

SOUNDINGS



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Examining Maritime Insecurity in Eastern Africa

Raymond Gilpin

A spate of escalating hijackings in and around the east African coast between 2005 and 2012 thrust the Horn of Africa into the global spotlight and triggered an unprecedented international response. Maritime insecurity (dubbed ‘piracy’ by the media) raised concern in many quarters, not just because of the serious human, financial, economic and political costs to the region, but also because of potential geo-strategic implications. On the one hand, increasing unrest in this region could play into broader regional insecurity because of the potential for groups involved in maritime hijackings to forge alliances with violent extremist groups in the sub-region. There is also the possibility that the international response (which included the deployment of international naval assets in and around the Horn of Africa) could set the stage for superpower and proxy conflicts in the region. This paper starts by analysing the causes and consequences of maritime insecurity in eastern Africa. It goes on to examine the manifestation, progression and evolution of maritime crime, before exploring some geo-strategic implications. A list of policy recommendations are proposed in the closing section.

Causes of Maritime Insecurity

Hollywood and media accounts describe maritime crime as piracy and conjure romanticised notions of 18th century swashbuckling pirates and buccaneers. This is inaccurate, both legally and in practice. According to Article 101 of the *United Nations Convention on the Law of the Sea 1982*, piracy refers to maritime crime occurring on the high seas, or outside the maritime domain of sovereign states.¹ Maritime crime in eastern Africa occurred within and outside the territorial waters of sovereign states. Furthermore, the practice of piracy in the 18th century differs significantly from what transpired in eastern Africa. Historical accounts describe pirate groups as being relatively egalitarian with crews voting on which vessels to target, the spoils being shared equally and *de facto* insurance policies available for wounded members.² Groups in eastern Africa (predominantly Somali) were highly structured, with violence franchised out to desperate, unemployed youth who were at the bottom of the pyramid.³ The main beneficiaries were the financiers, boat owners and negotiators.

The underlying causes of maritime insecurity in eastern Africa are nebulous and triggers are debatable. There is some consensus that instability and political violence in Somalia (which was the epicentre of maritime insecurity) eventually spilled from land to the maritime domain, as dominant Somali clans vied for control and access to the spoils. Somalia has not had a stable government since the fall of the Siad Barre regime in 1991. The Transitional Federal Government (TFG), installed in 2003, has hardly ever been able to project its authority beyond the southern capital city of Mogadishu. Violent inter-clan rivalry has typified that country’s landscape for most of its recent history, with each clan protecting its territory - including the maritime domain. Consequently, maritime domain awareness in and around Somalia was minimal. This made it easy for local and international criminals to perpetrate a wide range of crimes with impunity.

Poachers from Asia and Europe took advantage of the weak government and increased poaching activity in Somalia’s territorial waters. By the mid-2000s Somalia was effectively divided into three: the semi-autonomous Somaliland in the north; Puntland in the east; and the region controlled by the TFG in the south. Somaliland responded to international poaching by enhancing law enforcement and community policing. The TFG-controlled region did relatively little. While Puntland’s initial strategy to engage foreign private military firms fell apart and led to the emergence of self-styled Somali naval defence groups, ostensibly to deter foreign poachers. These groups quickly realised that apprehended vessels paid lucrative ‘fines’ and their numbers grew, primarily from Puntland’s Darod clan.

Poverty and unemployment have also been cited as possible causes for maritime insecurity. Social and economic indicators in Somalia are very poor and the vast majority of its youthful population is

unemployed.⁴ This partly explains why young men queued to join maritime criminal groups. While some young Somalis saw this as a potential career track, yielding fast money, others joined the groups in the hope of earning enough to pay human traffickers for a trip to Europe. Desperation and grossly inadequate opportunity certainly played a role in fuelling maritime crime, but do not provide the whole story. It also does not explain clan differentiation in the incidents of maritime crime.

Maritime crime also included the smuggling of narcotics (principally khat), people, arms/weapons and coal.⁵ Most of these activities not only predated the spate of hijackings, they also fuelled and sustained maritime insecurity. The groups responsible for such activity facilitated the operations of the hijackers and contributed to their success. Thus, the existence and control of the clan-based militia responsible for the upsurge in maritime crime between 2005 and 2012 contributed to the proliferation of groups engaged in maritime crime. The only lull in their activity during this period occurred during the six months in 2006 when the al Qaeda-linked Union of Islamic Courts wrested control of Somalia and outlawed maritime crime.⁶ Some researchers found that while the Union of Islamic Courts banned ‘piracy’ they were involved in smuggling and ‘taxing’ international trade. In effect, one group of maritime criminals was replaced by another, albeit temporarily.

It is impossible to identify a single explanation for maritime insecurity in eastern Africa. The various narratives are collectively reinforcing. State fragility created the conditions within which impunity thrived and populations lost hope. Both foreign poachers and local clans took advantage of this weakness and triggered ever-increasing waves of maritime crime. The fact that both local and international firms and individuals generally found it easier to pay ransoms sustained and emboldened the gangs of maritime criminals, who increased in sophistication and lethality over time.

Evolution and Consequences

East Africa’s maritime hijacking enterprise is an adaptive and opportunistic phenomenon that leverages local discontent to trigger and sustain criminal activity. A layered array of participants franchise violence, facilitate logistics and coordinate financing. Recent trends could be divided into three phases: the early 2000s to 2012, the heyday of maritime crime; 2012 to 2014, the lull following a coordinated international intervention; and 2015, showing initial signs of a resumption of hijackings.

Location	Affiliation
Eyl	Isse Mahmuud and Leelkase, Darod clan
Garaad	Omar Mahmuud, Darod clan
Hobyo	Habargedir (Saad, Ayr, Suleiman), Hawiye clan
Harardhere	Habargedir (Ayr, Sarur, Suleiman), Hawiye clan
Mogadishu	Habargedir (Ayr), Hawiye clan

Table 1: Main Piracy Networks in Somalia⁷

When hijackings started in the early- to mid-2000s, they occurred close to the Somali coast and they were perpetrated by amateurish groups with names like: Central Somalia Coast Guard, the National Volunteer Coast Guard, and the Somali Marines. Their main areas of operation were the coastal villages of Eyl and Garaad in Puntland, and the coastal villages of Hobyo and Harardhere in the central area of Somalia (see Table 1).⁸ They operated in small clan-based groups and the average ransom payment did not exceed US\$100,000. The success, ease of entry and absence of the rule of law attracted more sophisticated groups and by 2012 the average ransom payment was more than

US\$3 million.⁹ Total ransom payments between 2005 and 2012 have been estimated at roughly US\$500 million.

Participation in maritime crime grew in sophistication and size during the second half of the 2000s. Operations expanded from single skiffs, to groups of cooperative skiffs and, eventually, to skiffs services by motherships on the high seas. As Figure 1 illustrates, their range increased annually from the Somali coast in the Gulf of Aden in 2005 almost to India by 2011. This expansion helped transform the hijackings from an east African problem to an issue of global concern. Another transformative factor was the shift from targeting fishing trawlers to attacking shipping, recreational and cargo vessels traversing this important international shipping lane.

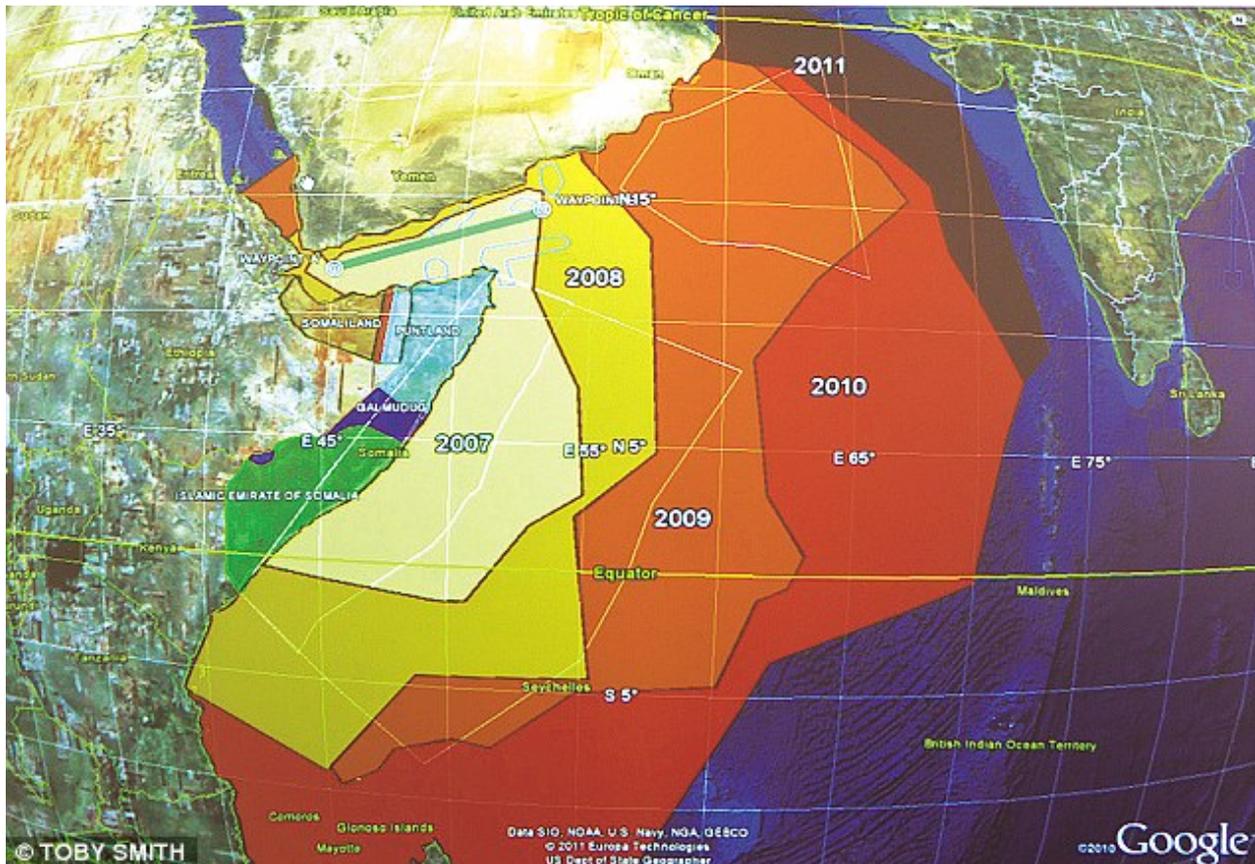


Figure 1: The Expansion of Maritime Hijacking in East Africa (Daily Mail)¹⁰

By 2012, hijackings and maritime insecurity in and around the Horn of Africa had ground to a halt, partly because of the role of international naval forces deployed in the region, partly because of the role of regional peacekeeping troops from the African Union Mission in Somalia (AMISOM) and partly because of intense diplomatic initiatives to broker peace and promote stability in Somalia. Clan militia were disbanded and ocean-going vessels used in hijacking raids were grounded. Efforts were made to invest in communities and provide alternative sources of employment for Somalia's youth. The beginning of the third phase could be traced to March 2015, when Somali hijackers attacked two Iranian-flagged fishing vessels, overpowering one (*Siraj*) and taking it to shore.¹¹ A Thai fishing vessel was attacked later in the year. Clan and militia leaders express frustration at the continued dearth of economic opportunities and accuse the international navies deployed in the region of focusing on crime committed by Somali nationals but turn a blind eye when international poachers steal Somali fish.¹² Apparently, the security guaranteed by regional and international forces was exploited by poachers, who returned to the region in force, much to the chagrin of local Somalis.¹³ Experts believe that maritime insecurity in eastern Africa could be approaching a tipping point.

According to World Bank estimates, hijackings and maritime crime in eastern Africa cost the global economy approximately US\$18 billion annually by 2010; the equivalent of a 1.1 per cent ad valorem tax on all goods traded through the Gulf of Aden.¹⁴ Growing instability in this region led to a significant hike in insurance rates, from US\$500 per trip in 2008 to US\$20,000 in 2009.¹⁵ Regional economies also suffered. The Kenyan economy lost an estimated US\$300 million annually because of maritime insecurity.¹⁶ Research by the United Nations Office for Drugs and Crime (UNODC) and the International Organization for Migration (IOM) identify a link between the hijacking groups and an increase in human trafficking in the region.¹⁷ Human traffickers are estimated to have earned as much as US\$15 million annually, with some of the trafficked women being identified for ‘pirate consumption’.¹⁸

While some point to the number of local Somali businesses that benefited from the proceeds of ransom payments (for example, through the provision of goods and services for the groups and their hostages), it is clear that the net effects on Somali society were not positive. Violence increased, politics became more fractured, poverty deepened, social investment hardly improved and capital investments created real estate bubbles. Somalia’s neighbours and international partners intervened on land and sea in a bid to restore order and prevent a deeper regional crisis. Questions could, however, be asked about potential geo-strategic ramifications of these responses (and continued instability in Somalia).

Regional and International Responses

Regional Responses

Recognising the mounting direct and indirect costs of maritime insecurity in eastern Africa, neighbouring states and regional organisations took steps to help prevent attacks and respond to incidents effectively. At the strategic level, the African Union adopted the *2050 Africa Integrated Maritime Strategy* in 2012 to provide a comprehensive framework that would ‘to foster more wealth creation from Africa’s oceans, seas and inland water ways by developing a thriving maritime economy and realizing the full potential of sea-based activities in an environmentally sustainable manner.’¹⁹ This was followed by the Intergovernmental Authority on Development’s (IGAD) draft *Integrated Maritime Safety and Security Strategy* (2030), which built on the African Union’s strategy with a specific action plan to enhance maritime security by focusing on improving governance, transport, security, law enforcement, fisheries, search and rescue, training, and economic development.²⁰ While these initiatives provided a strategic framework, most organisations and states lacked the capacity, resources and political will to implement them fully.

The International Maritime Organization sponsored the adoption of the Djibouti Code of Conduct concerning the *Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden*, signed in January 2009, to focus specifically on countering the threat of piracy. The Code of Conduct facilitates cooperation among naval forces of its 20 signatories in efforts to counter piracy.²¹ In May 2014, signatories agreed to begin transferring the implementation of the Djibouti Code of Conduct from the IMO to a new regional structure that would define a counter-piracy agenda for the region.²² Critics contend that the focus on piracy, without taking a broader view of maritime insecurity will not be enough to develop capabilities like the coastguard to police sovereign waters. Reforming law enforcement agencies on shore is essential to enhancing maritime security.

International Responses

The emergence of piracy as a significant threat to merchant vessels prompted several extra-regional powers to send national or multinational counter-piracy escort forces, after the UN Security Council adopted a series of resolutions in 2008, including Resolution 1816 in June 2008 authorising ‘all necessary means’ to counter the threat of piracy.²³ Table 2 provides a list of participating naval forces.

Country/Name	Since	Area of Responsibility	Comments
Combined Task Force (CTF) 151	January 2009	Horn of Africa (minus the Gulf of Aden) and east African coast	US-led multinational task, created in 2009 when it was determined that CTF 150, which focused on terrorism, could not deal with piracy which was more of a law enforcement issue.
EU NAVFOR - Operation ATALANTA	December 2008	Southern Red Sea, the Gulf of Aden and a large part of the Indian Ocean, including Seychelles, Mauritius and Comoros.	European Union naval task force. On 21 November 2014 the EU Council extended the mandate for Operation ATALANTA to December 2016. The force includes medium- and long-range maritime aircraft in addition to ships, to extend the scope of operations.
NATO Operation OCEAN SHIELD	August 2009	Horn of Africa and the western Indian Ocean up to the Strait of Hormuz.	Since January 2015, NATO forces have shifted to a 'focused presence', ie deployment primarily during the inter-monsoon season (when most piracy incidents occur).
Chinese naval escort taskforce	2008	Gulf of Aden and Horn of Africa	The 20 th task force deployed in April 2015. It includes a missile destroyer, a missile frigate, and a supply ship. It is equipped with two helicopters and reportedly includes a submarine.
Republic of Korea naval escort task group	March 2009	Gulf of Aden	ROK forces have deployed independently or as part of CTF 151. The most recent deployment was over March-December 2014.
India	October 2008	Gulf of Aden, Seychelles, west Indian coast	Since 2012, India, China and Japan have evolved a cooperative mechanism to deconflict schedules between their respective convoys.
Japan	March 2009	Gulf of Aden	Japan's naval forces first contributed independently, and since December 2013 as part of CTF 151.

Table 2: Deployments by international navies in Eastern Africa²⁴

International partners and organisations recognise that maritime security in eastern Africa requires much more than a naval presence. They are also committed to providing assistance building for national capacity, developing and implementing comprehensive strategies, harmonising legislative and regulatory arrangements, and improving interagency and regional coordination. For example, UNODC conducts programs to bolster national capacity in east African littoral states, including the Maritime Crime Programme - Horn of Africa which supports Somali law enforcement in South Central Somalia, Galmudug, Puntland and Somaliland by working with marine police at a local level.²⁵ The US Navy's Africa Partnerships Station visits focus on long-term capacity building programs.²⁶ Through its Critical Maritime Routes program, the European Union has developed projects that include the Critical Maritime Routes in the Indian Ocean, the Critical Maritime Routes Monitoring, Support, and Evaluation Mechanism, and the Critical Maritime Routes West Indian Ocean project. EUCAP Nestor is an EU program for Regional Maritime Capacity Building Mission in the Horn of Africa and the western Indian Ocean. Through this civilian mission, launched in July 2012, the EU seeks to strengthen the capacity of local states to fight maritime crime, especially piracy 'from crime to court'.²⁷ The Africa Center for Strategic Studies has worked closely with

regional organisations and senior representatives to support the development and implementation of regionally-owned strategies to improve maritime security by focusing on the root causes, deterring crime and effectively prosecuting criminals. The Center has supported the development, harmonisation and implementation of regional initiatives, like the Djibouti Code of Conduct.²⁸

Potential Geo-Strategic Implications

The east African coastline, including the Gulf of Aden, is an important transit point for the trade in petroleum products and manufactured goods between Asia and Europe/US. Heightened insecurity in this region could increase costs and impact trade, adversely. A consequent reduction or diversion of trade could harm the trading partners, as well as regional states that depend on transshipment fees and other levies. For example, transit fees from the Suez Canal are a major foreign exchange earner in Egypt. Major ports like Mombasa depend on an increasing volume of freight traffic to survive. Reductions in trade are potentially destabilising for key anchor countries in the sub-region; some of which are regional economic hubs and others are major contributors to regional peacekeeping missions.

To be successful, maritime security initiatives must also focus on the security on land. In the case of eastern Africa, this involves steps to provide a lasting solution to the causes of political violence and persistent instability in Somalia. Some progress has been made (particularly after the deployment of African Union peacekeeping forces, AMISOM, and concerted, muscular diplomacy by regional and international partners). However, the violent extremist group al Shabaab has used the deployment of the multi-nation AMISOM force in Somalia as a pretext to launch terrorist attacks in neighbouring Kenya, most notably the Westgate Mall in 2013 and the massacre at Garissa College in 2015.²⁹ The region's proximity to unstable regimes, like Yemen, and violent extremist groups in the Arabian Peninsular and Middle East make it particularly vulnerable. Efforts to ensure and enforce maritime security must be mindful of the potential for extremist groups to be spoilers.

Maritime insecurity in eastern Africa is a regional phenomenon. Somali-based groups have been known to operate outside Somalia's territorial waters, both on the high seas and in neighboring jurisdictions. Thus, any strategy or approach to addressing the problem should also be regional, preferably involving or incorporating regional naval forces. According to the International Institute for Strategic Studies, naval and coastguard capabilities of littoral states in this region are grossly inadequate.³⁰ Furthermore, there are no effective mechanisms to enhance sub-regional communication, information sharing or legal/judicial collaboration. This explains the conspicuous absence of African forces and vessels in the international naval response to maritime crime in eastern Africa. The non-representation of African troops does not augur well for ownership or sustainability, leaving the region vulnerable to a resurgence of maritime crime and coastal states ill-equipped to forestall an escalation. Long term dependence on international assistance is not a viable strategy.

The international naval presence in and around the Gulf of Aden has been a source of discomfort in some quarters. While most observers welcomed the collaboration that led to a precipitous reduction in hijackings and other maritime crime in eastern Africa between 2010 and 2012, some questioned the duration of the respective deployments and worried about the possibility of future disagreement/conflict among deployed forces. This is why China's decision to establish a military base in Djibouti raised many eyebrows.³¹ The Chinese Premier Xi Jinping maintains that the naval outpost to be located in Djibouti's northern Obock region, will serve as a logistics hub for Chinese naval vessels engaged in counter-piracy operations. He described it as part of China's 21st Century Maritime Silk Road, designed to facilitate and expand trade.³² However, many perceive military intent on the China's part. One school of thought suggests that the new Chinese base is being established as a counterweight to US and French military bases in Djibouti, while others believe it might be part of what was known as China's 'string of pearls' strategy, which involves the establishment of Chinese naval outposts across the Indian Ocean.³³ Whatever the justification for

the new Chinese outpost, it does represent an increased international militarisation of the Gulf of Aden, with the potential for increased geo-strategic tensions.

Concluding Recommendations

A safe and secure maritime environment in eastern Africa bodes well for socio-economic and political stability in the Horn of Africa, and could have broader regional and global ramifications. The causes of recent, current and potential unrest are multifaceted. However, in spite of their diversity they are inter-connected and collectively reinforcing. This suggests that the problem should be viewed as a complex whole and that solutions should be comprehensive. The following recommendations should not be viewed in isolation, but as part of a cohesive whole.

- **Stability in Somalia is key.** Political stability in Somalia will help establish the rule of law on land and sea. Citizens are more likely to be vested in stability if they view the government as representative, accountable and a viable provider of security and social services. External partners should focus on supporting ongoing peace initiatives, strengthening state governance and oversight institutions, and reducing state fragility. Earnest diplomacy, targeted foreign assistance and citizen-centric security are crucial in this regard. External partners must be committed to supporting a sustainable solution for the long haul.
- **Local communities should be engaged productively and sustainably.** Somali clans have been involved in perpetrating crime and violence in the maritime domain, directly and indirectly, and have been vilified by a number of commentators and analysts. However, they are essential if a lasting solution is to be found. Mechanisms should be put in place to involve them in the design, development, implementation and monitoring of maritime security solutions. Naturally, this will involve substantial capacity building, institution building, support, mediation and social investments at the community level. While this could be challenging (since most external support is not designed to be implemented at the community level), the peculiar socio-cultural circumstances in Somalia demand such an approach.
- **Strengthen regional capacity to prevent and deter maritime crime.** Effective regional capacity is essential if maritime crime is to be addressed sustainably. This requires urgent transformational change in the east African security establishment. Naval and coastguard capacity should be strengthened by focusing on holistic training, doctrine, equipment and human resources. Current approaches focus on a ‘train and equip’ model that is often short-sighted and short-term. National governments and their international partners should embark upon a long-transformation of naval capacity that would ensure effectiveness, efficiency, flexibility, accountability and sustainability at all levels. This transformational change should be nested in a wider regional strategy that would facilitate and expedite the sharing of information, doctrine and assets. Such a strategy would also clearly articulate an approach to leveraging external assistance.
- **Regional organisations and initiatives must be supported.** The African Union and regional organisations, like IGAD, have taken bold steps to be at the vanguard of maritime reform in eastern Africa. Unfortunately, they lack adequate skills, capacity and resources to effectively implement their regional maritime security strategies or the codes of conduct they adopt. They are also hamstrung by tepid political will in some member nations. Rather than duplicate or supplement regional efforts, external partners should seek to enhance capacity in these institutions and support diplomatic overtures.
- **Codes and regulations should be harmonised and implemented.** Eastern African countries are signatories to most relevant maritime codes and conventions. What they need is the political will to implement them and the resources/skills to establish effective institutional mechanisms. Harmonisation is a useful first step, ensuring that all parties are on the same page. Frameworks like the *Gulf of Guinea Maritime Security and Criminal Justice Primer*, developed by the Africa Center for Strategic Studies in collaboration with the US State Department, could be developed

for eastern Africa as a way to rationalise the various codes and provide clear guidance on their use and applicability. A first step in effective implementation is political will. This would be easier to garner in some countries than others. Regional organisations should be supported to work with political, economic and cultural leaders to build political will.

- **International support must be adequate, coordinated and time-bound.** International support for maritime security in eastern Africa has included capacity building support, economic development programs, security assistance and naval deployments. This has come from a number of international partners, some of whom may have conflicting objectives. Coordinating international assistance would help minimise gaps and ensure that essential functions are adequately supported for as long as necessary. Establishing a coordination and communications cell, preferably in a regional organisation, would be most helpful. There is also the possibility that a sustained naval presence by potentially competing entities could become a flashpoint in the region. External partners should consider articulating an exit strategy, so they are not viewed with suspicion as a permanent fixture.

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