



**Gulf Research Center**  
Knowledge for All

# **Piracy: Motivation and Tactics**

## **The Case of Somali Piracy**

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First published 2009  
Gulf Research Center  
Dubai, United Arab Emirates

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ISBN: 9948-434-80-3

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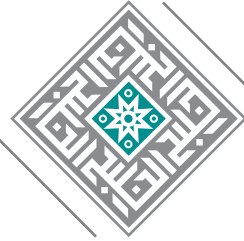
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Abdulaziz O. Sager  
Chairman  
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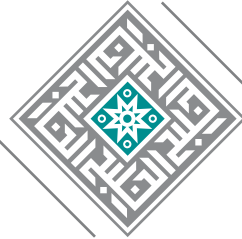
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## Introduction<sup>1</sup>

Piracy is an age-old phenomenon that has affected many parts of the world. During the last few decades, most acts of piracy were concentrated in east and southeast Asia (around the Strait of Malacca and in the waters of Philippines, Indonesia, Thailand, Laos, and Vietnam). These activities were mostly classified as “highway robbery” and aimed at robbing the ships’ cargo and the crews/passengers of their valuables in a hit and run action. But they did not involve hostage taking, hijacking ships, and ransom demands.

Somali piracy activities marked a new and major development, taking the act of piracy to uncharted territories and posing a major threat to legitimate international maritime activities. In the past, “highway robbery” piracy had existed in the waters of Somalia. However, piracy emerged in a new form when illegal fishing and over-fishing in the Somali waters by foreign vessels as well as continuous internal warfare severely affected the population and deprived them of their livelihood. Pressed by the need for money and goods, some groups began to hijack ships and demand ransom. The beginning of this new phase in piracy can be traced to the year 2000.

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1. The authors would like to thank Dr. Mustafa Alani and Radhika Menon for their input, advice and patience.



# 1. Piracy – Concept, Methods and Objectives

Piracy is defined by the International Maritime Bureau (IMB) as “an act of boarding or attempting to board any ship with apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act.” Piracy could manifest in two forms: criminally-motivated piracy and politically-motivated piracy. We will term the first as ‘criminal piracy’ to distinguish it from the second, which we will call ‘terrorist piracy.’ In both cases of piracy, similar tactics or methods are employed but the objectives differ.

## 1.1 *Criminal Piracy*

Criminal piracy could be carried out either by an organized or unorganized group. Therefore, it cannot always be classified as part of organized crime activities as in a few cases “opportunists” have taken advantage of unstable or unsecured environments to carry out piracy activities. Criminal piracy is primarily driven by the desire for financial and material gains and has no ideological or political dimensions. The main objective, as in the case of other criminal activities, is to secure personal financial benefit. Some of the funds generated through the initial act of piracy could be reinvested to sustain and develop piracy activities and to enhance the operational capability of the pirates by

enlarging and improving their fleet, recruiting more personnel and obtaining new equipment.

Unlike their terrorist counterparts, criminal pirates have no ideological or political cause, and hence they are not ready to sacrifice their lives. Therefore, it is much easier to deter them if they feel that the odds are against them or the chances of carrying out a successful operation are limited.

- In most cases, criminal pirates are rather publicity shy and aim to avoid international attention that could jeopardize their operations and trigger a crackdown or retaliatory action.<sup>2</sup>
- Criminal pirates often show flexibility in negotiations and ransom demands. They usually handle the ransom negotiations purely as a ‘business deal’ involving complicated bargaining and initially ask for large amounts of money but often settle for far less. In some cases, they have released hostages even though the amount demanded or agreed upon was not fully paid. These pirates rarely declare a deadline for ransom negotiations, leaving it as an open-ended process with the aim of getting maximum financial reward with minimum risk.
- In the past, criminal pirates have generally refrained from harming hostages, intentionally causing damage to the vessel or inflicting unnecessary damage to its cargo. As their motivation is purely financial, the well-being of the hostages is one of their main bargaining chips in the negotiation process, aside from the condition of the vessel and the cargo. The vessel and its cargo are considered valuable assets, which potentially could be converted into cash in case of failure of the negotiations. Negotiators have

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2. Somali pirates seem to be an exception as they have been interacting with international media.

greater flexibility in ransom negotiations with criminal pirates because for the pirates it is not relevant who pays the ransom, just that it is paid.

## *1.2 Terrorist Piracy*

Politically motivated or “terrorist piracy” is practiced occasionally by a small number of terrorist or insurgent groups, prominent among them being the Tamil Tigers in Sri Lanka and the Abu Sayyaf group in the Philippines. Terrorist piracy, or the use of piracy tactics by political groups, has a number of motives and objectives. Some of the basic objectives include:

- Gaining a major financial source to support the militant group’s military and political activities. A successful piracy act could net many millions of US dollars in a single operation.
- Causing embarrassment to the government as it would demonstrate its inability to impose control over the state's territorial waters or the activities of its citizens.
- Attracting media attention to generate worldwide publicity in a convenient and inexpensive way
- Deterrence aiming at denying access to certain areas (area denial) by establishing a maritime no-go zone to prevent the government and other unfriendly parties from navigating in certain parts of the waters.

### **Nexus between Criminal Pirates and Terrorist/Militant groups**

To some extent, possibilities do exist of a certain degree of interdependence between criminal pirates and terrorist/militant

groups. However, in the Somali case, a clear line can be drawn between these two groups. As piracy originates and is planned on land, pirates cannot operate without a strong link to a base on shore. A successful pirate attack has to be backed up by preparation and arrangements on land both to launch the attack and later to provide a safe place to anchor the seized vessel and facilitate negotiations. Militias, warlords, insurgent groups and tribal chiefs, who are in control of coastal cities, villages and ports, provide pirates with a safe haven offering them physical protection and the logistical support they need before and after seizing the ships.

Alliances with militant or insurgent groups could help to protect the pirates from political or legal pressures and shield them from punishment and retaliatory action by local and international authorities. These groups could also meet the pirates' arms and equipment needs. There are reports of pirates collaborating with insurgents and terrorists and helping them to smuggle weapons and supplies. Some pirate groups have reportedly received arms in exchange for a share of the ransom.

At the same time, insurgents and militants could use the pirates as a source of financial support by asking them to pay "taxes" or dues in return for protection. On their part, pirates could also offer assistance to other groups by marketing the seized goods and converting assets into cash via local, regional and international networks and black markets. Further, potential cooperation between the two groups could extend to exchange of intelligence and information related to ship movements.

Nevertheless, one has to be careful in presuming the existence of broad-based cooperation on an operational level between pirates and insurgents/militants or terrorist groups. The tactics of terrorist groups are based on seeking publicity, the mistreatment of hostages,

and inflexibility in negotiations, and are, therefore, in contradiction with the preferred tactics of criminal groups, which are based on avoiding publicity and showing flexibility to secure financial gain. The nature of most criminal groups, including pirates, is to distance themselves from political or ideological causes. In this respect, there is little evidence to prove that Somali pirates have close or strong links with terrorist groups inside or outside Somalia.

## **2. Factors Facilitating Somali Piracy**

Somali piracy is the result of a number of factors, among them the illegal fishing activities and over-fishing by foreign vessels which has been taking place since the collapse of the state in 1991 left a power vacuum. The absence of state authority meant that there was no enforcement of international maritime law and regulations to protect economic resources in the state's territorial and economic zone. Fishing fleets belonging to different nations have taken advantage of the situation and a new generation of well-equipped, high-tech fishing boats have contributed effectively to the substantial depletion of fish stocks.

As Somalia's subsistence economy relies largely on fishing, declining fish stocks deprived Somalis of their main source of food and income causing strong resentment among the population. In the absence of a legal framework to protect the livelihood of the Somalis, they were left with no option but to try and disrupt the fishing activities of foreign vessels. In the beginning, Somali piracy activities, for the most part, were a simple act of protest which took the form of unorganized, spontaneous attacks carried out by a desperate group of Somali fishermen against foreign fishing boats operating around the Somali coast. Attacks did not involve boarding the ship or taking

control of it as the primary aim was to make foreign ships pay tax for the fish caught in Somali waters and to frighten the crew forcing them to depart.

When illegal fishing activities did not stop and the people started to see the profit that lay in attacking foreign fishing boats, the act of robbery turned into organized or semi-organized piracy activities. Ships were hijacked, crews and passengers taken hostage and ransom demanded, thereby making piracy a lucrative business.

Since early 2000 piracy attacks have significantly increased in frequency and intensity, and the theater of operation has been adapted for maximum success. Three factors have contributed to the rise in piracy activities along the Somali coast and the Gulf of Aden:

1. The political environment which had a number of facilitating factors like the absence of an effective government following the collapse of the Somali state and economy coupled with the impact of a long civil war and outside military intervention.
2. The geographical environment or the geographical location of the state and the nature of its terrain and coastline.
3. The legal environment which was characterized by the lack of both an international legal framework and a response mechanism to counter piracy activities.

## *2.1 Political Environment*

Somali piracy has been thriving due to the unsettled political situation in the country during the past three decades which has resulted in the disintegration of the state and the collapse of its economy. The situation has been worsened by the intense regional instability around the Horn of Africa. The ensuing security and power



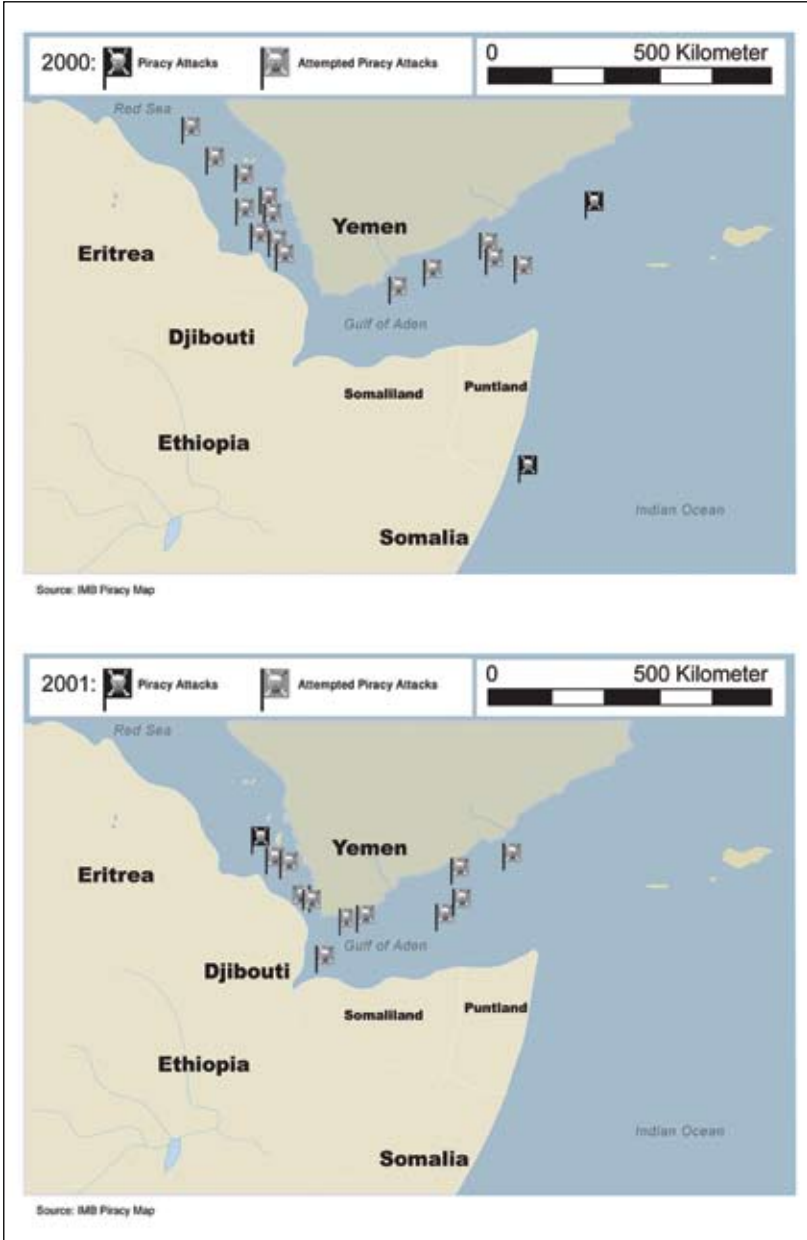
vacuum inside the state has provided ideal conditions for criminal activities to flourish, and warlords, members of local governments and tribal chiefs are suspected to be involved or benefiting, directly or indirectly, from piracy activities.

The changing locations of piracy attacks from January 2000 to December 2008 are directly linked to developments inland.

### **Stage I: Attacks Concentrated in the Red Sea: 2000 - 2002**

Between the years 2000 and 2002, the number of piracy attacks remained limited; attacks were concentrated at the southern end of the Red Sea mainly in the waters around the Djibouti coast. This can be explained as follows:

- The chances of hijacking more and wealthier cargos went up in the Red Sea and Djibouti waters when Ethiopia began to re-direct its export goods through Djibouti in 2000 as a result of increasing tensions between Eritrea and Ethiopia. With the larger number of boats traveling through Djibouti harbor, piracy attacks increased.
- In the years between 2000 and 2002, conflict both in Somalia's north (between the regions of Puntland and Somaliland) and south (in Mogadishu) was limited, which ensured that the number of piracy attacks remained low as the seeming stability allowed for a subsistence economy to exist again. The territorial rivalry between Somaliland and Puntland over the regions of Sanaag and Sool was set aside as Puntland managed to create and maintain an apparently stable administration in the region. The fighting was less intense in Mogadishu too as a result of which people were less drawn to illegal activities such as piracy, and there was hope that the newly-created Transitional Federal Government (TFG) in 2000 would generate a new period of stability.

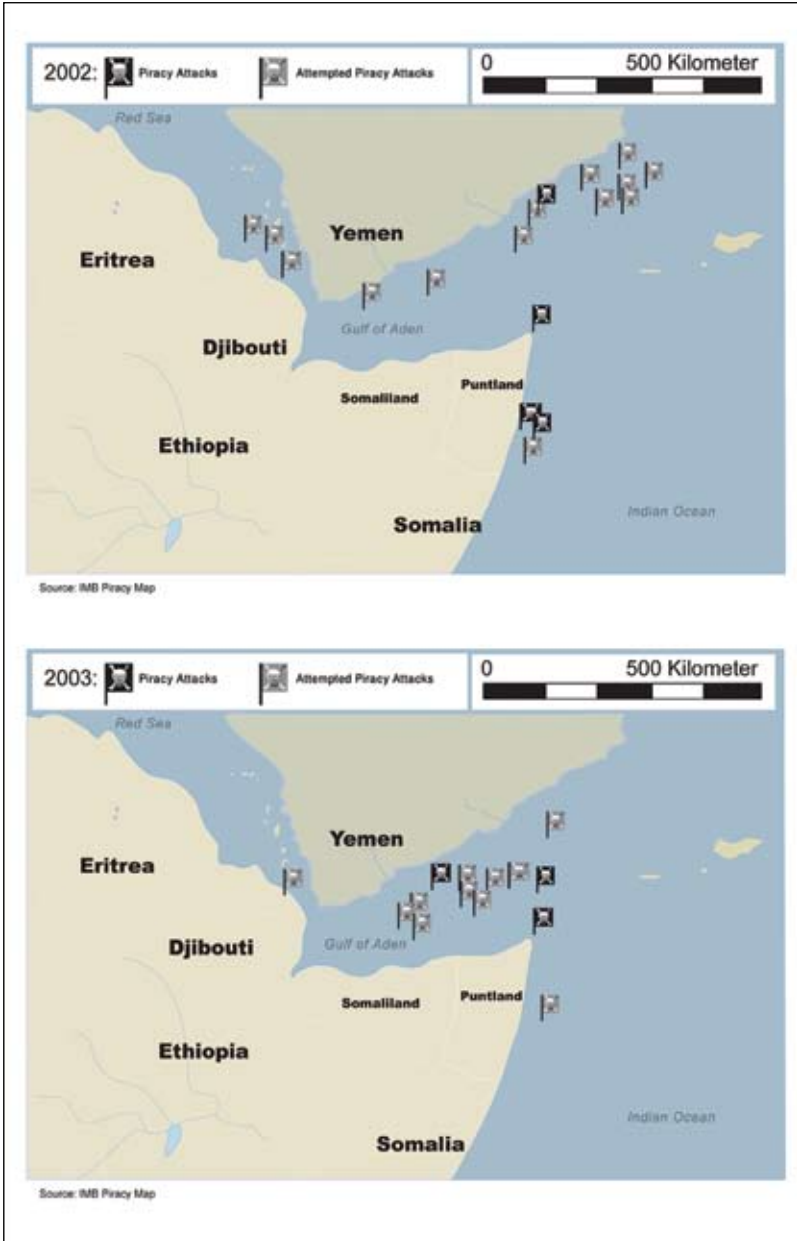


## **Stage II: Move towards the Coast of Puntland: 2002-2004**

During 2002 to 2004, there was a geographical shift in piracy activities. Pirates started to operate away from the Red Sea and Djibouti waters and closer to the coasts of the Puntland region. Simultaneously, the number of piracy attacks increased. The change of location can be explained by a rising naval military presence around Djibouti while the increasing frequency of attacks could be attributed to the renewed inland fighting that encouraged and facilitated piracy activities around Puntland and Mogadishu.

- The increasing naval military presence around Djibouti forced the pirates away from the southern Red Sea area. The Djiboutian navy augmented its operational capacity. In 2003, the Djiboutian naval forces acquired two 17 meter patrol boats, four 12 meter patrol boats and seven speed boats. The French and American naval bases in Djibouti ports and in the Red Sea waters were an additional deterrent factor even though the navies did not directly intervene to prevent pirate attacks.
- The dramatic deterioration of the situation in Puntland prompted a shift in piracy attacks to this area. A new internal conflict broke out between the local government and a rival clan and fighters had to be supplied with food and weapons. This forced the warlords to hijack ships close to the Puntland. In addition, the conflict badly affected the economy pushing the local population to look for alternative sources of income, resulting in a sharp rise in piracy attacks.

At the same time, a new front for piracy activities opened on the high seas off Mogadishu. As the Transitional National Government failed to rally the different clans, conflict sparked again, renewing the need for financial resources to sustain the conflict, depriving the population of basic goods, and forcing men to go to sea for survival.



### **Stage III: A Temporary Slow-Down: 2004-2006**

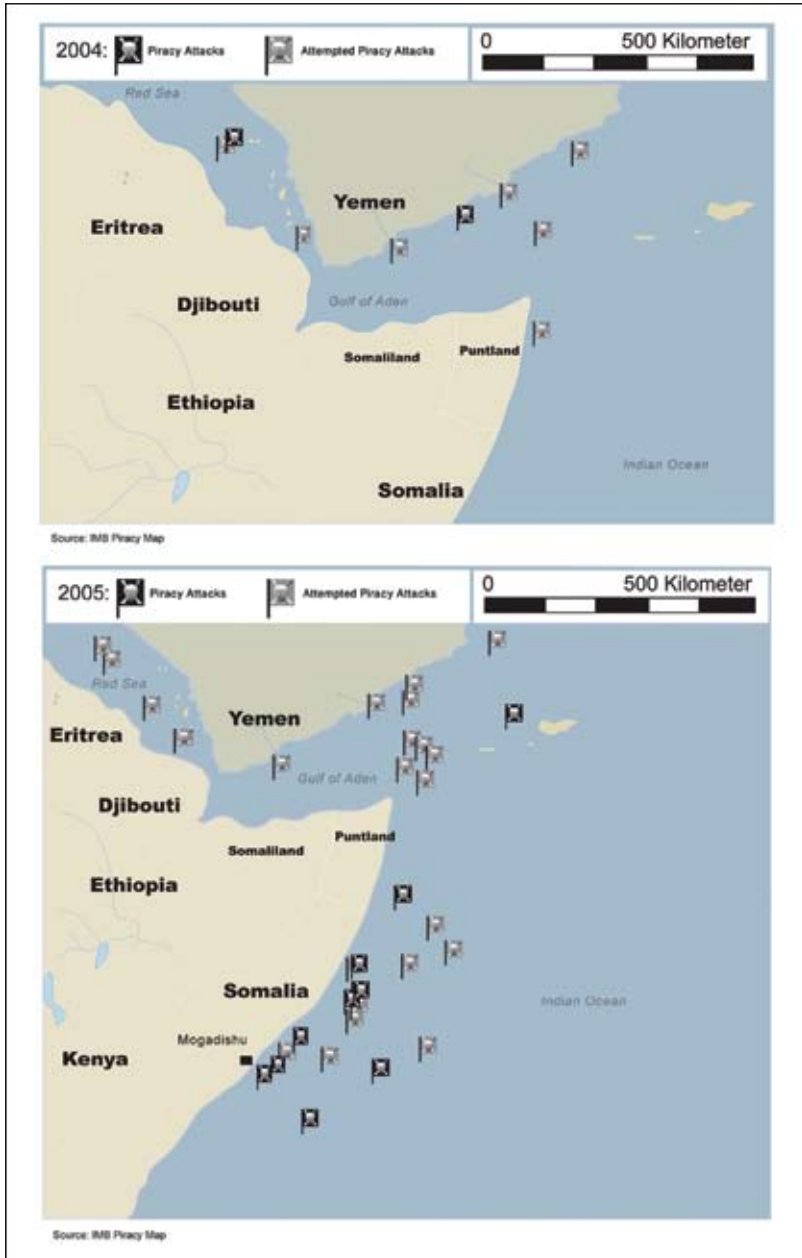
Piracy attack locations did not change during 2004 - 2006 but the number of attacks decreased especially in the aftermath of the tsunami as widespread damage was reported along the Somali coast. Boats and ports were destroyed, keeping pirates onshore for a while. However, this significant decrease could also be attributed to new internal developments:

- In 2004, following the end of the open inter-clan conflict, a new administration in Puntland proved capable of maintaining a fairly stable system and providing for the citizens. A certain level of security was restored, reducing the potential for piracy activities. However, this does not mean that all attacks were eradicated as piracy remains a profitable business and allegedly involves officials of the local government, warlords, and clan leaders.
- At the same time, piracy attacks around the area of Mogadishu were largely reduced. The weakening of the TFG's authority strengthened the power of the Union of Islamic Court (UIC). Consequently, the daily tasks of administration were taken up by the UIC which created decentralized Shariah courts and set up patrols. They successfully countered piracy until the Ethiopian invasion in July 2006 and the subsequent US strikes.

### **Stage IV: The Escalation: 2006-December 2008**

Between 2006 and 2008, piracy attacks were concentrated in two geographical areas: the Gulf of Aden, away from the Somali coast and closer to Yemen, and on the high seas off Mogadishu.

Moreover, since the beginning of 2006, the frequency and intensity of piracy attacks has continuously and steeply increased. Between 2006 and 2008, pirates have attacked more than 150 ships showing

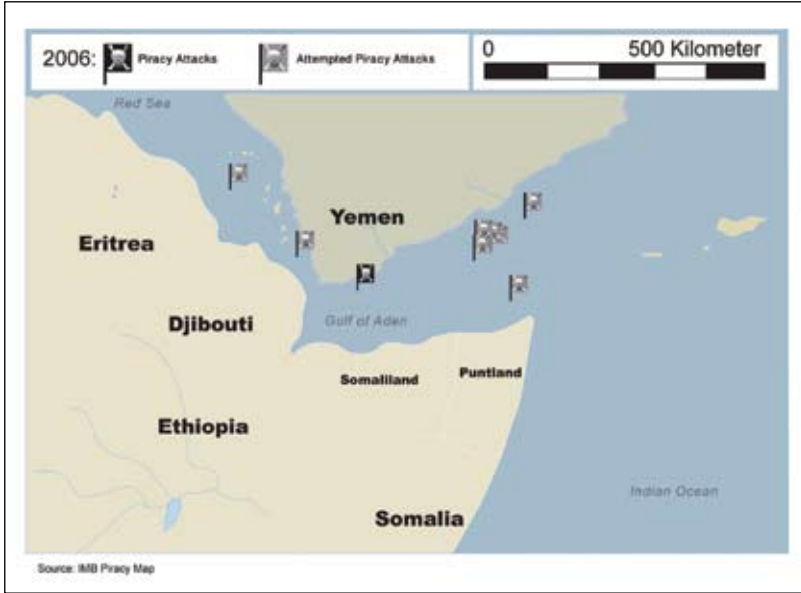


a clear increase in attacks as compared to previous years. According to the International Maritime Bureau (IMB), piracy attacks in the critical trade corridor linking the Suez Canal and the Indian Ocean increased nearly 200 percent from the year 2007 to 2008.

A number of factors explain the new geographical concentration of piracy activities and the surge in frequency of attacks:

- Concerned governments and international maritime organizations, notably the IMB, issued a number of warnings to shipping companies to stay away from the Somali coast. As a consequence, pirates began approaching boats closer to the Yemeni coast as the maritime traffic shifted to that area after the IMB recommended that ships stay clear of the 200 nautical mile (370 km) zone of Somalia. At the same time, piracy attacks increased round Mogadishu. Pirates targeted ships on high sea which were taking an alternate route via the Cape of Good Hope (South Africa).
- Internal conflict and outside intervention in Somalia encouraged piracy activities. Unable to impose control over the capital Mogadishu, the TFG and its militia invited external military help. The Ethiopian army, with the concurrence of the US, marched into Somalia in the hope of strengthening the rule of the TFG and ousting the forces of the UIC. Their concern increased as the UIC's military arm "Al Shabaab Al-Mojahid" seemed to radicalize and break away from the mainstream of the UIC, constituting an additional and more extreme faction.

The Ethiopian intervention, coupled with US strikes launched from air and sea against alleged Al-Qaeda affiliated terrorists, revived the conflict, taking the fighting between the different clans to a new level. In Mogadishu, on one side were TFG forces along with the Ethiopian soldiers and the members of the "Alliance for Restoration

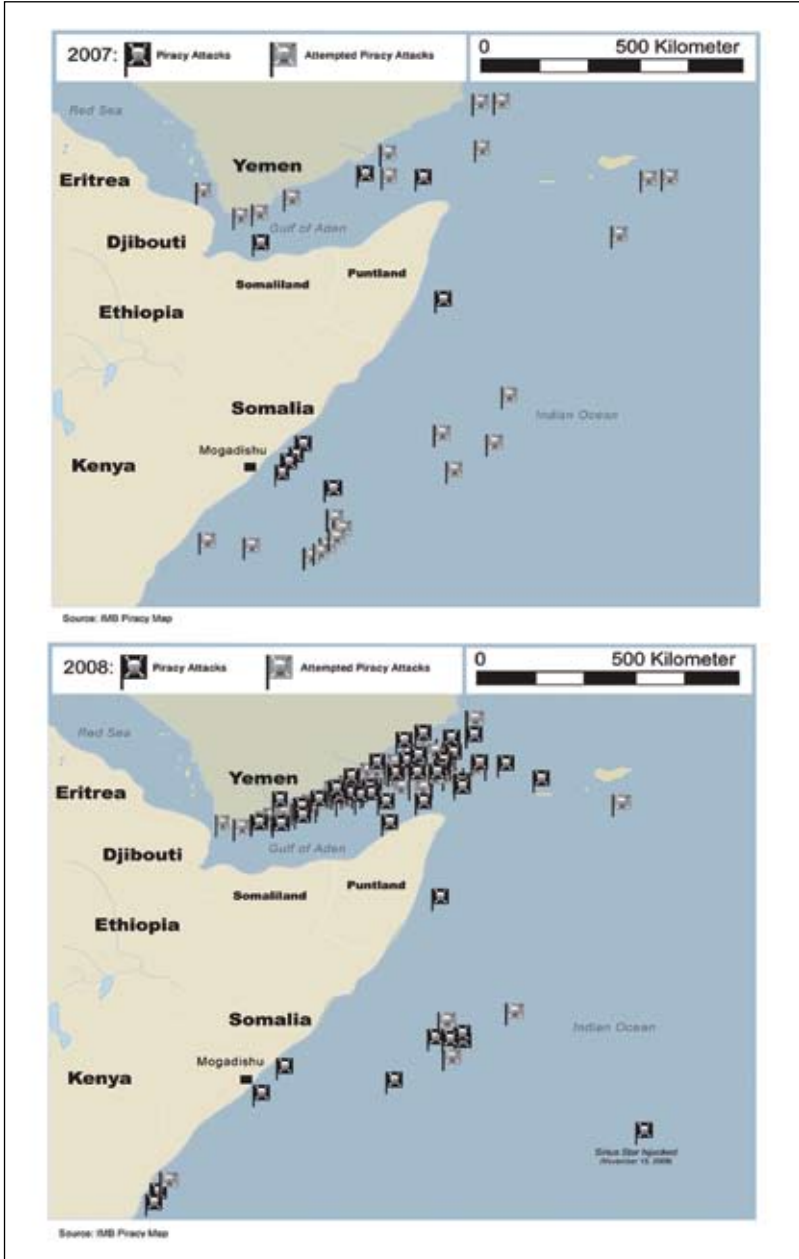


of Peace and Counter-Terrorism,” a group of warlords supported by the CIA, and on the other side, the UIC and Al-Shabaab militia.

Regional and international conflict complicated the situation inside Somalia and encouraged the division of the state. This was visible in the north, when Puntland sent troops in support of the TFG in 2006, the Somaliland leadership took the opportunity for a new round of attacks to claim back its lost territory and expand its control.

Internal warfare has resulted in a deterioration of the economic, political and security situation over the past two years. As a result of the escalation of the civil war, the number of piracy attacks has increased remarkably. In addition, the increasing profitability of piracy due to the higher ransoms being paid has encouraged more Somalis to take part in piracy activities. This explains why the number of pirates has multiplied. In a couple of years’ time, it is estimated that the number of pirates has gone up from about a 100 to more than 1,200 now.





## 2.2. *Geographical Environment*

The geography of Somalia and the region has facilitated piracy activities by enabling monitoring, and providing safe havens and easy targets.

### **Coastlines**

The coastline along Eritrea, Djibouti and Somalia provide an ideal safe haven for the pirates for a number of reasons.

First, the extensive length of the coastline stretching up to 4,000 km from Eritrea to Somalia makes it impossible for security forces to patrol and monitor the activities in the country's waters or control illegal activities on the shoreline. The long coastline of the states has provided pirate groups with much freedom and flexibility to move and relocate their activities from one place to another along the coastline depending on the change in the circumstances. As stated, Somali pirates have extended their reach with relative ease from the waters of the Red Sea area to the Indian Ocean.

Second, the ports along the coastline of Somalia used by the pirates, and in particular the ports located in the West of Somalia, are difficult to reach; seen from the ocean side, most of these ports are hidden in inlets. From the mainland side, some of these ports are protected by steep cliffs surrounding the area, which make them inaccessible. The geographical terrain of certain areas of the coastline, which are utilized by the pirates, provide a certain degree of protection.

Third, the land along the Somali shoreline is mostly desert-like while some parts are rocky in nature and virtually uninhabited or sparsely populated. The small coastal fishing villages, difficult to access even by the local population, provide an ideal hideout for pirates.

## **Islands**

Bab al Mandab and Suez Canal are two major regional choke points. The connecting transit route for ships moving from the Gulf of Aden to the Mediterranean Sea and the heavy traffic of all kinds of ships offers a lucrative area of operation for pirates. In 2000, most of the pirate attacks were concentrated around Bab al Mandab area extending into the waters of the Red Sea. The attacks are facilitated by the closed nature of Bab al Mandab and the Red Sea that allows pirates to make a quick exit. The large number of small uninhabited rocky islands – more than 300 – on the shores of Eritrea and Djibouti provide a natural shield against surprise attacks but are also ideal places to set up logistics bases and monitor ships' movement and maritime navigation lanes.

## **Open Water**

Over the last five years, pirates have changed their area of operation. Attacks have shifted from the Red Sea to the open waters of the Gulf of Aden and the Indian Ocean. Pirates can no longer rely for protection on small islands and the closed territory of the Red Sea and the Bab al Mandab waterway. Tiny islands – in particular at the Horn of Africa's tip – still play a role in facilitating pirate attacks; however, fewer attacks are registered close to the Somali shoreline. The vast expanse of the open sea – a triangle of more than a million square miles stretching from the east Somali coast to the Gulf of Aden and to the open waters of the Indian Ocean – makes it almost impossible for patrolling ships to intercept/detect signals of the pirate ships and track them. The large number of ships that transit the Indian Ocean to the Gulf of Aden on their way to Bab al Mandab also makes it very difficult for coastal patrols and navies to single out potential pirate ships.

### *2.3 The Lack of a Legal Framework and Punishment System*

Somali piracy thrived because it is a highly profitable activity and, at the same time, unlike other types of international organized crime activities, it is almost risk free. As Somalia has no effective government or responsible authority since the collapse of the state in 1991, the main responsibility for countering the threat of piracy and dealing with any acts of piracy remains with international community. No doubt, international law has clearly ‘criminalized’ the act of piracy. “United Nations Convention on the Law of the Sea” (1982) has dealt with the crime of piracy in its Articles 100 - 107 and 110. The “Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation” (1988) also dealt, in its article 3, with the crime of piracy (see Appendix for all the relevant articles in these laws). Nevertheless, international law did not provide the incentives for nations to involve themselves actively in countering the threat of Somali piracy. Thus, though a legal framework exists, the world’s leading countries have allowed piracy to thrive by their inaction (making it safe and easy to attack) as these states were not ready to commit the financial and military resources to tackle a crisis which they did not initially perceive as significant enough to threaten their national interests.

In an attempt to close the legal gaps, during 2008, the UN Security Council passed four resolutions, which provide the legal framework for member states of the UN to deal with problem of Somali piracy. Based on Chapter Seven of the UN charter, these resolutions authorize the concerned parties to take military action to protect the safety of international maritime navigation. (Resolution 1814, 1816, 1838, and 1846). However, states continue to remain hesitant about initiating a military response to suspected piracy activities in international waters around the Somali coastline, in spite

of getting the Somali Transitional Federal Government's permission to conduct military action in Somali territorial waters.

### **3. Piracy Operations: Methodology**

Somali pirates have shown great flexibility and tactical thinking capacity in their operations. By acquiring new equipment, they have been able to adapt faster to any change in circumstances. The main factor contributing to the success of the Somali pirate attacks is the maximum use of the “element of surprise” which paralyzes the crew and facilitates the process of controlling the targeted vessel in a relatively short time.

Unlike an “opportunistic” or spontaneous attack, an organized piracy attack involves some degree of planning at the operational level. Such operations could involve the following steps:

#### *3.1 Monitoring Maritime Navigation*

- Monitoring the movement of vessels in and out of ports and through navigation channels
- Monitoring and intercepting communications between vessels – and between vessels and ports or other concerned parties – to enable the pirates to determine the exact location of the targeted vessel, the speed, direction, and get other basic logistical information required for planning a successful attack. Pirates intercept communications of passing ships using VHF radios and the Automatic Identification System and thereby monitor, track and determine the movements of ships.
- Collecting information about the ships – specifications, schedules

and routes – from open sources on the Internet, and mainly from shipping companies’ websites.

- Receiving intelligence from collaborators on the nature of the ship's cargo, movement timetable, and possible route.

### *3.2 Selecting the Right Target for Attack*

There a number of factors which influence the pirates’ decision to attack and hijack a particular vessel. These factors include:

- Vessel specifications like size, design and type of the ship, number of crew, onboard human and/or electronic defense and protection capability (if any) – and whether it is easy to attack and control, keeping in mind the operational capability of the pirates.
- The possible presence of naval forces or other protection forces in or near the designated area of interception
- The potential overall financial value of the target

Additional factors contributing to the decision could be the location and status of the ship.

#### **a. Location**

In June 2005, the IMB issued an initial warning on the heightened piracy threat, recommending that ships remain at least 200 nautical miles offshore. This was based on the assumption that the further a ship stayed from the coast, the safer it would be. However, even though mariners took this advice, pirates have become more daring and are venturing farther from the Somalian shoreline. For example, the Sirius tanker was hijacked 450 nautical miles (833 km) off the

coast south east from Mombassa, Kenya, demonstrating the pirates' ability to attack on the high seas.

### **b. Status of the Ship**

IMB divides the status of ships that could come under attack from pirates into: Berthed, Anchored, and Steaming. While in the Far East, and around the coast of India and Bangladesh, it is not unusual for pirates to attack or hijack ships in the 'anchored' status, in Somali piracy cases most, if not all, reported piracy attacks occurred when the vessel was in 'steaming' status. This could be explained by the fact that Somali ports have stopped functioning following the collapse of the state, and very few vessels visit these ports.

### *3.3 Hijacking the Vessel and Taking Hostages*

Three possible means are employed by pirates to seize ships: threat and intimidation, swift and surprise attack, or deception. The most common tactics used by the Somali pirates are as follows:

- Warning the vessel's crew to stop voluntarily by communicating the message to the crew and/or by firing warning shots across the ship's bow
- A group of pirates, numbering around 10 to 30 usually depending on the complexity of the operation and the size of the ship, target and chase the ship at full speed using small wooden boats or fiber glass speed boats. Pirates try to slow the ship by firing with rocket propelled grenades (RPG). With ropes and flexible ladders, they attempt to board the ship armed with knives, machine guns and RPG to apprehend the crew, force the ship to a halt, and allow more pirates to climb on board to control the ship. The radar

system of commercial ships is often unable to spot the pirate boats before the attack, as these boats are small, extremely fast and operate within the radar's blind spot making use of the element of surprise.

- In a few reported cases, pirate ships have pretended to be a fishing vessel in trouble, sending false distress calls for assistance to lure unsuspecting ships within range. Once the target ship comes near, the pirates use their firearms to board and control it. In one incident, the pirates reportedly posed as fishermen in need of drinking water and medical care – only to hijack the ship at gunpoint after being allowed on board.

### **Taking Hostages**

After seizing the ship, in most cases, vessels are berthed in ports or anchored at the shore next to the port. Currently, it seems that three big ports and a number of smaller ports along the Somali coastline are being used by different pirate groups to anchor hijacked ships. The three main ports are Mogadishu, Eyl and Harardhere, while the six smaller ones are Ehinowea, Dhiedhiglay, Hobiyo, Raas Shula, Bossaaso and Garaad.

Once close to the shore, another group of pirates boards the hijacked ship to keep watch over the hostages. In most cases, hostages are held on the ship for weeks or even months for several reasons:

- Hostages on board a hijacked ship are less likely to attempt to escape as they cannot leave the ship and reach the land without outside support.
- Keeping hostages on board makes an attack or a rescue attempt more difficult; even if a rescue is attempted by an outside rescue team, the ship cannot be attacked or destroyed with hostages on board.



- Keeping the crew as hostages on board their own ship is seen as a form of assurance that they will be released with the ship and its cargo in one single deal.
- Hostages and pirates can use the food, water, and medicines stored on board.

There have been some cases, however, where hostages were moved to land. This sometimes happens when the hijacked ship is a yacht and has been sold even as the ransom negotiations are going on.

### *3.4 The Role of Mother Ships*

One major development in piracy tactics is the reported use of relatively large ships as the operational headquarters. Since late 2005, reports have indicated that Somali pirates have been using a ‘mother ship,’ often stolen fishing trawlers, to enhance their operational capability. Mother ships are believed to have a number of functions: first, it carries on board or drags alongside a number of small speed boats that could be launched independently to execute an attack. Second, these ships could carry sophisticated communication devices and radar enabling pirates to monitor and track passing ships in or near the main navigation channels. Such ships are also able to carry fuel, food, and fresh water enabling the pirates to sail long distances from the shore and stay on the high seas for a long period of time, thus providing them huge operational advantages. According to one naval assessment, it is difficult for naval forces to track pirate ‘mother ships’ as these ships operate in areas where usually, on an average, no less than 700 fishing boats and trawlers are present at the same time.<sup>3</sup> Other naval observers, however, have disputed the use of

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3 *Al-Hayat*, January 26, 2009.

‘mother ships’ in Somali piracy operations which would explain why counter piracy naval forces have not yet been successful in locating and destroying the suspected ‘mother ships.’

### *3.5 Type of Ships Targeted*

Ships which are commonly targeted by pirates around the coast of Somalia and the Gulf of Aden include container and general cargo ships, bulk carriers, tankers (oil, chemical), fishing trawlers and yachts.

Attacks on large container ships, cargo ships and tankers are considered high risk-high return operations. There are some tactical advantages of attacking and hijacking these kinds of ships; it is easy to obtain information about their movement, timetable, routes, and the nature of the cargo. The size of the ship makes it easy to track in international navigation channels. Further, a fully loaded vessel belonging to these categories sails with its upper deck very close to the surface of the water. Consequently, it is easy to board from speed boats. As such vessels are relatively slow moving and difficult to maneuver, they can be usually managed by a small crew on board. For example, the hijacked Saudi Arabian-owned supertanker *Sirius* had only about 25 crew members on board which is extremely low given the enormous size of the ship. Even with the crew on alert, it would have been difficult to physically defend the ship against a piracy attack. However, pirates face two challenges in hijacking large tankers, cargo and container ships. The higher the value of the ship, the more likely it is that its hijacking will attract international attention and punishment. For example, the hijacking of the oil tanker *Sirius* was the decisive factor which forced the international community and individual states to re-evaluate and accelerate the implementation of counter piracy strategies. In the long term, a high-profile hijacking puts more pressure on pirates and makes operations more difficult. Second, because of their huge size, tankers

and cargo ships are more difficult to hide than smaller ships. This, in turn, makes pirates more vulnerable to being discovered and monitored and potentially exposes them to a rescue attempt.

Yachts are relatively easy targets for pirates. Targeting a yacht is a low risk-high return operation. When hijacking a yacht, pirates do not expect strong resistance from crew members or passengers. In most cases, pirates assume that private yachts are owned by the wealthy and that hostages from such yachts will be ready to pay high ransom. Further, by attacking yachts, pirates also aim to get the valuables on board as they would be easy to sell. If the yacht owner refuses to pay ransom, it would not be difficult to find a buyer for the yacht on the local or regional black market.

Attacks on trawlers and longliners that are mainly used for fishing are a medium risk operation. In some cases, fishermen have fiercely resisted piracy attacks making it difficult for pirates to board the ship. While trawlers are rarely hijacked for goods, such ships are easy to sell or they could be converted into mother ships to support the pirates' activities. These common types of vessels are small and not likely to attract much attention. Pirates can anchor trawlers close to shore or in high seas and pretend to fish while monitoring passing vessels.

### *3.6 Securing the Ship and Hostages*

For securing the ship and hostages, it is necessary that the pirates agree, mostly in advance, with their collaborators on shore to provide protection and necessary facilities to safely anchor the vessel and keep the hostages (both crew and passengers).

*In case of readiness to pay the ransom, it would be necessary to:*

- Find the right contact for the negotiation of the ransom (usually

information can be obtained from the captain and other members of the crew and/or from the ship's registration record and other documents on board).

- Open communication channels for negotiating directly, mostly using the ship's crew and utilizing the communication system on board the seized ship, or indirectly, by conducting negotiations through mediators based on the shore or, in a few cases, outside Somalia.
- Secure the payout and determine method of ransom delivery.

*Should the ransom not get paid, or if there is no agreement on the right amount of ransom, pirates have different options to convert the seized assets to cash:*

- Dispensing with the ship: Selling the ship in the black market with/ or without forged registration documents, or dismantling the ship to be sold as scrap; sometimes pirates keep the ship for their own purposes.
- Dispensing with the goods (depending on the nature of the goods): Consumer goods could be used by pirates, distributed among the clan members, or sold in the local market. Non-consumer goods like machinery and industrial equipment could be sold in the regional or international black markets. Further, cargo and container ships usually carry large amounts of fuel and gas oil that could be taken by the pirates for their own use or for selling on the black market. In some cases, hijacked ships could be carrying products like rice and wheat as cargo. Pirates could keep such items for themselves or distribute them to friendly clans and villagers to achieve or ensure their sympathy and protection. It has been reported that, in some cases, to win the support and sympathy

of the inhabitants of coastal villages, the pirates distributed free food and envelopes containing \$100 bills to the villagers.<sup>4</sup>

- Releasing the hostages (crew and passengers) under certain arrangements, mostly with the help of international organizations.

The success of the Somali piracy business, which has developed rapidly into a way of making quick and easy money, has resulted in an increasing number of pirate groups and attacks, enlarged the pirates' area of operation, and raised the amount and value of the ransom demanded and paid. But more alarming is the sudden increase in the level of violence, threats, and intimidation now directed toward the hostages, marking a change from the past. It is believed that until the end of 2008, Somali pirates were directly responsible for the death of at least three crewmen in different incidents. According to information given by a pirate leader, the three sailors (one Russian, one Korean, and an unidentified third person) were killed in what he claimed to be an act of self-defense or an accident.<sup>5</sup>

An example of the escalating aggressiveness of the Somali pirate groups was seen in the case of the hijacking of the Egyptian-owned vessel "Blue Star." This cargo ship was hijacked in December 2008 close to the Yemen coastline while it was sailing from Egypt to East Africa. After 28 days of negotiations with the shipping company, the pirates conclude that the owners of the ship were not serious in meeting their demands. In the beginning, the pirates were asking for a ransom of \$6 million which was reduced later to \$2 million. When the shipping company offered \$100,000 as final settlement, the pirates decide to increase the pressure. The pirates started to mistreat the crew and asked the crew members to call their families and

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4. *Al-Sharq Al-Awsat*, December 8, 2008.

5. See report in *Al-Hayat*, December 2, 2008.

the company's directors to inform them that their lives were under serious threat. The pirates even stated their demands on live TV and conveyed their determination to get what they wanted, mainly the ransom. One pirate on board the hijacked ship spoke in Arabic by telephone to an Egyptian satellite TV station to inform them of the pirates' policy of mistreatment of the crew and described the crisis on board the ship following the exhaustion of fuel, water, medicine and food supplies. The pirates also threatened to blow up the vessel with all the 24 crew members on board if their demand for ransom was not met quickly.<sup>6</sup> A similar threat was made in the case of the Ukrainian ship MV Faina hijacked in September 2008 with Soviet-made battle tanks, anti-aircraft guns, rocket launchers and ammunition on board. Pirates threatened to destroy the ship and kill the crew following many unsuccessful rounds of negotiations.

### *3.7. Negotiations and Ransom Payment – The Technique of Negotiations and Bargaining*

Ransom negotiations with pirates about a hijacked vessel include three components:

- value of the vessel
- value of the cargo, and
- value of the crew and/or passengers.

In their effort to decide on the amount of the ransom, the pirates will try to somehow relate the size of ransom they demand initially to:

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6. Al-Mehwar satellite TV program on the evening of January 28, 2009.

- a certain percentage of what they perceive as the value of the three components,  
and
- what they expect the concerned party or parties (shipping company, insurance company, the state(s), the families) are willing to pay.

There are two strategies for conducting negotiations:

- a) *Strategy 1:* A package deal (all in one) which seems to be the most common strategy wherein the pirates offer to take a single payment for releasing the three components (the vessel, cargo, and crew/ passengers). In general, pirates prefer to end the hijacking as quickly as possible, secure the ransom and re-shift capacity in order to hijack new ships and make more money. Therefore, they often prefer a package deal as it takes less time and they are not forced to tie down a good number of their “soldiers” in the control and protection of the hijacked ship for a long period.
- b) *Strategy 2:* Striking separate deals by dividing the components wherein the pirates start negotiating the release of each component separately and demanding a price for each one. Pirates declare their intention to go for separate deals usually when negotiations break down or drag on indefinitely, or when they feel that dealing separately with the three different components could bring in more money.<sup>7</sup>

The process of negotiating ransom entails a number of steps which considerably complicates the task of negotiations. In some

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7. See report in *Al-Hayat*, December 2, 2008.

cases, the pirates have to identify all or some concerned parties in the deal, like:

- the party (parties) that owns the vessel
- the party that operates the vessel
- the insurance company or companies responsible
- the state where the ship is registered (flag)
- the state that owns the ship
- the party (parties) that own the cargo
- the nationality of the crew and/or the passengers

In most cases, pirates identify and contact the owner of the ship. Then it has to be decided whether pirates and negotiators should try for a deal in which ransom is separately paid for the vessel, crew or cargo, or whether they should try for a package deal.

At the beginning of their operations, pirates demanded ransom amounting to hundreds of thousands of US dollars. Over the past eight years, ransom amounts have considerably increased. In 2008, they mostly ranged from \$500,000 to \$15 million. Shipping firms are usually prepared to pay large amounts, as the sums are still low compared to the value of the ship and cargo. Realizing this, pirates have felt encouraged to demand more money.

Once the ransom amount is negotiated, pirates need to secure its delivery. According to one pirate leader, pirates have four ways to receive the ransom money:

1. The ransom could be delivered to a nearby ship (military or commercial), then a pirate boat would collect the cash, check the money, and issue the order to release the hijacked ship.



2. The ransom could be delivered to the board of the hijacked ship by a plane (usually a helicopter) which could land or drop the cash bags on board.
3. The ransom could be transferred electronically from any city to informal indigenous ‘banks’ – shop based in Somalia, from where the pirates can collect the cash directly.
4. The ransom amount could be transferred electronically to an account in Kenya belonging to an associate who would then transfer it to the pirates on the basis of a previously agreed upon arrangement.<sup>8</sup>

In the majority of cases, pirates receive ransom money in cash. Reports said that in a very few cases in the initial period of piracy attacks, ransom money was delivered electronically by *hawala* money transfer system. The person wanting to send money gives the broker the sum of money to be transferred plus a fee and the name and location of the person he wants the money delivered to. The report on the pirates’ use of *hawala* transfers has to be taken cautiously. After 2001, *hawala* systems came under the scrutiny of counter terrorism laws that perceived them as a means for terrorists to fund their operations and transfer money from one country to another. As a move to counter financing of terrorism, most governments have put a number of restrictions on *hawala* transactions. Now, most of the money exchanges are linked via a central computer to central banks that monitor and track the transfer of *hawala* money. The cash amount that can be transferred has been reduced considerably and, in most places, the *hawala* broker asks for ID papers such as passports and other documents.

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8. See interview with pirate leader in *Al-Sharq Al-Awsat*, November 30, 2008.

### *3.8 Division of Labor and Splitting the Ransom*

Somali pirates operate on the basis of a clear division of labor which enhances the capabilities and skill of the assembled team making piracy operations in Somalia a successful endeavor. We can identify some of the organizational elements that constitute the structure of Somali piracy:

#### **a. Groups of Pirates**

Somali pirates can be divided into two main factions on a geographical basis. The first faction started piracy activities way back at the end of 1998 when it carried out the first piracy attack. This faction operates in the northern part of the country (Puntland) and uses the cities of Eyl and Bossaaso as bases. This faction consists of 15 groups, each containing about 15 - 25 members, and is led by three commanders. The second faction started activities in October 2004 and its members operate further in the south using the cities of Harardhere and Hobiyo as their bases. This faction consists of eight groups, each containing between 15 and 25 members, and is also led by three commanders.<sup>9</sup>

Each group of pirates operates independently as they are organized along clan lines. However, there are cases of some pirates recruiting across clan lines: In the hijacking of the Saudi super tanker “Sirius,” one of the major operations undertaken by the Somali pirates, two Somali pirate groups formed an alliance across clan lines. It appears that this was done in order to get the required capacity to execute a successful operation. However, during the ransom negotiations a dispute developed between the two groups over the right negotiation strategy and the amount of ransom. This dispute undermined the pirates’ unity and helped the negotiators reach a compromise.<sup>10</sup>

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9. Ibid.

10. See interview with Saudi Arabia’s ambassador in Kenya, *Al-Hayat*, February 1, 2009.

## **b. The Attack Team**

Within each group of pirates, everyone has well-defined duties and responsibilities. Former fishermen constitute the brain of the operations thanks to their knowledge of the sea. They patrol the sea and tip off the pirates. Ex-militiamen or soldiers, who left the forces because they were not getting paid by the government, provide the muscle for the operation. Pirates also have technical experts who know how to operate satellite phones, GPS and military hardware.

Depending on the size of the boats, 10 to 30 ex-militiamen launch the attacks. Should they successfully hijack the vessel, approximately 50 more men come from the land and occupy the ship during the period of negotiations. Another 50 wait on shore to deal with any contingencies while the ship is in harbor with the hostages on board. For the foot soldiers who guard the hijacked ship, a rotation system is implemented to relieve and replace the group on duty at regular intervals with colleagues from the shore. According to an interview with a pirate, “soldiers” are assigned seven hours’ duty, on an average, on board the hijacked ship while the “boss” or the “commander” of the group usually stays on board all the time.<sup>11</sup>

## **c. Support Staff**

Piracy has generated a whole new way of life and has resulted in new occupations and responsibilities revolving around the core of the operations. Former English teachers have become negotiators on behalf of the “bosses,” as they possess the necessary linguistic skills. Witnesses have reported that some people claim to be the pirates’ accountants while others say they are the chief negotiators. It has been reported that people have taken on new jobs which derive from

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11. *Al-Sharq Al-Awsat*, December 3, 2008

the pirates' activities. For example, restaurants in the towns of Eyl and Haradhere are booming as there is a growing need to supply the increasing number of pirates.

#### **d. Splitting the Ransom**

According to the testimony of a Somali pirate who was arrested and interrogated by the Danish authorities, Somali pirates have a clearly laid-out system to divide the income from the ransom generated by the piracy business. Money thus gained is distributed among a wide cross-section of society. By doing so, pirates secure support and protection for piracy activities. During an interview, a pirate stated: "We typically divide up the loot this way – 20 percent for our bosses (businessman or clan leader), 20 percent for future missions (to cover essentials like guns, fuel, food and cigarettes), 30 percent for the gunmen on the ship and 30 percent for government officials."<sup>12</sup>

Recent information indicates that differences have emerged among pirates and their clan leaders over the division of ransom. In some cases, clan leaders have lost influence over pirates belonging to the same clan. For Somalia's society, which is known for its strong tribal structure and loyalties, this is a rather unusual development. Pirates have stated that they were opposed to the interference of their clan leaders in negotiations with ship owners. Their efforts to keep "full control" over the ransom negotiations may be attributed to their desire to get a lion's share of the ransom and distribute the money without any interference from the clan leaders.

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12. Interview with a Somali pirate, in *New York Times*, October 30, 2008.

## **Conclusion**

Within a short period of time Somali piracy has moved from being a simple “act of protest” to become a highly organized activity. This development can be attributed to a number of factors.

The lack of legal punishment and deterrence at the local, regional, and international levels has allowed pirates to expand their activities without any hindrances. The international community has hesitated to act decisively and promptly in countering piracy and thereby has generated a conducive environment for pirates to operate freely. This is coupled with the fact that large sections of Somali society have been benefiting from piracy activities which has made piracy a legitimate and justified business in the country, providing pirates with social protection and even respect.

As a result, piracy has developed its own dynamic and now resembles a professional and highly organized business venture, starting from the selection of maritime targets to the final stage of receiving and dispensing the ransom. The fact that piracy is a high-profit, low-cost and low-risk business yielding quick returns has allowed pirates to invest a part of their income into capability enhancement.

Given these factors, it is likely that Somali piracy will continue to pose a threat to the security and freedom of international maritime navigation in the immediate future. This situation may change only when the international community is able to solve the larger problem in Somalia that has resulted from the failure of the state, or decides to act resolutely on the operational level to make the cost of piracy exceed the gains by implementing stringent and sustainable security measures on Somali territory and along its coast and in international waters around Somalia.



*Appendix*

**Relevant Documents and Articles Related to  
Countering Piracy in International Treaties**





*United Nations Convention on the Law of the Sea*  
(December 10, 1982)

**Article 100**

**Duty to cooperate in the repression of piracy**

All States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

**Article 101**

**Definition of piracy**

Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

## **Article 102**

### **Piracy by a warship, government ship or government aircraft whose crew has mutinied**

The acts of piracy, as defined in article 101, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft.

## **Article 103**

### **Definition of a pirate ship or aircraft**

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 101. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

## **Article 104**

### **Retention or loss of the nationality of a pirate ship or aircraft**

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

## **Article 105**

### **Seizure of a pirate ship or aircraft**

On the high seas, or in any other place outside the jurisdiction of any

State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

### **Article 106**

#### **Liability for seizure without adequate grounds**

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft for any loss or damage caused by the seizure.

### **Article 107**

#### **Ships and aircraft which are entitled to seize on account of piracy**

A seizure on account of piracy may be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

### **Article 110**

#### **Right of visit**

(1) Except where acts of interference derive from powers conferred by treaty, a warship which encounters on the high seas a foreign ship, other than a ship entitled to complete immunity in accordance with articles 95 and 96, is not justified in boarding it unless there is reasonable ground for suspecting that:

(a) the ship is engaged in piracy;

- (b) the ship is engaged in the slave trade;
  - (c) the ship is engaged in unauthorized broadcasting and the flag State of the warship has jurisdiction under article 109;
  - (d) the ship is without nationality; or
  - (e) though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.
- (2) In the cases provided for in paragraph 1, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.
- (3) If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.
- (4) These provisions apply *mutatis mutandis* to military aircraft.
- (5) These provisions also apply to any other duly authorized ships or aircraft clearly marked and identifiable as being on government service.

*Convention for the Suppression of Unlawful Acts against  
the Safety of Maritime Navigation  
(Concluded at Rome on March 10, 1988)*

**Article 3**

Any person commits an offence if that person unlawfully and intentionally:

- (A) seizes or exercises control over a ship by force of threat thereof or any other form of intimidation; or
- (B) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or
- (C) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or
- (D) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or
- (E) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or
- (F) communicates information which he knows to be false, thereby endangering the safe navigation of a ship; or
- (G) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (A) to (F).

Any person also commits an offence if that person:

- (A) attempts to commit any of the offences set forth in paragraph 1; or
- (B) abets the commission of any of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or
- (C) threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs (B), (C) and (E), if that threat is likely to endanger the safe navigation of the ship in question.

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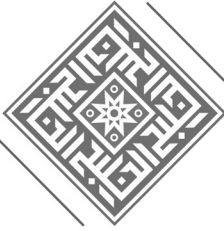
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