

Recent trends in maritime piracy

The last decade of the 20th century and the first decade of the 21st have seen a rise in maritime piracy largely unseen—or at least undocumented—since the “golden age” of piracy several centuries ago. At the same time, the last ten years have seen several shifts in modern piracy: from small-scale “mom and pop” operations to loosely organized criminal gangs, and finally to big business off the coast of Somalia; and a geographic shift from hotspots in Asia to the predominance of maritime piracy in Africa (Figure 1):

Figure 1
Maritime Pirate Attacks 1995-2009

| | World | Asia | Africa |
|-------------|--------------|-------------|---------------|
| 1995 | 188 | na | na |
| 1996 | 228 | na | na |
| 1997 | 248 | na | na |
| 1998 | 202 | na | na |
| 1999 | 300 | na | na |
| 2000 | 469 | na | na |
| 2001 | 335 | na | na |
| 2002 | 370 | 170 | 78 |
| 2003 | 445 | 189 | 93 |
| 2004 | 329 | 173 | 73 |
| 2005 | 276 | 122 | 80 |
| 2006 | 239 | 88 | 61 |
| 2007 | 263 | 80 | 120 |
| 2008 | 293 | 65 | 189 |
| 2009 | 406 | 68 | 264 |

More recently, we have seen an increase in the number and intensity of the attacks. More ransoms are being demanded and paid, and the troubling violence of the attacks has increased, especially off the coast of Nigeria. For example, as recently as 2007 the average ransom payment in Somalia was in the neighborhood of \$500,000; by 2008-2009 ransom demands were running as high as \$25 million, and average ransom payments had escalated to between \$2 and \$3 million (for example, \$3 million was paid for the Sirius Star). In 2008 alone, it was estimated that \$150 million was paid to pirates in Somalia (“Pirates collect,” 2008).

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And on the west coast of Africa, despite having far fewer pirate attacks than Somalia, the waters of Nigeria were declared the most dangerous in the world in 2004 (“Nigeria: Piracy Report,” 2004). In 2009, of the 68 seafarers injured in pirate attacks globally, 44 were injured in Nigeria (International Maritime Bureau, 2010).

At the same time, we are seeing a new and potentially more troubling trend occur: the increasing “radicalization” of maritime piracy in that pirate groups—especially in Somalia, but not limited to that country—are starting to cooperate at certain levels with terrorist entities in the region. Up until very recently, pirate gangs and terrorist organizations were thought to have mutually exclusive agendas. The fact that they seem to have arrived at some level of accommodation and mutually beneficial cooperation may presage more dangerous waters for the future.

New developments: the 'radicalization' of maritime piracy

Maritime pirates are increasingly exploiting the world’s “ungoverned geographical spaces” with greater and greater success (see Swart, G. “Pirates of Africa’s Somali Coast: On Terrorism’s Brink?” *South African Journal of Military Studies* 37/2, 2009). These events are transpiring in areas outside of effective state control. At the same time, these same “ungoverned” regions, both on land and at sea, are also increasingly the locus for the rise of domestic radical groups, which are now often aided and abetted by foreign infiltration. Many of these groups have acquired, or seek to acquire, the ability to operate effectively in the maritime domain.

Of the forty-four terrorist groups described in the US Department of State’s Country Reports on Terrorism 2009, ten are identified as having maritime capabilities, or at least having demonstrated maritime capabilities in the past (see Country Reports on Terrorism, US Department of State, 2010).

- al-Qa’ida
- Abu Nidal Organization
- Abu Sayyaf Group
- Basque Fatherland and Liberty
- Hammas
- Hizbollah
- Jemaah Islamiya
- Lashkar e-Tayyiba
- Liberation Tigers of Tamil Eelam
- Palestine Liberation Front – Abu Abbas Faction

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However, with the exception of al-Qa’ida and Jamaah Islamiyah in Indonesia, the terrorist and/or insurgency groups currently of most concern to maritime energy trade do not appear on this list—either because they have not been designated as Foreign Terrorist Organizations by the United States, or because they have not yet demonstrated maritime capabilities. These include: al-Shabaab, al-Qa’ida in the Arabian Peninsula (AQAP), Hizbul Islam operating in the Gulf of Aden region, and the Movement for the Emancipation of the Niger Delta (MEND), along with its affiliated groups, currently active in Nigeria. Additionally, with the recent attack on the M Star in the Strait of Hormuz, the Abdullah Azzam Brigades, an affiliate of al-Qa’ida, should also be added as well.

To date, al-Qa’ida has had the most developed maritime strategy. Developed by Abd al Rahman al-Nashiri, this four-part strategy consisted of: 1) suicide attacks on vessels, 2) hijacking ships and using them as “weapons” against port or transportation infrastructure, 3) attacking large vessels such as supertankers from the air by using explosive-laden small aircraft, and 4) attacking vessels with underwater demolition teams using limpet mines or with suicide bombers. Al-Qa’ida has demonstrated its maritime terrorist capabilities in the attacks on the USS Cole in Yemen in 2000, and off the Yemeni coast in 2002 on the French-flagged oil tanker *M/V Limburg*. More recently, al-Qa’ida attacked a smaller boat launched from the USS Firebolt in the Persian Gulf in 2004. These attacks were consistent with a documented al-Qa’ida strategy to attack not only Western maritime targets, but energy targets as well.

Since the capture of al-Nashiri in 2002, there has been little maritime threat directly from al-Qa’ida. Rather, maritime terrorist concerns have now shifted to al-Qa’ida-related affiliates, many of which operate in Africa. For example, Comoran national Fazul Abdullah Mohammed (Harun Fazul), suspected of involvement in the 1998 al-Qa’ida bombings of the US Embassies in Nairobi and Dar es Salaam, is now operating in Somalia. Initially reported killed in 2007, Harun Fazul is now believed to be a top military commander in al-Shabaab, a group closely affiliated with al-Qa’ida.

This spread of fundamentalist groups in the Horn of Africa, coupled with the relentless surge of maritime piracy, has led to three concerns of importance to the energy sector, and particularly to the maritime energy sector:

1. The “conflation” of maritime piracy and terrorism (i.e., piracy should be considered a form of terrorism);
2. Terrorist cooperation with pirate groups;
3. Terrorists learning from pirates to operate in the maritime realm

Piracy as a form of terrorism

United Nations Convention on the Law of the Sea (UNCLOS III) offers a formal definition of maritime piracy, essentially defining it as acts of crime on the high seas (beyond a state’s territorial waters) for economic gain. Maritime terrorism, on the other hand, refers to “any illegal act directed against ships, their passengers, cargo or crew, or sea ports with the intent of directly or indirectly influencing a government or group of individuals” (see Menefee, S. P. “Terrorism at Sea: The Historical Development of an International Legal Response” in Parritt, B.A.H., ed. (1986) *Violence at Sea*. Cited in Young, A. J. and Valencia, M. J., “Conflation of Piracy and Terrorism in Southeast Asia: Rectitude and Utility,” *Contemporary Southeast Asia* 25/2, August 2003). However, since the 9/11 attacks in the United States, many have argued that maritime piracy should be considered an act of terrorism, arguing that the root causes and factors which enable both piracy and terrorism are similar, and that the tactics of each overlap, particularly in hijacking and hostage taking (ibid. Young and Valencia, 2003). Members of the US Congress have also at times made this argument, as has former Secretary of State Condoleeza Rice during the Bush Administration. The distinction between the two is not purely an academic one. For example, in 2008, a German naval patrol in the Gulf of Aden on an anti-terrorist mission encountered pirate vessels attacking a Japanese tanker. But since the Germans were allowed to intervene only if the pirates were defined as “terrorists,” they had no choice but to let the pirates go (see Burgess, D. R. “Piracy Is Terrorism,” *New York Times*, December 5, 2010).

However, conflating the two terms is also problematic in that the fundamental motivations of pirates and terrorists are different (economic gain versus political gain). This supports the argument for separate and distinct solutions that will involve a complex mix of economic, political and military responses. At the same time, and of particular relevance for the shipping industry, conflating the two terms has very practical implications. At the moment, while the merits of paying ransoms can be debated, it is entirely legal for shipowners to pay ransoms to free their hijacked crews and vessels. Indeed they are motivated to do so; human lives are at stake, and they have a strong incentive to treat their crews well —otherwise they may have trouble finding crews for the vessels in the future. However, should piracy become a form of terrorism, this would change, as it is illegal

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at least under US law

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knowingly to make payments to terrorist groups. Indeed, the problem is already a real one, in that ransoms paid to pirates are already ending up in the hands of terrorists. Further complicating the situation, President Obama signed an Executive Order in April 2010 outlawing anyone from supplying financing to any Somalis involved in military activities. Shipping officials have already said it is no longer clear whether companies with U.S. interests can legally pay ransoms. To date, the US Treasury Department has indicated it is not interested in prosecuting anyone trying to free hostages, though the situation clearly remains ambiguous.

Terrorist cooperation with pirate groups

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There have been rumors of pirate-terrorist cooperation since the mid-1990s, particularly in Indonesia, where some pirate attacks have been loosely linked with terrorist or insurgent groups. For example, in May 2003 pirates off the coast of Malaysia attacked the M/V Penrider, a Malaysian-registered oil tanker. Three crew members were taken hostage and a ransom was demanded for their release. Ultimately \$100,000 was paid by the ship owners, the crew was freed, and the attack was initially considered a fairly typical pirate attack for ransom. However, the ransom money was eventually traced to the Free Aceh Movement, an insurgent group operating in Indonesia. In another example, in 2003 the Organization for Economic Cooperation and Development suggested that terrorist groups in Indonesia and the Philippines were possibly collaborating with local cash-flush pirate gangs (see "Security in maritime transport: Risk factors and economic impact," OECD, Directorate for Science, Technology, and Industry, Maritime Transport Committee, July 2003).

Of current concern is the evidence supporting increased levels of cooperation between pirate and terrorist groups in Somalia, despite contradictory goals and objectives (it is in the pirates' best interest that ships are largely undamaged, and crews unharmed while being held hostage, otherwise ransoms will not be paid; on the other hand, terrorists seek death and destruction to achieve their ends). That said, some pirate and terrorist groups—particularly al-Shabaab and Hizbul Islam

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have found that their interests overlap.

Since gaining control over significant parts of the country, al-Shabaab has sought to expand its influence into the maritime realm by seeking association with pirate groups and by engaging with regional terrorist organizations, particularly al-Qa'ida in the Arabian Peninsula (AQAP), to threaten the Red Sea and Gulf of Aden, currently used by some 25,000 ships annually. For example, the pirates in Kisimayo are known to coordinate with al-Shabaab fighters. However, while there are some suggestions emerging to the contrary, at the time of this writing, al-Shabab apparently does not play an active, direct role in the pirate attacks. Rather, the linkages are currently financial; al-Shabaab requires some pirates to pay a “protection fee” of up to 10% of ransom monies. If further support such as training or financing is provided, al-Shabaab may receive between 20% and 50% of the ransoms. There is additional evidence that the pirates are assisting al-Shabaab with arms smuggling from Yemen and two central Asian countries. They are also reportedly helping al-Shabaab develop an independent maritime force so that it can smuggle foreign jihadist fighters and “special weapons” into Somalia (see Shinn, D. H., "Rise of Piracy and other Maritime Insecurity in Somalia" East Africa Forum, 2009). A link with terrorism is worrisome, but the alliance between the pirates and al-Shabaab is currently fragile.

A similar level of cooperation is emerging with Hizbul Islam and other local pirate groups. Despite initial cooperative overtures to al-Shabaab, in October 2009 armed conflict broke out between al Shabaab and Hizbul Islam over control of the port town of Kisimayo. Hizbul Islam

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was expelled from the city and from most of Southern Somalia in the following months, with Kisimayo remaining in the hands of al-Shabaab.

However, in May 2010, Hizbul Islam succeeded in capturing the important pirate port of Xarardheere (Harardhere), where vessels hijacked by pirate gangs are usually taken (see Moulid, H., "Hizbul Islam Seizes Pirate Base In Somalia. [All Headline News](#) , May 3, 2010). Initially Hizbul Islam declared war on piracy in Somalia, claiming it was “unholy,” and demanded that the pirates reduce their ransoms. The pirates refused, but agreed to split their ransoms with Hizbul Islam (and also al-Shabaab), leading some to speculate about growing cooperation between pirates and extremists in the country (see Gettleman, J., "Somalia's pirates sail forth into new mission – on land", *New York Times* , September 4, 2010). However, while the link between pirate groups and Islamic radicals in Somalia is certainly of concern, it is by no means true that all pirates are embracing the Islamic groups. For example, in the nearby pirate stronghold of Hobyo, pirates have been deputized by local government officials to fight the Islamic insurgents (ibid Gettleman, 2010).

Terrorists learning from pirates to operate in the maritime realm

Terrorist groups operating in the maritime realm is not a new concern; several terrorist organizations have—or have had—well-developed abilities to attack targets at sea. In addition to al-Qa’ida’s previously mentioned attacks on the USS Cole, the M/V Limburg, and the USS Firebolt, Abu Sayyaf in the Philippines is responsible for the largest maritime terrorist event ever to have occurred: the 2004 bomb attack on SuperFerry 14, which killed over 100 people. And the (currently non-operational) Liberation Tigers of Tamil Eelam launched several successful suicide missions against maritime targets from their bases in Sri Lanka.

Not all terrorist groups have mastered maritime operations, but many currently seek to do so, in parts of the world that have been relatively free of maritime terrorist activity. Of the greatest concern is Somalia and the impact this could have on shipping in the region if terrorist attacks on vessels were to occur more frequently. Additionally important are recent activities of splinter groups associated with the Movement for the Emancipation of the Niger Delta in Nigeria. For example, in 2008 militants from the Niger Delta region attacked the *MT Meredith*, a tanker carrying 4,000 tons of diesel fuel, and kidnapped a Romanian crew-member (released a day later). The militants, believed to be associated with the Movement for the Emancipation of the Niger Delta (MEND), succeeded in dynamiting the ship’s engine and severely disabling the vessel. While the MEND and other related “copycat” groups have been known to attack and blow up oil pipelines, this was the first time such an attack has occurred at sea and may portend an increasing concern for the future.

Finally, the July 2010 attack on the Japanese-owned VLCC (very large crude carrier) *M Star* in the Strait of Hormuz is a worrisome development for the world’s critical energy trade. The

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damage to the tanker—believed to be caused by “homemade explosives” aboard a dinghy—was not considered serious, but the news instantly fanned worries about shipping security, as it was the first attack of its kind in the critically strategic strait. Responsibility for what they called a “suicide attack” was claimed by the Abdullah Azzam Brigades, an al-Qa’ida affiliated group.

Implications for maritime energy security

If these terrorist groups—particularly those operating in Somalia and Nigeria, and now possibly the Persian Gulf—couple a more sophisticated maritime capability with the desire to launch attacks in the maritime domain, the energy sector would clearly be a logical target. Energy vessels—oil tankers, LNG and LPG carriers—have long been targets of pirate attacks, but, to date, no clear pattern in the attacks has emerged (Figure 2).

Figure 2
Energy Vessels Attacked: 1995-2009

| | Tanker: Crude Oil | Tanker: LNG | Tanker: LPG | Oil Rig |
|------|--------------------------|--------------------|--------------------|----------------|
| 1995 | 25 | 1 | 7 | |
| 1996 | 25 | 1 | 10 | |
| 1997 | 27 | 4 | 7 | |
| 1998 | 31 | 3 | 8 | |
| 1999 | 52 | 2 | 5 | |
| 2000 | 91 | | 12 | |
| 2001 | 55 | | 8 | |
| 2002 | 44 | | 13 | |
| 2003 | 42 | | 14 | |
| 2004 | 17 | 1 | 13 | |
| 2005 | 22 | | 5 | 1 |
| 2006 | 9 | | 4 | |
| 2007 | 25 | 1 | 5 | 4 |
| 2008 | 30 | | 6 | |
| 2009 | 41 | 1 | 5 | |

Source: International Maritime Bureau: 2006, 2009

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Pirates do not seem to be targeting energy vessels specifically; nor, however, do they seem to be avoiding them. In 2009, crude oil tankers were still only the fifth most likely vessels to be attacked after bulk carriers (109 attacks), container ships (63 attacks), general cargo vessels (53 attacks), and chemical tankers (46 attacks) (International Maritime Bureau, 2010). That said, it is clear that energy vessels can be successfully attacked and boarded. If terrorist groups in the Horn of Africa or the Strait of Hormuz acquire the ability to operate in the maritime domain, and if they desire to target the energy sector specifically, the number of available targets would make it relatively easy for them to launch their attacks. (In an interesting side note, when the UAE-based and Saudi-owned VLCC *MV Sirius Star* was captured by pirates in 2008, an unspecified group of “Somali Islamic rebels” threatened to attack the ship to liberate it from the hijackers, in retaliation for seizing a Muslim vessel.)

Of particular note is the attack on a single LNG carrier in 2009. In June 2009, pirates operating in the Bab El Mandeb strait in the Red Sea attempted to board the *Salalah*, a Panamanian-flagged LNG tanker of the Oman LNG Project. The vessel successfully implemented anti-piracy measures (increased speed and took evasive maneuvers) and managed to escape unharmed. While most maritime industry experts believe it would be difficult, if not impossible, to cause an LNG carrier to explode into a massive fireball, the attack raises concerns about the continued security of the LNG facilities in Yemen (which, incidentally, is a supplier to US markets). While LNG has an excellent transit safety record, and while LNG carriers

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have special escort in the US, concerns remain about security on the Yemeni end, especially if militant groups in the region adopt a more maritime-focused agenda.

Conclusion

The current trend towards the radicalization of maritime piracy, particularly in the strategically important Horn of Africa, has significant implications for the maritime energy sector, especially if energy vessels become specific targets of attack. To date, no clear pattern has emerged to suggest that ships vital to the global energy trade are targeted more by pirates than other vessels. But this could change if groups increasingly committed to the disruption of Western energy markets adopt more robust maritime capabilities.

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