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Piracy in the Horn of Africa, West Africa and the Strait of Malacca

Rapid Literature Review
September 2016

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About this report

This rapid review is based on twenty days of desk-based research and provides a short synthesis of the literature on the factors/motivations that are discouraging/encouraging piracy in the Horn of Africa, West Africa and the Strait of Malacca. It was prepared for the European Commission's Instrument Contributing to Stability and Peace, © European Union 2016. The views expressed in this report are those of the author, and do not represent the opinions or views of the European Union, the GSDRC, or the partner agencies of the GSDRC.

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Contents

1. Overview	1
2. Piracy in the Horn of Africa	6
Factors encouraging piracy	
Factors discouraging piracy	
3. Piracy in West Africa	17
Factors encouraging piracy	
Factors discouraging piracy	
4. Piracy in the Strait of Malacca and surrounding area	25
Factors encouraging piracy	
Factors discouraging piracy	
5. References	33
6. Appendix 1 – Piracy incidents in 2016	37

1. Overview

Modern piracy¹ became a significant threat in the late 1990s and early years after the Millennium in Southeast Asia and, particularly, in the Malacca Strait, with piracy hotspots also developing off the coasts of West and East Africa in the 2000s and 2010s (Pristrom et al., 2016: 197; von Hoesslin, 2016: 4; Dua & Menkhaus, 2012: 752). Piracy in West Africa has tended to be focused in the Gulf of Guinea. Levels of piracy in these regions have fluctuated over this period, with the hotspot for piracy in 2015 in Southeast Asia, especially around the Malacca or Singapore Straits (Walje et al., 2016). Piracy varies by region in terms of frequency, violence, tactics, level of organisation, distance from the shore, time of day and the ship's position (Shane et al., 2015: 2). Nigerian pirates in the Gulf of Guinea have tended to focus on oil tankers, Somali pirates have tended to prefer collecting ransom through kidnapping, and pirates in Southeast Asia have tended to focus on opportunistic theft when ships are at anchor or berth (Shane et al., 2015: 2). However, syphoning oil cargo from product tankers – similar to incidents in the Gulf of Guinea – has been reported in the Malacca Strait; and kidnappings for ransom have occurred in the Gulf of Guinea (Pristrom et al., 2016: 197; von Hoesslin, 2016: 1; IBM, 2016: 1).

In July 2016² a new report from the International Chamber of Commerce's International Maritime Bureau (IMB) reported that piracy and armed robbery at sea had fallen to its lowest levels since 1995, despite a surge in kidnappings off West Africa (IBM, 2016: 1).³ This drop is attributed to 'recent improvements around Indonesia, and the continued deterrence of Somali pirates off East Africa' (IBM, 2016: 1). However, kidnappings have risen, with 44 crew captured for ransom in 2016 – 24 of them in Nigeria – up from 10 in the first half of 2015 (IBM, 2016: 1). The Gulf of Guinea is reported to be the most dangerous region for seafarers in 2015, with 23 people killed in pirate attacks (Walje et al., 2016: 1, 3).

A combination of factors in each of the regions at different times have served to encourage, as well as discourage, piracy.⁴ The factors which encourage or discourage piracy may differ for subsistence pirates (consisting largely of gangs made up of part-timers who are often poor and seeking an alternative source of income) and professional pirates (hierarchically organised syndicates with well-developed logistical chains) (Clark & Hansen, 2012: 498).

¹ This report uses the term piracy to refer to both piracy and armed robberies at sea, which involve the seizure of a ship by force or acts likely to endanger the ship, its crew or cargo, and may frequently be indistinguishable to the seafarers affected, and which tend to have similar causes and symptoms (Walje et al., 2016b; Jacobsen & Nordby, 2015: 9; von Hoesslin, 2016: 4). The distinction between the two terms is in jurisdiction: piracy occurs outside of a state's territorial waters and armed robberies at sea occur in territorial waters (Walje et al., 2016b; Jacobsen & Nordby, 2015: 9; von Hoesslin, 2016: 4). In the case of armed robberies at sea, the coastal state is responsible for responding to reports, investigating crimes, and pursuing and prosecuting perpetrators, unless a prior agreement exists allowing other states to take action (Walje et al., 2016b). Many of the authors of the papers used in this report use piracy to refer to both acts.

² See Appendix 1 for maps of pirate attacks recorded by the IMB Piracy Reporting Centre so far in 2016. Other sources of data on piracy may have slightly different figures.

³ 98 incidents in the first half of 2016, compared with 134 for the same period in 2015. When piracy was at its highest, in 2010 and 2003, IMB recorded 445 attacks a year.

⁴ This report was asked to address the question: What are the factors that are discouraging/encouraging piracy in the Horn of Africa, West Africa and the Strait of Malacca?

Factors encouraging piracy

Piracy incidents do not happen in a vacuum, they are affected by what is happening ashore (UK P&I CLUB et al., 2016: 5; Lopez-Lucia, 2015: 7; Jacobsen & Nordby, 2015: 14; expert comment). Bueger (2015: 34) identifies five triggers for piracy from the literature: geography; weak law enforcement; maritime insecurity; economic dislocation⁵; and cultural acceptability (see also Clark & Hansen, 2012: 501-502). Clark and Hansen, 2012, (p. 502) also identify the increased trend towards 'skeleton crews', competing demands for scarce security resources, governance voids, increased willingness of owner-operators to pay ever-larger ransoms, and the global proliferation of arms, as factors that have contributed to piracy. Various studies suggest that a primary motivation behind piracy is money, and Shane et al. (2015: 3) highlight that opportunity is also an important factor in whether people turn to piracy or not (see also Clark & Hansen, 2012: 501-502). Shane et al. (2015: 4) suggest that as a result, increasing the perceived effort to commit piracy (e.g. increasing the ship's speed, engaging in evasive manoeuvres and deploying a "sonic gun"); increasing the perceived risk to commit piracy (increasing the chances of being apprehended or identified as a result of crew vigilance and naval force intervention); and reducing the anticipated rewards of piracy (e.g. by denying access to the crew through the use of safe rooms) are helpful in preventing maritime piracy.

The institutional environment onshore has been found to lead to different types of piracy attacks (Hastings & Phillips, 2015: 558). Pirate attacks involving kidnappings for ransom require fairly large amounts of time between the attack and gaining profit, and thus tend to occur in territories with minimal formal political and economic infrastructure, where the pirates are not afraid of being stopped by state authorities but lack markets to sell captured goods (Hastings & Phillips, 2015: 558). Ship and cargo seizures tend to be more common in areas with political institutions that are strong enough to cause problems for pirates if they linger too long, but are too weak to stop them completely, and with sufficient economic infrastructure to provide markets for pirated loot (Hastings & Phillips, 2015: 558).

An analysis of incidents of piracy indicate that ships with 'a slow speed and low freeboard are particularly at risk of becoming a victim of piracy' as these features make them easier to board, irrespective of the geographic location (Pristrom et al. 2016: 197. See also: Asariotis et al., 2014a: 6; Liss, 2014: 15). Tankers, containerships and bulk carriers are among the main targets of piracy owing to their high economic value (Asariotis et al., 2014a: 6). The likelihood of a successful hijacking also depends on factors such as wind and weather conditions, the presence of naval forces in the sea area, and the security measures taken by the crew (Pristrom et al., 2016: 210). Oil theft requires the most organisation and planning of any form of piracy or robbery against ships and has frequently been linked to criminal syndicates on shore, while petty theft is generally an opportunistic crime (Walje et al., 2016b).

Factors discouraging piracy

It should be noted that there is a critical difference between discouraging and solving the problem of piracy (expert comment). As long as pirates have 'only' been discouraged, piracy will continue to be a problem that,

⁵ One example of economic dislocation concerns the fishing industry. People who engage in piracy often have a background in the fishing industry, which provides them with the necessary navigational skills and knowledge of local waters to carry out an attack (Ludwig & Flückiger, 2014: 2). Ludwig and Flückiger's global study (2015: 3) of the links between economic shocks in the fisheries sector and piracy finds that pirate attacks increase when there is a reduction in fish catches, suggesting that people may engage in piracy to try and compensate for forgone income from legal sources.

unless these 'discouraging' interventions are maintained, is likely to resurface (expert comment). Suppression is not the same as a long-lasting solution (Anyimadu, 2013: 17). Counter-piracy efforts also need to recognise the different forms of piracy which require differing initiatives to counteract them (Jacobsen & Nordby, 2015: 23).

The successful reduction of piracy has been due to a mix of methods, including naval patrols, the self-protection measures of Best Management Practices (BMP) and the presence of armed guards on vessels, and capacity-building efforts and development on shore (Anyimadu, 2013: 17). These counter-piracy efforts need to adapt to the changing nature of pirate economies (Dua & Menkhaus, 2012: 749). Asariotis et al. (2014b: 57) suggest that progress on piracy reduction depends on the economic situation and political stability in affected regions, as well as strengthened cooperation at all levels in relation to maritime security measures, information sharing, and the effective prosecution of pirates and those who benefit from piracy. Cooperation agreements 'tend to work best if they are pragmatic, problem-oriented and technical in character' (Bueger, 2015: 39). Bueger (2015: 39) warns that maritime insecurities are interdependent and piracy needs to be addressed as part of the full spectrum of insecurities. In addition, development policies such as awareness campaigns, reintegration programmes, as well as vocational training or infrastructure measures beneficial to marginalised coastal populations, are crucial in addressing piracy and maritime insecurity (Bueger, 2015: 39).

An expert suggests that 'non-military land-based counter-piracy efforts that are effective fall into three categories, and vary depending on the nature of the piracy threat' (expert comment):

- **'Eliminate the means for pirates to make a profit by shutting down the market for loot.** This is important mainly for ship/cargo seizures (such as ship hijackings and oil piracy in West Africa and Southeast Asia, including the Malacca Strait), and mainly involves better real-time tracking and registration of ships, better regulation and registration of refineries, ports, and shipping companies, and greater surveillance of unusual market manoeuvres'.
- **'Increase the opportunity cost for potential pirates to engage in piracy.** This would primarily come in the form of providing economic opportunities that provide compensation equal to the compensation from piracy times the risk of getting caught or killed. Research on Somalia has generally found that a collapse of non-piracy job opportunities increased piracy incidence. It would also come in the form of higher apprehension rates for pirates, but this could veer toward a military solution'.
- **'Decrease the political space in which pirates can operate.** This generally takes the form of either an increase or a decrease in elite political fragmentation, or a wholesale turn by local residents against the pirates. An increase in elite fragmentation would mean the state has failed almost entirely, which would not generally be desirable even if it does decrease piracy. Unifying elites against piracy works well and does not require particularly strong state institutions, which is why Somaliland had little piracy'. Local residents could also turn against pirates and drive them out because of the problems caused by piracy.

The Horn of Africa

Focusing specifically on the three regions of interest, the literature indicates a number of factors encouraging piracy in the Horn of Africa:

- **Lack of economic opportunities** are a principal driver of piracy recruitment, although poverty alone is not enough to explain involvement in piracy.
- **Illegal fishing and toxic waste dumping by foreign vessels** is mentioned as a key grievance driving piracy and provides an ongoing justification for it. Criminal gangs use this narrative while targeting valuable commercial ships unconnected to illegal fishing.
- **Community support** enables pirates to hold hostages for months in 'safe havens'.

- **Statelessness and governance issues** have been suggested to create a lawless, violent environment in which piracy can flourish – although it appears that pirates require a degree of order to function.
- **Opportunistic criminal behaviour** resulted in piracy, with conditions in Somalia lending themselves to a high reward business model of holding ships for ransom, and the development of organised crime networks.

The factors discouraging piracy in the Horn of Africa include:

- **Ship protection measures** developed by the shipping industry, which have made it harder for pirates to attack.
- **Rerouting** to take the protected transit corridor.
- **Private security** provision on vessels to protect them from attack and deter pirates, although their use has been controversial.
- **Naval forces** have become an effective deterrent against pirates, although they are not a sustainable solution.
- **International cooperation** has resulted in a variety of efforts to support the reduction in piracy, including through information sharing and capacity building.
- **Displacement from communities** and family pressure have contributed to the decline in Somali piracy.
- **Economic development** is needed to provide a viable alternative livelihood to piracy.
- **Prosecution of pirates** and treating piracy as a law enforcement issue have raised the costs of engaging in piracy and tackled the sense of impunity Somali pirates had.

West Africa

The factors encouraging piracy in West Africa include:

- **Profitability** of oil cargo theft and hostage taking for ransom helps fuel piracy.
- Increases in piracy have resulted from **links to onshore criminal networks**.
- **Poverty and unemployment** can make populations vulnerable to participating in piracy, although poverty alone does not explain the prevalence of piracy.
- **Environmental degradation** and **illegal fishing** have threatened the livelihoods of coastal communities, making piracy tempting.
- **Weak governance, corruption, and the political situation in Nigeria** have contributed to an environment in which piracy can flourish.
- **'Sea blindness'** and an unwillingness to deal with what is occurring at sea has weakened states' capacity to deal combat piracy.
- **Impunity for pirates** has meant that piracy carries few risks for those involved.

The factors discouraging piracy in West Africa include:

- **Oil price drops** can reduce the profitability of cargo theft.
- **Improved security** has made it harder for pirates to carry out attacks, especially opportunistic ones.
- **Naval activities** make cargo theft more difficult and dangerous.
- **Public-private partnerships** provide armed guards, drawn from national security forces, for vessels in the region, although their use is controversial.
- **International and regional cooperation** in information sharing and capacity building aims to coordinate and thus strengthen counter-piracy efforts.
- **Institutional capacity building** aims to develop a safer marine environment, although it is too early to tell if it is working and should not be too narrowly focused.

- Efforts to **improve governance** could help prevent an environment conducive to piracy.
- Efforts to **improve livelihood opportunities** could remove an incentive towards piracy.

Strait of Malacca and surrounding areas

The factors encouraging piracy in the Strait of Malacca and surroundings include:

- The **geography** of the Strait of Malacca provides a good environment for pirates to commit attacks and hide.
- **Profitability** of palm and gasoil theft has led to the development of **professional pirate syndicates** stretching onto land.
- **Poverty** is an important motivator for becoming a pirate, while **financial crises** have often resulted in a jump in piracy.
- **Pollution** and **overfishing** have increased poverty amongst fishers and created incentives to become involved in piracy.
- **Corruption** encourages and makes it easier to engage in piracy.
- **Lax maritime rules and regulations** have been conducive to the operations of pirates.
- **Political insecurity** has resulted in piracy, with rebel movements engaging in piracy.

The factors discouraging piracy in the Strait of Malacca and surroundings include:

- **Improvements in security** have made it harder for pirates to attack.
- **Coordinated patrols** have made it harder for pirates to operate, displacing pirate activity to less patrolled areas.
- **Reporting and information sharing centres** have helped boost cooperation and proved incidence alerts.
- **Quick response teams** have been set up to improve response times and deterrence.
- **Maritime enforcement agencies** have been effective, where they have been spontaneous, in making pirates insecure.
- **Regional cooperation** has helped reduce pirate attacks, although issues over countries' sovereignty remain problematic.
- **Prosecution and imprisonment** have been important in discouraging piracy.
- **Tackling corruption** has made the environment more difficult for pirates.
- **Tackling community attitudes** is important for making them aware piracy is a crime so they should not participate.
- **Drops in oil prices** have made it less economical to hijack oil cargo ships.
- The **2004 tsunami** destroyed pirate infrastructure.
- **Peace agreements** removed incentives for rebel movements to engage in piracy.

State of the literature

The majority of the literature uncovered by this review⁶ focused on piracy in the Horn of Africa, with less attention paid to the situations in West Africa (and mainly focused on the Gulf of Guinea) and the Strait of Malacca, and less evidence relating to piracy in these regions available. The geographical areas covered in papers for the three regions sometimes differed, making it harder to tell what evidence is emerging where – for example some authors don't differentiate between the Strait of Malacca and the Strait of Singapore, while others do.

⁶ The report focuses where possible on the most recently published literature.

Much of the literature consisted of academic articles based on research in the regions and grey literature published by maritime organisations working in these regions. The literature often did not focus specifically on the factors encouraging piracy in the different regions. Only Somalis appear to have been recently asked about the factors and motivations encouraging/discouraging their involvement in piracy. Less evidence appears to be available for the other regions in the regard. Literature which mentioned factors discouraging piracy in the region tended not to evaluate the effectiveness of the different factors. There does not appear to be much evidence focused on non-military land-based factors discouraging piracy and many of the existing land-based initiatives to discourage piracy are too recent to have much evidence of whether they are working or not. The literature was not always consistent in opinions on the relative importance of the variety of factor encouraging/discouraging piracy, although the same factors came up repeatedly in a variety of combinations.

2. Piracy in the Horn of Africa

Although there were attacks off the Somali coast, historically piracy was rare in the Horn of Africa waters (Elmi et al., 2015: 147-148, 151-153; Westberg, 2015b: 1; Marchal, 2011: 34).⁷ The 1990s saw an upsurge in piracy, with another significant surge in 2005, due to a combination of factors such as statelessness, poverty, illegal fishing, toxic waste dumping, and opportunistic criminal behaviour (Elmi et al., 2015: 147, 154; Westberg, 2015b: 3; Percy & Shortland, 2013: 544). Percy and Shortland (2013: 545) suggest that 'Somalia represents a perfect collision of means (extensive small arms), motive (poverty) and opportunity (lack of governmental authority and proximity to shipping) for effective pirate operations'. Prior to 2005, pirate attacks had been more sporadic and opportunistic, targeting slow moving vessels hugging the coastline, compared to organised and highly repetitive attack patterns from 2005 onwards (Westberg, 2015b: 3). Between 2007 and 2014, the highest occurrences of piracy incidents were in the waters off the East African coast; which were by far the most dangerous area for ships to become a victim of piracy (Pristrom et al., 2016: 197). Somali pirates were capturing ships as far away as Madagascar and Mozambique (Westberg, 2015: 3; Asariotis et al., 2014a: 8).

A distinctive feature of Somali piracy is its 'hijack-for-ransom' business model, requiring supporting infrastructure on land and attaching high economic value on hostages (Asariotis et al., 2014a: 8). The high value of hostages has meant Somali piracy has been relatively non-violent (Percy & Shortland, 2013: 557). This form of piracy has arisen because Somalia does not have the harbours which could accommodate a modern tanker or bulk carrier or landside infrastructure which would allow pirates to move cargo off the ships and sell it in regional markets, or the ability to sell off ships (Percy & Shortland, 2013: 546).

However, efforts to counter piracy reduced the number of piracy incidents over time and in 2015 fewer seafarers were affected than in West Africa or the Strait of Malacca (Walje et al., 2016d). Pottengal Mukundan, Director of IMB, suggests that a main factor in the drop in world piracy is the continued deterrence of Somali pirates off East Africa (IBM, 2016: 1). The drop in hijackings off the coast of Somalia in 2011 and 2012 is attributed to robust targeting of pirate groups by international navies in the high-risk waters off Somalia; better implementation of the Best Management Practices (BMP) by ship operators and masters; and the increased use of privately contracted armed security personnel (Pristrom et al., 2016: 198; Elmi et al., 2015: 148; Asariotis et al., 2014a: 38). However,

⁷ Elmi et al. (2015: 152-153) suggest this was the result of a number of possible factors, including: coastal communities lacked the capacity in terms of weapons and boats to commit piracy; the presence of the British Empire and its harsh collective punishment discouraged coastal communities from engaging in piracy; and northern coastal communities were inward looking, and moved inland for several months of the year due to the harsh weather making coastal cities inhospitable.

the problem has not gone away and several recent hijackings of regional vessels could signal an increased threat again (Walje et al., 2016d; UNODC, 2015: 19; Asariotis et al., 2014b: 1). In addition, many pirates have diversified into other criminal activities such as arms smuggling, human trafficking, and protection of illegal fishing vessels (Walje et al., 2016d; Bueger, 2015: 33; Dua & Menkhaus, 2012: 751).

Factors encouraging piracy

Factors which have combined to encourage piracy in the Horn of Africa include a lack of economic opportunities; illegal fishing and toxic waste dumping by foreign vessels; community support; statelessness and governance issues; and opportunistic criminal behaviour.

Lack of economic opportunities

A 2016 study carried out by Oceans Beyond Piracy which involved interviewing Somalis found that lack of economic opportunities was the principal driver of pirate recruitment (Kerins, 2016; Walje et al., 2016d). All respondents cited one or more of the following: unemployment, lack of education, poverty, and hunger, rather than ideological, nationalistic, or clan-based concerns, as the motivation for involvement in piracy. Another study carried out with Somalis jailed for piracy in 2015 also found that economic motives were commonly cited as a reason for becoming involved in piracy, especially poverty (UNODC & OBP, 2015: 2). There is some suggestion from imprisoned pirates that once they generate enough income from piracy they leave, trying to invest their income in something else (UNODC & OBP, 2015: 3).

Poverty and lack of economic opportunities has been a factor in Somali piracy in the past too. A report looking at the surge in piracy in 2005 found that the effects of the Indian Ocean tsunami on 26 December 2004 in relation to the breakdown of the coastal economy in northeast and central Somalia had a key role to play (Westberg, 2015b: 2, 13). Westberg (2015b: 13, 16-19) argues that 'tsunami-induced destruction of the fishing sector was the most likely cause of the dissolution of [artisanal] fishing companies, and the subsequent formation of pirate groups in 2005 and later years'.⁸ Through its destruction of the dominant livelihood of central and north-east Somalia, the tsunami contributed to the development of a predatory environment conducive to piracy (Westberg, 2015b: 28). The problem of piracy in Somalia appears heavily entangled with the state of the coastal economy, especially the fishing sector (Westberg, 2015b: 27).

However, Elmi et al. (2015: 155) argue that poverty alone is an insufficient explanation, as piracy occurs in regions that are not poorer than other parts of Somalia and the numbers of unemployed youth turning to piracy is miniscule compared with those that do not (see also Hastings & Phillips, 2016: 5-10). Bueger (2015: 35) suggests that economic dislocation is the important factor, with communities who tend to engage in piracy economically marginalised and removed from economic development and globalisation processes.

Narratives used to frame piracy suggest that it is an alternative means of livelihood and 'an unremarkable activity that is merely capitalising on Somalia's marginalisation within the global economy through existing local entrepreneurial norms and clan based collective security arrangements' as part of a political economy that

⁸ This included the destruction of 630 fishing vessels, 80 per cent of all fishing gear, including the loss of equipment (nets, portable fringes, engines), and changes to the marine environment that depleted the availability of fish and lobsters (Westberg, 2015b: 16-18).

encourages rent seeking,⁹ while its profit seeking nature is underplayed (Hastings & Phillips, 2015: 564-565; Westberg, 2015b: 5; Dua & Menkhaus, 2012: 752, 759; Marchal, 2011: 39-40).

Illegal fishing and toxic waste dumping by foreign vessels

When the central state collapsed in 1991, Somalia's coast became a free for all, with foreign ships coming to engage in illegal fishing and the dumping of toxic waste (Elmi et al., 2015: 153, 156-157). Kerins (2016) found that Somalis characterised illegal fishing by foreign vessels as the fundamental grievance that sparked piracy and provides ongoing justification for it (see also Walje et al., 2016d; Clark, 2015: 276; UNODC, 2015: 19; Elmi et al., 2015: 156; Westberg, 2015b: 4; Dua & Menkhaus, 2012: 763-765; Marchal, 2011, 38-39).¹⁰ Somalis jailed for piracy interviewed in 2015 mentioned concerns over illegal fishing and the need to protect Somali waters as one of the key reasons for the existence of piracy, especially as the government was failing to do so (UNODC & OBP, 2015: 2-3). Coastal residents interviewed in 2016 feel that illegal fishing has inflicted damage by depleting scarce stocks, which deny local communities scarce income and food (Kerins, 2016). Foreign trawlers seek to deter locals from fishing with the use of aggressive armed guards, which drives locals away from the richest fishing grounds (Kerins, 2016; Elmi et al., 2015: 157). There are reports of trawlers stealing or cutting locals' fishing nets, which are very costly to replace (Kerins, 2016). Somalis say that as a result of the economic damage inflicted by illegal fishing, traditional fishing communities were so angered and impoverished that they began attacking the illegal fishing vessels, acting as a sort of militia coastguard collecting taxes (Kerins, 2016; Walje et al., 2016d; Clark, 2015: 276; Hastings & Phillips, 2015: 564-566; Westberg, 2015: 4). However, criminal gangs subsequently saw the profit potential and started hijacking more valuable commercial ships unconnected to illegal fishing (Kerins, 2016; Clark, 2015: 276; Elmi et al., 2015: 153, 156-157; Dua & Menkhaus, 2012: 754).

There is widespread agreement that without changes to the underlying conditions, especially rampant illegal fishing, piracy will return (Kerins, 2016; UNODC, 2015: 19). Piracy reduced the presence of the illegal foreign trawlers, which enabled locals to catch enough, but as piracy has been suppressed, these illegal trawlers have returned (Kerins, 2016; Walje et al., 2016d; Westberg, 2015: 2, 8-9). The international community has been criticised for not taking seriously enough the existence of illegal fishing or toxic waste dumping in the Horn of Africa waters (Affi et al., 2016: 943; UNODC, 2015: 19; Westberg, 2015: 8-9). The EU has taken some actions to try and suppress illegal fishing (Asariotis et al., 2014b: 54). Westberg (2015: 2, 10-11) also finds that 'several Somali stakeholders are benefitting from various illicit and semi-illicit forms of predation' related to illegal fishing which complicates the situation. These include protection rackets and issues with fishing licences related to corruption of officials (Westberg, 2015: 12-13). Where they exist, home-grown cabals present a direct threat to fishing livelihoods along the coast and cloud the environment for anti-piracy and anti-illegal fishing organisations (Westberg, 2015: 13). In addition, 'poor access to port infrastructure, a lack of storage facilities, artisanal overfishing within the littoral seas and fringe access to the blue economy of the Arabian Peninsula, the Swahili coast and the Western Indian Ocean' are held to be 'just as debilitating to the local communities' and their economy (Westberg, 2015: 14).

⁹ There is a long history of clans and communities exercising the right to collect fees or protection money for the right of foreigners to pass through territory they control (Dua & Menkhaus, 2012: 759).

¹⁰ However, it should be noted that the first hijackings off Somali were committed against non-fishing vessels (Westberg, 2015b: 5). In addition, in some areas, complaints about illegal fishing did not translate into organised piracy in the 1990s and the early 2000s (Westberg, 2015b: 5).

Community support¹¹

Somali piracy is unique because of the level of community support that Somali pirates have enjoyed in the past and the ability to hold crews and their vessels for months, or even years, in “safe havens” just off the coast during ransom negotiations (Walje et al., 2016d; Hastings & Phillips, 2015: 559). Somali pirates were able to exploit narratives of existing grievances to garner the support of local communities (Elmi et al., 2015: 158; Westberg, 2015: 4, 14; Bueger, 2015: 36). The ‘narrative of the benevolent protective character of piracy has been a crucial factor in recruitment as well as for ensuring the support of local communities’ (Bueger, 2015: 36). Somali pirates nurture relationships with clan elders, other local elites and businesses to maintain access to supplies and security during ransom negotiations, enmeshing piracy in a variety of local economic, social, and political networks (Hastings & Phillips, 2015: 559; Marchal, 2011: 41). Local communities, at anchorage points where hostages are held, benefit as they provide various services and labour during the long negotiations (Hastings & Phillips, 2015: 562-563; Oliver et al., 2016: 19). Some studies suggest that piracy has had a positive impact for many groups within Puntland, boosting investment in real estate and consumption, particularly among the working poor and pastoralists, as well as fuelling investment and contributing to resurgence in the fisheries sector (Oliver et al., 2016: 18; Marchal, 2011: 39).

However, Oliver et al. (2016: 18) argue that such consumption and investment fuelled by illicit capital flows may not be positive for long-term development; there is little investment in pastoral or export sectors, while the spending of ransom payments can also cause inflation (Oliver et al., 2016: 19, 21). In recent years, the ability to use these safe havens has decreased as a result of a more vigorous international naval presence and shifts in support on the ground in Somalia (Walje et al., 2016d). However, research conducted in 2015 suggests that attitudes toward piracy seem increasingly sympathetic again, and piracy may again receive increased support should economic prospects remain dismal and illegal fishing continue (Walje et al., 2016d; UNODC, 2015: 19).

Statelessness and governance issues

Somali piracy is often attributed to being a land-based problem of lawlessness that manifests itself at sea (Percy & Shortland, 2013: 542-543; expert comment). Some authors argue that the collapse of the Somali state and the weakness of local authorities means that they are too weak to protect their coastal waters or enforce maritime law and, as a result, pirates have taken advantage of this situation (Elmi et al., 2014: 154). For example, the 2008 financial crisis in Puntland undermined its ability to pay security forces such as the coastguard, creating a security vacuum, which helped pirates establish an operational base (Oliver et al., 2016: 28; Hastings & Phillips, 2016: 16). Other authors also suggest that Somalia’s history of violence has generated an environment rife with brutality, bloodshed and crime, in which piracy can flourish (Clark, 2015: 270-271, 278; Hastings & Phillips, 2015: 558; Westberg, 2015b: 11). Westberg (2015b: 13, 24-25) argues that local conflict enabled piracy off South Mudug in 2005, the cessation in pirate attacks in 2006 was due to local security improvements in the area, and the upsurge in late 2006 and 2007 was partly due to the loss of Islamic Courts Union territorial control after the invasion of Somalia by Ethiopian forces. Pirates in Somali waters have access to sophisticated arms as a result of their proximity to armed conflicts and the proliferation of small arms in the region (Clark, 2015: 274). In addition, there are accusations that corruption is endemic, with parts of Somali governmental elites benefiting from, or even participating in, piracy operations (Bueger, 2015: 35). The coastal waters of Somalia have been weakly governed and illicit trade such as the trafficking of people or small arms and weakly regulated fishing have created an insecure environment, prone to violence, in which piracy can flourish (Bueger, 2015: 35).). It is argued that

¹¹ Certain clans are the primary beneficiaries of piracy revenues, while other clans benefit only marginally or not at all (Dua and Menkhaus, 2012: 759-760).

maritime piracy off the shores of Somalia exemplifies what has already occurred on land, 'namely the commission of crimes against legitimate trade by non-state actors seeking to garner large sums of money and power' (Clark, 2015: 274; Bueger, 2015: 36; Dua & Menkhaus, 2012: 758). Clark (2015: 276) also suggests that, as Somalia is an unorganised state without a centralised government, it relies on pirates to guard its waters and resources, as a form of de facto navy.¹²

However, other studies have shown that piracy tends to be found in areas that have a semblance of order, as piracy needs reasonably secure operating environments and functioning markets (either to sell loot or to find labour or supplies) (Hastings & Phillips, 2015: 558; Westberg, 2015b: 8; Hastings & Phillips, 2016: 2, 15; Percy & Shortland, 2013: 551-552). Hastings and Phillips (2016: 15) suggest that while Somalia does not really have the economic infrastructure, it does have enough governance to provide time and political security for ransom negotiations, leading to the predominance of kidnapping operations over cargo seizures (Hastings & Phillips, 2016: 15).

Hastings and Phillips' study (2015: 555) of piracy in the Horn of Africa and the Gulf of Guinea, notes that the 'prevalence of the failed states narrative in explaining the drivers of piracy has diverted attention from more important factors that shape pirate behaviour across time and place, namely the configuration of local norms and institutions that pirates interact with on a daily basis'. They point out that the variation in piracy incidence between Puntland – where there is a degree of semi-formal governing capacity and less violence – and southern Somalia – which experienced the worst ravages of conflict and humanitarian disaster – for example, suggests that there are factors other than the weakness of state institutions that also shape piracy (Hastings & Phillips, 2015: 556, 560; Hastings & Phillips, 2016, 2; see also Elmi et al.: 154; Dua & Menkhaus, 2012: 751, 756-757). In addition, Somaliland, which also lacks the formal institutional capacity to defeat piracy like Puntland, has seen few pirate attacks launched from its territory, unlike in Puntland (Hastings & Phillips, 2016: 2-3, 17). Elmi et al. (2015: 154) also find that the statelessness explanation is limited and simplistic, with few cases of piracy recorded in the first five years of Somali state collapse (see also Westberg, 2015b: 3).

Opportunistic criminal behaviour

Elmi et al. (2015: 156-157) and others argue that opportunistic crime is the primary cause of piracy in the Horn of Africa, leading to the development of professionalised criminal networks. Conditions in Somalia enabled the development of a business model around holding ships for ransom which resulted in high rewards, attracting opportunistic criminals (Elmi et al., 2015: 157; Westberg, 2015b: 21; Asariotis et al., 2014a: 1). In the beginning, ships passing by the Somali coast were unarmed and were therefore easy targets and there was no capable guardian preventing the piracy as both local and national authorities were unable to guard their coast and stop pirates from docking captured vessels in coastal towns while waiting for ransoms to be paid (Elmi et al., 2015: 158).

Over time, piracy in Somali has been increasingly seen as organised crime (Asariotis et al., 2014a: 1; Percy & Shortland, 2013: 543, 553-558; Dua & Menkhaus, 2012: 761). A single hijack can lead to ransoms ranging from USD 500,000 to USD 9 million (Percy & Shortland, 2013: 545). Most poor Somalis are not able to raise the resources (weapons, motors for boats, telecommunications) to mount successful piracy expeditions, whereas criminal organisations can (Percy & Shortland, 2013: 553). Percy and Shortland (2013: 543, 558-560) argue that Somali piracy is so difficult to control because it is a land-based organised criminal activity¹³ and benefits from a

¹² Clark (2015: 276) makes links with what occurred in the historic American colonies.

¹³ Similar to organised crime elsewhere, such as Japan, Italy, Russia, and the USA (Percy & Shortland, 2013: 559).

level of stability within Somalia that allows criminal gangs to operate (see Hastings & Phillips, 2015: 558). Local authorities have little incentive to clamp down on pirate behaviour, as it does not victimise the community (Percy & Shortland, 2013: 560). There are suggestions that the proceeds of piracy are contributing to increased corruption in Puntland and that it is becoming the pirate version of a narco-state (Percy & Shortland, 2013: 560). Therefore even if the state (or local state) had the capability to end piracy, it may not want to as a result of it 'working' for the local community and the absence of a similarly lucrative legitimate industry (Percy & Shortland, 2013: 566).

Factors discouraging piracy

Many of the measures to discourage piracy off the Horn of Africa have been at-sea measures such as ship protection measures; rerouting; private security; and naval patrols. Other factors discouraging piracy include international cooperation; displacement from communities; economic development; and the prosecution of pirates. Affi et al. (2016: 943) suggest that the international community has yet to engage in any serious and meaningful land-based solutions to piracy in Somalia, despite acknowledging that these are the only long-term, effective means of tackling piracy. An expert suggests that where land-based solutions are suggested they have tended to focus more on livelihoods, than on tackling the powerful underlying narrative used by pirates (expert comment).

Ship protection measures

Preventive, evasive and defensive measures by ships have helped reduce piracy incidents off the Horn of Africa (Asariotis et al., 2014a: 10; Bueger, 2015: 37). The Best Management Practices are the shipping industry's response to the threat of piracy and they have been updated as the nature of piracy has changed (Pristrom et al., 2016: 208; Walje et al., 2016d; Affi et al., 2016: 939; Asariotis et al., 2014b: 36; Anyimadu, 2013: 5, 8-9). They are designed to be implemented in order for those on board ships to avoid, deter or delay piracy attacks, and are required in order to ensure insurance coverage (Pristrom et al., 2016: 208). They involve vessel hardening measures such as razor wire and other passive defence measures (Walje et al., 2016d). High security door locking at bulkheads have also been introduced (Pristrom et al., 2016: 210).

The use of citadels (purpose built area in the ship where all crew members should seek protection if pirates board) has been a successful measure in the protection of ships that have been boarded by pirates (Pristrom et al., 2016: 210). The crew also need to have self-contained, independent and reliable two-way external communication; and the pirates must be denied access to ship propulsion (Pristrom et al., 2016: 210).

The Best Management Practices also recommend steaming at increased speed through the High Risk Area and reporting on their passage through the area (Walje et al., 2016d; Asariotis et al., 2014b: 36). Some imprisoned pirates mentioned self-defence measures as one of the most effective at-sea deterrent to piracy (UNODC & OBP, 2015: 3). It is estimated that ships using these self-protection measures are four times less likely to get hijacked (Anyimadu, 2013: 5-6). The success of these measures indicates that public-private coordination is important for countering piracy (Bueger, 2015: 40). Bueger (2015: 37) warns that compliance of the shipping industry is likely to drop over time.

Rerouting

At the height of piracy around the Horn of Africa, many vessels in transit between the Gulf of Aden and the southern tip of India chose to reroute along the coastlines of the Arabian Sea to avoid the more exposed direct route, costing extra time and fuel (Walje et al., 2016d). Most ships still take the Internationally Recommended

Transit Corridor in the Gulf of Aden, rather than the shortest route, but no longer engage in significant rerouting across the Arabian Sea (Walje et al., 2016d).

Private security

The deployment of privately contracted armed security personnel in the region has contributed to a reduction in piracy incidents (Asariotis et al., 2014a: 10; Anyimadu, 2013: 6, 10-11). Many shipping companies use private armed guards to protect vessels from attacks, although as 2015 progressed, private maritime security companies' teams were used less and less frequently, and when they were employed, shipping companies increasingly opted for smaller and less expensive teams (Pristrom et al., 2016: 209; Walje et al., 2016d; Affi et al., 2016: 938). In 2015, 78 per cent of vessels involved in suspected piracy related incidents reported having a privately contracted armed security personnel team aboard (Walje et al., 2016d). Somalis jailed for piracy did mention that armed guards were a concern, but much less so than international navies (UNODC & OBP, 2015: 2).

There are concerns over the lack of oversight, legality, use of firearms, and human rights violations by these private security firms, as they often engage in pre-emptive attacks against suspected pirates, while facing no consequences for their actions (Pristrom et al., 2016: 209; Affi et al., 2016: 935, 940-942; Anyimadu, 2013: 11). Ignoring the abuses of the private marine security companies contributes to local narratives that justify piracy (Affi et al., 2016: 942; Clark, 2015: 277; Hastings & Phillips, 2015: 569). Somalis interviewed by Affi et al. (2016: 942) felt that the international community is indifferent to the suffering of Somalis and do not care that Somalis, some of them fishermen, are being killed by these private companies. Having weapons on board also exposes seafarers to higher risk of torture and death if pirates successfully board a target ship and take its crew as hostages (Affi et al., 2016: 941). The presence of armed guards also brings confusion in relation to hierarchy on board the ship in the event of a pirate attack (Affi et al., 2016: 942). There are also concerns about the use of floating armouries,¹⁴ which can create opportunities for illegality and abuse (Affi et al., 2016: 941). The presence on board of private marine security companies has to be agreed with flag States in consultation with ship owners, companies and operators (Pristrom et al., 2016: 209; Affi et al., 2016: 939; Asariotis et al., 2014b: 37).

It appears that ship owners feel that private armed guards are a clear second best choice to military personnel and that they are a 'necessity that is being forced on them by the international community's inadequate response to piracy' (Pristrom et al., 2016: 209; Affi et al., 2016: 939). Affi et al.'s (2016: 935, 943) study finds that, despite the short-term benefits of private marine security companies in reducing piracy incidents, ultimately they do not offer a long-term solution to the problem of piracy in the Horn of Africa.

Private maritime security companies have also worked onshore with Somali authorities at national and regional levels to combat illegal fishing and toxic waste dumping, and provide coastguard training and revenue generation (Affi et al., 2016: 935; Marchal, 2011: 37-38). This work predated their offshore work protecting vessels from hijacking and emerged in response to lack of action by the international community to combat illegal fishing and toxic waste dumping (Affi et al., 2016: 935). In addition, they were involved in creating and training the Puntland Marine Police Force (PMPF), an active anti-piracy force tasked with disrupting pirate bases on land¹⁵ (Affi et al., 2016: 936). Affi et al. (2016: 943) find that none of these private companies have fully succeeded in accomplishing their goals and Somalia remains without a coastguard and illegal fishing flourishes. Some of these private companies were allowed to sell fishing licences to foreign companies to fund their operations (Affi et al., 2016:

¹⁴ Used in response to regulations by some states that weapons are forbidden in their territorial waters and ports (Affi et al., 2016: 941).

¹⁵ Saracen/Sterling, which created the PMPF, has met criticism from the international community, as it was accused of violating the UN arms embargo (Affi et al., 2016: 937).

936). In general, contracts have not been renewed or have been blocked over concerns about their activities and disagreements about profits and funding, as well as changes in political leadership (Affi et al., 2016: 936-937). In addition, these companies trained staff to use sophisticated radio equipment, GPS, satellite phones, speed boats and mother ships, Internet resources to locate sea vessels, as well as boarding techniques, and when these staff were fired en masse as new companies took over, some joined pirate gangs (Marchal, 2011: 38).

Naval forces

Naval forces¹⁶ from over 40 countries are active in reducing the number of piracy incidents around the Horn of Africa, although initially they had little impact (Pristrom et al., 2016: 208; Walje et al., 2016d; Westberg, 2015: 2-3; Asariotis et al., 2014a: 10; Anyimadu, 2013: 5-6). Good and close cooperation between these naval forces has been an important part of their success (Bueger, 2015: 37). The navies have set up the heavily protected Internationally Recommended Transit Corridor in the Gulf of Aden (Pristrom et al., 2016: 208). The Shared Awareness and Deconfliction (SHADE) meeting is held every three months and focuses on improving cooperation and coordination of naval forces operating in the region, as well as looking for new ways to disrupt and prevent pirate attacks (Pristrom et al., 2016: 208; Walje et al., 2016d). They also maintain the Mercury information sharing platform which provides a very quick way for navies and governments' Rescue Coordination Centres to communicate suspicious activities and pirate attacks in the area (Pristrom et al., 2016: 208). Naval forces have moved from just responding to pirate attacks at sea to attempting to kill off pirate ventures in their planning stages by targeting pirates onshore and along the coastline¹⁷ (Westberg, 2015: 5). Westberg (2015: 5) suggests that high visibility along the coastline, including through aerial reconnaissance aircraft, appears to have been one of the most effective means of deterring pirates.

The activities of naval vessels have been enhanced by improved Maritime Situational Awareness (MSA) along the coastal areas, through close communication with onshore stakeholders (Westberg, 2015: 6). The Friendly Approach is used to encourage local fishermen to report potential movements of pirates in return for aid kits, replenishments, repairs and other gifts, as well as humanitarian aid missions to coastal villages (Westberg, 2015: 7). Efforts have also been made to avoid cases of mistaken identity, through for example a database for Puntland fishermen (Westberg, 2015: 7). Formal talks between coastal district officials, police authorities and elders, known as LLEs are a centrepiece of naval-coastal interaction (Westberg, 2015: 7). While some welcome this naval vessel interaction, others report negative experiences (Westberg, 2015: 7-8).

In 2015, there was a 15 per cent drop in time on station dedicated to counter-piracy operations, compared to 2014 (Walje et al., 2016d). The burden has shifted from international coalitions to independent deployers, with counter-piracy activities becoming more concentrated on escort operations (Walje et al., 2016d).

Naval forces are not a sustainable solution (Bueger, 2015: 37). The drop in incidents means it is likely that support for the international and national naval missions will drop, forcing them to withdraw (Bueger, 2015: 37). The State of Maritime Piracy 2015 report warns that numerous Somali sources emphasise the risk of piracy resurging if the naval presence dissipates (Walje et al., 2016: 2; Walje et al., 2016d; Westberg, 2015: 7). A survey of imprisoned

¹⁶ They include Operation Atalanta of the European Union, Operations Ocean Shield and Allied Protector of NATO, the Combined Task Force 151 of the Combined Maritime Forces, and individual forces from states including China, India, the Islamic Republic of Iran, Japan, Malaysia, the Republic of Korea, the Russian Federation, Saudi Arabia and Yemen (Asariotis et al., 2014b: 45).

¹⁷ Somalia is the only case in which competent authorities can pursue suspect vessels into Somali territorial waters as a result of UN Security Council Resolution 1816 (2008) (Asariotis et al., 2014b: 12).

pirates in Somalia found that the presence of international navies was cited as a deterrent more often than any other counter-piracy measure (UNODC & OBP, 2015: 2-3; Walje et al., 2016d; Affi et al., 2016: 943). However, Somalis also suggest that international navies focus on treating the symptoms (by making pirate operations untenable), but do nothing to address the underlying conditions of poverty, unemployment and illegal fishing. Therefore, they only suppress, not solve, Somali piracy (Kerins, 2016; Walje et al., 2016d). In addition, few imprisoned pirates reported concern about navies or armed guards as being a primary reason for people leaving piracy (UNODC & OBP, 2015: 1).

International cooperation

A variety of cooperative efforts have been made to discourage piracy off the Horn of Africa. They include:

Djibouti Code of Conduct

Implemented in 2009, it is intended to combat piracy and armed robbery at sea, specifically in the western Indian Ocean and the Gulf of Aden, by providing a platform for information sharing, capacity building, providing regional training, and updating of national legislations to include anti-piracy law (Elmi et al., 2015: 150; Asariotis et al., 2014b: 38-39). Signatories also agreed to cooperate in: i) the investigation, arrest and prosecution of suspected pirates; ii) the interdiction and seizure of pirate ships; iii) the rescue of ships, persons, and property subject to piracy; and iv) the conduct of shared operations (Asariotis et al., 2014b: 38).

Contact Group on Piracy off the Coast of Somalia

This international forum facilitates the discussion and coordination of actions among states and organisations to suppress piracy off the coast of Somalia (Asariotis et al., 2014b, p 40). Various working groups focus on: i) facilitating effective naval coordination and international efforts to support the building of the judicial, penal, and maritime capacity of regional states; ii) providing specific, practical, and legally sound advice on all legal aspects of counter piracy; iii) the concerns of participant states, maritime industry, and labour groups in relation to self-defensive actions to protect vessels from hijacking by pirates; iv) raising awareness of the dangers of piracy and highlighting best practices to eradicate it; and v) advancing information sharing internationally and between industry and government authorities to disrupt pirate enterprises on shore (Asariotis et al., 2014b: 40-41).

Trust Fund to support the initiatives of states to counter piracy off the coast of Somalia

The Trust Fund supports state initiatives to counter piracy off the coast of Somalia. Established in 2010, it aims to help with the costs of prosecuting suspected pirates and other counter piracy activities (Asariotis et al., 2014b: 41).

United Nations Political Office on Somalia

UNPOS, established in 1995 to help establish peace and reconciliation in Somalia, has a number of piracy related capacity building tasks (Asariotis et al., 2014b: 42). These include assisting the government and regional authorities to establish a system of governance, rule of law, and police control where land based activities related to piracy are taking place; supporting the creation of national fisheries and port activities; and assisting in the creation of specialised Somali courts (Asariotis et al., 2014b: 42). UNPOS provides secretariat functions for the Somali Contact Group on counter-piracy and is Somali's focal point in the Djibouti Code of Conduct (Asariotis et al., 2014b: 42). The office also assists with hostage support (Asariotis et al., 2014b: 42).

Displacement from communities

Somali communities' rejection of pirates has contributed to the decline in Somali piracy (Bueger, 2015: 37). Hastings and Phillips (2015: 560) suggest that in the Horn of Africa it is 'predominantly (though not exclusively) informal, non-state economic and social institutions that constrain piratical behaviour'. Imprisoned Somali pirates

highlight family and community pressure as very important factors in the decision to leave piracy (UNODC & OBP, 2015: 3). The pressure may be arising as a result of concerns about the dangers of piracy and the large number of young men not returning to their communities because of imprisonment or deaths at sea (UNODC & OBP, 2015: 4). Other concerns relate to the levels of insecurity pirates have brought to communities as a result of growing inter-pirate violence, and the spread of crime, use of narcotics and prostitution (Bueger, 2015: 38).

Counter-piracy campaigns are providing a counter-narrative to those narratives used to support piracy through present piracy as immoral and criminal (Bueger, 2015: 38). UNODC and OBP (2015: 4) suggest that programmes which reinforce this message or give families and communities the means to apply social pressure to pirates may be useful in pulling more pirates out of piracy. Somalis interviewed by Oceans Beyond Piracy also credit the diminished pirate activity to the displacement of pirate groups from communities as a result of international navies and community pressure (Kerins, 2016; Westberg, 2015: 2). For example, the Hobyo community's good relationship with the Danish navy is attributed to helping drive pirates out of the area (Kerins, 2016; Westberg, 2015: 7). Such interaction has helped these communities to become less marginalised (Bueger, 2015: 38). However, there is also a lot of local resentment for international navies as a result of the impression, for example, that they are protecting the illegal fishing trawlers (Kerins, 2016; Walje et al., 2016d; Affi et al., 2016: 943; Westberg, 2015: 2, 4). Bueger (2015: 38) suggests that sustaining communities' disapproval of piracy will depend on ongoing assistance in the form of development aid, infrastructure programmes or the provision of employment opportunities. An expert suggests that 'until Somalis feel that there is serious movement away from the degree to which they are marginalised within the global political economy it is likely that the underlying narrative that pirates use will retain resonance' (expert comment).

Hastings and Phillips (2016: 3, 19-20) argue that the near lack of piracy in Somaliland is attributable to its powerful discourse around its claim of independence and exceptionalism which 'frames the country's ability to maintain peace and political order as the cornerstone of its case for international recognition of its sovereignty' and as a result, rejects the piracy seen elsewhere in Somalia.¹⁸ This discourse discourages ordinary Somalilanders from engaging in piracy and elites from seeking to profit from it; 'piracy is essentially shamed out of existence as something that is incongruent to the Somaliland identity' (Hastings & Phillips, 2016: 4).

Economic development

Local Somalis feel that piracy can only be permanently eliminated through an economic solution, focusing especially on the fishing industry through the provision of fishing boats, gear, and associated equipment such as freezer and dock facilities, as well as the development of other productive employment opportunities more generally (Kerins, 2016). Imprisoned pirates also felt that if economic opportunities were not developed, piracy was likely to continue to be a problem (UNODC & OBP, 2015: 1). They suggest that improved education and job opportunities are the most effective long-term solution to piracy (UNODC & OBP, 2015: 3). Clark (2015: 277) suggests that if the international community continues to fail to tackle illegal fishing, or even acts to protect it without holding it to account for its unlawful actions, it hinders Somalia's ability to develop a licit economy.

UNDP has put in place programmes aimed at poverty reduction and environmental protection, governance and the rule of law and security (Asariotis et al., 2014b: 51). The European Union Programme to Promote Regional Maritime Security (MASE), includes initiatives to boost economic growth and trade in areas where pirates are

¹⁸ Hastings and Phillips (2016: 3) suggest that this discourse is powerful enough to overcome the fact that a piracy network that operated on the Somaliland side of the (deeply contested) 'border' with Puntland for several years. The area was not seen as 'core' Somaliland and the pirate group's clan affiliations were with Puntland rather than the majority clan in Somaliland (Hastings and Phillips, 2016: 22).

based and operate, as well as programmes offering vocational training for young men to assist them in finding alternatives to piracy (Liss, 2014: 26). An expert suggests that the Fair Fishing Programme has had quite some success in addressing the issue of 'alternative livelihoods', thus removing an important 'incentive' for piracy (expert comment).

Prosecutions of pirates

The development of a judicial system and the prosecution of pirates, including by other countries, is suggested to be a factor behind the decline in Somali piracy incidents (UNODC & OBP, 2015: 1, 3; Bueger, 2015: 37; Anyimadu, 2013: 6). UNODC has supported a variety of countries with judicial, prosecutorial and police capacity-building programmes in order to encourage the prosecution of Somali pirates (Asariotis et al., 2014b: 50-51). The European Union has been active in prosecuting pirates and supporting the capacity of regional states to do so (Asariotis et al., 2014b: 52). Imprisoned Somali pirates reported concern about future prison sentences as a major reason why they would avoid piracy in the future, although it is possible this finding reflects the context in which the interview took place (UNODC & OBP, 2015: 2-4).

Earlier failures to prosecute captured pirates due to political and legal complications forced the international community to practice “catch and release” of Somali pirates. This led to a sense of impunity and an increase in piracy as the incentives for capturing and ransoming a ship were high whereas the consequences for committing those offenses were quite low (Asariotis et al., 2014b: 30, 51; Elmi et al., 2015: 150; Westberg, 2015: 3). The introduction of pirate transfer agreements with eastern African countries helped overcome these problems; the Seychelles, Mauritius, Kenya and Tanzania accept suspects captured by navies, and receive international support to ensure that their justice sector is capable of providing fair trials and adequate imprisonment (Anyimadu, 2013: 8).

Piracy as a law enforcement issue¹⁹

Interpol encouraged states in East Africa to maintain intelligence on piracy and transnational criminal activity at a Law Enforcement Sensitive level²⁰ so as to promote easier information sharing (von Hoesslin, 2016: 2; Asariotis et al., 2014b: 48). INTERPOL works in partnership with a number of international organisations, including the African Union, Baltic and International Maritime Council, Eurojust, European Union, Europol, IMO and the United Nations, along with various military organisations and companies in the private sector, to prevent, investigate and prosecute acts of piracy (Asariotis et al., 2014b: 48). Another benefit of treating piracy predominately as a law enforcement sensitive issue is that it assists in the link between marine policing, land-based policing and the financial crimes-based task forces that ‘follow the money’ (von Hoesslin, 2016: 2).

The Global Maritime Crime Programme (GMCP) for the Horn of Africa has been running for two years with the objective of strengthening government control over territorial waters and has seen a notable improvement in capacity to carry out patrols, including against illegal fishing (UNODC, 2015: 19-20).

¹⁹ Domestic law is important in establishing a legislative framework allowing for the effective and efficient prosecution of pirates (Asariotis et al., 2014b: 29). States need to: i) criminalise piracy; ii) establish jurisdiction over acts of piracy; iii) decide whether participation, conspiracy and attempts are piracy offences; iv) authorise detention and arrest at sea; v) establish cooperation in regard to trials; vi) establish procedures in regards to identifying, tracing, freezing, seizing and confiscating criminal assets; and vi) create provisions relating to international cooperation in the repression of piracy (Asariotis et al., 2014b: 29-32).

²⁰ Information that is not Confidential, Secret, or Top Secret, but whose dissemination is still restricted.

Bueger (2015: 38) warns that funding for capacity building programmes is likely to drop before they can significantly alter the problem of weak law enforcement in the intermediate and long term, although they could provide the seeds for long-term improvement in the quality of law enforcement. Good law has not necessarily resulted in good law enforcement (Bueger, 2015: 40).

3. Piracy in West Africa

Piracy in West Africa is concentrated around the Gulf of Guinea, and mainly involves Nigerian pirates.²¹ Nigerian piracy is largely based on sophisticated criminal networks, while the other type of piracy in West Africa is "subsistence piracy" consisting of theft and small robberies (expert comment). Piracy in the Gulf of Guinea has a long history, with the contemporary form having arguably developed over the past 25 years (Marchal, 2011: 34; Jacobsen and Nordby, 2015: 7). It has spread from the waters off Nigeria, especially the Niger Delta, to other West African countries such as Benin, Togo, and Cote d'Ivoire (Lopez-Lucia, 2015: 5). Over time, the severity of incidents has changed, from low level armed robberies to hijackings, cargo thefts and kidnappings (Asariotis et al., 2014a: 10; Jacobsen & Nordby, 2015: 7; expert comment). The Gulf of Guinea has seen a rise in the number of crew being kidnapped for ransom (seven of the world's ten kidnapping incidents up to June 2016) rather than the more common hijacking of oil tankers for their cargo (IBM, 2016: 1; OBP, 2016; Walje et al., 2016: 3; Walje et al., 2016c; UK P&I CLUB et al., 2016: 3). In addition, the opportunistic pilfering of cargoes within the vicinity of anchorage locations also occurs and is perhaps more widespread, although considered less serious, than other types of piracy (Ukeje, 2015: 227; Jacobsen and Nordby, 2015: 23; expert comment). Oil cargo theft was one of the unique characteristics of piracy in this region (Pristrom et al., 2016: 198; Walje et al., 2016c; Asariotis et al., 2014a: 38). It is held to be highly likely that there is a massive underreporting of attacks (Jacobsen and Nordby, 2015: 7; Anyimadu, 2013: 10).

Attacks in the Gulf of Guinea are often violent, accounting for eight of the nine vessels fired upon worldwide in 2015, and in 2015 and 2016 it was the most dangerous region for seafarers (IBM, 2016: 1; OBP, 2016; Pristrom et al., 2016: 198; Walje et al., 2016: 3; Walje et al., 2016c; UK P&I CLUB et al., 2016: 3; Asariotis et al., 2014a: 2; Jacobsen and Nordby, 2015: 8). There was a significant increase in violence in 2015, including physical abuse and mock executions (Walje et al., 2016c). The pirates' operational range is increasing, with incidents occurring over 50nm, and one over 600nm from the Nigerian coast (OBP, 2016; Ukeje, 2015: 227; Asariotis et al., 2014a: 10). The pirates also seem to be exploring new tactics (OBP, 2016; UK P&I CLUB et al., 2016: 5). There are signs that some Niger Delta pirate gangs are increasingly well drilled and organised (UK P&I CLUB et al., 2016: 7). The 'same pirate gangs responsible for these attacks are likely the same groups responsible for kidnapping and violence in the Niger Delta' (OBP, 2016; Walje et al., 2016c; expert comment). Piracy has had a profound effect on important local industries such as fishing, with industrial fishing companies losing nearly USD 596 million between 2003 and 2011 alone due to pirate attacks (Walje et al., 2016c; Ukeje, 2015: 228; Fiorelli, 2014: 10).

Factors encouraging piracy

Factors which have combined to encourage piracy in West Africa include the profitability of piracy; links to onshore criminality; poverty and unemployment; environmental degradation; illegal fishing; governance, corruption, and the political situation in Nigeria; 'sea blindness'; and impunity for pirates.

²¹ Other incidents of piracy occur around Guinea/Sierra Leone, although it is generally neglected in the literature (Lopez-Lucia, 2015: 3).

Profitability

The economic gains of piracy can sometimes be very high, while the risk of getting caught, let alone facing trial, is low (expert comment). The scarcity of refined petroleum products in the region has fostered a black market in stolen oil, providing incentives for pirates to attack oil tankers (Lopez-Lucia, 2015: 11). Such theft can be very lucrative and bring quick rewards if a pre-arranged buyer for the stolen cargo is found in West Africa (Fiorelli, 2014: 9). Hastings and Phillips (2015: 571) suggest that theft of cargo and ships is related to corruption among officials, which means piracy networks stretch through the formal institutions of the state and the infrastructure of the oil industry. These piracy networks mimic and parallel the structure of the legitimate economy (Hastings & Phillips, 2015: 572). Pirates seizing ships and cargo depend on the infrastructure (the ships, and storage and refining facilities) and the institutions (local brokerage, oil processing, and shipping companies, local and foreign buyers) of the formal oil economy at each step of the way (Hastings & Phillips, 2015: 575; Jacobsen & Nordby, 2015: 22). Such hijackings-for-cargo have become associated with violence against crew members (Jacobsen & Nordby, 2015: 21).

Kidnapping for ransom incidents are heavily concentrated off the Niger Delta region, particularly in areas with significant levels of offshore oil production (Walje et al., 2016c). In most cases, the highest ranking officers and engineers, or lightest-skinned hostages available, are isolated as they bring the highest ransoms, and the ship is looted, time permitting (Walje et al., 2016c; UK P&I CLUB et al., 2016: 7). The kidnapped crew members are held on shore during negotiations, often with other hostages who are local victims of kidnapping (Walje et al., 2016c). This model provides a high return on investment for the pirates, yielding ransom payments as high as USD 400,000 (Walje et al., 2016c). Kidnappings in the Gulf of Guinea tend to be shorter than in the Horn of Africa, with hostages often being released after days or weeks, possibly because pirates here fear being detected by authorities (Jacobsen & Nordby, 2015: 21). Kidnapping may be especially appealing when the drop in oil prices has made oil theft less lucrative than kidnap for ransom (UK P&I CLUB et al., 2016: 5). So far, all kidnappings have been undertaken exclusively for financial gain, and no political demands were made for the return of kidnapped seafarers (UK P&I CLUB et al., 2016: 5). However, narratives of struggles against oppressors and exploiters justify these kidnappings for ransom (Hastings and Phillips, 2015: 571). Kidnapping gangs appear to worry that other criminal gangs will 'steal' the hostages from them to conduct their own negotiations (UK P&I CLUB et al., 2016: 8). Jacobsen and Nordby (2015: 22) report there have also been instances where pirates have attacked a boat which had already been involved in a criminal activity at sea – such as petro-piracy, petty piracy, illegal fishery – and then have robbed this boat of its stolen cargo. These instances go unreported through official channels (Jacobsen & Nordby, 2015: 22).

Links to onshore criminality

Walje et al. (2016c) find that anecdotal evidence suggests that many of the gangs carrying out piracy attacks are the same as or are linked to the groups that kidnap local Nigerians and hold them on the tiny islands in the Niger Delta. Hastings and Phillips (2015: 570) also suggest that pirate kidnappings for ransom should be seen as an extension of land-based kidnappings and violence (see also Jacobsen & Nordby, 2015: 21). Lopez-Lucia (2015: 8) finds strong evidence showing that 'the increase in piracy in the Gulf of Guinea is linked particularly to local militias in the Niger Delta who are protesting against marginalisation and the unequal distribution of oil revenues at the expense of the great majority of people living in extreme poverty' (see also Hastings & Phillips, 2015: 571; expert comment). Pirates from the Niger Delta have a narrative enabling and constraining their behaviour, 'they are protectors of their land, using violence and especially kidnappings of foreign oil workers and attacks on oil facilities to stop environmental degradation committed by foreign oil firms, and to demand a greater share of the oil and natural gas income' (Hastings & Phillips, 2015: 570). However, it should be noted that while some of the local population support political violence, none support piracy (expert comment). The Delta has long had pirates who extract 'security fees' that passers-by must pay to local inhabitants (Hastings & Phillips, 2015: 570).

The lack of law and order in the rural Delta region means that it seems unlikely that the Nigerian authorities pose many difficulties to the kidnapping gangs' business model (UK P&I CLUB et al., 2016: 8; Lopez-Lucia, 2015: 9). Kyrou (cited in Lopez-Lucia, 2015: 10) also argues that the ease with which Nigerian pirates infiltrate Benin and Togo suggests a level of coordination and collaboration between pirates and onshore transnational criminal groups. Piracy is often also interrelated with other illegal maritime activities such as the smuggling of weapons and drugs, illegal fishing, and dumping of toxic waste (Jacobsen & Nordby, 2015: 24-25). Ukeje (2015: 227) describes how robust piracy infrastructure has evolved and consolidated with the incorporation of a network of mostly land-based actors, including sponsors/financiers; corrupt state officials, operation planners, boat handlers, land-based support infrastructure, boat captains and crew members, ship owners, insurance companies, law enforcement agencies, and governments (see also Hastings & Phillips, 2015: 571-574; Asariotis et al., 2014a: 11; expert comment). As a result incidents in the riverine and elsewhere on shore should receive greater attention by international actors working to tackle incidents at sea (Walje et al., 2016c). Serious actions to combat piracy need to identify and disrupt the land-based networks, using a combination of policing and judicial actions (Ukeje, 2015: 227).

Poverty and unemployment

Poverty and marginalisation in coastal communities make populations vulnerable to incentives from criminal gangs to turn to crimes such as piracy (Lopez-Lucia, 2015: 8; Ukeje, 2015: 226; Jacobsen & Nordby, 2015: 15; Fiorelli, 2014: 7; expert comment). Lopez-Lucia (2015: 8) finds that analysts and scholars often emphasis the high level of youth unemployment rates in Gulf of Guinea countries as one of the root causes of piracy, incentivising criminal activities and gang membership as a sustainable financial opportunity and providing a sense of social belonging (see also Ukeje, 2015: 226; Jacobsen & Nordby, 2015: 15). However, poverty and unemployment alone do not explain the prevalence of piracy in some areas (Jacobsen & Nordby, 2015: 16).

An expert suggests that 'West African "subsistence piracy" is poverty-driven in a way, but it is not a result of absolute poverty - more of "relative deprivation"' (expert comment). Perpetrators are often of urban extraction and 'engage in thievery more because the opportunity presents itself (ships waiting at anchor for protracted periods of time), sometimes in connivance with local law enforcement officials who take bribes to look the other way' (expert comment).

On the other hand, another expert argues that Nigerian-organised piracy originating in the Niger Delta is not poverty driven (expert comment). The Niger Delta population, while poor, is, in the main, still better off and better educated than other communities where piracy does not occur (expert comment). Serious offshore piracy off Nigeria peaked in 2011 (tanker hijackings) and in 2013 (kidnap-for-ransom) in spite of payments made to former militants (expert comment).

Environmental degradation

Oil extraction and oil spills have degraded the coastal environment and threatened the traditional livelihoods of local communities (Lopez-Lucia, 2015: 10; Asariotis et al., 2014a: 35). As a result, local communities are increasingly tempted to engage in illegal activities, such as piracy, to survive (Lopez-Lucia, 2015: 10). These environmental issues may be challenging for external actors to address, yet not addressing them overlooks the role they have to play in piracy (Jacobsen & Nordby, 2015: 49).

Illegal, unreported and unregulated (IUU) fishing

Fishing is an important industry for West African countries, yet foreign trawlers fishing illegally does occur, which depletes the fish stocks and compromises the food security and livelihoods of coastal communities (Lopez-Lucia, 2015: 10; Jacobsen & Nordby, 2015: 24-25). This makes local fishermen easy prey for recruitment to pirate gangs

who draw on their knowledge of coastal waters (Lopez-Lucia, 2015: 11; Jacobsen & Nordby, 2015: 25). However, it should be noted that piracy can disrupt local fishing activity, with resultant social and economic consequences for these communities, while locals also engage in illegal fishing (Asariotis et al., 2014a: 31; Jacobsen & Nordby, 2015: 25).

Governance and the political situation in Nigeria

ICG (2012: 1) finds that weak governance in the region 'has allowed illicit activities to flourish at sea and create an enabling environment for violent crime'. International responses have been criticised for treating piracy as a purely security problem at sea rather than as a symptom of governance problems on shore (Lopez-Lucia, 2015: 23). A study of maritime kidnapping in West Africa finds that awareness of the Nigerian political situation is key to understanding the kidnapping threat in the Gulf of Guinea, as the majority of kidnappings occur in Nigerian waters, and if outside, there is almost always a significant Nigerian connection (UK P&I CLUB et al., 2016: 5).

Jacobsen and Nordby (2015: 16) note that some political disputes have fed directly into an increase in piracy activities in the Gulf of Guinea (see also: expert comments). For example, the Movement for the Emancipation of the Niger Delta (MEND) in the southern part of Nigeria has engaged in politically motivated piracy activities, while maritime boundary disputes between Nigeria and Cameroon created a 'safe haven' for pirates as neither country governed the area (Jacobsen & Nordby, 2015: 16). Pirates have sold stolen goods to, and bought weapons and equipment from, MEND, helping to fund its operations, and profiting themselves from the region's lawlessness and easy access to small arms (Fiorelli, 2014: 7).

UK P&I CLUB et al. (2016: 6, 8) found that, currently, kidnapping gangs do not appear to be linked to the Delta's insurgent groups, although they thrive in an environment where law and order is all but absent, and the unstable political situation places heavy demands upon government security forces. However, various different insurgent groups have been increasingly active, especially in the Niger Delta, and there is a risk that these groups may join, or possibly co-opt, criminal kidnapping gangs, as was often the case before 2009 (UK P&I CLUB et al., 2016: 5).

Corruption

Corruption is pervasive in the navies, maritime administrations and law enforcement agencies of the Gulf of Guinea countries which limit their capacity to deal with criminality (Lopez-Lucia, 2015: 7). In Guinea-Conakry, for example, military personnel frequently moonlight as pirates, and are, on balance, more organised and forceful in committing their crimes than the ordinary thieves, who often flee upon discovery (expert comment). The corruption and complicity in Nigeria especially, is reported to contribute significantly to the prevalence of piracy in the Gulf of Guinea (Jacobsen & Nordby, 2015: 17; Fiorelli, 2014: 8). Some officials provide political protection to pirates and prevent their arrest or order the release of pirate vessels (Jacobsen & Nordby, 2015: 17; expert comment). An expert argues that the "Godfather System" that binds militants and the Nigerian political/economic/military elite together encourages organised piracy in Nigeria (expert comment). Another suggests that corruption and weak governance structures create a system in which piracy is neither discouraged nor punished, and may even be encouraged; this makes it possible for such illegal activities to continue unhindered, to the extent that they become endemic to parts of the political system (expert comment). Hastings and Phillips (2015: 560) suggest that in the Gulf of Guinea, it is predominantly (though not exclusively) formal state political institutions and the institutions of the formal economy that constrain and facilitate informal business networks engaged in piracy. More indirectly, corruption means only a small percentage of oil revenue reaches local populations - this contributes to poverty and unemployment which can turn people towards piracy (Fiorelli, 2014: 7). As corruption is a sensitive issue it is often hard to address (Jacobsen & Nordby, 2015: 48).

Repercussions of the Nigerian elections

An initial spike in piracy incidences followed the defeat of President Goodluck Jonathan in the March 2015 elections, but this fell until September 2015, before spiking again towards the end of the year and into 2016 (Walje et al., 2016c). An important repercussion of the election was the sacking of the Nigerian Maritime Administration and Safety Agency (NIMASA) Director General, Patrick Akpobolokemi (Walje et al., 2016c). He had worked on a significant maritime security deal with Tompolo, a former Movement for the Emancipation of the Niger Delta warlord, to provide patrol vessels for NIMASA through Tompolo's company, Global West Vessel Specialists Limited (Walje et al., 2016c). After the election, Global West Vessel Specialists Ltd.'s contract was cancelled, and a warrant for Tompolo's arrest was issued (Walje et al., 2016c; UK P&I CLUB et al., 2016: 5). Once this became clear, the number of attacks slowly climbed again through the end of the year (Walje et al., 2016c).

'Sea blindness'

Jacobsen and Nordby (2015: 15, 47) argue that lack of interest, and unwillingness or lack of knowledge (termed 'sea blindness') at the national level with what is occurring at sea has meant that little effort has been made to combat piracy in the Gulf of Guinea (see also Fiorelli, 2014: 8; Anyimadu, 2013: 7). This has resulted in countries suffering from a fundamental capacity gap, lacking naval equipment and capacity to achieve maritime domain awareness (Jacobsen & Nordby, 2015: 19). Unwillingness is one aspect of the problem of maritime insecurity which cannot be easily dealt with through a capacity building approach (Jacobsen & Nordby, 2015: 48).

In addition, for national governments in West Africa the relatively low number of attacks at sea are not a priority as long as a broad range of other security problems on land exists (expert comment).

Impunity for pirates

Impunity of pirates is rife, with very few suspects arrested for piracy-related crimes in the region, and no prosecutions conducted (Walje et al., 2016c; Anyimadu, 2013: 7). UNODC found that no Gulf of Guinea state had the legislation in place or the capacity to undertake piracy prosecutions, and is working to build capacity in this area (Jacobsen and Nordby, 2015: 17, 41).²² Many also do not have all the links in place to enable prosecution of robbery at sea (Jacobsen & Nordby, 2015: 17). This is due to a combination of inefficient laws, ineffective implementation, evidence collection and inadequate law enforcement (Jacobsen & Nordby, 2015: 17; expert comment). As a result, seafarers have little incentive to report crimes, especially as many of the crew members continue to work in the region following a piracy incident and may have to face their attackers again (Walje et al., 2016c). This contributes to chronic underreporting in the region, which further exacerbates the endemic maritime insecurity (Walje et al., 2016c).

Factors discouraging piracy

Factors which have discouraged piracy in West Africa include a combination of: falling oil prices; improved security; naval activities; public-private partnerships; international and regional cooperation; institutional capacity building; improved governance; improved livelihood opportunities; and local communities. It has proved difficult to address the 'root causes' of piracy as 'a number of states (notably Nigeria) are unwilling to address various conditions that, when combined, produce a conducive environment for piracy activities to thrive (i.e. immunity,

²² INTERPOL is also working to build capacity in relation to the legal aspects of counter-piracy, especially criminal investigation (Jacobsen & Nordby, 2015: 42-44).

corruption, marginalisation etc.) and/or are reluctant to accept foreign interventions aimed at addressing these aspects of the piracy problem’ (Jacobsen & Nordby, 2015: 45-46).

Oil prices

Walje et al. (2016c) suggest that the drop in the rate of hijacking for cargo theft is partly due the drop in oil prices, which has reduced its profitability (see also UK P&I CLUB et al., 2016: 5).

Improved security

Walje et al. (2016c) suggest that the drop in the rate of hijacking for cargo theft is partly due to the improved patrolling of Nigerian waters. Increased Nigerian law enforcement patrols have pushed pirates to expand their range beyond Nigerian waters to find targets (Walje et al., 2016: 3; Walje et al., 2016c).

Other security measures have been found to have been helpful, especially for opportunistic thefts. It is suggested that anchoring boats closely together offers them protection against piracy (Pristrom et al., 2016: 198). For example, at the Lagos anchorage, the risk of hijacking is much lower for the 60 tankers at anchor in a typical day who are compressed into an area of typically 180-260km² than for ships at the periphery (Pristrom et al., 2016: 198). The anchorage is also patrolled 24/7 (expert comment). The removal of opportunities is a key factor for discouraging subsistence piracy (expert comment). As the ports worst affected by subsistence piracy are typically those with many vessels spending a long time at anchor (or drifting) while waiting for a berth space, and with poorly managed port facilities, improvements of port infrastructure as well as speeding up customs and inspection processes could be beneficial (expert comment).

Ghana, Togo, Benin and Nigeria have each established “secure zones” near major ports (Walje et al., 2016c). They are clearly defined areas where vessels can safely anchor to wait for a berth or conduct ship-to-ship cargo transfers (Walje et al., 2016c).

Ship protection measures

The “Guidelines for Owners, Operators, and Masters for Protection against Piracy in the Gulf of Guinea Region” lays out Ship Protection Measures (SPMs) suggesting that vessels should use the Maritime Trade Information Sharing Center-GoG (MTISC-GOG); put in place enhanced watch-keeping and vessel hardening; and limit the use of the Automatic Identification System and lighting at night (Walje et al., 2016c; UK P&I CLUB et al., 2016: 11).

Naval activities

Nigerian naval vessels, supported by naval assets from various regional states, including Ghana, Cameroon, Togo, Benin, and Côte d'Ivoire, have been actively deployed in Nigerian waters (Walje et al., 2016c). Nigeria has a dedicated body, the Nigerian Maritime Administration and Safety Agency (NIMASA), tasked with working alongside the Nigerian Navy to combat piracy (Walje et al., 2016c). Improved naval patrolling may have made cargo theft more difficult and dangerous, which has reduced this form of piracy, but may have also resulted in a move to kidnapping for ransom, which takes less time on vessels and leaves pirates less exposed to naval patrols (UK P&I CLUB et al., 2016: 5).

International naval activities in West African waters have focused on capacity building and training, rather than law enforcement action, as their activities are restricted by the littoral states (Walje et al., 2016c; Lopez-Lucia, 2015: 2; Asariotis et al., 2014a: 12). Multi-national exercises are designed to support regional navies, whose efforts form the front line in combatting piracy in the region (Walje et al., 2016c; Jacobsen & Nordby, 2015: 45). Coastguards are often not as well-equipped as the navy, yet much illegal maritime activity happens within 12

nautical miles of countries' coasts, hence it is important to work on their division of labour and providing the necessary support to the coastguards (Anyimadu, 2013: 8).

Public-private partnerships

There are a number of hybrid models for security in the Gulf of Guinea, with multiple public-private partnerships in place to enhance state capacity, who have responsibility for conducting patrols, operating secure zones, escorting commercial traffic, and protecting offshore oil facilities (Walje et al., 2016c).

Every coastal state in the Gulf of Guinea (Walje et al., 2016c; UK P&I CLUB et al., 2016: 13) prohibits Private Armed Security Teams. As a result, embarked armed teams are drawn from a state's armed forces or law enforcement agencies, to protect the ship while it is in that country's waters, although only a limited amount of companies have been granted authorisation to use these teams (Walje et al., 2016c; Anyimadu, 2013: 11).

The use of embarked armed teams is controversial as there is weak and inconsistent regulation, which forces seafarers to rely on unqualified but heavily armed guards (Walje et al., 2016c). This can increase risks to crew members who have been caught in the crossfire between pirates and on-board armed guards (Walje et al., 2016c).

International and regional cooperation

A variety of cooperative initiatives to tackle piracy have emerged in the region. However, despite this increasing maritime security and cooperation amongst states in the Gulf of Guinea, capacity is still lacking (Walje et al., 2016c). The initiatives include:

Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa

The Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS) and the Gulf of Guinea Commission²³ developed this Code of Conduct, with the assistance of the International Maritime Organisation. It was formally adopted in 2013, and is modelled on the Djibouti Code of Conduct. It commits to cooperation in the prevention and repression of piracy and armed robbery against ships, transnational organised crime in the maritime domain, maritime terrorism, illegal, unreported and unregulated fishing and other illegal activities at sea (Asariotis et al., 2014b: 43).

Critical Maritime Routes in the Gulf of Guinea Programme

The EU is supporting Benin, Cameroon, Equatorial Guinea, Gabon, Nigeria, Sao Tome and Principe, and Togo to: establish a regional information-sharing network; provide coastguard training; develop a framework for inter-agency cooperation; and promote operational inter-agency cooperation (Asariotis et al., 2014b: 54).

2050 AIM Strategy

In 2014, the African Union adopted an Integrated Maritime Strategy, known as '2015 AIM', which goes beyond piracy to also address issues such as IUU fishing, smuggling and terrorism (Jacobsen & Nordby, 2015: 27). It identifies security challenges as well as economic opportunities in the maritime domain and may help increase interest in what occurs at sea (Jacobsen & Nordby, 2015: 28). However, it still fails to fully acknowledge the importance of land-based challenges that contribute to piracy and does not look at the need for good

²³ This institution is driven by oil producing states, all of whom are affected by the problem of piracy (Jacobsen & Nordby, 2015: 32).

governance, and the reduction of corruption and marginalisation (Jacobsen & Nordby, 2015: 27). ECOWAS initiated a process aimed at drafting a similar document, the ECOWAS Integrated Maritime Strategy, with a greater focus on the regional rather than the continental level (Jacobsen & Nordby, 2015: 31).

G7 Friends of the Gulf of Guinea Group (G7++FOGG)

In 2011 the G7 Friends of the Gulf of Guinea Group – composed of Germany, Canada, the United States, Italy, Japan, the United Kingdom, France, Belgium, Brazil (observer), South Korea, Denmark, Spain, Norway, the Netherlands, Portugal, Switzerland, the European Union, UNODC and INTERPOL – was set up to focus on piracy (Jacobsen & Nordby, 2015: 31). The group tries to coordinate different maritime capacity initiatives between donors and states in the region and raised funds to help launch the Maritime Trade Information Sharing Centre (Jacobsen & Nordby, 2015: 31). However, the group does not address the various socioeconomic root causes of piracy in the region (Jacobsen & Nordby, 2015: 31).

Regional zones

The Economic Community of Central African States created three maritime zones spanning multiple countries – each with their own maritime operation centres (Jacobsen & Nordby, 2015: 32-33). The joint activities relating to joint patrols and exercises, as well as efforts to arrest and prosecute pirates, have been credited with pushing pirate activities away from Cameroonian waters (Jacobsen & Nordby, 2015: 33). However, pirate activities have just shifted to neighbouring waters which are less well patrolled, highlighting the need for a broad interregional approach (Jacobsen & Nordby, 2015: 33). ECOWAS has followed suit, establishing a similar structure with a further three maritime security zones (Jacobsen & Nordby, 2015: 34). There are now maritime security centres in each of the six zones, regional coordination centres in West and Central Africa respectively, and an interregional coordination centre (Jacobsen & Nordby, 2015: 34). However, there are concerns about the demarcation of the different responsibilities of these centres (Jacobsen & Nordby, 2015: 35).

Information sharing

There are a variety of regional, national and industry information sharing initiatives, including: the Inter-regional Coordination Centre for the implementation of the Regional Strategy for Maritime Safety and Security in Central and West Africa; Nigeria's Falcon Eye, a mass surveillance system to increase maritime domain awareness; and the Maritime Trade and Information Sharing Centre (Walje et al., 2016c).²⁴

Institutional capacity building

The United Nations Office of West Africa (UNOWA) contributes to the development of a safer maritime environment in the Gulf of Guinea region through its support of the maritime efforts of regional institutions (Jacobsen & Nordby, 2015: 45). The EC's strategy for the Gulf of Guinea, which aims to reduce 'sea blindness' in the region, improve effective governance and national institutions, stimulate the regional economy, and strengthen regional corporation, has a similar institutional capacity building focus (Jacobsen & Nordby, 2015: 40, 45). The strategy is one of the few to mention the need to try to counter the root causes of piracy (Jacobsen &

²⁴ The Maritime Trade Information Sharing Centre Gulf of Guinea, created in 2014, is a voluntary reporting system where merchant vessels are encouraged to report their position, course, speed and next port of call on a daily basis when transiting in an area from Mauritania to Angola (Jacobsen & Nordby, 2015: 37). Vessels also report suspicious behaviour or attacks to warn others in the area (Jacobsen & Nordby, 2015: 38). There is, however, mistrust that the centre keeps information to itself or the information it holds could be sold to pirates (Jacobsen & Nordby, 2015: 38). The centre currently fills a vacuum in the region, although the implementation of new regional maritime architecture may require it to change its role (Jacobsen & Nordby, 2015: 38).

Nordby, 2015: 40). However, the EC has been criticised for not delivering tangible results (Jacobsen & Nordby, 2015: 41, 45). Jacobsen and Nordby (2015: 49-50) also note that capacity building efforts should not be too narrowly focused on piracy but should also address local concerns such as efforts to tackle illegal fishing, or there is a risk that these may lack local ownership and long-term sustainability (see also expert comment). It is too early to tell whether institutional and juridical capacity building efforts have been effective (expert comment).

Improved governance

An expert argues that piracy could be discouraged through the measures which the new Buhari government appears to be attempting, including an 'improvement of governance, especially with regards to the allocation of the so-called derivation funds (money from oil income remitted to the states); breaking up of the Godfather System (removing politicians from sources of income and thus the opportunity to "buy" their own following and electorate); and increasing transparency in the oil sector' (expert comment). Corruption is another important issue to address (expert comment).

Improved livelihood opportunities

The Buhari government is also implementing other measures related to improving livelihood opportunities, through attempts to diversify the economy away from oil and gas, and improve opportunities in the maritime sector to prevent trained personnel from engaging in piracy (or being suborned by pirates/criminals) (expert comment).

Local communities

A conference on maritime security involving West African states acknowledged that local communities might be the missing link in the quest for lasting solutions to the threat of piracy and that there is a need for a 'bottom-up' approach to maritime security (Ukeje, 2015: 233). However, Ukeje (2015: 233) suggests that such pro-development approaches have not yet really been implemented.

4. Piracy in the Strait of Malacca and surrounding area²⁵

Maritime piracy has a long history in the Strait of Malacca and surged in the late 1990s (Lee and McGahan, 2015: 530). Efforts to tackle piracy in Southeast Asia in the 2000s were successful for a while, but by 2009 piracy incidents had crept up again and have continued to rise until 2015 (Raymond, 2009; von Hoesslin, 2016: 8; Bateman, 2016: 1, 5; Liss, 2014: 12). Many of the more recent attacks involved ships in port or at anchor (Bateman, 2016: 1). Over time the location and nature of attacks, the types of ship attacked, and the method of the perpetrators has changed (Bateman, 2016: 1; Liss, 2014: 4). Piracy in the Strait of Malacca has often been violent as pirates have little incentive to keep the crews alive because they are primarily interested in ships and cargo (Percy & Shortland, 2013: 557; Pristrom et al., 2016: 197). However in 2015, in most cases of piracy the perpetrators were unarmed and sought to avoid confrontation with the crew (53 per cent according to data gathered by OBP) (Walje et al., 2016: 4; Walje et al., 2016b; ReCAAP ISC, 2016: 2, 8). The level of violence

²⁵ The literature is not always clear as to whether it is referring to the Strait of Malacca only or grouping it with the Strait of Singapore (expert comment). As many recent attacks have occurred in the Strait of Singapore, rather than the Strait of Malacca, this can lead to misperceptions of the threat in the Malacca Strait (Bateman, 2016: 13).

increases when the perpetrators are armed and when there are more criminals involved (Walje et al., 2016b). The vast majority of incidents would actually be classed as robbery against ships as they took place in territorial waters (Walje et al., 2016b). Most of the incidents have involved petty theft, a type of piracy with a long history in the Malacca Strait (in 2014 in Southeast Asia petty theft made up 52 per cent of piracy incidents), as well as cargo theft and kidnappings for ransom (Bateman, 2016: 3-4; Liss, 2014: 12). Pirates active in the region can be divided into two groups: opportunistic sea-robbers, involved in small scale attacks, and sophisticated organised pirate gangs, responsible for hijackings and other major pirate attacks (Liss, 2007: 2).

2015 also saw a rise in piracy for the first half of the year - the highest since 2011, followed by a decline in the second half and into 2016 (Walje et al., 2016b; ReCAAP ISC, 2016: 15). Much of this recent piracy actually occurred in the Strait of Singapore, rather than the Strait of Malacca where piracy remained low (Bateman, 2016: 13). von Hoesslin (2016: 20) argues that the rise and fall is primarily a result of the low prices of crude palm and gasoil which make it less economic to hijack, while Walje et al (2016b) suggest it is as a result of increased counter-piracy activity (see also: ReCAAP ISC, 2016: 2). Going strictly by numbers, the Southeast Asia region, including the Strait of Malacca, saw the most reported incidents of any region in the world in 2015 according to data gathered by OBP (Walje et al., 2016b).

Factors encouraging piracy

Factors which have combined to encourage piracy in the Strait of Malacca and surrounding areas include its geography; profitability and professional syndicates; poverty and financial crises; pollution; overfishing; corruption; lax maritime rules and regulations; and political insecurity.

Geography

The narrow, 800 km long Straits of Malacca and Singapore contain an enormous number of islands, covered with dense mangroves, which serve as hiding places and bases from which to raid, and the distance from these island bases to the place of the crime is never long (von Hoesslin, 2016: 5). As a result of this convenient geography, piracy has a long history in this area and was not simply an economic activity but, for some communities, also a traditional, lucrative and prestigious way of life (von Hoesslin, 2016: 5; Lee & McGahan, 2015: 530). Each year more than 120,000 ships funnel slowly through these congested waters which means that pirates are never short of opportunities for plunder (von Hoesslin, 2016: 5).

Traditional pirate activities never really ceased, and while pirate communities have moved location and changed the type of cargoes they steal, their mode of operation has remained surprisingly consistent (von Hoesslin, 2016: 6).

Profitability and professional syndicates

The expansion of the palm oil industry led to the development of complex professional syndicates, with bosses who run the operations, investors who finance it, fixers who locate targets with the help of insider information and find buyers prepared to 'launder' the stolen product, boarding team leaders who recruit and lead pirates, forgers to produce phony documentation, and a stable of 'go fast boats', tugs and tankers to take the pirates to the target vessels and subsequently make off with the cargo (von Hoesslin, 2016: 1, 10, 11-14; Liss, 2014: 7). The price of crude palm oil, and later also gasoil, changes the risk and rewards calculation, as failed hijack attempts cost the pirates money (von Hoesslin, 2016: 16). The number of hijackings increased with the incentive of higher profitability as a result of higher crude palm oil prices from 2007-2011 and the unusual strength of gasoil prices between 2012 and 2014 (von Hoesslin, 2016: 17; expert comment). Pirates have rapidly diversified their targets in response to these price signals (von Hoesslin, 2016: 18). The targeted cargo requires large-scale infrastructure

for successful offloading and demand in underground markets (Clarke, 2015: 274; Bateman, 2016: 16). A number of players in Southeast Asia piracy incidents also engage in other maritime crimes such as smuggling, which means counter-piracy efforts, must also include efforts to tackle other transnational maritime crimes (von Hoesslin, 2016: 2; Bateman, 2016: 14). These criminal networks' roots penetrate far on land, as well as sea (von Hoesslin, 2016: 10).

Most pirates in the region are much more opportunistic and steal what they can, often from vessels at anchor or in port (ReCAAP ISC, 2016: 18; Bateman, 2016: 9; Liss, 2014: 7). ReCAAP ISC (2016: 22) suggests that the boarding of ships at close intervals of time and proximity usually occurred when the perpetrators failed in their attempt to steal any item from an earlier ship.

Poverty and financial crises

Poverty and the lack of alternative employment opportunities have been found to be important motivations for people to become pirates (Liss, 2007: 9). In the 1990s piracy increased as a result of the 1997 financial crisis when many people living in coastal areas in Indonesia and Malaysia turned (or returned) to piracy to supplement their incomes (von Hoesslin, 2016: 6; Liss, 2014: i-ii, 8; Raymond, 2009: 32).

Liss (2014: 8) suggests that the driving factor for involvement in both opportunistic and organised piracy is the desire for money, needed to either survive or prosper in a capitalist world. As piracy is a dangerous 'job', pirates often come from areas where poverty is rife and alternative income hard to find (Liss, 2014: 8, 12). Even some former pirates who had engaged in legal income returned to piracy as they did not get what they expected in their new professions (Liss, 2014: 12).

It is suggested that the increase in attacks in 2010 and 2011 may be due to the impact of the 2008 international financial crisis and its aftermath, which may have limited the resources of the ReCAAP member states and created easy targets of ships at anchor and skeleton crews (Pristrom et al., 2016: 198; Bateman, 2016: 8).

Pollution

Pollution has had a detrimental impact on fish stocks, in turn leading to increased poverty among fishers and fishing communities (Liss, 2007: 2). In the first half of 2014, piracy incidences of armed robbery and petty theft surged along the Berakit peninsula, which suffered from frequent oil spills as a result of illicit fuel transfers (von Hoesslin, 2016: 19). These oil spills have destroyed the coast and damaged the local fishing industry (von Hoesslin, 2016: 19). As a result, villagers have targeted vessels who have damaged their livelihoods with petty theft (von Hoesslin, 2016: 19).

Overfishing

Overfishing and the destruction of fishing grounds as a result of illegal fishing methods in the late 1990s led to improvised fishers taking 'employment' as pirates or engaging in opportunistic piracy (Liss, 2014: 8; Liss, 2007: 2-3). Overfishing continues to be a motivation for pirates (Liss, 2014: 12). Fishers have the necessary maritime skills, local knowledge of the area, and the required equipment, including boats and long knives, to easily turn to piracy (Liss, 2014: 8; expert comment).

Corruption

Corruption is a major factoring encouraging piracy (expert comment). Lack of decent pay in maritime agencies encourages 'moonlighting' within the police and navy, which directly facilitates opportunities for organised crime

such as piracy (von Hoesslin, 2016: 3, 22; Liss, 2014: 9, 11). In addition the bribing of judges and public prosecutors means pirate suspects routinely only serve 10 per cent of their term in Indonesia, which mean pirate convictions mean very little (von Hoesslin, 2016: 1, 13). Corruption also makes it easier to get rid of stolen goods (von Hoesslin, 2016: 6). The eagerness of Chinese buyers to purchase goods at below market prices without questioning their provenance helped encourage piracy in the 1990s (von Hoesslin, 2016: 9).

Another controversial issue is the concept of hijacking being the result of an 'inside job' (von Hoesslin, 2016: 13; Liss, 2014: 16). von Hoesslin's (2016: 13) research found that in every case, 'the job is pre-planned but a crew member is not necessarily the inside man', as someone at shore level may be the one passing on information. People involved have included captain, chief engineer, bosun, people within the shipping company, or players interacting with either the company or vessel, such as bunkering agents, bunker barge crew, as well as cargo loading personnel, and marine police and members of the Navy (von Hoesslin, 2016: 13).

Lax maritime rules and regulations

Problems and loopholes in the regulation and control of the maritime industry have been conducive to the operations of pirates (Liss, 2007: 5-6). Low wages which can lead to unreliable crews; cost cutting which can lead to a reduction in on-board crew; and the ease with which vessels can be re-registered, have all been found to be a factor in past pirate attacks (Liss, 2007: 6).

Political insecurity

In the 1990s piracy increased as a result of widespread political instability, particularly in Indonesia, weakened law enforcement forces (von Hoesslin, 2016: 6). In 2004, hijackings in the Malacca Strait became increasingly violent as the Free Aceh Movement, a separatist group seeking independence for the Aceh region of Sumatra from Indonesia, engaged in kidnappings for ransom (von Hoesslin, 2016: 7; Liss, 2007: 8).²⁶ Such piracy dropped sharply when a truce was negotiated between the Indonesian government and the Free Aceh Movement in 2005, halting their activities (von Hoesslin, 2016: 7).

Factors discouraging piracy²⁷

While efforts have been made to discourage piracy, including improved security measures, coordinated patrols; reporting and information sharing organisations; quick response teams; regional cooperation, prosecution and imprisonment of pirates; and efforts to tackle corruption and community attitudes, Liss (2014: 11) finds that 'no specific anti-piracy efforts were made to effectively address the factors that drove people to piracy – including poverty in coastal communities, illegal and overfishing, and a lack of alternative prospects for employment' (see also expert comment). Drops in oil prices, the 2004 tsunami and improved political situations have also helped to reduce piracy in the region.

²⁶ Other politically-motivated groups elsewhere in Southeast Asia who are believed to be involved in piracy are the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf in the southern Philippines (Liss, 2007: 7).

²⁷ Drops in reported incidents may also be due to underreporting of minor incidents, as ship owners may fear higher insurance rates, suspect the collusion of local authorities in the attacks, or be engaged in illegal activities themselves, such as illegal fishing (Liss, 2014: ii, 6, 14).

Improvements in security

Greater security awareness in the shipping industry helped lead to a fall in attacks from 2004 to 2009 (Bateman, 2016: 6; Liss, 2014: 14). Pottengal Mukundan, Director of IMB, also suggests that a main factor in the drop in world piracy in the first half of 2016 are improvements in security around Indonesia, at sea and in ports (IBM, 2016: 1-2; Bateman, 2016: 10). Low-level thefts from ships at anchor were brought down by introducing designated anchorages with improved security (24 incidents in the first six months of 2016, compared to 54 in the same period in 2015) (IBM, 2016: 2; Bateman, 2016: 10). The Indonesian Navy also responded promptly and recovered a hijacked product tanker in May (IBM, 2016: 2).

As many of the incidents in Southeast Asia are opportunistic robberies, they could be deterred by vessel hardening measures and increased vigilance on the part of the crew (Walje et al., 2016b). General guidance related to the prevention and suppression of acts of piracy and robbery against ships has been developed by organisations such as the International Maritime Organization (IMO) Maritime Safety Committee, the Baltic and International Maritime Council, the International Maritime Bureau, ReCAAP ISC,²⁸ and shipping industry associations (Walje et al., 2016b). A regional guide for ships in Asia recommends a layered approach to vessel self-protection: a primary layer of defence such as heightened vigilance, razor wire, manoeuvring, and speed; a secondary layer, including door and window hardening, gates/grates, and motion sensors/CCTV; and a final, tertiary layer of internal door hardening, a citadel, and communication equipment (Walje et al., 2016b).²⁹ Walje et al. (2016b) also suggest training crew in counter-piracy measures and response; using search and deck lighting at night; installing CCTV; installing grates to prevent access to the main deck; locking doors to ship stores; covering bridge windows in shatter/blast-proof film; installing a hidden transmitter/tracking device; and using razor wire to secure main access points. Shane et al. (2015: 10) find that raising the alarm had a large positive effect in reducing attacks, possible because pirates in South Asia tend to operate closer to shore and are usually armed with knives and crowbars rather than guns, which may make them feel more vulnerable to being apprehended when an alarm sounds. The use of armed private security is controversial: the rejection of their employment in their territorial waters by Malaysia and Indonesia has limited their use in Southeast Asia (Liss, 2014: 10).

Coordinated Patrols

Southeast Asian piracy dropped sharply at various times as a result of improved joint patrolling of the Straits by Malaysia, Singapore and Indonesia (von Hoesslin, 2016: 7; Strategy Page, 2015; Bateman, 2016: 6; Liss, 2014: 14; Raymond, 2009). However, it is suggested that heavy patrolling of the Malacca Strait has displaced pirate activity to the Singapore Strait and the southern South China Sea (Liss, 2014: ii, 14). In addition, von Hoesslin (2016: 2) argues that weaknesses in the way piracy is policed in the littoral countries include the failure of Malaysia, Singapore and Indonesia to resolve the 'hot pursuit' issue preventing navy boats from pursuing pirates who flee into neighbours' waters, or how best to share information about the piracy networks between countries and between marine and land-based law enforcement agencies (see also Liss, 2014: 11). Coordinated efforts include:

²⁹http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=423&PortalId=0&TabId=78

Malacca Strait Patrols

In April 2006 Indonesia, Malaysia and Singapore launched the Malacca Strait Patrols to combat pirate attacks in the strait (Collin, 2016; Liss, 2014: 10).³⁰ Thailand also joined in 2008 (Walje et al., 2016b; Lee and McGahan, 2015: 530). This comprises of the Malacca Strait Sea Patrol (formerly MALSINDO), which involved coordinated patrols taking into account mutual respect for national sovereignty; an aerial patrol component dubbed “Eyes-in-the-Sky” (EiS); and the Intelligence Exchange Group (Collin, 2016: 3; Asariotis et al., 2014b: 49-50; Bateman, 2016: 11). A Joint Coordinating Committee was tasked with the responsibility for overseeing the patrols and facilitating communication, intelligence exchange and coordination (Collin, 2016: 3; Walje et al., 2016b). The patrols have coordinated and responded promptly to piracy incidents in the regional waters and successful incidents have been reduced (Collin, 2016: 3; Asariotis et al., 2014b: 50; Liss, 2014: 14). The Malacca Strait Patrols have been held up as a model for addressing the Gulf of Aden piracy problems (Collin, 2016: 3).

Indonesia-Singapore Coordinated Patrol

In 1992, the Republic of Singapore Navy, the Singapore Police Coast Guard, the Indonesian Navy and the Indonesian National Police established the Indonesia-Singapore Coordinated Patrol to coordinate patrols and deter sea robberies in the Singapore Strait (Walje et al., 2016b).

Malaysia-Indonesia Coordinated Patrols

The Malaysian and Indonesian maritime agencies hold biannual coordinated patrol events (Walje et al., 2016b).

Reporting and information sharing organisations

The Information Fusion Centre (IFC) –located in Singapore – hosts International Liaison Officers from regional and non-regional navies and coastguards, as well as personnel from the Singapore Navy to help boost cooperation and information-sharing efforts (Walje et al., 2016b). In addition, the International Maritime Bureau Piracy Reporting Centre (IMB PRC), and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Centre (ReCAAP ISC), together with regional Maritime Rescue Coordination Centres, provide vital support to the maritime industry through incident alerts, reporting, operational response, and incident statistics and analysis (Walje et al., 2016b).

An expert points out that the need to keep face leads to a reluctance to report on piracy, which inhibits an effective response to it (expert comment).

Quick response teams

In the summer of 2015 Malaysia and Indonesia established quick response teams to improve response times and better deter robbery in the Straits of Malacca and Singapore (Walje et al., 2016b). The Malaysian Special Task and Rescue (STAR) team and Indonesian Western Fleet Quick Response Team are specifically tasked with providing a maritime response to reported incidents of piracy and robbery against ships; while the STAR Team also provides on-board security for select merchant vessels on a case-by-case basis (Walje et al., 2016b). Cooperation between these two nations led to the arrests of several gangs towards the end of 2015 (Walje et al., 2016b).

³⁰ Followed on from the MALSINDO (Malaysia-Singapore-Indonesia) patrols which started in July 2004 (Lee and McGahan, 2015: 530). These patrols were initiated in part to prevent pressure from the international community to allow them to bring their own patrols into the straits (Lee and McGahan, 2015: 547-548).

Maritime Enforcement Agencies

The Malaysian Maritime Enforcement Agency became operational in 2005 and an expert suggests that they have been effective in being spontaneous in their patrols and actions, avoiding spotter operations for criminal groups, which gives potential pirates the feeling that they could be caught as they do not know exactly what the law enforcement agency is doing or where they will be (expert comments). On the other hand, Singapore's agencies are predictable and Indonesia's agencies are either overtly corrupt or highly predictable (expert comment).

Regional cooperation

The State of Maritime piracy report attributes the steep decline in piracy attacks in the second half of 2015 to cooperative regional measures in maritime patrolling, information sharing, incident response, arrests and prosecutions (Walje et al., 2016: 1, 4; Walje et al., 2016b). In addition, effective cooperation between regional states and the shipping industry has resulted in the publication of comprehensive industry guidance (Walje et al., 2016: 4; Walje et al., 2016b; ReCAAP ISC, 2016: 22). However, cooperation between states often remains limited due to concerns about sovereignty, and direct 'foreign' involvement has been viewed with suspicion and refused (Liss, 2014: ii, 10-11). von Hoesslin (2016: 20) suggests that Indonesia 'seems unwilling to cooperate any further as it may expose blind spots in their intelligence gathering or corruption in their law enforcement agencies'.

Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) agreement

The Japanese-initiated ReCAAP is a mechanism designed to enable the quick organisation of assistance if a vessel comes under attack, and came into force in 2006 (Pristrom et al., 2016: 198; Asariotis et al., 2014b: 44). States are required to prevent and suppress piracy and armed robbery against ships, including seizing ships used by pirates (Asariotis et al., 2014b: 44). There is also an information sharing centre to better understand the situation and alert states of imminent threats (Asariotis et al., 2014b: 45). The ReCAAP coordination and information sharing has been credited with making a significant contribution to countering piracy and sea robbery in the region (Bateman, 2016: 6; Raymond, 2009). However, von Hoesslin (2016: 2) suggests that in the ten years it has existed it has been unable to harmonise diplomatic relations with the two most influential littoral states, Malaysia and Indonesia, and has achieved little in terms of information sharing (see also Lee & McGahan, 2015: 530, 542). In addition, it has failed to take into consideration other maritime transnational criminal issues such as smuggling, cargo theft and illegal fishing, and has downplayed incidents of hijackings for fear of diplomatic embarrassment (von Hoesslin, 2016: 2). The increase in attacks between 2010 and 2011 may also have been due to complacency after the success of the early years of ReCAAP (Pristrom et al., 2016: 198).

Prosecution and imprisonment

Walje et al. (2016b) note that an increased law enforcement presence in the most affected waters, particularly by Singapore, Indonesia, and Malaysia, had contributed to the decline in piracy in the second half of 2015. Tighter government control and local policing onshore also helped to reduce attacks between 2004 and 2009 (Bateman, 2016: 6; Liss, 2014: 14).

Better policing onshore has also been helpful (expert comment). Large cargo thefts are more likely to lead to trails that police and intelligence agencies can follow (Strategy Page, 2015). The arrest of gang members and kingpins, including organisers/financiers behind hijackings, has been important in discouraging piracy (Walje et al., 2016b; ReCAAP ISC, 2016: 20). Regional coordination – whereby authorities in different countries inform each other of incidents – has aided this, ensuring that pirates can be arrested as they cross into other waters (Walje et al., 2016b). Regional efforts leading to key arrests in oil theft syndicates across various countries, along with lower oil prices, have reduced capability and intent of piracy aimed at oil theft, for example (Walje et al., 2016b; von

Hoesslin, 2016: 20). Small time pirates may find it easier to 'disappear', although targeting the middlemen who buy and sell on the stolen goods they 'supply', such as portable electronic items, may help catch these pirates (strategypage, 2015).

Tackling corruption

Southeast Asian piracy dropped sharply up to 2009, as a result of a Chinese government crackdown on illegal imports, as much stolen cargo was being disposed of there; as well as an anti-corruption drive in Indonesia which curtailed the domestic political cover which had allowed the pirates to operate largely unchecked (von Hoesslin, 2016: 1, 7; Liss, 2014: 5).

Tackling community attitudes

The Indonesian navy has launched a campaign involving local police and regional administrators in villages believed to be hotbeds for attacks. It aims to raise awareness of the crime of piracy to encourage people in these villages to not participate should they be approached to rob or hijack ships (ReCAAP ISC, 2016: 23).

Oil prices

von Hoesslin (2016: 20) argues that the 2015 and 2016 decline in piracy is primarily a market price phenomenon as a result of the low prices of crude palm and gasoil which make it less economic to hijack due to the significant overhead and upfront investment costs demanded by the pirate boarding teams.

Impact of the 2004 tsunami

The fall in attacks from 2004 to 2009 has been attributed to a variety of factors, including the destruction of small craft used for attacks and of coastal villages where pirates were based as a result of the tsunami in December 2004 (Bateman, 2016: 6; Liss, 2014: 14; Raymond, 2009).

Improved political situation

Another reason for the fall in attacks from 2004 to 2009 was the peace agreement between the Indonesian Government and the Gerakan Aceh Merdeka (GAM) movement, who had been attacking ships to raise funds (Bateman, 2016: 6; Liss, 2014: 14; Raymond, 2009).

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6. Appendix 1 – Piracy incidents in 2016³¹

The online live map shows all piracy and armed robbery incidents reported to IMB Piracy Reporting Centre during 2016. If exact coordinates are not provided, estimated positions are shown based on information provided. It is possible to zoom-in and click on the pointers to view more information of individual attacks. Pointers may be superimposed on each other.

The screen shots show piracy incidents in 2016 up until the 16th September 2016.

 = Attempted Attack  = Boarded  = Fired upon  = Hijacked  = Suspicious vessel



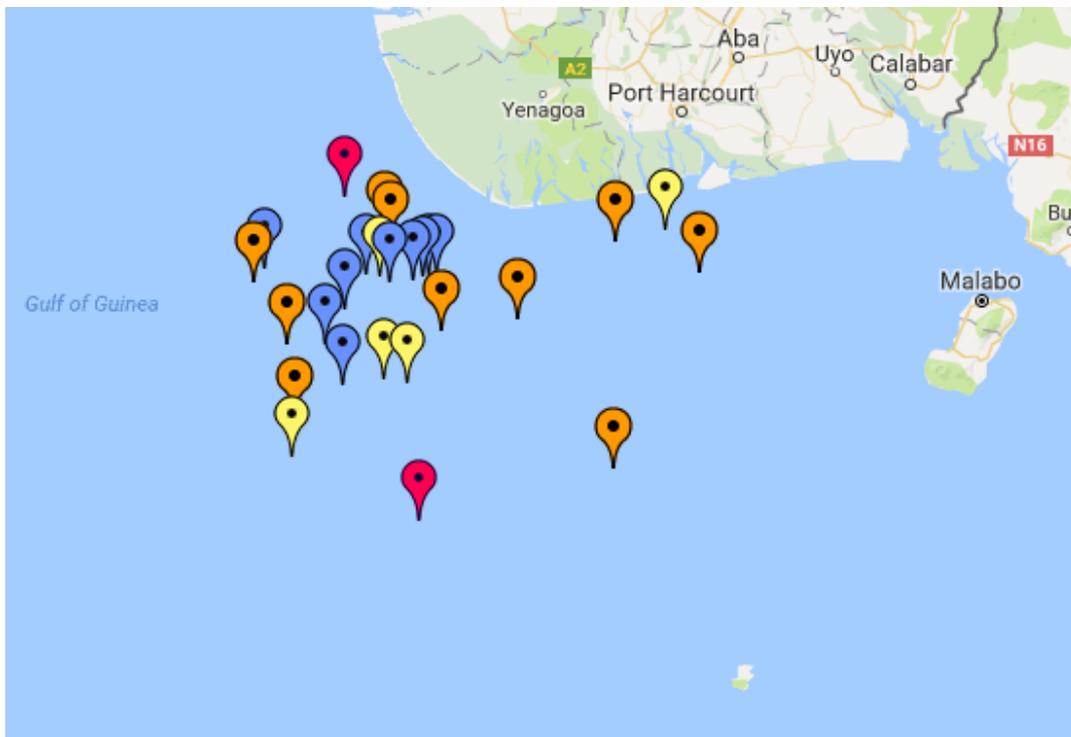
³¹ Data retrieved from: <https://www.icc-ccs.org/piracy-reporting-centre/live-piracy-map>. Accessed 16/9/16

Piracy incidents in West Africa in 2016

Overview:

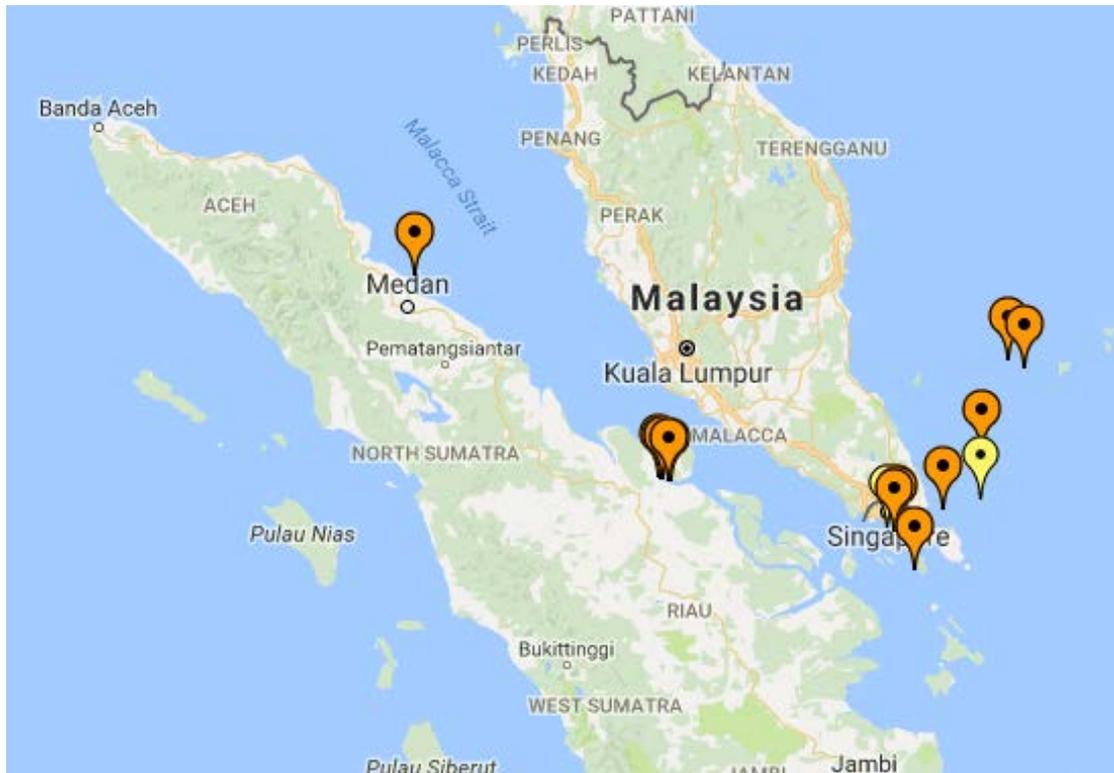


Close-up:



Piracy incidents in the Strait of Malacca

Overview:



Close-up:



Piracy incidents in the Horn of Africa in 2016

Overview:

