea. According to Zanger (1995), the first pirates recorded in the 14th century were the Sea people who operated on the Mediterranean and Aegean Seas. During that period, the Sea was not governed by states as seen today therefore pirate activities were rampant. However, historical records show that the Roman Empire under Pompey the Great was able to maintain order in the Sea in BC 67 (Jeong, 2017). While the incidence of piracy subsided through the effort of Pompey the Great in BC 67, it re-emerged during the Middle Ages in the Mediterranean Sea which was regarded as a piracy prone area. History records that the golden age of piracy existed in the 1620s through to the 1720s. During this period, piratical activities were on the rise. Different types of pirates existed of which Talha (2013) grouped them as:

- Privateers- They were pirates who were legally authorized by their government to launch an attack on enemy ships of states. These pirates shared the profits generated from their escapades with the government.

- Buccaneers- These pirates operated in the West Indies attacking Spanish shipping in the Caribbean.

- Corsairs- These pirates were noted in the Mediterranean during 16th to 19th centuries. They were believed to be either Muslims or Christians.

Moreover, during the Viking age through the Early Middle age, the Scandinavian bandits emerged. The Scandinavian bandits attacked Sea travelers near Western Europe and Northern Africa (Islam, 2010). Piracy is featured in the ancient records of the Sumerians, Babylonians, Cretans and Egyptians. It is recorded by the Sumerians that, about 4,000 years ago, Summer was raided by pirates. The Cretes who were found along the Aegean Sea were believed to be the first nation to create a naval force against pirates from 2000-14000BC (Wombwell, 2010).

Asia in the 5th Century recorded incidence of piracy in the Indian and East Asian Sea lanes (Konstam 2011: pg 288). The Southeast Asia region, according to Eklof (2006) "*hosts the world's largest archipelago comprising Indonesia, Malaysia and the Philippines with altogether over 20,000 islands and combined coastline equivalent to several times the length of the equator*".

Jeong (2017) states that "*along the archipelagic Sea lanes, the seas of South China and Southeast Asia provided good condition for both conventional traders and illicit marauders. The Sea lanes became largely infested by piracy ever since land powers established trade routes*".

During pre-modern Southeast Asia, empires expanded and prospered as a result of their ability to control pirate activities in a region. A typical example is the ancient Srivijaya empire. This empire was a maritime trading state in the 7th and 13th century. It became more powerful as a result of the ruler's ability to protect merchants from pirate attacks and their political alliance with "Orang Laut" who were known as semi piratical sea nomad. (Eklof, 2006, pg 7).

Historically, the majority of Romans engaged in agriculture, and maritime commerce was just a minor part of their economy. Regulation of the Mediterranean then passed to Rhodes and Carthage, and when the Romans conquered these two forces in 166 B.C.E. and 146 B.C.E., respectively, piracy skyrocketed. Rome had been a trading country by the 1st century B.C.E. and had eventually agreed to curtail the phenomenon. In 74 B.C.E., Pompey was tasked with a huge fleet, and piracy was largely eradicated in less than three months. Despite the fact that some pirates resisted in the frontier regions, especially the Black Sea, piracy ceased to be a major challenge to maritime trade for the next four centuries. Following the fall of the Western Roman Empire in 476 C.E, the Byzantine Empire assumed dominance of the Mediterranean. After the Crusaders sacked Constantinople in 1204, piracy resurfaced, and many Aegean islands and mainland ports were safe havens for pirates. Piracy was resurrected in the Adriatic Sea as well, and the Dalmatians resumed piratical operations that they had partly stopped when the Byzantines ruled the area.

The Orang Laut played a key role in Malay political history as they were believed to have used their skills to protect the shipping lanes for Srivijayan rulers. Jeong (2017) records that the route was forcibly controlled by the Malacca Sultanate in the 15th Century. The Sulu region located between Southern Philippines and the eastern coast of contemporary Malaysia Borneo was known

to be dominated by pirates. The region became a habitat for pirates from the Samal, the Tausug, the Illanium and the Sea Gypsies. The Tausug ethnic group were mostly engaged in piracy.

Between 1903-1913, the high rate of pirate incidence in the Sulu region suppressed. It eventually re-emerged in 1920 after pirates hijacked 11dutch citizens in the Celebes Sea. This incidence drew the attention of the international community to the threat of piracy. The period of 1950s and 1960s, record the adventures of one of the most notorious pirates named Isabelo "Beloy" Montemayer who was based in Cebu in the *visayas to* the northeast of the Sulu Sea.

There also existed some Philippine pirates from Mindanao and the Sulu Archipelago who were believed to be from some of the Muslim ethnic groups. *Tawi-Tawi* pirates also emerged in small groups from an Island in Southwest of the Sulu Archipelago during the British rule in the late 1950s and 1960s. These *Tawi-tawi* pirates were believed to have come from the Samal ethnic group. (Eklof, 2006, pg 38).

The Wokou "Japanese pirates" were known as dangerous marauders who raided the Korean and Chinese coast between 13th and 16th century. They were located in the Northeast Asia. The Wokou consisted of nationality from Japan, China, and Korea. There also existed the Zheng Zhilong pirates in the 17th century in the region who were mostly found in the current Taiwan straits and adjacent waters. (Konstam 2011, pg 290).

 Furthermore, history records incidence of piracy along the Caribbean Sea near Central America. Most of the adventures of the famous Western pirates in history namely Blackbeard, Sir Henry

Morgan, Sir John Hawkins in the 17th and 18th century were recorded along this region. (Konstam 2011). Originally, ancient Chinese pirates hailed from Fujian and Guangdong provinces near the South China Sea, which today is the epicenter for piracy and all forms of maritime crime. Chinese pirates typically targeted vessels of their own ethnicity, and passengers and crew members killings were common. As pirates began to gather in broad numbers to threaten overseas vessels, the Americans and British interfered, and by the mid - nineteenth century, they had effectively subdued the Chinese piracy (Giulia, 2012). The Sulu region is recorded in history as the most pirate prone region. Also, the Southern Malacca strait region was also dominated by pirates. It declined in the 19th century for more than a century until it re-emerged in 1981. (Eklof 2006: pg 46).

Between 16th century and 19th century, piracy was on the rise and one of the reasons for the surge was attributed to extension of territories by some European states. The surge in piracy posed a challenge to maritime trade threatening freedom of navigation and maritime security. Kraska (2011) observes that, the pirate activity which went into the early 19th Century until it declined had either Muslims engaged in the act or probably had Muslim sponsors. This is because, the pirates were very active in the Algiers, Tunisia and Morocco. Egypt has records of written piracy account. Somewhere in the 19th century, it is believed that King Amenhotep III of Egypt was able to tame pirate activities in the Nile Delta by creating maritime police to patrol the area. This helped in warding off pirates who attacked merchant shipping. (Ward, 1974). Some of the famous pirates recorded in history are Henry Morgan, Captain Kidd, Edward Teach popularly known as Blackbeard, Bartholomew Robert, etc.

Recorded history indicates that, between 1970 and 1980, the re-emergence of piracy resulted in the establishment of the piracy reports in 1981 by the International Maritime Bureau. This was due to the threat piracy posed to commercial shipping. Global piracy continues to threaten global commerce. Over the years, pirates have improved on their equipment used for operations as well as tactics. According to Remondus Vander Meyden (2008), the pirates are "*trained fighters, drugged teenagers, aboard speedboats, equipped with satellite phones and global positioning systems armed with automatic weapons and rocket propelled grenades*".

2.2   Modern Piracy

The term "Modern Piracy" entered literature due to the emergence of Somali piracy in the Horn of Africa. The pirate incident on 25th September, 2008 leading to the hijacking of the MV Faina, a Ukrainian freighter carrying 33T-72 tanks and other weapons by Somali pirates made international headlines. The ship was seized some 200 miles off the Somali Coast and sailed into Somali territorial waters near Hobyo (Wombwell, 2010). The international community responded swiftly to this attack. Some states such as China, Russia, United States of America, Japan, among others and International Organization (NATO, EU, UN,) sent their warships to protect their merchant vessels in the region.

Also, it is recorded that, another high-profile pirate incidence by Somali pirates was the capturing of Masersk Alabama's United States skipper, Richard Phillips in 2009. The capture and release of Sirius Star in 2008 is another incidence that cannot be gloss over. According to Anyu & Moki (2009), the value of the Sirius Star was over US$150 million. After 2 months of negotiations, a ransom of US$3million dollars was made for the release of the ship.

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High rate of pirate incidents in this modern time has become an issue of international concern due to its impact on the globe. The advancement of technology has propelled pirates to become trained fighters. According to Islam (2010), pirates "*utilize rocket propelled Grenades (RPGs), antitank missiles, automatic machine guns, hand grenades, Global Positioning Systems (GPS) and satellite phones while at the same time utilizing a more modern and faster mode of transportation*". He also added that, "*the use of radar has also increased the range offshore activities which pirates can now reach. This increased range has given the pirates a chance to capture the larger commercial ships but has also enhanced the burden on ships crew and the owners of these ships or companies.*"

With too much dependence on technology in today's environment, many ships employ less personnel but in order to take advantage of less crews to overwhelm ships, many modern-day pirates arm themselves with assault guns, rifles, and explosives (Haywood & Spivak, 2013). The worldwide proliferation of small arms has given pirates (as well as criminals and other criminal elements) with a more disruptive and advanced means of operation. These munitions originate from Africa, Asia, and Europe and range from handguns, light/heavy caliber machine guns, and automatic assault rifles to anti-ship bombs, hand-held mortars, and rocket-propelled grenades. It is believed that the proliferation of most of the firearms are easily transportable, simple to control, inexpensive, and long-lasting. This has contributed greatly to the rise of piracy not only in Africa but the world at large.

2.3   Piracy in Africa

According to International Maritime Bureau 2015 report, Africa recorded 147 cases of Piracy. Although the incidence rate in the Horn of Africa has reduced drastically since 2013, there have been recent cases of pirate activities in the region. African maritime piracy is on the rise once more. Since peaking at 293 attacks in 2011 and slipping to just 35 in 2015, the number of attacks more than doubled in 2018. After 2013, international counter-piracy initiatives and regional partnership mechanisms have culminated in a decrease in piracy in East Africa. However, in West Africa, political and economic turmoil is prompting criminal gangs to execute violent maritime attacks. According to a 2020 report of the International Maritime Bureau, there were 195 pirate cases in the world with Nigeria being the location with the highest number of attacks which is 35.

The Gulf of Aden in East Africa and the Gulf of Guinea in West Africa are the two most affected maritime areas. The Gulf of Aden is a vital maritime path that roughly 20,000 to 30,000 vessels travel through each year as a significant choke point for international trade. Somalia's long coastlines, which surround one of the world's busiest shipping lanes, proved a perfect starting point for piracy. The region's strategic to international trade made the surge in piracy an issue of global concern. This was caused by deposition of Mohamed Siad Barre from power in 1991 which eventually led to political crisis and a state of lawlessness. The economic hardship coupled with incessant civil wars and conflict necessitated the emergence of piracy in the HoA.

2.4   Piracy in the Gulf of Guinea

The Gulf of Guinea (GoG) comprises of 20 coastal states, Islands and landlocked states. It is a strategic route for trade between Central and Southern Africa. It is also a busy route as well as a

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vantage point for the African Energy and trade with intensive oil extraction in Nigeria's Niger Delta. Many researchers have discovered that, the energy trade of the states in this region coupled with weak political system leading to high poverty rate and corruption has culminated in "Petro-Piracy".

According to Pichon & Pietch (2019), "Petro-Piracy is a form of piracy that is aimed at stealing crude oil from tankers and pipelines so as to process the gains in illegal set up refineries". The Niger Delta is the hotspot for the maritime crime in the region. Most of the states involved in piracy especially Nigeria, have failed to quickly act upon it. The Niger Delta is the epicenter of maritime piracy in the region because the most conflict prone and underdeveloped part of Nigeria is in the South along the Niger River Delta which links to the Gulf of Guinea (GOG). (Tepp, 2012)

Moreover, the mismanagement of the proceeds from the sale of oil by the government officials in Nigeria led to the formation of the Movement for the Emancipation of the Niger Delta (MEND). (Fiorelli, 2014). The pirates in this region were reported to have been buying and selling to the militants in MEND, sophisticated weapons and other accoutrements to aid in their operation (Vrey, 2009). Eventually, the pirate networks expanded to other countries owing to lack of regional cooperation in the fight against the menace. Initially, the nature of piracy in the Gulf of Guinea was quite different from of the Gulf of Aden. This was so in the sense that, the pirates in GOG launch attacks primarily from Nigeria with the aim of stealing cargo, equipment or valuables from a vessel and its crew. The Somali pirates capture ships and kidnap the crew members for ransom. (Fattah, 2017).

Pirates in the GOG began to enlarge their scope of operation and introduce the act of hijacking ships for ransoms as the Somali pirates. (Ocean Beyond Piracy, 2018). According to Pichon & Pietsch (2019), in 2017, about 35% of all ships transiting the Gulf of Guinea listed Area carried kidnapping and ransom insurance as additional protection, whereas the ships operating in the Western Indian Ocean region only about 12% carried such protection.

The continuous rise of the incidence of pirate attack in the Gulf of Guinea greatly affected the supply of oil as well as the price of shippings using the region as the insurance premiums for the ships increased. (Fiorelli, 2014). Fatta (2017) states that "Maritime crime off the coast of West Africa increased from 8.8% of the global total in 2010 to 11.6% in 2011, surged to 20.2% in 2012, and has declined slightly to 19.7% in 2013 and 15.5% in 2014". He added that Nigeria's territorial waters represent the majority by 75% of the total attack in that region. Several factors are reported to have contributed to the surge in piracy in the GOG region. Tepps (2012), points out eight crucial factors account for the rise of piracy in the region. He listed them as follows:

- Legal and Jurisdictional weakness

- Favorable Geography

- Conflict and Disorder

- Underfunded law enforcement

- Inadequate Security

- Permissive Political Environment

- Cultural acceptability

- Promise of Reward.

According to the "*Analysis of Development Models in the Niger Delta Case Study Two: The Rivers Songhai Initiative, Brookings, May, 2014",* the unemployment rate in River state in the Niger Delta is about 40% with a population of about 5million people. The households residing there who are in the lowest income bracket is about 56%. Therefore, considering the economic deprivation in such area, there is a high possibility that unemployment and poverty compel people to engage in the act of piracy. On the other hand, Pichon & Pietsch (2019) argue that the main causative factors to piracy in the GOG are weak law enforcement and corruption. According to the authors, the Petro-corruption in Nigeria necessitated the emergence of maritime piracy over the last decade. The widespread corruption of the leaders who amass wealth at the expense of the people create room for piracy to flourish as the people respond by engaging in piracy and all forms of violence.

In addressing the issue of piracy in the GOG, Very (2009) indicates that states like Angola, Equatorial Guinea and the Democratic Republic of Congo have done little in their effort to combat it. He states that, little attention is paid to it because the focus is more on resolving interstate issues on land. However, the international community has adopted numerous approaches to counter the threat in the region. According to Kuppen (2016), quite a number of regional associations have participated in counter-piracy operations in the GOG and they are as follows;

- The Gulf of Guinea Commission (GCC) created in 2001 but only operational in March 2007, when its executive was set up in Luanda.

- The Economic Community for West African States (ECOWAS).

- The Economic Community of Central African States (ECCAS).

- The Maritime Organization of West and Central Africa (MOWA) established to ensure a cost-effective shipping service for sub-regional countries focusing on safety and combating pollution.

2.5   Emergence of Somali Piracy in the Horn of Africa

According to researchers, Somali piracy emerged after the fall of Siad Barre's government in 1991. The collapse of the government crippled the economy of the state leaving the citizens poverty stricken. The civil wars, conflict and bad climate compounded the woes of the people. Owing to that, the majority of the Somalis who were located in the northern regions of Somaliland and Puntland stopped engaging in subsistence farming and resorted to the fishing to survive in 1995. (Mansur, 1995).

Eventually, fishing amongst the Northern Somalis gained prominence. According to Jean-Jacques (2004), the United Nations Convention on the Law of the Sea (UNCLOS) delineated the zone over which the coastal nations had exclusive right to natural resource wealth. This affected the range of operations of the Somali fishermen by limiting their operations within Somali national waters. The littoral resources in Somali waters attracted foreigners who contended with the Somali fishermen over fishing. The Article 22 of the UNCLOS gave right to Somalia to exercise control over their territorial waters. It allowed Somalia to enforce its laws on its coast against illegal fishing by foreigners. During Barre's administration, laws were enforced to protect the coast and coast guards policed the area, however, the collapse of the government and the absence of no maritime regulatory body or laws created room for foreigners to trespass the area.

According to Pham (2010), the first case of pirate attack was reported to have occurred in 1991 when a cargo ship which was bound for Saudi Arabia was seized and the three Filipinos on board were killed by Somali assailants. The root cause of the rise of piracy in the HoA is mostly attributed to the fall of Siad Barre's government in 1991. Also, some pirate apologists claimed that the issue of Somali piracy came as a result of the outraged response to the illegal fishing and dumping of toxic waste substance in Somali coast by foreign vessels due to the absence of legitimate government in Somalia and the unguarded coast of Somalia. This was the original justification for their engagement in piracy (Ingiriis, 2011). This argument was based on the premise that, Somali piracy was a new phenomenon necessitated by grievances towards what pirate defenders termed "the other piracy," which is western fishing trawlers trespassing Somali territorial waters. This is contrary to the argument that, Somali piracy was precipitated by the culture of looting rooted in Somali pastoralists long-standing means for acquiring unobtainable cash and goods. (Ingiriis, 2011). Although several incidents of pirate attacks were recorded in other areas in Somalia, Classical piracy originally flourished in Puntland in the nineteenth century. Lucas (2013) also analyzes the phases of Somali piracy by resorting to the "Pirate Cycle" propounded by Philip Gosse in his work entitled "*The History of Piracy*". He claims that the emergence of Somali piracy has not occurred in a steady linear progression, but instead has taken place in three separate phases. He adopts Philip Gosse's theory of "Cycle of Piracy" to aid in his study of how Somali piracy has evolved over time. Since eradication of piracy completely in the world is unrealistic, hence considered unattainable goal, Lucas (2013) strongly believes that employing the theory of Goose in analyzing and assessing the phases of Somali piracy will inform policy makers and other stakeholders the measures that may be considered realistic in addressing the problem of piracy in Somalia and the world at large. According to Lucas, Gosse's analysis of piracy was developed in

three distinct stages. The first stage was that, "*the inhabitants of the marginal coastal regions engage in small acts of piracy against only the most vulnerable merchant ships*". He asserts that scholars of contemporary piracy refer to such stage as "Subsistence Piracy".

Moreover, he indicates that, as piracy became lucrative, pirate groups broadened and became well organized turning into large professional pirate groups. Eventually, these large professional pirate groups were able to embark on well-coordinated attacks on large merchant ships. These group of pirates characterize the second stage of the pirate cycle. According to Gosse, (1934) "*the third stage of piracy is attained when pirate organizations can be viewed as having virtually reached the status of an independent state and are in a position to make a mutually useful alliance with another state against its enemies*".

The first phase of Somali piracy was from 1990s until the mid-2000s. The number of pirate attacks witnessed during this period were relatively low and concentrated in the Gulf of Aden. The second phase, which started in 2005 had higher pirate operations carried out in the Indian Ocean by larger and more organized pirate groups. (Lucas, 2013). Since 2007, Somali pirates have increased in number and scope of operation. This most recent manifestation represents a third phase of Somali piracy. Although pirate incidence in the HoA has declined since 2013, the recent low scaling of pirate attacks in the HOA asserts that, the menace has not been ultimately eradicated.

2.6   Actors of Piracy in the Horn of Africa

Most of the people who engage in pirate activities in the HoA are the vibrant youth who are believed to be in their late teens and early thirties. The high unemployment rate that existed as a

result of inter-clan rivalry, arm proliferation, extremism, amongst others compelled the youth to engage in the act of piracy, a business they find very lucrative.

The first pirate groups emerged in the early 1990s. These pirate gangs have grown and expanded in size and territories over the years. This is due to the high income they derive from piracy. (Whitman & Suarez, 2012). The youth who engage in pirate activities are believed to be either uneducated or poorly educated and are mostly from poor background. The World Bank estimates that over 40 percent of Somalis live in extreme poverty (less than a dollar a day) and almost 75% of households survive on less than $2 a day. (Gilpin, 2009). There is also a belief that, some people especially the youth engage in piracy because a relative is also a member of a pirate group.

According to Gilpin (2009), the Somali fishermen who claimed to guard the Somali waters were clan militia who accorded themselves names like the "Central Somalia Coast Guard", the "National Volunteer Coast Guard", and the "Somali Marines". It is believed that, the initial punishment these self-acclaimed guards meted out to the illegal fishers and polluters were to levy fines and taxes on ships. However, this act transcended into hijacking of ships and holding them ransom for high amount. Those who engage in piracy revolve around clan and sub-clan lines. These pirate networks are made up of armed militia, conscripted fishers, and unemployed young men, all organized by a handful of "pirate bosses".

According to the International Expert Group, 2008, p.20, the list of the groups that were actively involved in piracy are as follows;

- Eyl Isse Mahmuud and Leelkase of the Darood Clan.

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- Garad Omar Mahmuud of the Darood Clan

- Hobyo Habargedir (Saad,Ayr,Suleiman) of the Hawiye clan.

- Hardheere Habargedir (Ayr, Sarur, Suleiman) of the Hawiye clan.

- Mogadishu Habargedir (Ayr) of the Hawiye clan.

Concerning the armament these pirates used for their operation, Gilpin (2009) indicates that, they use automatic rifles called AK-47, rocket-propelled grenades and an assortment of light weapons. They are teamed into groups of four to six to carry out an operation. In his study, Gilpin, delves into the financiers of the pirate activities. He reported that, those who finance the pirate activities do not take part in the hijacking. They use the young people and invest in the pirate activities to generate income from the ransoms. These financiers are less prone to danger such as death, injury or incarceration as compared to the pirates. Those who sponsor piracy provide what they term as "seed money" for pirate operations amongst other things such as resources and equipment. Moreover, they provide all that in exchange of about 50% of the proceeds made from the attacks that are carried out by the pirates. The remaining percentage of the proceeds are shared amongst the commanders, mothership crew and attack squads. (Atalla, 2011).

In an interview conducted by Horand Knaup in Hargeisa, Somalia, on 16th June, 2011, he reported that, one of his interviewees named Omar Abdullahi, a prisoner who was serving terms in prison for engaging in piracy gave insights about how lucrative piracy is. According to Omar Abdullahi, who was a former coast guard, the monthly income of $45 he earned as a coast guard was meagre for his upkeep, therefore, seeing how lucrative piracy was, he decided to leave his job of 14 years and engage in piracy. He was later arrested by his former coastguard colleague who claimed to

have seen him with six other accomplices to have thrown their Ak-47 overboard in the act of hijacking a foreign vessel..

Again, Adam, one of the suspected pirates who had been incarcerated in Hargeisa gave some astonishing insights into the pirate business when he interacted with Horand in an interview. According to Adam, "anyone who goes out is assuming a risk," he says, "and most of them suffer a defeat". He went further to state that before piracy became a lucrative business, it was a way to fight back against illegal foreign fishing vessels. He revealed that, "the business became so lucrative that the high risks involved no longer frightened the people". He also says "that it won't stop, either, because people like me view the ransoms as a type of tax". (Knaup, 2011).

It is worth noting that, the proceeds from piracy does not only improve the lives of the pirates, but offers some greater security for their families when they (pirates) die in the course of operation. It is recorded that at the peak of Somali piracy, an estimated 7% of Somali pirates drowned or were killed at sea annually. (Oceans Beyond Piracy, 2011b,). If a pirate dies during an attack, the family of the victim will reportedly receive approximately $15,000 in compensation (Maouche, 2011).

Furthermore, according to Whitman & Suarez (2011) the first pirate to board the ship to be hijacked successfully without being killed by his victim receives a hefty reward which is considered as a "social benefit". Their reward is deserving because of the high risk they are prone to as being the first attacker of a ship. They are likely to be killed or injured by their victims. Piracy became a lucrative job that attracted the youth to it. The high unemployment rate in Somalia encouraged piracy to thrive. It is believed that, the money made from piracy enriched the pirates

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so much that, they were seen as heroes in the eyes of the youth who became attracted to such profession.

Maouche (2011) describes the pirates as young people between the ages of 20 and 35. They became members of a pirate group through members or relatives of their sub clan. He also indicates that most of these pirates were former fishermen who resigned and ventured into piracy because of how lucrative it is and the social status that comes with it.

In an interview with Abdi Farah Juha, an inhabitant of Garowe which was conducted by Robyn Hunter in 2008, Abdi told BBC news that the pirates live an extravagant lifestyle. In his words, he says "*They wed the most beautiful girls; they are building big houses; they have new cars; new guns*". Maouche (2011), in his study highlights on the widespread belief by scholars about the connection between pirates and a significant number of Puntland authorities. He reports that the belief is based on two elements. The first element states that piracy could not be so intense offshore without the involvement of the authorities. He added that, the second element asserts that the main pirate groups belong to the same Majerteen sub clan as most of the Puntland officials, therefore, taking into consideration the high level of solidarity that exist amongst the clan members, there is a possibility of cooperation occurring amongst them. Maouche (2011) although highlights on this belief, he also indicated that such claim is not factual for it remains difficult to assess properly.

Moreover, due to the influence of warlords in most coastal regions, Maouche (2011) states that, "it is unthinkable that piracy could flourish the way it has without their support, or at least their approbation". The potential link between Somali piracy and Al-Shabaab, in particular, has been a

subject of considerable debate although there are speculations that piracy mostly occur in Al-Shabaab controlled areas. (Hamilton, 2010).

Deperani Jama, a journalist and reporter of Somali Channel TV, in his report entitled "Pirates Buy MSF Hostages from Al-shabaab" in January, 2012, reported on how two Spanish aid workers kidnapped by Al-Shabaab were sold to pirates located in the central area of Somalia. This highly suggested a potential business ties may exist between the pirates and Al-Shabaab. He also gave another incident in a report titled "Pirates Copy Al-Shabaab's Amputation Tactic-Pirates cut Hand off Hostage" which was also published in January, 2012. He reported of the hijacking case of the crew of Taiwanese flagged FV Shiuh Fu by Somali pirates and eventually cutting the arms of their captives. Here, according to Deperani, the Somali pirates adopted a tactic which is exclusively used by Al-Shabaab. This suggests some sort of copycat tactics which somehow reveals some level of connection, although it is not factually proven. It is also believed that, both Al-Shabaab and pirates recruit from the same sect of people. These sects are the unemployed, frustrated and marginalized youth.

Moreover, in a report for "Organized Piracy and Related Kidnapping for Ransom" which was conducted by the Financial Action Task Force in July, 2011, an information about Somali pirates paying what is termed as "docking fees and "taxes to Al-Shabaab were retrieved. The report further details evidence that Al-Shabaab ordered pirates in central Somalia to provide a cut of 20% of their profits to the terrorist group. When the pirates refused to do so, Al-Shabaab reportedly detained four of the pirates' investors (AFP 2011).

2.7   Conclusion

This chapter has highlighted a brief historical incidence of piracy in the world. It has also provided insight for examining piracy in Gulf of Guinea and the emergence of Somali piracy in the Horn of Africa region. The face of piracy in the past may be differ from contemporary piracy however, there may be some similarities as they are mostly motivated by economic factors and encouraged by a lack of law enforcement. The lack of a legitimate government coupled with the illegal activities of external vessels necessitated the rise of piracy. Piracy became the most lucrative job which attracted the youth. The continuous high-profile hijackings of vessels transiting along the Gulf of Aden and the West Indian Ocean threatening human security and international trade triggered a reaction from the international community. The international community response to combat the surge in piracy in the HoA began with the adoption of several international policies and strategies which were subsequently implemented leading to the suppression of the scourge since 2013.

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CHAPTER THREE

ASSESSMENT OF SOME POLICIES AND STRATEGIES IN ADDRESSING PIRACY IN THE HORN OF AFRICA SINCE 2013 (HoA)

3.0   Introduction

This chapter opens with a highlight on the causes of piracy in the Horn of Africa (HoA) and its implications for the International Community, utilizing collected data gathered from relevant experts and officials on the subject of piracy. The discourse then narrows down to specific policies and strategies that were implemented by the international community to curb this menace. This chapter then attempts a critical assessment of the policies specifically to ascertain how effective their implementation has been in addressing the issue of piracy in the horn of Africa. Here, the responses gathered from primary data are corroborated with secondary data for substantial information. Other relevant reviewed literature supplemented the findings of this research.

We live in an interdependent world where states are connected in a global economy. A threat to the maritime commerce poses a great challenge to the global economy and freedom of navigation on the Ocean, therefore there is the need to protect and secure the world oceans where maritime commerce takes place**.** Piratical attacks in the HoA region did not only affect international maritime commerce but also regional coastal states, flag states of vessels, cargo owners, seafarers who were taken into hostage as well as shipping industries**.**

3.1   Causes of piracy in the Horn of Africa

Piracy is considered as an attempt of boarding a ship with an intention to use force to commit crime or theft. Piracy was rampant in the Indian Ocean. In fact, majority of the attacks happened

in the Puntland region of Somalia near the town of Eyl and in the Mudug region. As a result of its lucrativeness, the Horn of Africa (HoA) was a citadel for maritime piracy. Pirate activities are complex and vary by group size. At the low end of the spectrum are small groups that consist of one or two people and a tiny boat. Larger groups, however, include hundreds of members. The ultimate goal of Somali pirates was to extract as much money as possible and not harm a crew. As such, hostages were treated decently, and allegations of malnutrition and cruelty were not reported in the majority of pirate activities (Dillon, 2005).

According to the International Maritime Bureau (IMB), in 2010, there were at least 219 pirate attacks in the HoA with 49 successful hijackings. Somali pirate launched attacks on ships in the Gulf of Aden, along Somalia's eastern coastline and outward into the Indian Ocean. They used sophisticated tactics and operated in the Maldives as far South as the Mozambique Channel. Hostage taking for ransom was a hallmark of Somali piracy. The IMB reports that, out of over 1,180 hostages taken at sea in 2010, about 86% of them were taken by Somali pirates (Chalk, 2010). Most researchers link the emergence of piracy in the horn of Africa to several factors. The core of the numerous factors that caused a spike in Piracy in the Horn of Africa was the lack of a legitimate government in Somalia (Warner, 2010). Political instability on the land cannot be divorced with what happens at Sea. This is consistent with an insight from a respondent from the Ghana Armed Forces Command and Staff College who mentioned that:

> The huge geographical expanse of water, the ocean between the African sub-continent and the Indian Ocean made it easy for piracy. The HoA is the most massive sea root, therefore the possibility of ships converging for trade purposes, as a result, there was an extension of the land-based violence, poverty, corruption and lawlessness that plagued Somalia after the fall of the Said Barre dictatorship in 1991 and disbandment of the Somali Navy necessitated the rise of Piracy in the Horn of Africa.

Due to the political upheaval, civil war and ungoverned coast of Somalia, pirates (which involved coastal dwellers, former militiamen and professional negotiators and interpreters) transformed themselves into transnational organized criminals. The respondent from Ghana Armed Forces Command and Staff College further mentioned that '*those who massively engaged in the act of piracy were mostly between the age bracket of 18 - 40 years'*.

The lack of a legitimate government in Somalia created an avenue for piracy to thrive. The absence of Somalia coastal security authorities allowed illegal fishing and maritime dumping by foreigners to go unchecked which undermined the coastal communities' economic prospects. (Haywood and Spivak, 2013). Evidently, the surge in pirate attacks off the Horn of Africa is directly linked to the insecurity and the absence of rule of law in war-torn Somalia that warranted the dumping of toxic waste by foreign vessels as well as illegal fishing in the terrain. Somalia's "pirate economy" grew substantially in a few years, with ransom averaging over $5 million. It is therefore not surprising that a lot of youth were involved in the piracy business. Ransoms for hostages steadily increased as larger vessels were seized. In 2008, pirates were estimated to have earned anywhere between US$30million and US$150 million from a hijack (Ploch et al., 2011). An interview with a respondent from the Ghana Navy revealed that the lucrativeness of piracy in the HoA was as a result of the immorality of the international system. He further explained that, '*for a long time instead of the international community collaborating to fight piracy earlier, they rather laid back and watched it rise incessantly, as a result, they kept paying ransoms to the pirates making it more lucrative'*.

3.2   Piracy and its Implications in the Horn of Africa (HoA)

Piracy destabilized the Horn of Africa. The economic, political and social sectors of Somalia and the region at large was greatly affected by the incidence of piracy. Warner (2010) observes that while pirates may join terrorist groups linked with Al-Shabaab and Al-Qaeda as a result of sheer necessity and not due to any similar philosophy, Ship captains and crews may be under tremendous public, family and political pressure to pay ransoms in order to keep their ships and crew members safe. As long as piracy continues off the coast of Somalia, other littoral governments such as Yemen, Kenya and Tanzania face the negative implication of having fewer port visits. Continued assaults in the HoA have adverse consequences for Egypt as well. As a result, ships that would have paid tolls and travelled through the Gulf of Aden and the Suez Canal are turning around to avoid piracy. Additionally, Central Africa and East Africa land markets that rely on imports from Indian Ocean ports during times of economic crisis are also more likely to see a disruption in their supply chains and that may result in a spike in prices for imported goods (Dua, 2019). Another respondent from Ghana Maritime Authority held a similar view when he stated that:

> The rise of piracy in the region threatened international security and greatly affected the economy of Somalia as no state was willing to invest in war and conflict prone state like Somalia whose port areas had been greatly affected as a result of piracy causing an increment in insurance premiums.

3.3   Piracy and its implication to the International Community

An analysis of the implication of piracy to the international community is subject to an understanding of the relationship that exists between piracy and international commerce. Over 80% of international commerce is carried out via shipping. Also, about half of the world's daily consumption in oil travels through confined waterways such as straits and canals which are easy prey for pirates (Potgieter, 2009). Somalia is very strategic to international trade with nearly 2,000 miles of coastlands. It is an ideal vantage point of all trade that passes from the Western Hemisphere to the Eastern Hemisphere through the Indian Ocean. An estimated 30,000 to 40,000 ships sail through the Gulf of Aden each year. Possession of Somali pirates, then, jeopardizes global marine business, as Somalia is near the Gulf of Aden, a crucial sea lane for global commerce. As a result, the chances of attacks from pirates on the 30,000 ships that pass through the Gulf of Aden each year will rise dramatically. In addition, attacks may also become more frequent, targeting a wider range of vessels, and they could possibly be lethal because of the lucrative returns from continued ransom payments and the lack of any practical deterrents for continuing such activities (Anyu & Moki, 2009). A study conducted by the One Earth Future Foundation records that the cost of maritime piracy to the international community ranges between $7 and $12 billion annually. The study notes that, "*the threat of pirate attacks in the region inflicts direct costs, including insurance, ransoms, self-protection measures, rerouting, naval operations and piracy prosecutions*". It also underlines that "*piracy imposes secondary costs having a macroeconomic impact on regional trade, on the region's tourism and fishing industries and food prices*". Considering the strategic location of the HoA to international trade, there were adverse repercussions on international commerce. This is consistent with an interview with a respondent from Centre for Maritime Law and Security Africa who revealed that:

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Piracy affected international commerce extensively because of the strategic location of the Indian Ocean to international trade. A good percentage of international trade takes place in that area, therefore piracy being endemic in that area means safety and security of international shipping was threatened thus affecting the maritime space. It affected the oil and gas industry as well, that is energy security. The Horn of Africa is contiguous to one of the biggest oil -producing places in the world known as Arab world. It therefore threatened the lives of the crew members whose ships were hijacked. It also affected general shipping industries, vessel owners and chatterers due to the danger they were prone to for using the route. They had to use a longer route which incurred cost, making trading along that route more expensive. Moreover, the ransom paid to the pirates were very extortionate. The millions of dollars that could have been used for other developmental projects in the region or even combat piracy itself were used as ransom payments to pirates.

Ho (2009) posits that the surge in piracy culminated in the increment of insurance rates for the shipping industry. There became the need to purchase additional insurance to cover the risk associated with transiting a piracy prone region. The author states that, there were insurance companies that offered "kidnap for ransom" policies to ships that move through the Suez Canal. The UK based Hiscox priced their insurance policy at US$15,000 per trip through the Gulf of Aden at the peak of Somali piracy. Middleton (2011) reports that, the payment for an average seized vessels rose from hundreds of thousands of dollars in 2006 to an estimated $5million by mid-2011.

Additionally, according to the Ocean Beyond Piracy's 2011 report, the sum of US$13.5 million which was paid in February, 2011 to release the Greek flagged Irene SL, a very large crude carrier was the highest ransom that was paid since the escalation of piracy from 1990s to 2011. Mikhail (2011) states that, "*the economic impact of piracy, based on ransoms, insurance, deterrence, re-routing, prosecutions and imprisonment, is estimated between US$500 million and US$6.9 billion*". Warner (2010) adds that with increased pirate attacks in Somalia, there was disruption or an impediment in food supplies from the United Nations Food Programme which provides food for over One third (1/3) of Somalia's population. This is possible because about 90% of food

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shipments are delivered by sea to the people of Somalia. Consequently, the international community specifically Europe through a coalition sent ships to patrol the area at the peak of it to scare away pirates. This helped to reduce it drastically. The international community laid down sanctions regime in their quest to suppress piracy.

3.4 International Policies and Strategies Adopted to Address the Menace

In the quest to combat piracy in the Horn of Africa, there emerged extensive international cooperation, investment and commitment amongst several East African States, Major states, key Maritime Powers, International Organizations, Non-Governmental Organizations, Key Stakeholders as well as major Shipping industries amongst others. The international community adopted collective efforts and common approach to restore peace and stability in the Horn of Africa region.

3.4.1 United Nations Security Council Resolutions

The United Nations Security Council (UNSC) adopted four Resolutions in 2008 to address the Somali piracy. The precedent-setting resolution was United Nations Security Council Resolution (UNSCR) 1816 (2008), which was unanimously adopted on 2 June 2008 and lasted for six months (Kraska, 2011). This resolution was very significant as it mandated foreign vessels to enter Somalia's territorial waters and "*to use all necessary means to repress acts of piracy and armed robbery at sea in a manner consistent with the provision of international law*". The adoption of this resolution by the UNSC therefore allowed international forces "*to seize and search where necessary suspected vessels and incarcerate perpetrators in Somalia's territorial waters*". Although the resolution authorised the intervention of the international forces in Somalia,

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Somalia's interim government consented to the resolution adopted. The resolution also required that decisions by the international forces to conduct anti-piracy operations should be made known to the United Nations Security Council.

On 28th November, 2008, the United Nations Security Council adopted Resolution 1844 to impose targeted sanctions on the finances of pirates by restricting their financial flows and arms smuggling. Member states of the United Nations were mandated to apply measures such as "*asset freeze, travel ban, and targeted arms embargo against individuals and entities responsible for the continuing conflict*" (S/RES/1844(2008). The UNSCR 1844 (2008) states that, the targeted sanctions shall apply to individuals and entities designated by the UNSCR Somalia/Eritrea Sanctions Committee:

a) As engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18th August, 2008 or the political process, or threaten the Transitional Federal Institutions (TFIs) or the African Union Mission in Somalia (AMISOM) by force.

b) As having acted in violation of the general and complete arms embargo.

c) As obstructing the delivery of humanitarian assistance to Somalia or access to, or distribution of humanitarian assistance in Somalia.

After the expiration of Resolution 1816 on 1st December, 2008, Resolution 1846 was subsequently adopted on 2nd December, 2008 to renew the mandate given in Resolution 1816 to foreign intervention in the territorial waters of Somalia to combat the threat of piracy in the Horn of Africa region. It mandated states and stakeholders in the fight against Somali piracy to cooperate with

Somali Transitional Federal Government (TFG) to '*enter, deploy vessels, use military aircraft, seize arms, boats and any other equipment used by pirates in their operation to counter piracy.*'

According to the report by Ocean Beyond Piracy in 2011, the Resolution 1846 extended for 12 months to enable the international community involved in counter piracy operations in the region to cooperate with the Transitional Federal Government (TFG) of Somalia to "*enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea and to use, in a manner consistent with the international law all necessary means to do so".* Following the earlier resolutions adopted, there was the need to devise sustainable solutions to take action against pirates' operation on land hence the adoption of Resolution 1851 on 16th Dec, 2008. It authorized the use of all the necessary actions to ban and prohibit the use of Somalia's territory to plan and facilitate the act of piracy. Currently, there have been additional resolutions adopted by the UNSCR in respect to Somali piracy. The Resolutions adopted by the UNSC authorised international forces to enter Somalia's territory to intensify their actions against the rise of pirate incidence in the Horn of Africa. Effectively combating piracy required substantial international cooperation and self-investment on the part of several navies, which has resulted in a remarkable level of cooperation amongst countries (Chalk & Smallman, 2009). The United Nations Security Council Resolutions became a stepping stone for the implementation of other counter-piracy strategies. The Resolution empowered other states "*to enter Somali territorial waters and employ all available means to identify, discourage, prevent, and suppress acts of piracy and armed robbery at sea in accordance with international law*". Thus, the international force would be able to board, search, and confiscate suspect vessels, as well as apprehend the culprits, in Somalia's territorial seas.

3.4.2 Contact Group on Piracy off the Coast of Somalia

As a necessary response to urgent risks such as marine piracy, crisis response operations provide an effective means to mitigate them in the short term while also preparing for the creation and implementation of a long-term solution. In order to mitigate the threat of piracy in the HoA, the international community launched the Contact Group on Piracy off the Coast of Somalia (CGPCS), to coordinate stakeholders' counter-piracy operations in New York on 14th January, 2009 (Madsen & Kane-Hartnett 2014). The group was established following the adoption of United Nations Security Council Resolution 1851 (2008). The Contact Group is not restricted to states in a specific region but opened to every state that is actively engaged counter-piracy operations and wants to contribute to anti-piracy efforts. There are over 80 participants that include states, regional and international organizations, shipping industries, Non-Governmental Organizations. etc.

According to Swarttouw & Donna (2014) in "*Fighting piracy off the coast of Somali: lessons learned from the Contact Group*", the group originally had four working groups of which the fifth was added in 2011. However, these five were reorganized and compressed back into four groups in 2014. The Working Groups (WG) are:

- WG1, chaired by the United Kingdom (U.K), with a mandate to oversee effective naval operational co-ordination and support the building of the judicial, penal and maritime capacities in the region.

- WG2, chaired by Denmark, it deals with legal issues with the aim of providing specific, practical and legally-sound guidance to the CGPCS, states and organizations on all legal aspects of counter-piracy.

- WG3 works with the shipping industry. Initially chaired by the US and then by the Republic of Korea, it has been instrumental in developing the Best Management Practices for Protection against Somalia Based Piracy (BMP).

- WG4, chaired by Egypt, focused mainly on public diplomacy and was the least active of the Working Groups. It was discontinued in 2013.

- WG5, chaired by Italy, coordinates international efforts to identify and disrupt the financial networks of pirate leaders and their financiers.

The WG1 in 2014, was renamed the Working Group on Capacity Building, WG2 was transformed into "the legal Forum of the CGPCS", WG3 is the "Maritime Counter-Piracy and Mitigation Operation" and WG5 renamed as "Disrupting Pirate Networks Ashore" (Swarttouw & Hopkins, 2014). The CGPCS acts as a liaison between the various fleets engaging in anti-piracy operations in the Gulf of Aden, the Internationally Recognized Transit Corridor, and the Somali basin. In a report by Oceans Beyond Piracy, the group actively focuses on mitigating piracy concerns by specific efforts such as providing counter-piracy trainings, supporting Best Management Practices (BMP) (anti-piracy procedures for ships), and encouraging strategies to increase self-protection capabilities (Pigeon et al., 2018).

The Oceans Beyond Piracy program emphasized that the CGPCS's objective is to disseminate public and diplomatic information on many elements of piracy, hence raising awareness of the threat posed by this issue. Furthermore, in 2009, in order to investigate and ascertain the region's counter-piracy capabilities, the CGPCS launched a mission in East Africa and the Gulf of Aden.

The final report stressed the importance of bringing support to anti-piracy solutions, such as enhanced penal and judicial legislation and integrating the media and communities in the battle against piracy (Jankovsky, 2013).

3.4.3 *International Maritime Organization (Djibouti Code of Conduct)*

Following a conference organized under the auspices of the International Maritime Organization, 21 states in the Western Indian Ocean and the Gulf of Aden agreed to the Djibouti Code of Conduct (DCoC) Concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden on 29 January 2009. The DCoC emphasizes that the key to combating piracy is the creation of a regional approach to the issue. The current signatories to the code are, Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, The United Republic of Tanzania, Yemen, Comoros, Egypt, Eritrea, Jordan, Mauritius, Mozambique, Oman, Saudi Arabia, South Africa, Sudan and The United Arab Emirates. Currently, the observers of this code are, India, Japan, Norway, United Kingdom and the United States of America.

The Djibouti Code of Conduct focuses on localized counter-piracy measures in the region rather than activities led on the ocean by naval troops (Kraska & Wilson, 2009). This effort, a legally non-binding measure, demonstrates the international community's desire and will to eradicate piracy. The code focuses on robust capacity building with emphasis on strengthening and consolidation of national institutions. The parties to the Code agreed to share and submit information to information centers and national focal points, as well as to restrict ships suspected of piracy.

Furthermore, states engage in the arrest and prosecution of pirates as part of measures put in place to combat piracy at the regional level. The goal is to enhance a state's law enforcement forces while also improving national anti-piracy legislation to match the needs of the state's law enforcement and court systems. The Code takes into account international cooperation in relation to maritime security operation coordination through the three Marine information-sharing centers. The Code attempts to provide a first line of defense against piracy by strengthening regional abilities, specifically by expanding the state of Somalia as well as other East African countries' coastguards by providing a regional training program in collaboration with other international organizations such as North Atlantic Treaty Organization (NATO) and the European Union (EU) (Kraska & Wilson, 2009). The purpose is to enhance the effectiveness of this framework in preventing piracy. As a result, the Code of Conduct calls on nations such as Saudi Arabia and Egypt to assist East African countries in developing their capabilities. In essence, the above literature on regional efforts to combat piracy is synonymous to an interview with a respondent from Ghana Armed Forces Command and Staff College who stated that:

> It requires quite a lot of capacity to counter piracy. The regional states saw themselves as effective partners of the international community to counter piracy. They prosecuted, and tried pirates who were arrested by navy or warships. They set up mechanism to share information to counter piracy under the Djibouti code of conduct. The Djibouti Code of Conduct has been instrumental in suppressing piracy and armed robbery against ships in the HoA and the Gulf of Aden has seen its scope significantly broadened to cover other illicit maritime activities, including human trafficking and illegal, unreported and unregulated (IUU) fishing following the amendment of the code in 2017 at Jeddah in Saudi Arabia. The code has enhanced the capacity of the regional states to intensify their efforts to combat the menace. The revision of the code will go a long way to suppress other transnational threat like illegal and unregulated fishing that is one factor that necessitated the rise of piracy. Although the regional states that are members of the code may not have the maritime capacity which is another challenge to a long-term sustainability of the code, their ability to effectively cooperate and fully commit can help in achieving a long -term solution to counter piracy in the HoA.

In 2017, through a high-level meeting of signatories to the DCoC at Jeddah in Saudi Arabia, the DCoC was revised to address other maritime issues. The signatories agreed to work with other

international organization and stakeholders by the support of International Maritime Organization. This amendment of the Code is referred to as The Jeddah Amendment. The Jeddah Amendment takes into consideration the essence of "shipping, seafaring, fisheries and tourism in supporting sustainable economic growth, food security, employment, prosperity and stability". It does not gloss over the threat posed by crimes of piracy, armed robbery against ships and other illicit maritime activity, including fisheries crime, in the Gulf of Aden. The revised code of conduct builds on the previous code adopted in 2009. The signatories to the code are urged to fully cooperate to suppress transnational organized crime in the maritime domain. To achieve this, signatories are required to actively engage in "informational sharing; interdicting ships and/or aircraft suspected of engaging in such crimes; ensuring that any persons committing or intending to commit such illicit activity are apprehended and prosecuted; and facilitating proper care, treatment, and repatriation for seafarers, fishermen, other shipboard personnel and passengers involved as victims". (International Maritime Organization).

3.4.4   The European Union (European Union Naval Force- Operation Atalanta)

In order to safeguard the region, the international community resolved to take a common and global approach to piracy. Several collaborative actions have been organized. To counter the threat, states utilize naval strength. The European Union (EU) established a counter-piracy operation called EU NAVFOR- Operation Atalanta in 2008 (European Union Naval Force Somalia, 2015). It has formulated and implemented several counter piracy measures ranging from naval deployment, civilian mission in Somalia, training, etc. The EUNVAFOR Operation Atalanta was formed on the basis of the UNSCR 1816 (2008) authorizing foreign vessels to enter Somalia's territorial waters. The operation was formed to ensure peace and security along the coast of Somalia. It was launched

within the framework of the European Union's Common Security and Defence Policy (CSDP). The core mandate of the EU NAVFOR is;

a) Protection of World Food Programme (WFP) vessels delivering aid to displaced persons in Somalia and the protection of African Union Mission in Somalia (AMISOM) shipping.

b) Deterrence, prevention and repression of acts of piracy and armed robbery at sea off Somali Coast.

c) Protection of vulnerable shipping off the Somali coast on a case-by-case basis.

d) Monitoring of fishing activities off the coast of Somalia.

The EU NAVFOR operates within specific areas namely; Southern Red Sea, the Gulf of Aden and a large part of the Indian Ocean including the Seychelles. The Somali coastal territory is also inclusive. The participating states sent navy ships, maritime patrols, and reconnaissance planes, military and civilian personnel for the counter piracy operations in the region. The participation of the EU NAVFOR is not limited to only EU member states. There are other non-EU member states such as Norway, the first non-EU member state to participate and contribute one warship in 2009. Also, the EUNAVFOR received staff officers to the operation's headquarters from states like Serbia and Montenegro. In 2014, Ukraine and New Zealand donated warships to the operation. The means by which member states contribute to the operation are as follows;

a) Navy Vessels (Surface Combat Vessels and Auxilliary Ships including embarked helicopters.

b) Maritime Patrol and Reconnaisance Aircraft (MPRA).

c) Vessels Protection Detachment (VPD) teams.

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d) Provision of Military and Civilian Staff to work at the Operation Headquarters in Northwood, United Kingdom or onboard units.

The Operation Atalanta allows EU NAVFOR to arrest suspected pirate and seize their items on board. The arrested pirates may be prosecuted by any EU member state, as well as by adjacent countries where the pirates are seized, or by a third-party State (European Union Naval Force Somalia, 2015). States that have seized pirates but do not choose to exercise their jurisdiction are provided a transfer option. Pirates may be transferred to any member state or non-member state willing to prosecute them (Treves, 2009; Qureshi, 2017). Additionally, the operation's objective is not just to apprehend and prosecute pirates, but also to eliminate the piracy enterprise, particularly its finance. The EU's effort focuses on information sharing with Interpol and EUROPOL (Bueger, 2016).

3.4.5   *Combined Task Force 151*

Other cooperative measures aside the EU NAVFOR's Operation Atalanta, have been implemented. There have been the International Community interventions such as the Combined Task Force (CTF-151), a multinational task force formed to monitor international maritime patrols in the Gulf of Aden. CTF 151 was formed in January, 2009 operating under the United Nations Security Council Resolution counter-piracy mandate. The mission of the force is to disrupt piracy and armed robbery at sea and engage with regional and other partners to build capacity, improve relevant capabilities in order to protect global maritime commerce and secure freedom of navigation. CTF 151 works hand in hand with EU's Operation Atalanta and NATO's Operation Ocean Shield. (Chalk & Smallman, 2009). The Command of the task force is rotated on a three to

six months basis amongst participating states. States that have led CTF 151 include Japan, Kuwait, Pakistan, Republic of Korea, Singapore, Turkey and USA. CTF 151 is currently endorsed under UNSCR 2500 (2019) and has now expanded its scope of operation to include conducting wider maritime security operations in support of Combined Maritime Forces. The counter-piracy measures carried out by the task force are "upholding an active 24-hour lookout, the removal of access ladders, reporting apprehensive actions to proper authorities, the use of deck lighting, razor wire, netting, fire hoses, electrical fencing, and surveillance and detection equipment, defending the lowest points of access, engaging in evasive maneuvering and speed through pirate attacks, and joining group transits". (Combined Maritime Forces 2015). These measures gained traction as a result of the United Nations Security Council Resolutions 1816, 1846, and 1851, which urged states to take the necessary steps to prevent pirate attacks from occurring in Somali territorial waters (Chalk & Smallman, 2009). The resolution called for the establishment of an international cooperation framework as a point of contact for counter-piracy operations near Somalia, as well as steps to improve regional governments' judicial capability to combat piracy, especially the judicial capability to prosecute pirates. (Dalton et al., 2009).

3.4.6   *North Atlantic Treaty Organization (Operation Ocean Shield)*

The North Atlantic Treaty Organization's (NATO) various military operations between 2008 and 2016 helped to deter and disrupt pirate attacks by protecting vessels and increasing overall security in the region. Since 2008, NATO through Operation Ocean Shield (OOS) has contributed to the international effort to combat piracy in the Horn of Africa. This Operation is built on NATO's previous counterpiracy mission, Operation Allied Protector (Bridger, 2013). NATO's naval ships provide naval escorts to ships transiting the area. In addition, the NATO Shipping Centre (NSC),

which is permanently staffed, serves as a medium through which merchant shipping information is shared between NATO military authorities and the international shipping community. Information such as potential risks and potential interference by suspected pirates is been relayed to maritime operations. NATO worked closely with the European Union's Operation Atalanta, the Combined Task Force 151, and other individual states stationed in the region for counter-piracy operations.

The mere presence of the international naval force discouraged pirates from engaging in their activities and contributed to the region's piracy suppression. The shipping industry's strict adherence to the best management practices, as well as the deployment of armed security teams on board, contributed to the suppression of piracy. NATO terminated Ocean Shield on December 15, 2016 following the drop in pirate attacks since 2013. However, it continues to fight piracy by maintaining maritime situational awareness and maintaining close ties with other international counter-piracy actors (Ploch et. al, 2011). NATO is also maintaining its anti-piracy efforts both at sea and on land, by assisting countries in the region in developing the capacity to combat piracy on their own. NATO closely coordinate with other counter-piracy forces operating the region to boost efforts and effectively suppress piracy.

Overall, this study showed that the response by the international community was robust. There were quite a lot of resolutions that were passed and actions taken. The resolutions mandated states to use military actions to counter piracy in Somali territorial waters. The international community set up the court system to prosecute the pirates. The UN resolutions passed provided the

momentum for states and stakeholders who wanted to join in the fight against piracy in the Horn of Africa to act.

3.5   The role of USA in the fight against piracy in the Horn of Africa

The United States of America (U.S.A) is one of the major states that have been very instrumental in the fight against Somali piracy. U.S has also had a share of the numerous attacks of its vessels patrolling the HoA region. On 8th April, 2009, Somali pirates seized US-flagged commercial shipping vessel known as MV Alabama. This high -profile incidence drew the attention of not only the U.S government but the international community. After the MV Maersk Alabama was attacked, Secretary of State Hillary Rodham Clinton articulated a new preliminary anti-policy to combat the threat of Somali piracy. (Noto, 2011). It included "developing an expanded and better-coordinated multinational response, exploring the tracking and freezing of pirate assets, working with the shipping industry to address gaps in self-defense measures, and engaging diplomatically with Somalia's Transitional Federal Government (TFG) and authorities in Puntland to combat piracy in their territories". Finally, it addressed improvement in Somalia's capacity to enforce security and protection of its own territory. It also ensured provision of assistance to Somali authorities in destroying pirate bases. (Warner, 2010).

Moreover, the U.S, since Somali piracy skyrocketed in 2008 formulated and implemented policies and strategies to combat the threat. The National Action and Partnership was formulated by the U.S National Security Council to aid in addressing the surge in Somali piracy. An executive level body comprising of the Department of state and Defense, the Department of Homeland Security, Justice, Treasury, Transportation and the U.S Agency for international development was set up to

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implement the plan. The objective of the plan is to "repress piracy off the Horn of Africa in the interest of the global economy, freedom of navigation, Somalia and the regional states". The plan also focus on immediate operational measures to prevent, disrupt, and punish acts of Somali pirate organizations.

According to Countering Piracy off the Horn of Africa: Partnership & Action Plan, 2008, the underlying implementation pillars of the plan are;

    I.   Strengthening judicial frameworks for detention and prosecution of pirate.

   II.   Disrupting pirate financial operations.

 III.   Strengthening Commercial Shipping self-defense and capabilities.

 IV.   Pursuing diplomatic and public information efforts to discourage piracy.

Additionally, the Partnership and Action Plan outlines three lines of action to counter piracy by reducing the vulnerability of the maritime domain, interrupting acts of piracy, and prosecution of suspected pirates (Warner, 2010). The United States' goal is to combat piracy as successfully as possible in the interests of the global economy and regional states. As a result, the focus of this Plan is on immediate operational countermeasures to "prevent, disrupt, and punish Somali pirate organizations". Ultimately, attainment of this goal is necessitated by actions on land to facilitate actions done at sea. (Ploch et al., 2011). Furthermore, achieving the goal set by the plan required efficient cooperation amongst regional states, the international community and every institution with interest in suppressing piracy in the region. Also, it required massive integration among military, efficient law enforcement, Judicial and diplomatic interest in and outside of the region. The goal of this Plan is to reduce the rate of pirate incidence in the HoA, thereby reducing its implications on global commerce and preventing Somalia's lack of security from spreading beyond

its borders, in accordance with international law and with complete respect for Somalia's sovereignty, territorial integrity, political independence, and unity (Ploch et al., 2011).

United States of America (USA) was very instrumental in the fight against piracy by lowering the susceptibility of the maritime domain to piracy. Correspondingly, in August 2008, the Commander of the United States Naval Central Command established the Maritime Security Patrol Area (MSPA) in the Gulf of Aden to focus efforts on countering destabilizing activities and improving regional security until long-term plans mature (Davis, 2009). This area is patrolled by Combined Maritime Forces (CMF) warships and aircraft. It was recorded that, several pirate operations were unsuccessful inside the MSPA compared to other areas. The US motivated other states to send forces in the form of navy air and surface assets, to improve coverage under the MSPA. The US also shared intelligence and coordinate with other navies who are not members of the CMF who are involved in counter-piracy operations within legal restrictions. Additionally, the US urged the maritime industry to efficiently use the MSPA in order to improve its effectiveness (Davis, 2009).

Furthermore, the United States supported and encouraged the use of relevant and adequate jurisdiction by flag, port, and coastal states, as well as states of the nationality of pirate victims and perpetrators, through the prosecution of any pirate perpetrators or victims. They urged other States Parties to the 1988 Convention for the Suppression of Unlawful Crimes Against the Safety of Maritime Navigation (SUA) to use the Convention as a vehicle for prosecuting such acts as violations of the Convention's article 3 (Kraska, 2011). Under Articles 7, 8, and 10 of the Convention, suspected SUA offenders may be transported to a coastal state which is party to the SUA. The coastal state is expected to accept custody unless it says otherwise. Here the offenders

will be extradited to a state which is interested in prosecuting them. The United States of America also granted adequate logistical support to states that were willing to help in detention of suspected pirates, investigation of their offenses, and deportation to proper venues for trial. US also assisted states that were willing to reform their domestic legislation, laws, procedures, and infrastructure required to fulfil SUA responsibilities.

Despite the efforts of the U.S maritime security strategy and efforts to explore various diplomatic, military, economic, and legal means in eradicating piracy in the HoA, some of the counter-piracy measures employed are unbalanced as they emphasize more fighting the threat sea rather than on land-based issues in Somalia and the region at large. According to Warner (2010) "the United States is gradually recognizing the need to adapt to the limitations of current policies and turn its counter piracy strategy in the direction of conceptually linking efforts to eliminate insecurity at sea with those to eliminate insecurity on land".

3.6   Successes of the Implementation of the Policies and Strategies

Piracy is currently one of the world's most concerned topics. It has a human, economic, environmental, and political cost. Piracy in its various manifestations poses a substantial and direct danger to the peace, security, and economic development of the affected countries and regions. Its detrimental impact is beginning to have an impact on global interests. It has recently emerged as a subject of concern for the world community (Haywood & Spivak, 2013). According to the former UN Secretary General Ban Ki-moon, the pirate epidemic is a significant threat to international peace and security, as well as having a destabilizing influence on international navigation and marine trade (Ban Ki-moon, 2012).

Fortunately, there is growing agreement on the necessity for a coordinated approach to the situation (Germond & Smith, 2009). Major powers such as the United States, China, and numerous European countries are increasingly supporting a range of local anti-piracy activities in the region. The United Nations and the European Union are also important players in the development of regional capabilities. As a result, a variety of military and non-military actions have been launched throughout the region to combat piracy (Germond & Smith, 2009). This literature is in consonance with the response from an interview with Mr. Jewel Ahiable, a former seafarer who was one of the victims of the 24 Seafarers in the MV ICEBERG 1 hijacked on 29th March, 2010 by Somali Pirates for 1000 days. He is of the view that the effort of the international community is commendable as they have instituted courts to trial and prosecute pirates to serve as a deterrent to others. He stated that:

> The pirates are very inhuman and evil, therefore, convicting them and freezing their accounts through whichever medium that was implemented by the international community was a big step in the right direction. The actions and more of the robust efforts by the regional and international community have really contributed to the decline of its rise.

To a large extent, the various international actions outlined in the above discussion have achieved a level of success as the coalition forces have been very essential in capturing of pirates offshore. This successful international actions against Somali piracy are as a result of cooperation from the Federal Government of Somalia, regional states, major maritime powers, and maritime industries.

To begin with, the EU's Operation Atalanta and NATO's Operation Ocean Shield escort to ships ensured the safe delivery of World Food Programs' relief supplies and humanitarian aid to Somalia. Operation Atalanta has played a key role in the decline of piracy in the Horn of Africa. It has significantly reduced the number of pirate attacks before they occur. According to the

International Maritime Bureau, the estimated number of people as well as ships kidnapped and captured by Somali pirates were almost 736 and captured 32 respectively at the peak of the piracy in the HoA. However, by October 2016, there were no records of hijackings by pirates. Operation Atalanta has helped in protecting ships in the "High Risk Area," a piracy prone area where self-protective measures are most likely required. Also, the EUNAVFOR Operation Atalanta aside protecting World Food Programme (WFP) vessels delivery food aid to Somalians, extended the protection to other vulnerable ships transiting within the IRTC and the High -Risk Area.

Furthermore, Operation Atalanta has worked closely with several regional governments, including Kenya, the Seychelles, and Mauritius, to transfer presumed pirates for prosecution and conviction, demonstrating the EU's determination to defeat piracy by imposing sanctions in collaboration with other governments and thus strengthening the legal framework in place and paving the way for future operations 2015 (European Union Naval Force Somalia, 2015). A contributing factor to the success of Operation Atalanta as revealed by a respondent from the Ghana Armed Forces and Staff College is that *'it was meticulously followed year after year. There were economic, social and military measures incorporated in operation Atalanta in addressing the menace of piracy which contributed to its success'.*

Operation Atalanta expanded its scope of operation to cover land targets by conducting ground raids in Somalia. The first raid was carried out with the support of the Transitional Federal government of Somalia at the port of Haradhere, a notable pirate base. The purpose was to remove onshore safe havens for pirates and deny them of logistical support to carry out their operations

(Germond &Smith, 2009). Other coalition forces like Operation Ocean Shield and Combined Task Force 151 have been instrumental in thwarting several attempted hijackings.

Additionally, NATO's Operation Ocean Shield expanded the alliances situational awareness in the Indian Ocean. It also improved upon its engagement with several regional states through provision of a practical forum for cooperation and interoperability. NATO together with the other naval forces have also improved upon the surveillance of the Somali coast as they have been able to detect several pirates port where mother ships are believed to routinely resupply. This helped in destruction of pirate activities even before they take place. NATO, through SHADE (Shared Awareness and Deconfliction), an informal coordination mechanism provided an avenue for sharing tactics amongst the navies. It also introduced a transit corridor for shipping in the Gulf of Aden and reducing the time to respond to pirate incidence. The SHADE also created an avenue for operational planning across organizations. Through SHADE, other individual states like China, Indian, Japan, Russia, India and South Korea, that patrolling the region independently cooperated with NATO. (Bueger, 2017). It was also through SHADE that the Mercury System which is also known as "Facebook of Counter-Piracy" was launched. This system is an electronic information sharing platform that helps to easily and quickly report pirate incidence. Aside NATO working closely with the EUNVAFOR and the Combined Task Force 151, it also cooperated and worked with private sectors to counter Somali piracy. It cooperated with industry actors through NATO's Shipping Centre. The Shipping Centre disseminated information regarding the nature and consequences of piracy to the shipping industry. It played a key role in the implementation of the Best Management Practices, measures that shipping industry must comply for protection against pirates. (Bueger, 2017).

Moreover, Thiery Tardy (2014) in his work "*fighting piracy off the coast of Somalia: Lessons learned from the Contact group,* he states that "the Contact Group was arguably the primary political enabler of at least three critical counter-piracy policies adopted:

1. Remarkable voluntary operational coordination among naval counter-piracy forces operating in the region.

2. Measures taken by the shipping industry, including privately contracted armed security teams embarked on commercial ships transiting the Gulf of Aden and".

3. Creation of a legal framework for counter piracy.

The Contact Group on Piracy off the Coast of Somalia (CGPCS) played a key role in the suppression of piracy in HoA. The CGPCS created a forum for political debate and discussions to enhance cooperation, coordination and efficiency amongst the naval forces deployed for counter piracy operations. Despite the lack of a governing body in an informational structure like the CGPCS, the Contact Group has worked very hard in these years since its inception to address the surge of piracy in region. This fact alone asserts the high-level achievement that CGPCS has attained. To ensure effectiveness and sustainability of the efforts of the CGPCS, the Working Group 1 developed both the capacity-building group and platform to enhance transparency and collaboration of initiatives that will be set by the group. All the Working Group have achieved remarkable results which have greatly enhanced the international efforts in countering piracy in Somalia. These results range from operational cooperation, capacity building, financing of piracy projects, ensuring adherence to Best Management Practice of Industry, comprehensive strategy for information sharing. According to Christian Bueger (2015) in his work "*Learning from (Somali)*

Piracy. Lessons from the Contact Group on Piracy off the Coast of Somalia", to counter piracy in the Gulf of Aden and the West Indian Ocean, the objective of the group was hinged on 3 core functions namely; legitimacy, A shared understanding of situation, Trust and Confidence. In order to better interpret the situation to the states and organization actively involved in the counter-piracy operations, the group developed a legal tool kit to achieve this. Information was exchanged frequently amongst the working groups during plenary meeting. The group's flexibility and inclusivity had counter-piracy practitioners, actors, regional states with weak capacities, international organizations to coordinate and make contributions on counter-piracy measures.

Also, through the Djibouti Code of Conduct, a number of coastal guards in Somalia and other regional states have been trained to intensify awareness for counter-piracy actions. Information Sharing Centre has been established in Sana'a, Mombasa and Dares Salaam. The member states of the code have developed a national focal point to disseminated information about pirate attacks or suspicion on national levels. The Djibouti Regional Training Centre which was officially launched in 2015 has helped in offering series of training programs and workshops to several people in the region. The DCoC supported by the International Maritime Organization has partnered with EU's MARSIC to develop series of training programs as well as workshops to train counter-piracy practioners and enhance capacity building. (Bueger & Saran, 2012).

The DCoC also joins with the UN office on Drugs and Crime Counter Piracy Programme to hold legal workshops to Marine police, Coast guards, etc. According to the International Maritime Organisation, "*the code has evolved to be the major focus for facilitating transnational communication, coordination and cooperation in its 4 thematic broad pillars: delivering national and regional training,*

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enhancing national legislation, information sharing and building counter-piracy capacity. It has also created a basis for technical cooperation between the DCoC states and IMO that is trusted, effective and popular". The Djibouti Code of Conduct Trust Fund has helped in raising funds to finance projects and initiatives under the code. The three information sharing centres developed by the DCoC has worked closely with Operation Atalanta in the creation of a regional dhow to aid navies in identifying people engaging pirate acts. The code helped to empower member states to upgrade their national laws to ensure the existence of laws to arrest, detain and prosecute pirates. (International Maritime Organization).

3.7   Challenges with the Implementation of the Policies and Strategies

The international efforts towards the surge in piracy in the HoA has achieved a great level of success considering the recent low incidence of pirate operations in the region. However, these efforts have been criticized for failing to adequately address the root causes of piracy. As a result, it is critical to utilize an integrated multidimensional approach that increases maritime security while simultaneously tackling the root causes of piracy, which are rooted in the region's economic, social, and political situations, such as weak governance, corruption, unemployment, and poverty. Chalk (2010) observes that "perhaps the most fundamental weakness of the international strategy response is the fact that it is premised on containing piracy at its endpoint on the seas, rather than addressing it at its root on land". With respect to some of the "push" factors that give rise to armed maritime crime and violence off the HoA, there is very little if any relevance of frigates and other naval deployments.

First of all, the area covered by the naval forces does not cover all the areas where pirates operate. Although the size of the area along the region's coast where the international naval forces are deployed is more than 2 million square nautical miles, these forces do not fully cover the operational areas of the pirates as they are limited to certain parts of it. Considering the fact that, some parts are left uncovered, there is a high possibility of pirates operating from such areas.

Secondly, it is quite difficult for the naval patrols to identify pirates, fishermen, smugglers and tradesmen as they tend to sail through the same route. The fishermen and Tradesmen mostly arm themselves for protection. This requires that, a patrolling helicopter, Unmanned Aerial Vehicle (UAV) or a patrolling vessel needs to be close to identify pirates amongst these people. According to Homan & Kamerling (2010), "Hiding behind fishermen and making use of mother vessels from which pirates are able to operate further offshore complicate the operation picture."

Also, another challenge of the international counter-piracy strategies and policies particularly the naval deployment of the three Coalition taskforce (Operation Atalanta, Operation Ocean Shield and the CTF 151) is their inability to resolve the root causes of piracy onshore. Abject poverty, lack of economic opportunities, weak political security and weak judicial institution in Somalia still remain a great factor in the unsustainability of the current international naval strategies. Somalia still remains one of the most corrupt states in Africa. Both political and clan tension, terrorism, contribute greatly to the insecurities and the low standard of living in Somalia. This has subsequently thwarted the international community's efforts to rebuild Somali state. The pervasive corruption coupled with terrorist attacks and conflict amongst the clan impede the developmental efforts by the international efforts geared towards implementing initiative to curb the menace

onshore. The inability of the international community to identify and arrest piracy financiers and political enablers is another challenge. Although several pirates have been arrested and prosecuted over the years, these political financiers and political enablers are able to replace them with new ones. This assertion is in tandem with the views of Mr. Jewel Ahiable who in an interview contends that if pirate supporters and sponsors are not dealt with, the business will continue to thrive and the goal to eradicate it completely cannot be attained. He stated that;

> The piracy financiers are situated on land, once pirates are captured, they recruit new ones into the business, and therefore, the surest way to fight the scourge is by destroying their activities on land. The inability to deal with the issues on land undermines the effectiveness of the current international strategies.

Again, it has become clear that there is a significant technological division between the East African states with less maritime prowess as well as resources and major states like U.S, U.K, China, Japan, Russia, amongst others with large naval forces and maritime power. This makes it difficult to work when such differences persist amongst states, because piracy is a transnational threat that can only be resolved via multilateral collaboration with robust maritime and military resources and efforts (Kraska & Wilson, 2009). This assertion is confirmed by a respondent from Ghana Maritime Authority who opines that the primary difficulty confronting many of the states in the Horn of Africa is a scarcity of resources and lack of maritime capacity to fully work with maritime powers like the United States and other major states. He stated that:

> Some of these African states lack adequate maritime resources as well as the funds to combat piracy hence their reluctance to commit fully to the cause. This makes it quite difficult for the international community to implement additional counter-piracy initiatives or policies to supplement the existing one to achieve a long- term goal in eliminating piracy completely.

Additionally, the high economic costs associated with naval and military deployment as well as capacity building initiatives amongst others challenges the sustainability of the current actions by the international community. The cost of vessel deployment by member states in the Operation

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Atalanta, Operation Ocean Shield, Combined Task Forces is extremely high. The vessels contributed by the states towards Operation Atalanta, Operation Ocean Shield and Combined Taskforce 151 require high maintenance cost, high operational and training cost, high logistical costs, etc. which have incurred billions of dollars over the years. In 2012 alone, according to the Oceans Beyond piracy's 2012 report "Somalia piracy inflicted some US$6billion in global costs in 2012, of which US$1.09 billion was borne by counter-piracy military operations which include reconnaissance aircraft and Unmanned Aerial Vehicles), vessel protection detachments, the administrative budgets of naval operations, and SHADE (Shared Awareness and Deconfliction) meetings". The total costs of security equipment and guards in counter-piracy operations was estimated to have ranged from US$1.65billion and US$2.06billion in 2012. The total administrative budget of naval operations by the big three naval mission (Operation Atalanta, Operation Ocean Shield and Combined Task Force 151) was around US$22.8 million. (Ocean Beyond Piracy, 2012). Currently, it is good to say, billions of dollars have been spent to sustain these international measures over the years. The high economic cost associated with maintaining naval and military operation to counter piracy in the HoA challenges the goal to ultimately eradicate piracy in the region.

Due to the fact that individual states bear the cost of naval deployments, some are hesitant to deploy naval assets considering the decline of pirate incidents in the region as there seem to be no need. Among all the international naval coalition forces, mission fatigue and budget constraints of some of the contributing states seem to undermine the effectiveness of the international strategies.

Moreover, although the international community has helped in leading effective regional initiatives to enhance capacity building amongst regional states to combat piracy. These initiatives have contributed greatly to decline of Somali piracy. However, inadequate investment in capacity building initiatives or programs in Somalia and the region is an issue of great concern. Most of the counter-piracy funds by the international community are mostly spent on naval deployment leaving less funds for capacity building which can provide long term solutions. There is the need for the international community to actively help the regional states to develop their own capabilities in fighting the menace by engaging them in training programs and cooperatives exercises. Although there are exist several comprehensive internationally led regional initiatives committed to providing sustainable long- term solutions, these are not adequate, more so, the resources received in this regard is less as compared those for naval operations.

Furthermore, regarding the Djibouti Code of Conduct, its long sustainability as a counter-piracy initiative has been criticized. The code lacks adequate political support because it is a non-binding agreement which operates on technical level. The absence of central political body and the mere fact that the International Maritime Organization is the main forum for steering its affairs undermines effective long- term cooperation and commitment by member states. Considering the national rivalries, diverse history and interest, unresolved disputes amongst some of the member states examples Kenya and Somalia makes long term cooperation quite impossible. (Bueger &Saran, 2012). The code is criticized for being overly ambitious in the essence that, although it aims to create a trans-regional solution for Africa and Gulf nations, yet it excludes countries with major maritime powers like Pakistan and Iran. India was excluded until 2021 when it joined as an observer. (Bueger & Saran, 2012).

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Lastly, with respect to the Contact Group on Piracy off the Coast of Somalia, despite its achievement, its challenges will not be gloss over. The group is challenged by limited resources, the long -term sustainability considering its informal structure, equitable partnership and strategic vision. The CGPCS trust fund is not adequately funded considering the large number of resources needed to execute its projects and initiatives. The informal decision- making process of the CGPCS which is based on consensus can be abused by the participants. The lack of reference or standing secretariat of the CGPCS as compared to formal institutions means the group can be dismantled easily.

In spite of the lapses in the current international policies and strategies, these strategies have displayed some level of unprecedented international cooperation and success. One of the primary vehicles for this is the Contact Group of Somalia which has created an avenue for several states to coordinate efforts through working groups. The implementation Djibouti Code of Conduct is a step in the right direction. The training, workshops, information sharing and communication offered by the code has been instrumental in suppressing the incidence of piracy in the HoA. Combating piracy is fundamentally a maritime law enforcement activity. However, relying solely on a military solution will not solve the situation. Seeking such a solution may reduce piracy to a merely security issue rather than a signal of more significant governance issues onshore (Guilfoyle, 2010). Therefore, there is the need to intensify efforts and adequately invest in capacity building programs.

3.8   Conclusion

The surge in piracy is as a result of land-based problems, therefore the effort to ultimately eliminate such a scourge should tackle the root causes. Somali piracy has best illustrated this fact. Somali piracy is a consequence of the absence of a legitimate governing body after the fall of Siad Barre. The violence that characterized Somalia creating an avenue for illegal activities presented an enabling environment for piracy to thrive. This chapter has assessed the international actions taken against piracy in the HoA. The best solution to counter piracy does not rely on solely focusing military measure but the root causes. Robust efforts are needed to intensify the strengthening of the counter piracy measures directed at tackling the issues on land. Pirate activities although occur on the seas, it is rooted on the land, hence the need to address the factors that necessitated its surge. Since 2013, Somali piracy has declined tremendously compared to the previous years, however, it is still present and therefore the need to intensify the fight against piracy.

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CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.0   Introduction

This study assessed some of the regional and international policies and strategies that played a key role in addressing the problem of piracy in the Horn of Africa. It employed qualitative method of research as the research design. Information relevant to the study were gathered from primary and secondary sources. This chapter sums up key findings of this research, draws a conclusion as well as offering relevant recommendations to the study.

4.1   Summary of Findings

This research was conducted with a guide derived from the research objectives that were set out together with their research questions aiding the researcher to achieve the set objectives. The research examined the policies and strategies adopted in addressing the problem of piracy in the Horn of Africa (HoA) since its decline in 2013.

To begin with, this study highlighted the main factors that necessitated the rise of piracy in the Horn of Africa. Amongst the many factors that caused a rise in Piracy in the Horn of Africa is the political instability after the fall of Siadd Barre which is a result of a lack of a sovereign government in Somalia. The study revealed that bad governance coupled with other causative factors like the dumping of toxic waste in Somalia's territorial waters as well as huge ransom payments demanded contributed in the youthful characteristic of the very people involved in the

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act of Piracy in the Horn of Africa. The very people identified in the involvement of piracy were coastal dwellers, professional interpreters and negotiators who saw it to be very lucrative.

Similarly, in addressing the second objective of the study, the findings established that considering the strategic location of the Horn of Africa, it made it easy for piracy to be prevalent and that had serious implications for the Horn of Africa and the International Community. Specifically, the findings of this research showed that the economies of many states such as Mozambique and Kenya in the Horn of Africa were affected by the incidence of Piracy but Somalia was the most affected as it resulted in high cost of doing business in the Horn of Africa, thereby causing less traffic in the region. Also, international commerce was greatly affected as a result of the hijacking of ships and paying of huge ransoms to hijackers who caused a threat in the lives of sea farers.

The findings of this study also indicated that some specific international policies and strategies were adopted to combat the threat of piracy in the Horn of Africa. Among the several counter-piracy initiatives outlined are: the deployment of Naval forces to physically deter, disrupt and arrest pirates, sharing information on pirate network, tracing the flow of illicit money (ransom payment); helping to set up the necessary judicial mechanisms to be able to prosecute piracy and supporting capacity building of countries that were willing to play a role in combating piracy by building their prisons structures used in holding pirates. In achieving the above - mentioned measures put in place, the Contact Group on Piracy off the Coast of Somalia (CGPCS) -to coordinate stakeholders' counter-piracy operations; the Djibouti Code of Conduct and the Jedda Amendment were instrumental in repressing piracy at a regional level. Likewise, the adoption of United Nations Security Council (UNSC) Resolutions, NATO's Operation Ocean Shield, the EU

NAVFOR 's Operation Atalanta as well as the Combined Task Force 151 were implemented to ensure an international approach in tackling the menace of piracy in the Horn of Africa. These policies were adopted through interested parties and coalitions. The United Nations Security Council and General assembly became a forum through which states came together to deliberate on the issue of piracy in the HoA.

Finally, in ascertaining the success and challenges of the policies and initiatives adopted, the study revealed that there has been a considerable effort by states and all stakeholders in the implementation of the policies formulated to combat piracy. In Geopolitical aspect, states like China, Europe and United State of America who were not used to working together collaborated to implement the policies to combat the rise of piracy. The study further indicated that, the resolutions passed by the UN Security Council together with the strategies employed by regional and international organizational like European Union Naval Force (EUNAVFOR), North Atlantic Treaty Organization (NATO), Contact Group on Piracy Off the Coast of Somalia and Djibouti Code of Conduct were incremental in providing robust mandate to the international community to counter piracy. It helped the international community to network, share intelligence and track the illicit flow of funds by the pirates. The naval deployment in the region protected vessels transiting through the region. Several workshops and training have been given to numerous people in the region especially Somalia through the Djibouti Code of Conduct to enhance capacity building. However, despite these strategic efforts, there are some challenges identified with the policies and strategies adopted. Primarily, lack of resources and capacity amongst other challenges have undermined the long-term sustainability of the policies. This undermines the efficient implementation of the code of conduct. Also, the study revealed that another major challenge with

the implication of the policies is directly linked to how functional they are. There seem to be much focus on implementing strategies to combat the threat at sea with limited efforts on curbing it on land. The cost of maintaining naval deployment is very costly as well.

4.2 Conclusions

Piracy off the Horn of Africa increased at an alarming rate in terms of regularity, range, violence, and severity. Somali pirates operate along a 2,300-mile shoreline and in an area of 2.5 million square miles of ocean. Since late 2007, Somali pirates hijacked ships up to 450 miles offshore in the Indian Ocean and the Gulf of Aden, a natural chokepoint giving access to the Red Sea and the Suez Canal until its decline in 2013 following implementation of robust counter piracy measures. The lack of rule of law created a fertile ground for increased insecurity, organized crime, and other transnational concerns in Somalia and the region as a whole.

To this end, it is important to highlight that the strategies adopted to combat piracy is a step in the right direction. The Combined Task Force (CTF) 151 compliments an EU combined Naval Force (EUNAVFOR) operation named ATALANTA that was deployed in December 2008 and is currently led by Spain. NATO's first mission (an anti-piracy mechanism) in the Horn of Africa named Operation Ocean Shield has helped regional states in augmenting their own ability to conduct effective maritime surveillance and interdiction in their territorial waters. While the efforts of the United States and European Union in combating piracy cannot be undermined, the United Nations collective action has also been regarded as instrumental in the fight against piracy.

To sum it up, it should be noted that, although the current international actions are steps in the right direction, they must be oblivious to the fact that, finding long term solutions to combat piracy in the Horn of Africa relies on the ability to address the root causes of the problem of piracy. The Horn of Africa is subject to great transformation and turn around should there be a successful implementation in the strategies and policies adopted to completely eliminate piracy in the region. Some of the advantages that can be accrued to the Horn of Africa when piracy is tackled from its root cause are: improved regional economies of scale; improved international commerce as well as a reduction of poverty among the local populace who enjoy the benefits of good governance and economic stability.

4.3   Recommendations

This study has demonstrated that piracy is a transnational threat that requires a more robust effort to combat it. The current counter-piracy measures against Somali piracy have helped suppressing the rate of incidence to a large extent, however, the inability of these international actions to tackle the root causes of Somali piracy is an issue of great concern as there have been recent incidence of few pirate attacks after its sharp decline since 2013. This suggests that Somali piracy has not been completely eliminated. In the quest to ultimately eliminate piracy in the region, the study through its findings thereby provides the following recommendations to be implemented:

- **Tackling Corruption in Somalia**

Corruption amongst government officials is endemic to the political upheavals in Somalia. The political crisis is one of the root causes of piracy. Somalia is noted as one of the most corrupt states in Africa. This has thwarted the efforts of the international community and the regional blocs to develop and rebuild Somalia thus challenging the effort to address piracy onshore. The

misappropriation and mismanagement of public funds meant for developmental projects and counter-piracy initiatives by government officials in Somalia has undermined the efforts to tackle the root cause of piracy. Some of the corrupt officials also take proceeds as bribes from pirates, thus making them contribute little to fighting the menace. Therefore, the research recommends that, to eradicate piracy entirely, the international community and the regional blocs such as African Union, Economic Community of Central Africa States, must ensure the mitigation of corruption in Somalia. To do this, the internationally community must help build a capable and transparent institutions to strengthen the integrity of the public officials. An institution to countercheck the activities of these officials to avoid corruption must be set up. The formal judicial system in Somalia must be strengthened to prosecute and incarcerate corrupt government officials. The international community should boost the government to implement effective anti-corruption programs to strengthen the integrity of institutions and ensure transparency of the management of public funds.

▪ **Improvement in the economic situation in Somalia**

The poor economic situation of Somalia remains an issue of concern. The absence of economic opportunity is a principal driver of pirate recruitment. The political and clan tension coupled with other crisis in Somalia have undermined the effort to address the issue of poverty. Sustainable development and improvement of economic alternatives are not realized. This creates an avenue for people to return to piracy. Therefore, the researcher recommends that, the Federal Government of Somalia should be supportive to effectively improve upon the standard of living of people. There should be improvement in the educational system to educate the youth who are more likely

to be drawn to piracy. Government should create jobs and build a merit-based professional civil service.

- **Improvement of the Fishery Sector of Somalia.**

The Somali Maritime Resource and Security Strategy of 2013 has helped in the regulation of the Maritime governance in Somalia and the regional states. Federal Somali Fisheries Authority has been set up to regulate activities pertaining to fisheries. However, the issue of illegal, unreported and unregulated fishing in Somali waters is still rampant. The inadequate maritime governance capacity at both national and local levels as well as the poor management of offshore resources pose a challenge to the fishing sector of Somalia's economy. This has contributed to illegal fishing by foreign vessels. This act contributed greatly to the surge in Somali piracy. The international development assistance from the international community is very vital in the rehabilitation of the fishing sector as well as enhancing the capacity of the local fishing communities, therefore, the researcher recommends that, there Somali government with assistance from the international community should ensure there is a massive improvement in the fishery legislation of Somalia and its neighboring states as well as the Judicial capacity to enforce fishery legislation to apprehend and prosecute those who engage in illegal fishing. The Anti-Piracy Naval Task Force patrolling along Somali coast should work hand in hand with the local fishermen to not only drive away pirates but also illegal fishing vessels trespassing the area.

- **Commitment and Effective Cooperation of Regional States and Blocs**

As part of ensuring that regional and international measures work effectively, regional states and blocs like the African Union, Economic Community of Central Africa States, Intern-Governmental

Authority on Development amongst others are encouraged to be more committed in the fight against piracy. The international community can spearhead the efforts of the regional states and blocs in counter-piracy operations by boosting the capacity of the regional states for effective coordination and cooperation. Inter states conflict amongst some of the regional states should be resolved to enhance cooperation towards the cause of effectively eradicating piracy. The internal crisis of some of the regional states that hinder them from fully committing to the cause of counter-piracy operation should be resolved.

- **Improvement and Support of Local Initiatives.**

Moreover, it is important that there is a focus on the support and empowerment of local initiatives rather than relying solely on the implementation of western ideals in the fight against the menace of piracy. Finding locally established solutions which is contextual is relevant in the fight against piracy. Hence, local and regional initiatives must and should be intensified. The researcher recommends that the regional blocs empower the states in the Horn of Africa in this regard.

- **Effective Anti-Piracy Campaign in Somalia.**

Furthermore, the researcher recommends that the Somali government as well as the government of regional states to actively engage the civil society in combating piracy. The Somali civil society should be sensitized that piracy is not a "foreign" problem hence should be approached locally. They must be made to understand that piracy undermines political and economic progress. Training, Workshop Programs and other capacity building project should be actively supported and enhanced in the region. Civil society would also be crucial in helping isolate the leaders of criminal groups who organize and benefit from piracy. This initiative should be adopted by the

Federal Government of Somalia and Supported by the international community as well as some of the regional state.

- **Employment of more of soft power by the International Community**.

The piracy situation in the Horn of Africa is multifaceted and requires much more than an increased naval deployment in the coastal areas. Naval deployment in the coast of the region tend to only prevent pirates' operations on the seas but not on land. The counter-piracy operations on land are quite minimal compared to that onshore. These pirates are likely to go about their operations on land to devise other means to launch attacks on areas less protected. Therefore, the researcher recommends that, the international community must employ more robust diplomatic efforts and more targeted development assistance to Somalia and the neighboring states must complement security-related initiatives. The international community must execute strong and efficient multilateral operations amongst states to comprehend the social and economic issues that encouraged the rise and spread of rise throughout the region.

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APPENDIX

UNIVERSITY OF GHANA

LEGON CENTRE FOR INTERNATIONAL AFFAIRS AND DIPLOMACY

INTERVIEW GUIDE

TOPIC: *AN ASSESSMENT OF THE POLICIES AND STRATEGIES IN ADDRESSING THE PROBLEM OF PIRACY IN THE HORN OF AFRICA SINCE 2013*

My name is Beatrice Boatemaah. I am an M.A Student from the Legon Centre for International Affairs and Diplomacy (LECIAD), University of Ghana. I am conducting a research on the above topic for the purposes of my dissertation.

OBJECTIVE: The purpose of this study is to assess the policies and strategies that were adopted to address the problem of piracy in the Horn of Africa since 2013. This exercise is solely for academic purposes and as a requirement for the award for a Master of Arts Degree in International Affairs. Data gathered through this interview will be treated with strict confidentiality and used solely for the purposes of this study only. Thank you for your assistance. I am very grateful.

Can you please introduce yourself?

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Objective 1: To examine the factors that caused piracy in the Horn of Africa

a) What were the factors that necessitated the rise of piracy in the Horn of Africa?

b) Who were the people involved in the act of piracy in the HoA?

c) Which age bracket massively engaged in the act of piracy?

d) Which geographical area was the incidence piracy rampant?

Objective 2: To examine the implications of piracy for the HoA and the International Community.

a) What were the implications of piracy in the HoA?

b) Which states in the region were mostly affected?

c) Considering the strategic location of the HoA to international trade, how did it affect international commerce?

d) How did the international community respond to the threat of piracy in the HoA?

Objective 3: To examine the policies and strategies implemented as well as the role of USA in the fight against piracy in the Horn of Africa.

a) How did the following International Policies, Strategies and State play a role in addressing the problem of piracy in the region;

    I.   **Operation Atalanta**

    II.   **Operation Ocean Shield**

    III.   **Combined Task Force 151**

    IV.   **Djibouti Code of Conduct**

     V.   **Contact Group on Piracy off the Coast of Somalia**

     VI.   **United States of America**

b) How has the effort of the implementation of these international policies and strategies been?

c) In your view, which of the international actions contributed greatly to the suppression of the rate of piracy in the HoA and why?

Objective 4: To ascertain the success and challenges of the policies and initiatives adopted.

a) How successful are the implementation of these international policies and strategies?

b) What are some of the challenges of the international policies and strategies?

c) What recommendations would you like to give regarding the implementation of the policies?

Thanks for your input and God Bless you!