Andreas Graf

Countering Piracy and Maritime Terrorism in South East Asia and off the Horn of Africa

– Applying the lessons learned from the Countermeasures against Maritime Violence in the Straits of Malacca to the Gulf of Aden –

About the Author

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Imprint

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Executive Summary

Maritime violence in the Gulf of Aden threatens not only international trade, but poses also a risk to regional and international security. So far, efforts of international actors and local states have failed to successfully curb violence at sea. Between 2000 and 2005, the Malacca Straits have been the world's major hotspot of maritime violence. However in the second half of the last decade, the implementation of regionally driven countermeasures has led to a significant reduction of attacks. This paper identifies lessons to be learnt from the experiences in the Malacca Straits to enhance the effectiveness of the current countermeasures in the Gulf of Aden.

Maritime violence in the two regions encompasses the different phenomena of common piracy, political piracy and maritime terrorism. State weakness and economic despair are identified as the major root causes for piracy and maritime terrorism in the two regions. Maritime terrorism is further fuelled by radical Islamist ideology and political grievances.

Three major factors can be identified as characterizing the successful remedies against maritime violence taken by Indonesia, Malaysia and Singapore. First, Indonesia, signing a peace treaty with the secessionist rebels in Aceh managed to decisively enhance state control over one of the most notorious pirate region. Second, the three states established a cooperative framework of regional states intensifying patrols at sea. And finally, international actors provided for financial, technical and educational assistance.

The remedies in the Gulf of Aden are currently still strongly biased towards international presence in the vast waters affected by maritime violence in the region. Even if under the Djibouti Code of Conduct, international and regional actors try to enhance the coherence of their respective countermeasures, regional involvement remains low. Further, there is widespread consternation with respect to possible political solutions for the conflicts in Somalia.

Given the experiences in the Straits of Malacca, a more promising strategy to curb maritime violence in the Gulf of Aden needs to make allowance for the following three lessons: First, the efforts have to be regionalized. This can include the establishment of a cooperative framework of patrols including regional states, international actors as well as the governments of the sub-state entities Puntland and Somaliland. Second, stepping up regional capacities of policing requires decisive international support in terms of finances, equipment and training. Coast guards of regional states as well as Puntland and Somaliland shall be the beneficiaries. Given that there is no Somali coastal guard able to patrol the waters along the coast of Southern Somalia international naval forces shall take over this task temporarily. Finally, in the long run, political stability and economic development play a crucial role towards curbing maritime violence in the Gulf of Aden. The search for a diplomatic resolution of the conflicts in Somalia and Yemen, as well as economic assistance to the region needs to be intensified.

List of Abbreviations

AMISOM	African Union Mission in Somalia
AQAP	Al Qaeda in the Arabian Peninsula
ASG	Abu Sayyaf Group
CSCAP	Council for Security Cooperation in the Asia Pacific
EUTM	European Training Mission Somalia
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
IMB	International Maritime Bureau
IMO	International Maritime Organisation
ISC	Information Sharing Center in Singapore
JI	Jemaah Islamiyah
LTTE	Liberation Tigers of Tamil Eelam
MILF	Moro Islamic Liberation Front
MSSI	Malacca Straits Security Initiative
ReCAAP	Regional Cooperation Agreement on Anti-Piracy
RMSI	Regional Maritime Security Initiative
TFG	Transitional Federal Government of Somalia
UNCLOS	United Nations Convention on the Law of the Sea
WFP	World Food Program

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1. Introduction

1.1. Context

„Record Number of Somali Pirate Attacks in 2009"
The New York Times, 30 December 2009

„Somali Pirates flee with British Hostages"
The Guardian, 27 April 2010

„Toxic Waste behind Somali Piracy"
Al Jazeera, 11 October 2008

Piracy has again become a prominent issue, making the front pages of world media. Since 2006, the Horn of Africa has become the major hot spot of piracy, threatening the over 16.000 ships passing the Gulf of Aden every year (Middleton 2008:3). From 2006 to 2009, the number of pirate attacks off the Somali East coast and in the Gulf of Aden has risen tenfold from 20 to nearly 200 per year (IMB 2009:5). In addition to this virtual explosion in the number of attacks, pirates have grown increasingly sophisticated in terms of their equipment, financial means available, and degree of organization.

Pressing issues: piracy…

Terrorists operating at sea have also had their fair share of media coverage. Like pirates, terrorists are seen to threaten the security of ships off the Horn of Africa. The attacks on the U.S. destroyer USS Cole in the Yemeni port of Aden and the French oil tanker Limburg in the Gulf of Aden in 2000 have raised fears of a systematic maritime strategy by Al Qaeda.

…and maritime terrorism in the Gulf of Aden

The combination of these threats to international cargo shipping and international security in this strategically central region has not surprisingly put the issue high on the political agenda of Western States. NATO, the European Union, and additional stakeholders such as China, Russia or India have deployed ships in the wide waters off the Horn of Africa in order to protect trading vessels and fight piracy. The success of these sea-based operations has remained very limited, as they have so far been unable to slow the growth of piracy and eradicate the threat of terrorism in the region. In response, analysts (Middleton 2008, Møller 2009a, Petretto 2008, Ploch et al. 2009) as well as media and political actors (BBC News 2009b) commonly call for increased land-based efforts. Concrete steps in this direction however remain tentative.

Unsuccessful countermeasures in the Gulf of Aden

The Horn of Africa has displaced South East Asia and in particular the Malacca Straits bordered by Singapore, Indonesia and Malaysia as the world's major hot spot for maritime violence. Piracy and maritime terrorism in the greater South East Asian region peaked in 2003 and 2004 with 170 and 161 registered attacks and has since significantly declined with only 45 incidents in 2009 (IMB 2004:5, IMB 2009:5). Dedi-

Successful countermeasures in the Malacca Straits

cated efforts by nearby states are credited with the dramatic fall in violence in this region (Bünte 2009a:97, Raymond 2009).

1.2. Research Questions and Hypothesis

This study hence concentrates on the two main hot spots of maritime violence of recent years, the Malacca Straits and the Gulf of Aden. Since the broad range of countermeasures introduced to secure the South East Asian bottleneck are generally considered to have been successful, the lessons learnt could potentially be applied in the Gulf of Aden with equal effect. The main research question guiding this study is thus: *What lessons can be drawn from countermeasures against maritime violence in the Straits of Malacca to help combat maritime violence in the Gulf of Aden?*

Main research question: Lessons from the Malacca Straits for the Gulf of Aden

In addition to answering the main research question, considerable effort is given to introducing a coherent typology of the broader phenomenon of maritime violence.

Three main reasons lie behind the choice to limit the analysis to the two bottlenecks rather than looking at the broader regions of South East Asia or East Africa. First, these two specific areas are where international trade shipping and international security is or has been threatened most severely by various forms of maritime violence. Second, when looking at success stories of countermeasure strategies, the remedies in the Malacca Straits are the main and probably only reference (Raymond 2009:41). Third, the attack scenarios as well as the geographical conditions seem to provide for a certain degree of comparability between the two cases.

Case selection

While maritime violence in the Malacca Straits and Gulf of Aden have not been systematically compared in the existing literature, a few authors have superficially commented on their comparison. Peter Chalk, one of the most renowned analysts of maritime security stated in a 2009 interview that "there are few similarities between what is going on in the Straits of Malacca as compared to the Horn of Africa; the two are very different" (Washprofile.org 2009). He indicates that the differences between both the perpetrators and the environment in which they operate are too substantial for such a comparison to provide for useful conclusions.

Existing comparisons:

Talking about the perpetrators and the attack scenarios in the two regions, Mark J. Valencia and Nazery Khalid emphasise that when compared to Somali pirates, the perpetrators in South East Asia are "not nearly as well organized, are more opportunistic, and generally much less grandiose in their targets and choice of weapons" (Valencia/Khalid 2009:5).

Different actors

With respect to the environment in which the perpetrators operate, Valencia and Khalid add: "Off Somalia, pirates run rampant because Somalia has a weak and ineffective government – some say it is a failed state. It is not just a question of lack of enforcement at sea but of disorder on land and the growth of land-based networks and infrastructure (...) supporting the pirates' operation. This does not exist to the same degree in South East Asia" (Valencia/Khalid 2009:5). In addition to the differences in state capacities, Scholvin argues that the degree to which piracy in Somalia has become part of the local economy is far greater than what has been seen in the Malacca Straits. For many analysts of maritime violence, this severely complicates

Different environment

any countermeasure strategy in the Gulf of Aden and at the same time compromises the usefulness of comparing remedies in the two situations (Scholvin 2009:4).

Given these very fundamental reservations with respect to the comparability of the two cases, this thesis starts off with the hypothesis that the lessons to be learnt from the Malacca Straits with respect to the Gulf of Aden are very few. The present analysis therefore aims to test and differentiate the existing interpretations concerning the comparability of the two situations and to independently determine the possibility of adapting lessons learned in the Malacca Straits to help effectively counter maritime violence in the Gulf of Aden.

1.3. Structure of the Thesis

This study contains an introductory part and three main chapters leading to conclusions and recommendations. The first section introduces the main research question as well as the structure of the thesis and methodological considerations. In the second chapter a new framework of analysis for maritime violence that introduces a typology of the phenomenon will be presented. The typology will then be used to specify the diverse phenomena of maritime violence present in the Malacca Straits and the Gulf of Aden and test the comparability of the two situations observing the perpetrators and their criminal acts. Moreover, chapter two will focus on identifying the violent attacks scenarios threatening international cargo shipping and/or international security that cause actors to engage in substantial countermeasures. Chapter three focuses on root causes of maritime violence in South East Asia and at the Horn of Africa. This discussion will help to determine the extent of comparability with respect to the factors that lead to the emergence and continuation of systematic maritime violence. Furthermore, when analysing state capacity as a root cause, this chapter also provides for essential elements to be taken into consideration in the discussion of remedies in the two regions. The fourth chapter first establishes the main factors of success of the remedies in the Malacca Straits and then elicits possible lessons learnt with respect to the Horn of Africa. Finally, a conclusion will be drawn and recommendations towards a new strategic focus for endeavours to counter maritime violence at the Horn of Africa provided.

1.4. Definitions and Explanations

In order to effectively answer the main research question, some clarifications are needed at the outset. First of all, a precise and working definition of maritime violence needs to be established. Furthermore, the two cases of maritime violence in the Malacca Straits and the Gulf of Aden need to be specified in terms of geography, time and perpetrators.

MARITIME VIOLENCE

The term maritime violence as referred to in this thesis includes violent attacks on or conducted directly through devices of the maritime domain. Maritime violence is thus seen as a sub-phenomenon of maritime crime. Maritime crime includes in addition to violent attacks also other organized criminal activities in the maritime domain and constitutes itself a specific form of organized crime.

The concept of maritime violence has been chosen for two main reasons. First, it includes all violent acts in the maritime domain considered to be the main threats to international cargo shipping and international security in the maritime environment. Second, in contrast to the more general term of 'maritime crime', maritime violence, referring to concrete and violent attacks, asks for specific kinds of countermeasures. While some welcomed synergies do exist between fighting maritime violence and other forms of criminal activities in the maritime environment, the different phenomena are tackled by different means. A more detailed examination of the term and its sub-categories such as piracy and maritime terrorism will be provided for in chapters 2.1 and 2.2.

MARITIME VIOLENCE IN THE MALACCA STRAITS

In South East Asia, most of the attacks attributed to maritime violence took place in the two major shipping routes of the South Chinese Sea and the Malacca Straits. The focus of this study will be on the Malacca Straits with the surrounding states Singapore, Malaysia and Indonesia. With respect to time, the main focus lies on the years 2000 to 2009, reflecting the rise, zenith and diminution of maritime violence. In order to reflect the broad picture of countermeasures, the interplay of local states supported from outside by major powers, as well as the steps taken within international arrangements will be considered. This comprehensive approach goes at the expense of a more thorough analysis of a specific actor or initiative. The broader picture is essential when trying to elicit lessons to be applied to another context.

MARITIME VIOLENCE IN THE GULF OF ADEN

The analysis of maritime violence in the Horn of Africa will focus on the situation off the Somali and Yemeni coast in the Gulf of Aden. This means that an important share of today's Somali piracy, happening off the East coast will not specifically be included. Nevertheless, many of the countermeasures designed for the Gulf of Aden also have effects in the rest of the country. Concerning the time frame, the thesis focuses on the current state of affairs resulting from a dramatic increase in the number of piratical attacks since 2006 and continued fears of attacks of maritime terrorism. Also, as it is the case with respect to the countermeasures in the Straits of Malacca, international as well as local actors engaging in remedies will be included in this analysis.

1.5. Political and Scientific Relevance of the Subject

The present thesis feeds to the current debates on how to best respond to the still growing threat of maritime violence to international cargo shipping and international security at the Horn of Africa. The study therefore is politically relevant for two main reasons. First, the European Union as well as many additional states are directly involved in countermeasures in the region, investing considerable amounts of money and risking the lives of their soldiers. The most relevant example in the European context is the mission EU NAVFOR Atalanta, deployed by the European Union in September 2008. Given growing critiques about the mission's efficiency and first signs of "mission fatigue" (BIMCO 2010), political debate on an alternative solutions is lively

within European institutions and state governments. Second, maritime insecurity in the region is closely linked to state capacity in the two littoral states Somalia and Yemen (Petretto 2008). Tackling the root causes of the phenomena therefore would not only secure the waterways, but also lessen the hardship of the local population and diminish the security risk inherent in state failure. Establishing the factors that led to success in South East Asia and analysing their applicability to the situation at the Horn of Africa, the present study shall conclude with concrete political recommendations. Therefore this subject can be considered as being highly politically relevant.

The scientific relevance of the present thesis is twofold. First, no comprehensive study so far systematically analysed the remedies implemented in South East Asia in the light of finding lessons for the Horn of Africa. Chalk as well as Valencia and Khalid comment rather superficially on the difficulties with respect to comparability between the two cases (Washprofile.org 2009, Valencia/Khalid 2009). Scholvin compares piracy in the two regions exclusively with respect to its causes and fails to include the effect of the comparison on concrete remedies (Scholvin 2009). Second, the scientific debate on maritime violence lacks a clear conceptual differentiation of piracy and maritime terrorism as sub-concepts of the broader phenomenon. The framework of analysis for maritime violence introduced in chapter two, thus makes this thesis directly relevant to academic, scientific, and political debates on the issue.

Scientific relevance

1.6. Theories and Methods

THEORIES

The present study is empirical in character. It therefore, has neither the intention to test nor to extend an existing theory. The following reasons are brought forward in order to justify this approach:

Grand theories of international relations such as realism, liberalism or institutionalism deal with questions on how relevant actors of different levels behave and why they act the way they do. In doing so, these paradigms try to explain patterns of interaction between states, generally seen as the most relevant actors in the arena of international politics. The present research question however does not try to answer these larger questions. It does not ask for the how and why of cooperation between a number of actors, but rather on the output of this cooperation. Moreover, a central part of the thesis concentrates on the empirical study of the phenomenon of maritime violence in the Straits of Malacca and the Gulf of Aden to determine the extent of comparability between the two cases. For the sake of answering the questions raised in this study, the references put forward by the principal theories of international relations therefore do not seem to offer a promising foundation.

Theories of international relations

More relevant for the debate on the motivation of perpetrators of maritime violence is the debate on 'greed versus grievance'[1]. As motivations of pirates, maritime terrorists or insurgents play a crucial role in the current analysis this debate will be touched

'Greed versus grievance'

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[1]   For more on the debate on greed and grievance see: Collier/Hoeffler 2000 and Murshed/Zulfan 2007.

upon. Nevertheless, the main focus is not to analyse maritime violence through the lens of the motivation of the different perpetrators, but to go beyond it and search for the most effective countermeasures. Therefore, the theoretical debate on greed or grievance will not be central to the setting of the present thesis.

A third theoretical complex of international relations which could be brought into play is the securitization debate put forward by the Copenhagen School (Waever 1995, Buzan et al. 1998). It is relevant to the phenomenon of piracy as well as maritime terrorism. Yet, the research question again does not ask for a thorough analysis of maritime violence as an example of a securitized issue. This study rather takes for granted that piracy and maritime terrorism can be seen as prime examples of securitized issues[2] and tries to evaluate possible countermeasures going beyond repressive means.

Securitization

METHODS

On a very basic level the present study compares maritime violence in the Straits of Malacca and the Gulf of Aden and tries to establish lessons to be learnt with respect to remedies. It can therefore be seen as a comparative analysis of these two situations.

Comparative analysis

Given that the concept of maritime violence and its sub-categories lack clear and well founded definitions, a considerable part of the analysis is dedicated to a more abstract study of the different phenomena in question. Therefore, chapter two defines the term of maritime violence and establishes a Weberian typology of different categories of the phenomenon.[3] The typologies shall help to conceptualize the different perpetrators and attack scenarios in the two regions and provide a framework on the basis of which the heterogeneous phenomena of maritime violence in the two regions can be compared to each other.

Conceptual part

Chapter three then studies the most often named root causes for maritime violence to arise and sustain. Analysing root causes will provide valuable information on the comparability of the two cases. Furthermore, it will outline where long-term remedies can combat the phenomenon of maritime violence.

Comparative part

In chapter four, a number of factors that have led to the relative success of the countermeasures in the Malacca Straits will be outlined. These factors then serve as reference for the study of remedies against maritime violence in the Gulf of Aden, leading to three main lessons to be learnt from the Malacca Straits.

Analysis of remedies

1.7. Sources and Current State of Research

This study is entirely based on secondary literature. First, the debate on the definitions and conceptual delimitations of different forms of maritime violence is rich on contributions. The most comprehensive studies on the matter stem from Martin N. Murphy, Richard Chalk and Michael Richardson (Murphy 2007, Chalk 2008, Richardson 2004). Second, piracy in the Malacca Straits has been analysed at length, be it

Existing research

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[2]   For more on securitization of piracy in Somalia see: Tsvetkova 2009.
[3]   For more on Max Weber's theory on ideal types see: Gerhardt 2001.

with respect to its causes, the groups involved or the remedies implemented. The most relevant sources include academic journals such as the Naval War College Review (Banaloi 2005, Raymond 2009) or the Journal of Current South East Asian Affairs (Geise 2007, Bünte 2009), as well as reports from individual analysts (Amirell 2006, Liss 2007). Third, the current state of source material with respect to the situation in Somalia is more problematic. As the situation and the remedies are constantly evolving, this thesis mostly refers to newspaper articles and a few scientific analyses by think tanks (Middleton 2008, Hansen 2009, Menkhaus 2008). Reliable information on the situation is limited even more by the security situation in the region, as very few authors are able to investigate and research firsthand. Finally, as mentioned above, no studies are available that have systematically approached the challenge of comparing the two situations in question.

2. Conceptualization of Maritime Violence in the Malacca Straits and the Gulf of Aden

Chapter two focuses on perpetrators and attack scenarios within maritime violence, and then applies the general findings to the two regions of concern. It first deals with terminologies and definitions of different concepts of maritime violence and aims at presenting a conceptualization of the phenomenon, introducing a number of typologies. These conceptual delimitations establish the perpetrators and attack scenarios at play in the Straits of Malacca and the Gulf of Aden that constitute a threat to international cargo shipping and international security, relevant for the present study.

2.1. Analysis of Existing Definitions

Maritime violence is most often conceived through the two phenomena of piracy and maritime terrorism. The definitions of piracy and maritime terrorism vary considerably amongst analysts, institutions and legal frameworks. In order to lay the basis for the framework of analysis for different types of maritime violence, this sub-chapter presents some of the existing definitions of piracy and maritime terrorism. The focus will be on identifying inconsistencies as well as analytical problems resulting from incoherent and often overlapping definitions of the two concepts.

2.1.1. Piracy

In its broadest definition, piracy is considered "any armed violence at sea which is not a lawful act of war" (quoted in: Halberstam 1988:273). This wide-ranging perspective, formulated by the British Jurist C.S. Kenny in his legal reflection on piracy of 1934 is echoed in the definition of the International Maritime Bureau (IMB). The IMB is one of the main references in studying acts of maritime violence and its quarterly published statistics are seen as the most authoritative sources of its kind. Piracy according to the IMB is "an act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act" (IMB 2009:3). The main discrepancy in this definition is the fact that the motivation of the perpetrator is neglected. It fails to differentiate attacks motivated by political agendas from those motivated by economic gain. The IMB's definition has further been criticised for also including attacks on

ships anchored or berthed, which represent 58% (2008: 56%) of the actual attacks reported in 2009 (Scheffler 2010:3). The argument here is that the statistics tend to become blurred by the fact that hijackings of major ships fall under the same definition as small-scale mugging, representing most of the incidents on ships located in ports (Scheffler 2010:3, Amirell 2005:12).

The 1982 United Nations Convention on the Law of the Sea (UNCLOS), in its article 101[4] presents the only legal definition of piracy. It is narrower than the IMB on the question of motivation, specifically limiting the acts to those committed for 'private ends'. Yet its practicability suffers from two main limitations. First, it only adheres to the high sea, failing to cover the vast majority of piratical attacks taking place inside territorial waters. Second, the legal definition is based on the condition that two ships are involved in the incident, excluding actions of pirates boarding a ship as crew members (Møller 2009a:18).

Answering to the spatial limitations, the United Nations shipping regulator, the International Maritime Organisation (IMO), introduced the concept of "armed robbery at sea", corresponding to acts committed within the territorial waters. The IMO adequately complements the UNCLOS, defining armed robbery at sea as "any illegal act of violence or detention or any act of depredation, (...) committed for private ends" (IMO 2010).[5] The merging of these two UN definitions most accurately reflects what most analysts (amongst others: Herbert-Burns/Zucker 2004, Chalk 2008, Amirell 2006) consider to be the major distinctive factor between piracy and other crimes at sea: the economic motivation of the perpetrators. Or as Adam Young and Mark J. Valencia put it:"Piracy is a crime motivated by greed and thus predicated by immediate financial gain" (Young/Valencia 2003).

2.1.2. Maritime Terrorism

While piracy is fundamentally motivated by economic considerations, maritime terrorism is driven by "political goals beyond the immediate act of attacking or hijacking a maritime target" (Young/Valencia 2003). Terrorism, according to Hoffmann, describes "the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change" (Hoffman 2006). The most often used definition of maritime terrorism therefore pertains to terrorist acts executed "within, or with the intent of compromising the features of the maritime domain" (Herbert-Burns/Zucker 2004:31, see also: Nincic 2005:620-623, Richardson 2005:2).

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4   UNCLOS, Article 101, piracy refers to: 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 the knowledge of facts making it a pirate ship or aircraft.

5   IMO 2010: "Armed robbery against ships" means any of the following acts: .1 any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea; .2 any act of inciting or of intentionally facilitating an act described above.

A more extensive definition was presented by the Council for Security Cooperation in the Asia Pacific (CSCAP) Working Group. It defines maritime terrorism as "the undertaking of terrorist acts and activities within the maritime environment, using or against vessels or fixed platforms at sea or in port, or against any one of their passengers or personnel, against coastal facilities or settlements, including tourist resorts, port areas and port towns or cities" (Prakash 2002:1). Considering all 'terrorist activities' within the maritime domain as maritime terrorism, the definition thus also includes the use of the maritime transportation system by smuggling materials, goods or people in the process of preparing terrorist attacks.

The definitions presented above contain two main shortcomings. A first limitation is the tendency to widen the concept of maritime terrorism, overlapping with phenomena such as smuggling or organized crime. Labelling various kinds of criminal activities at sea as maritime terrorism might enhance the public and political attention to the issue (Herbert-Burns/Zucker 2004:31), yet it renders the concept unpractical when it comes to analysing the phenomenon and determining appropriate countermeasures. A consequence of conflating maritime terrorism with various kinds of criminal activities at sea was the tendency in the aftermath of 9/11 2001 to label the increasingly violent attacks by South East Asian pirates as terrorism (Herbert-Burns/Zucker 2004:31). A second problem of both definitions of maritime terrorism is that they do not differentiate between internationally oriented terrorism and local insurgency groups acting at sea. There are considerable differences between the intention and threats of a presumed maritime strategy of Al Qaeda, and the actions of local insurgencies such as the Liberation Tigers of Tamil Eelam (LTTE), a Tamil insurgency group. For Al Qaeda, targeting Western interests, global trade routes and international military presence constitute promising targets to advance their global agenda. The LTTE in turn followed regionally limited aspirations and objectives and its attacks were consequently mainly directed against specific local adversaries (Murphy 2007:63-67).

Shortcomings

2.1.3.   Conclusion

This analysis of existing definitions on piracy and maritime terrorism has shed light on four principle shortcomings, which should be tackled by the following framework of analysis.

First, there is a lack of a common understanding of what type of assault falls under maritime violence. When establishing a typology of maritime violence, this must be the first step. Second, the framework will have to establish clear-cut definitions in order to answer to discrepancies within the different definitions of the two concepts. Third, the broad definitions of piracy informing IMB and IMO statistics on maritime violence do not differentiate between simple acts of robbery and the kind of crimes this study is concerned with, namely major attacks threatening international cargo shipping and/or international security. The newly established framework must allow for clearly delineating the acts central to this study. And finally, the significant overlapping areas between the two phenomena of piracy and maritime terrorism will have to be specified and integrated into a coherent analytical concept.

Exigencies for a new framework of analysis

2.2. Framework of Analysis

The establishing of typologies is a useful tool in conceptualizing different specifica-
tions of a broader social phenomenon and to delineate subcategories. In a Weberian
sense, ideal types are analytical constructs, serving as a kind of objective measure-
ment, to which empirical data can be compared (Weber 1995). Cases affiliated to the
same type have with respect to the chosen criterion of differentiation minimal dif-
ferences while these discrepancies vary maximal with respect to the other types
(Kruse 2009:218). The present framework of analysis will propose a typology for acts
of maritime violence, using as the main criterion of differentiation the motivation
behind the acts and of the perpetrators.

As exposed in the analysis of existing definitions, the scope of the phenomenon of
maritime violence remains disputed. It is thus essential in a first step to clearly de-
lineate the range of crimes we are looking at. In a second step the motivation of acts
and perpetrators will be introduced as the two main distinctive factors for the analy-
sis of maritime violence, creating a framework with four main typologies.

2.2.1.   Delimiting the Acts

Within this thesis, maritime violence is considered as encompassing *violent attacks*
on or conducted directly through devices of the maritime domain. Maritime violence
thus contains the two following types of attack scenarios: attacks from sea, and at-
tacks from land on targets on sea.

Attacks from sea can be conducted on targets at sea, in harbours or on land. Attack-
ing targets at sea from sea constitutes the classic scenario of crew members of one
ship boarding another vessel in order to commit a violent attack. This scenario is re-
flected by the two ship condition described in the UNCLOS definition of piracy. Not
included in the definition by UNCLOS are attacks on targets in harbours. However, as
these attacks do constitute a large number of the attacks of 'piracy and armed rob-
bery' registered by the IMB according to their own definition of piracy (Scheffler
2010:3) they are also being included in this study. Finally, attacks from sea on targets
on land include the possible scenarios of terrorists trying to devastate harbours and
their surrounding areas for example by bringing a ship containing oil or gas to explo-
sion.

Attacks from land on targets at sea include attacks on ships docked in harbours. The
classical case would be small scale 'maritime mugging'. Another scenario often
quoted by authors on maritime terrorism would be terrorists causing a ship to sink at
a chokepoint of maritime trade through attacking it from land (Richardson 2004,
Greenberg et al. 2006).

With respect to the definitions of piracy and maritime terrorism as presented in
chapter 2.1, this implies three main limitations. First, the crimes considered are lim-
ited to concrete attack scenarios. Unlike Murphy, who considers low level transport
of weapons, money, equipment and persons that feed terrorist capability worldwide
as the most serious threat to international security posed by maritime terrorism
(Murphy 2006a), the present analysis does not consider such activities of broader
maritime crime as maritime violence. Second, the acts considered are limited to at-

tacks directly conducted through or on devices of the maritime domain. Admittedly, this wording is only as clear-cut as the complexity of phenomenon allows it to be.[6]

2.2.2. Typology of Maritime Violence

It has repeatedly been emphasized that the main distinctive factor between piracy and maritime terrorism is the motivation behind the act. Or as Herbert-Burns and Zucker put it: "Piracy is driven by financial gain, while terrorism is politically motivated" (Herbert-Burns/Zucker 2004:30). Given that these phenomena have to be seen as the two major sub-categories of maritime violence, this distinction on the basis of the motivation behind the act itself represents the primary level of the framework of analysis. As these acts can be committed by different kinds of organizations, it becomes analytically useful to distinguish on a secondary level the motivations of the perpetrators. A further reason for distinguishing different sub-phenomena of maritime violence is very practical. A thorough understanding of the driving factors behind the attacks is a prerequisite for designing promising counter-measure strategies against maritime violence.

PRIMARY LEVEL – MOTIVATION BEHIND THE ACTS

When looking at the different acts of maritime violence it would seem logical to establish distinctions merely on the nature of the acts. Yet, "not only do pirates terrorize ships' crews, but terror groups (...) could also use pirates' methods either to attack ships, or to seize ships to use in terror attacks at megaports, much like the September 11 hijackers used planes" (Banaloi 2005:64). The same act therefore can be classified as piracy or terrorism, as the strategy they use is often the same (Bünte 2009:90). What distinguishes the two concepts is the immediate, short-term motivation of the perpetrator leading to the specific act of maritime violence (see Figure 1: motivation behind the acts). While the seizing of a ship and holding it for ransom is classified as piracy, the same act "as a means of creating havoc or instilling fear in a population or the general public" (Amirell 2006:53) in order to portray a political message, corresponds to terrorism.

Figure 1: Motivation behind Acts – Piracy vs. Terrorism

Motivation behind Acts	*Economic*	Piracy
	Political	Terrorism

SECONDARY LEVEL – MOTIVATION OF THE PERPETRATORS

The distinction on the basis of motivation of the act itself is blurred in cases where politically motivated groups use piratical means to finance their activities ashore. It

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[6] A perfect example of the difficulty to make clear distinctions on this issue are the diverging opinions of whether the attack on land-based targets in Mumbai of November 2008 shall be classified as maritime terrorism, as the terrorists of Lashkar-e-Toiba have been carried by boat from Karachi to Mumbai (Raman 2010). In the present analysis, such kinds of attacks are not treated as maritime violence, as the link to maritime devices is only indirect.

would be inappropriate to simply label them as pirates, as these groups have completely different characteristics than the 'classical' pirates striving for economic gain. Most notably, when establishing long-term strategies to confront piracy or when talking about criminal prosecution, it becomes relevant to consider the driving factors behind the group's actions. The introduction of a second level of distinction, concentrating on the long-term motivation of the perpetrator behind the immediate attack makes allowance to this challenge. The two-level framework presented in Figure 2 leads to the establishment of four main typologies:

Figure 2: Framework of Analysis of Maritime Violence

		Motivation of perpetrators	
		Economic	*Political*
	Economic	**Common Piracy**	**Political Piracy**
Motivation behind Acts	*Political*	**Economically oriented Maritime Terrorism**	**Maritime Terrorism/ Maritime Insurgency**

The first type introduced by the framework of analysis is 'common piracy'. It describes attacks which have been carried out with an economical objective and by perpetrators who are driven by greed rather than political motivations. Second, the concept of 'political piracy' describes the attacks in which politically oriented groups use piratical tactics to finance their activities. Third, the types of 'maritime terrorism' and 'maritime insurgency' reflect attacks which clearly have a political motivation and are carried out by organizations with political objectives. It has to be kept in mind that the two concepts of maritime terrorism and maritime insurgency are different phenomena (see chapter 2.3.3). And finally, the type completing the table is 'economically oriented terrorism': politically motivated attacks conducted by organizations primarily interested in financial benefits. This last category represents, as demonstrated in chapter 2.3.4 only a marginal part of attacks amounting to maritime violence.

Four types of maritime violence

2.2.3.   Conclusion

The framework of analysis presented in this sub-chapter has shown that the different attack scenarios of maritime violence can accurately be classified by a stringent two-level analysis of the motivation behind the act and of the perpetrators. The typologies encompass diverse attack scenarios, not all constituting a threat to international cargo shipping and/or international security. This issue will be addressed in the following pages, where the different attack scenarios will be described in some more depth and applied to the two regions of concern.

2.3. Perpetrators and Attack Scenarios of Maritime Violence in the Malacca Straits and in the Gulf of Aden

In this section, the perpetrators and attack scenarios of maritime violence in the Malacca Straits and the Gulf of Aden will be analysed through the lens of the framework of analysis established above.

2.3.1. Common Piracy

The first typology resulting from the framework of analysis is 'common piracy'. Common piracy refers to *violent attacks or detention, or any act of depredation, or threat thereof, committed for private ends and directed against a ship or against persons or properties on board such a ship within a State's internal waters, archipelagic waters, as well as in territorial and high seas.*

Definition common piracy

The phrasing 'for private ends' as used in the present definition implies that the economic motivation relates to the short-time motivation behind the immediate act as well as the long-term intentions of the perpetrator. This definition is largely identical with the IMO definition for 'armed robbery against ships'. Yet, it includes attacks that occur in international waters, as described by the UNCLOS definition. The main difference to the IMB definition, which does not specifically restrict acts of piracy to those attacks committed for economic purposes, lies within the focus on attacks conducted for 'private ends'.

Differences to existing definitions

The proposed definition includes small-scale thefts of local fishermen as well as professionally planned and accomplished kidnappings. Beyond the typologies created by the new framework of analysis, a further sub-categorization therefore seems to be useful. It qualifies the attack scenarios according to their capacity to threaten international cargo shipping. Even if the IMO definition of piracy and armed robbery at sea differs from the present definition of common piracy, the typology presented in 1993 by an IMO working group seems very accurate. Analysing the phenomenon through the lens of the perpetrator's capabilities in terms of organization, skills and equipment, the IMO concluded that piracy can be divided into the following three categories (IMO 1993). First, 'low-level armed robbery' refers to attacks "generally carried out in the vicinity of land from small high-speed craft by groups of petty thieves armed with machetes, clubs and, occasionally, low velocity weapons such as pistols and shotguns" (IMO 1993). The second category of 'medium-level armed assault and robbery' consist of violent thefts potentially including serious injury or murder by well-organized groups, usually operating from a 'mother ship' and equipped with modern weaponry (Valencia 2005:80/81). Third, 'major criminal hijack' represents hijackings of ships; attacks that are "well resourced and meticulously planned, employing highly trained and heavily armed syndicates working in conjunction with land-based operatives and brokers" (Chalk 2006:6). While the first category of low level armed robbery does not impede international trade at sea to the extent that it would cause international actors to engage in countermeasures, the attack scenarios of the second and third type do (Raymond 2009:33). This thesis therefore is concerned only by the second and third categories of piracy. In the following, com-

Further sub-categorization

mon piracy in the Malacca Straits and in the Gulf of Aden will be analysed according to the categorization by the IMO.

MALACCA STRAITS

Piracy was present in the Straits of Malacca even before the start of East-West-commerce in the 16th century. The pirates became more organized in the 19th century when they started building so-called "specialized pirate communities" (Teitler 2002). The vast majority of common piracy attacks in the Straits of Malacca constitute low-level armed robbery in Malaysian as well as Indonesian waters. The revenues from such attacks often are a source of income in times of need for the desperate local populations, mainly fishermen. These 'hit-and-run' attacks are most often directed against small craft, including yachts, fishing vessels and local merchant ships that pass through waters near the pirate communities (Liss 2007:1).

A number of attacks went beyond low level armed robbery as they were far better organised, and included an important degree of violence. These acts fall under the category of medium-level armed assault and robbery. Unemployed and desperate fishermen were recruited by well organized criminal gangs in order to conduct piratical attacks.[7] A further sign of an increasing degree of organization was the fact that "fishers have in recent years increasingly been forced to make up-front payments to pirate gangs in order to fish safely in certain areas and the hijacking of fishing boats and kidnapping of crew for ransom have become regular occurrences in some parts of South East Asia, such as the Malacca Straits" (Liss 2007:2).

Major criminal hijack also occurs in the Malacca Straits. Asian criminal syndicates such as the Chinese Triads or the Japanese Yakuza have been accused of being involved in major piratical operations in South East Asia. Internationally organised pirate gangs have been hiring experienced local pirates in order to conduct attacks resulting in long-term and permanent seizures of predominantly medium sized vessels, including cargo ships, bulk carriers and tankers.[8] In many cases, the kidnapped ships have been renamed, partly repainted and newly registered in order to be sold or used for illegal trading.[9]

GULF OF ADEN

While the vast majority of the piratical attacks in the Malacca Straits are small-scale robberies, the average common piracy attack in the Gulf of Aden is far more sophisticated. Between 2007 and 2009, 221 actual and attempted attacks have taken place

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[7] A case in point is the attack on a buoy-tender ship in June 2001 near Karimun Island in Indonesia, southeast of Singapore, where out of 14 pirates eight were fishers from the island of Karimun (Liss 2007:1).

[8] An example of such an attack is the "shipjacking" of the tanker Selayand on 20 June 2001 in the Malacca straits. The 19 local pirates stated that they had been hired by a man called Mr. Ching, "who had only limited contact with the perpetrators and remained anonymous." (quoted in Liss 2007:7)

[9] The most famous example of such a phantom-ship assault is the Malaysian owned and Panama flagged cargo vessel Natris. It was hijacked and disappeared on 17 November 2002 in Batam. In 2003, the vessel was re-registered as the Paulijing, with the International Merchant Marine Registry of Belize. Newly registered, the Paulijing traded for more than two years before the Malaysian marine police detained the vessel in August 2005 (Liss 2007:6).

in the Gulf of Aden (IMB 2009). Out of these, the overwhelming majority amounted to medium-level armed assault and robbery or major criminal hijack according to the classification of the IMB and represent a clear threat to international merchant shipping (IMB 2007, IMB 2008, IMB 2009).

The IMB attributes all the acts of piracy in the Gulf of Aden to Somali pirates, with no attack by Yemeni pirates reported (IMB 2009:5). Within Somalia, the semi-autonomous region of Puntland in the northeast of the country has become the base of most of the pirate activities in the Gulf of Aden. In the neighbouring province of Somaliland, piracy has never gained a foothold (Middleton 2008:4). Various groups of pirates, organized along clan lines are currently active in Somali waters.[10] Immediate attacks are conducted by small and rapid skiffs, but the pirates have increased their range by using mother ships. Generally, these are fishing trawlers that were captured by the pirates closer to shore and are subsequently used as staging posts further out to sea (Middleton 2008:4). According to reported incidents, the pirates in the Gulf of Aden are always armed, but they very rarely use their weaponry which evidences their high professionalism (Møller 2009b:1).[11]

Puntland as the main base

Piracy in the Gulf of Aden has dramatically increased the cost of international trade in the area. The insurance rates for ships passing the Gulf rose forty fold in 2008, from an estimated USD 500 to USD 200.000 per passage (Frump 2009). Installing deterrence systems on the ships is also costly. Long range acoustical devices cost USD 20.000 – 30.000 each, and permanent onboard security guards are even more expensive (Gilpin 2009:12). The phenomenon also negatively impacts nearby countries. For instance, Egyptian income from ship passages of the Suez Channel dropped from 5.1 billion to 3.6 billion USD in two years (Wasser 2009). In his 2008 study, Peter Chalk estimated the direct and indirect costs of Somali piracy to the global trade to be somewhere between 1 billion to 16 billion USD (Chalk 2008:16). These numbers have likely risen considerably due to the growing intensity of piracy and the stepped-up countermeasures.

Increasing costs of piracy

2.3.2. Political Piracy

Political piracy constitutes the second typology introduced by the framework of analysis on maritime violence. Political piracy refers *to piratical attacks committed by a perpetrator with a political agenda in order to fund his activities.*

Definition political piracy

In the case of political piracy, unlike common piracy, the economic benefits of the piratical attacks represent just the means to pursue a wider political, ideological or religious cause. The organizations in question are often labelled terrorists, mainly due to their political struggles on land sometimes involving terrorist tactics. With respect to their activities at sea, however, they act as pirates.[12]

Differences to common piracy

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[10]   For more on the structuring of different groups see: UN Secretary General 2009.
[11]   The pirates who hijacked the French luxury yacht "Le Ponant" in April 2008 were acting according to a written code of conduct they carried with them. The document banned the mistreatment of hostages, notably sexual misuse (Reuters 2008a).
[12]   In this sense, the terminology of "logistical support terrorism" used by Rupert Herbert-Burns misses the point (Herbert-Burns/Zucker 2004:32/33).

Considering the IMB and IMO definitions, political piracy falls under the broadly de- fined umbrella of piracy. Neither the IMB, nor the IMO differentiate common piracy from political piracy for the purpose of their statistics, making it difficult to establish clear numbers that would define the scope of political piracy.

While a number of authors have been addressing political piracy as an apparent over- lap between piracy and terrorism, Stefan Eklöf Amirell has specified it as a distinct phenomenon (Amirell 2006). He argues that the distinction of political piracy as a separate typology is useful from a theoretical point of view, "in order to identify the main characteristics of the different threats that maritime crime and terrorism currently pose", as well as for practical purposes, "in order to identify and deploy the most efficient counter-measures" (Amirell 2006:53). While the roots of common piracy lie in economic deprivation, countering political piracy asks for various political factors to be taken into consideration.

MALACCA STRAITS

In the Malacca Straits, the only group which has been involved in political piracy is the Indonesian based Free Aceh Movement (GAM). From its founding in 1976 until the 2005 peace agreement with the Indonesian government, GAM has been fighting an armed struggle for independence for Aceh, the Indonesian province located in the north of the country's main island Sumatra (Schulze 2004:4-9). GAM's exiled leadership has always contested its involvement in piracy (Schulze 2004:7). Despite these protests, several piratical incidents in the waters off the Aceh province have been attributed to the organization, following the escalation of the conflict with the central government in 1998. The most prominent incident was the attack on the MV Ocean Silver by a group of pirates armed with guns and a grenade launcher in August 2001. Six of the 12 crew members were held hostage for a ransom equivalent to USD 30.000 (Herbert-Burns/Zucker 2004:32). Following this incident, the GAM spokesman Ishak Daud, tacitly acknowledged the involvement of his organization in the attack by demanding ship owners to recognize GAM's domain over Acehnese waters: "If they (the shippers) do not want to seek permission from us, then they should not blame the GAM if cases such as experienced by the Honduran-flagged Ocean Silver ship repeat itself again" (Amirell 2006:54). GAM, as these incidents suggest, was using piracy as source of funding for at least some parts of the organisation's activities.

GULF OF ADEN

The two main Somali Islamist insurgency groups, Al Shabaab and Hizbul Islam, have at various occasions been linked to piracy (Gebauer 2010, Middleton 2008). Andrew Mwangura, head of the East African Seafarers' Assistance program was quoted by Reuters in 2008 as saying: "According to our information, the money they make from piracy and ransoms goes to support Al Shabaab activities on-shore" (Reuters 2008b). The argument of a considerable involvement of pirate groups in the local conflict is further supported by a New York Times article of September 2010, claiming that "while local government officials in Hobyo have deputized pirate gangs to ring off coastal villages and block out the Shabab, down the beach in Xarardheere, another pirate lair, elders said that other pirates recently agreed to split their ransoms with

the Shabab and Hizbul Islam, another Islamist insurgent group'' (NY Times 2010). Nevertheless, it remains contested whether these militias are systematically using piratical attacks as a means to finance themselves or whether some pirate gangs have themselves become part of the civil war (Pedretto 2010:10, Reuters 2010b). Vice Admiral William Gortney, the commander of U.S. Naval Forces Central Command for example explained in the House Armed Service Committee in March 2009 that they "look very, very carefully for a linkage between piracy and terrorism or any kind of ideology" and they "do not see it" (Ploch et al. 2009). This position is further supported by the UN Monitoring Group on Somalia, finding "no evidence that to support allegations of structured cooperation between pirate groups and armed opposition groups, including Al-Shabaab" (UNSC 2010:37). Furthermore, these assumptions mainly address the situation in Southern Somalia where an important part of the coastal regions are under control of the Islamist militias. The pirates active in the Gulf of Aden in turn mainly originate from Puntland, where the local government manages to keep the influence of the Islamists at a strict minimum (Pham 2009:89). Hence, as of February 2011, common piracy, not political piracy, describes the activities of maritime violence in the Gulf of Aden.

2.3.3. International Maritime Terrorism and Maritime Insurgency

The third typology resulting from the framework of analysis consists of the phenomenon which is characterized by politically motivated acts, accomplished by groups pursuing political goals. Taking a closer look at the attack scenarios and the organizations falling into this category, significant differences with respect to the scope of the political motivations can be observed. While some actors such as Al Qaeda and its affiliates aim at harming the 'Western' civilization as such, local insurgencies such as the Abu Sayyaf Group (ASG) in the Philippines or the LTTE in Sri Lanka use or have used terrorist attacks at sea in order to fight their local government. Differentiating the two concepts as international maritime terrorism and maritime insurgency is therefore a necessary analytical step to make. While international maritime terrorism has the aim and potential to harm international security as well as international trade, maritime insurgency has mostly locally limited repercussions and is far less relevant for this thesis.

International maritime terrorism, maritime insurgency

INTERNATIONAL MARITIME TERRORISM

International maritime terrorism represents *acts of terrorism at or from the sea, that is to say acts of violence committed by politically motivated groups with an international agenda, aiming at inspiring their supporters and/or inducing feelings of fear among their enemies.*

Definition international maritime terrorism

With respect to the definitions of maritime terrorism presented in chapters 2.1.1 and 2.1.2, this definition confines these acts of terrorism to the maritime domain carried out with the intent to pursue an international agenda.

Existing definitions of maritime terrorism

As will be specified in the following, currently the only groups falling under this category are the jihadist networks of Al Qaeda and its associates. In terms of possible attack scenarios, four main categories of methods and targets can be specified: ships

Jihadist networks

as iconic targets, ships or offshore installations as economic targets, ships as mass-casualty targets, ships or other vehicles as weapons (Murphy 2007:55-61). The attack scenarios include attacking cruise ships or causing a major vessel to sink in a bottle-neck central to international trade, making it impassable for other ships. Even more devastating, is the scenario of terrorists triggering an explosion of a tanker filled with oil or gas in a harbour, potentially destroying whole parts of cities or the scenario of terrorists transporting dirty bombs in a shipping container. Yet, only few attacks of maritime terrorism have so far been successfully accomplished. It is therefore hotly debated whether terrorists would have the capability and the intent of conducting such attacks.[13]

Two main arguments have to be brought forward for the threat to be put in perspective. First, many of the attack scenarios with potentially devastating consequences require sophisticated technical knowledge. Murphy argues that "the technical skills required to control a large ship in narrow waters and to trigger an explosion in a volatile cargo are considerable" (Murphy 2006a:24). Second, maritime targets are often less likely to elicit the same publicity as a strike on land-based targets. Due to the difficulty of the task and the high probability to fail, terrorists generally prefer the more promising alternative of land-based activities (Chalk 2008:20).

The main threat of maritime terrorism is thus not to be seen in the 'high consequences low probability category', but in symbolic targets that can easily be hit by small boats (Murphy 2006a:24). It is not surprising that the few successful attacks of international maritime terrorism in the last decade have been occurring according to this pattern. The USS Cole and the Limburg for instance have both been hit by suicide terrorists in small boats loaded with explosives. An attack on a major cruise ship seems to be most attractive in the eyes of jihadist terrorism (Greenberg et al. 2006:104). Cruise ships typically carry rich, middle-class American and European tourists, providing "the type of high-prestige, iconic target that would likely resonate with extremist Islamist intent and elicit considerable media attention if decisively struck" (Chalk 2008:25/26). It therefore is surprising that the hijacking of the cruise ship Achille Lauro in 1985 by members of the Palestinian Liberation Front remains the only major incident of this kind.

MARITIME INSURGENCY

The second category of politically motivated acts carried out by groups striving for political objectives can best be described as maritime insurgency. Maritime insurgency refers to *violent attacks at or from sea, committed by insurgents with geographically limited agendas.*

International maritime terrorism has an international perspective, making international trading routes and passenger ships attractive targets. Insurgency groups with a maritime component in contrast typically follow a separatist agenda and direct their attacks primarily on assets of the government in question. These attacks may also

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[13]   For a comprehensive study on potential attack scenarios and risk analysis of maritime terrorism, see: Greenberg et al. 2006, Richardson 2004.

include terrorist tactics. The best documented example of this type was the LTTE, keeping its own navy called the 'Sea Tigers' until it was officially defeated in 2008 (Murphy 2006b). The actions of the Movement for the Emancipation of the Niger Delta (MEND) would be a second example of maritime insurgency. As the MEND, in its struggle for control over the Niger Delta's oil wealth, mainly targets devices of the oil industry, it has a greater impact on international trade than other maritime insurgencies. As neither in the Gulf of Aden, nor in the Malacca Straits, organizations fall under this category it will be neglected in this thesis.

MARITIME TERRORISM IN THE MALACCA STRAITS

When talking about politically motivated groups allegedly perpetrating attacks on sea in the Straits of Malacca, the Jemaah Islamiyah (JI) is the organization to focus on.

The JI is an Islamist terrorist organization, founded in the mid 1990s and operating in Indonesia, Malaysia, Singapore and the Philippines. The first time the world took notice of the group was after the Bali bombings of 2002, killing almost 200, for which JI has been held accountable. It is clear that the organisations aim is to establish an Islamist Sultanate in South East Asia. Its links to Al Qaeda as a globally active international terrorist organization however remain disputed. Some analysts claim that the two organizations are not closely linked as the regional goals of JI do not match Al Qaeda's global aspirations. Others argue that JI has already opened a South East Asian front of Al Qaeda's struggle against Western civilization (Richardson 2004:28/29). None of the terrorist attacks attributed to JI so far have been conducted in the maritime domain (Amirell 2006:57). Most of the indications for such an involvement remain rather unconvincing. Yet, there are several indications that the organization is aiming at the maritime domain. Examples include a video, found in Afghanistan, showing the movement of Malaysian naval vessels, or allegations that in 2003, a number of terrorists would have hijacked a chemical tanker in the Malacca Straits in order to learn how to control a ship of such dimensions. More evident however seem the allegations of Singapore's Ministry of Home Affairs after arresting thirteen JI members for planning a number of attacks on Western targets in Singapore. The investigations revealed that one of the group's major plans was to carry out suicide attacks against U.S. naval vessels in the Singaporean Johore Straits (Jakarta Post 2004, Amirell 2006:58). It seems that the main reason for the attacks not having taken place is the lack of qualified personnel and necessary material (Abuza 2004:9).

MARITIME TERRORISM IN THE GULF OF ADEN

Continued fears of maritime terrorism in the Gulf of Aden emanate from the attacks against the American destroyer USS Cole and the French-registered oil tanker Limburg of October 2000. Both attacks were planned and carried out by Al Qaeda operatives led by the organization's former chief of naval operations, Abdul Rahim Al-Nasheri (U.S. Department of Justice 2003). The attacks both corresponded to the risk attack described above, directed against iconic targets and carried out by small boats, heavily loaded with explosives. (CNN 2000, Richardson 2004:18).

Nevertheless, the persecution of an Al Qaeda cell based in Yemen which was held responsible for attacks in the maritime domain has been rather successful. The endeavours culminated in the capture of Al-Nasheri in November 2002 (CBS 2002). The continued existence of a proper 'navy' including a significant fleet, supposedly maintained by Al Qaeda (Richardson 2004:13), and which could be used not only for the transport of goods and persons but also as a weapon, remains highly disputed (Dragonette 2005). Due to the absence of terrorist attacks in the maritime domain since the USS Cole bombing of October 2000, the repeated predictions of 'Al Qaeda's coming maritime campaign' (Blanche 2002, Pelkofski 2005, Falk/Schwartz 2005) proved to be premature. Until July 2010, none of the apprehended large scale terrorist attacks involving major ships as weapons of any kind has been carried out by Al Qaeda - not in the Gulf of Aden, nor anywhere else. Therefore, the threat to international security and international shipping trade posed by international maritime terrorism seems to remain limited. However, this does not mean that the potential of attacks from Islamist groups based in Yemen should be neglected, when dealing with effective countermeasures. Given that many of the targets in the Gulf of Aden remain potentially attractive to Al Qaeda and its affiliates, and due to the fact that the organization still enjoys a worrying freedom of action in the country (see chapter 3.1), caution should still be taken.

2.3.4. Economically Oriented Maritime Terrorism

The fourth and final type of maritime violence deals with economically oriented maritime terrorism. Economically oriented maritime terrorism refers to *attacks at or from sea, in which terrorism is used as a tactic by economically motivated perpetrators.* Definition economically oriented maritime terrorism

This fourth category of attack scenarios very rarely occurs in reality. For economically oriented perpetrators such as pirates, attacks designed to spread fear amongst the population are not very promising. First, these attacks typically do not result in immediate economic gain, and second, pirates are interested in keeping a low profile in order to act in an unhindered way (Young/Valencia 2003).

The only case in which an attack has by certain analysts been interpreted to fall under this category is the attack on Super Ferry 14 conducted by the Abu Sayyaf Group in the Philippines in February 2004. The U.S. States Department stated one year before the attack in a report on global terrorism that the group "has primarily used terror for financial profit" (U.S. State Department 2003:114). This assessment is supported with respect to the attack on Super Ferry 14. Several voices argue that prior to the attack the company running the ship had refused to pay an extortion demand to ASG. This is further proof of the group's growing economic motivation (Murphy 2007:66). Other analysts however consider the incident as a blunt terrorist attack and prime example of maritime terrorism (Greenberg et al. 2006:22). Only very few attacks

As no group active in the Malacca Straits or in the Gulf of Aden is involved in economically oriented maritime terrorism, this typology will be neglected in this thesis.

2.4. Conclusion

Chapter two first introduced a framework of analysis describing different types of maritime violence occurring in the Straits of Malacca and in the Gulf of Aden. Furthermore, the perpetrators and attack scenarios constituting a threat to international cargo shipping or international security and as such relevant for the study of countermeasures in this thesis were determined. The following three conclusions can be drawn.

First, maritime violence manifests itself in various different forms. The framework of analysis has shown that the motivations behind the act and of the perpetrator are useful criterion of distinction, in order to specify the very diverse forms of the phenomenon.

Maritime violence: a diverse phenomenon

Second, different types of maritime violence endanger international cargo shipping and/or international security in the two regions of concern. The main threat to international trade at sea is in both cases raised by large scale common piracy. Political piracy is not present in the Gulf of Aden while the acts of GAM add to the threat of common piracy in the Malacca Straits. Further, international maritime terrorism by Al Qaeda based in Yemen and the Jemaah Islamiyah mainly based in Indonesia could potentially have devastating impacts on international cargo shipping as well as international security. Nevertheless, the fact that since 2000, no major attack of the kind has been implemented, the threat does not seem to be imminent in neither of the regions. Finally, maritime insurgency and economically oriented terrorism have not been a problem in any of the two regions.

... and a threat to shipping and security

Third, unlike stated in much of the existing literature on the issue, the large scale piratical attacks in the region, as the main concern to the international community are very well comparable. While it is undisputed that the Somali pirates have reached a higher degree of sophistication, the Asian pirates in turn were much more brutal towards the crews of the ships kidnapped. These differences however are not to be seen as compromising the endeavour to transfer lessons learnt in the Malacca Straits to the Gulf of Aden.

Comparable attack scenarios

3. Root causes of Maritime Violence in the Malacca Straits and at the Gulf of Aden

Having established and analysed the perpetrators and attack scenarios international countermeasures in the Malacca Straits and the Gulf of Aden are designed to cope with, the second section concentrates on root causes of the phenomena. It pursues two main objectives. First, it shall evaluate the degree of comparability between the two cases with respect to the environment in which the phenomena take place. The underlying hypothesis of this study, based on the assumption that the two cases are too different in order to reveal promising results when comparing them, shall be further tested. Second, the study of root causes allows for a better understanding of the circumstances under which the phenomena emanate and continue. This will provide for valuable information when studying possible strategies of countermeasures in the fourth chapter.

Root causes of maritime violence

In the following, the three most often mentioned causes of maritime violence: state weakness, economic despair, and ideology will be closely looked at (Chalk 2008, Petretto 2008, Ploch 2007). In doing so, ample consideration will be given to the fact that they might differ between common piracy, political piracy and maritime terrorism.

3.1. State Weakness

A first root cause of systematic maritime violence is state weakness (Chalk 2008:12; Petretto 2008). It is reflected by a lack of effective monopoly on force by the government over territories and waters from which pirates or maritime terrorists operate. War and disorder, aggravate the problem and are permissive to the creation of safe havens. Weak state authorities furthermore tend to be prone to corruption, favouring a convergence of interests between the local authorities and pirates. State weakness is equally conducive to piracy and terrorism, given that pirates as well as maritime terrorists are dependent on lax policing systems at sea and on shore to plan and implement their attacks.

MALACCA STRAITS

The Malacca Straits are bordered by Indonesia, Malaysia and Singapore. According to the Failed State Index (Failed State Index 2005-2009) Singapore and Malaysia are seen as rather well functioning states. It is not surprising that large scale piratical attacks along the Malacca Straits originated from the Indonesian coast. The few attacks that took place along the Singapore Straits[14] represent simple boarding of ships, without hijacking, or detaining of the vessel (IMB 2004, IMB 2005, IMB 2006, IMB 2007, IMB 2008, IMB 2009).

Indonesia requires a much more thorough analysis, as between 2004 and 2007 roughly 70 percent of the total number of attacks of piracy and armed robbery in South East Asia took place in Indonesian waters (IMB Report 2007). Moreover, an important part of the countermeasures to secure the Malacca Straits focused on improving Indonesian administrative capabilities. First indications for the lacking state functioning are the extremely weak ratings[15] on the legitimacy of state institutions, the functioning of public services and the reliability of its security apparatus in the 2005 Failed State Index.[16] These ratings point to the "disappearance of basic state institutions that serve the people, including failure to protect citizens of terrorism and violence" (Failed State Index Indonesia 2005/2006), as well as endemic corruption and "widespread loss of popular confidence in state institutions and processes" (Failed State Index Indicator 7, 2010). Two major explanations can be identified for this assessment. A first factor is the situation in Aceh, where the fighting between the separatist movement GAM and the Indonesian government severely limited the

<div style="margin-left:auto;text-align:right">State weakness</div>

<div style="text-align:right">State weakness around the Malacca Straits</div>

<div style="text-align:right">Indonesia</div>

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[14] According to the IMB reports between 3 and 9 attacks taking place in the Singapore Straits are reported each year.

[15] In the Failed State Index 2005, the ratings of the political and military indicators were 9.2, 8.6 and 7.6 while 10 corresponded to the weakest rating.

[16] The Failed State Index of 2005 has been the first of its kind. It is assumed here that the evaluation for earlier years would have generated comparable results.

capability of the Indonesian authorities to effectively prevent and counter piratical attacks in the northern part of the Malacca Straits. The GAM not only was itself involved in maritime violence, it also severely challenged the government's control over the waters off the Acehnese coast (Amirell 2006:54). Secondly, the external demands for massive investments in land-based anti-terrorism infrastructure after 9/11 have resulted in significant cuts of financial means directed to measures on off-shore monitoring systems (Chalk 2008:12).

GULF OF ADEN

Somalia and Yemen, the two states bordering the Gulf of Aden are both characterized by weak state institutions. This provides pirate syndicates or terrorists at sea with an environment highly conducive for their activities.

State weakness around the Gulf of Aden

Somalia, to begin with, has become the most protracted case of state collapse worldwide (Hagmann/Hoehne 2009:46). In the Failed State Index, the country has been ranked first in 2008 and 2009. Political indicators show that having the highest score of 10, administrative capabilities are virtually non-existent (Failed State Index 2005–2009). Since the regime of Siad Barre was overthrown in 1991, no force has been able to install an effective government over the entire country.[17] The Transitional Federal Government, which was created in 2004 and which is the internationally recognized representation of Somalia, is constantly attacked by Islamist militias. It only controls parts of the capital Mogadishu and is assisted by the troops of the African Union Mission in Somalia (AMISOM). The state government is therefore far from being able to guarantee public order and eliminate structures of organized piracy off the country's coast. The six months of rather effective rule over parts of the country by the Islamic Courts Union in 2006, was the only period during which piracy virtually vanished. This is an indication that functioning public authorities would be capable of countering piracy (Middleton 2008:3).

Somalia

When looking at capacities of public authorities in Somalia, it is misleading to concentrate solely on the state level. In response to the prolonged absence of a central government, some of the core state functions were performed by alternative actors (Engel/Mehler 2005), creating "informal systems of adaptation, security and governance" (Menkhaus 2006:74). This holds particularly true for the Somali regions at the coast of the Gulf of Aden.

Sub-state authorities play a crucial role

A first example of such a sub-state entity, is the region of Somaliland in the northwest of the country. Declared independent in 1991, the republic has through the adoption of a constitution by public referendum in 2001 managed the transformation from a "clan democratic system of governance into a multi-party democracy" (Hagmann/Hoehne 2009:49). Security matters are traditionally dealt with in a decentralised manner by local politicians and elders. Central government institutions such as the national armed forces therefore intervene only in exceptional cases (Hagmann/Hoehne 2009:49). The fact that systematic piracy has never emerged along the

Somaliland

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[17]   For a detailed analysis of the breakdown of the Somali state see: Menkhaus 2008.

coast of Somaliland, constituting roughly two thirds of the Gulf of Aden's Southern coast clearly shows that functioning public authorities matter greatly.

A second and more ambiguous example is Puntland, from where the vast majority of Somali piracy attacks in the Gulf of Aden originate. The authorities of Puntland were established at a clan conference in 1998 and, unlike the separatist government of Somaliland, aim at rebuilding a unified Somali state. Until 2004, the region was led by Abdullahi Yusuf in a "kind of a clan dictatorship" (Hagmann/Hoehne 2009:50). Yusuf's successor, General Mahamuud Muuse Hirsi was followed in 2009 by Abdirahman Mohamed Farole, who promised to improve democratic government and to "eliminate piracy" (BBC News 2009a). While the region possesses centralized police and military forces, security matters are, as it holds true for Somaliland, primarily dealt with by political authorities and elders at local level. Contrary to the president's promises, the notoriously corrupt regional authorities are accused of being complicit in the piratical attacks starting from Puntland (ICG 2009b, AFP 2008). It therefore seems highly questionable whether the government really has the political will to forcefully move against the powerful pirate gangs (ICG 2009b). Nevertheless, during recent months, the leadership of Puntland has at several occasions increased its efforts in countering piracy.[18] It is difficult to determine the real motivation of the local authorities to fight certain groups or acts of piracy. However, the Puntland government demonstrates that local authorities in Somalia have some willingness and capabilities to fight the pirate gangs.

Yemen has regained international attention after the attempted terrorist attack by a Yemeni-trained Nigerian citizen in Detroit of December 2009 and the incidents of October 2010, when packets filled with explosives were found on their way from Yemen to Chicago. On the Failed State Index, Yemen is ranked at position 18 (Failed State Index 2005-2009). Yemeni state institutions are seen as considerably less effective when compared to Indonesia in 2005.[19] Part of this assessment is due to the ongoing tensions in the country. First, the central government is fighting the Southern Movement, a loosely organized regional opposition in the Southern provinces seeking secession since 2007.[20] Second, the government remains at odds with the Huthi rebels in the North-Western province of Sa'dah.[21] In this environment of instability, the Al Qaeda branch 'Al Qaeda in the Arab Peninsula' (AQAP) has established a stronghold in Yemen, more precisely in the provinces east of the capital Sana'a, which are ruled by local tribes (Worth 2010). According to the CIA, the AQAP is believed a stronger threat to the U.S. homeland than Osama bin Laden's core group (Miller 2010).

Nevertheless, when taking a closer look at the strength of public authorities, the general picture has to be nuanced at three accounts. First, it is precisely the coastal

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[18] On June 2 2010 for instance, members of the Puntland security forces stormed a Panama-flagged cargo vessel that has been abducted by pirates, freed the crew and captured seven pirates (BBC News 2010).

[19] Indonesia had in 2005 a total score of 87.0 out of a maximum of 120, while Yemen in 2009 is evaluated with a score of 98.1.

[20] For more on the conflict between the central government and the Southern Movement see: Day 2010, EIU 2010, Phillips 2010

[21] For more on the conflict between the central government and the Houthi-rebels see: ICG 2009a

area in which, besides the capital Sana'a, government control is strongest (Scheffler 2010:11). Second, the US has since the bombing of the USS Cole in October 2000 heavily invested in the training and equipment of a functioning Yemeni coast guard, enhancing the state capacities to control its territorial waters (Ploch 2009). And third, much of Yemen's periphery is ruled by complex tribal structures which are sceptical towards the central state authorities, yet in many cases also hostile to Al Qaeda's ideology of international jihadism (Phillips 2010).

The AQAP currently focuses its missions on attacking western land or air based targets. However, the Gulf of Aden is full of potentially attractive targets for maritime terrorists and the reoccurrence of difficultly detainable, punctual attacks remains a possible scenario (see chapter 2.3.3). The U.S. Office of Naval Intelligence in March 2010 warned ships sailing off the Yemeni coast of attacks by Al Qaeda suicide bombers: "Although it is unclear how they would proceed, it may be similar in nature to the attacks against the USS Cole in October 2000 and the M/V Limburg in October 2002 where a small to mid-size boat laden with explosives was detonated" (Reuters 2010a). Al Qaeda in the Arabic Peninsula

Over the last two decades Yemen has never had a substantial problem with piracy. The increasing number of pirate attacks in the Gulf of Aden is almost exclusively the work of Somali pirates (Lyon 2008). Due to increased state control over its coastal areas and waters, there are no signs that Yemeni piracy will become a major issue of concern in the foreseeable future. Piracy in Yemen not a real problem

When compared to Somalia and the Puntland region, two main differences can be identified: first, the Yemeni central government is considerably stronger than the TFG (Bodine 2010) and second, local structures remain much weaker and more decentralized than it is the case with the governments of Somaliland and Puntland. This finding will be central when evaluating possible regional actors, able to contribute to countering piracy and maritime terrorism in the Gulf of Aden. Differences to Somalia

3.2. Economic Despair

Poverty is often labelled as second root cause of maritime violence (Chalk 2008:11). However, this accounts almost exclusively for common piracy, which is often conducted by the impoverished local population. For some, small-scale piracy is the only means to sustain their livelihood. For others, the risky business of piracy represents an attractive way to achieve wealth and social rise. In addition to the pirates themselves, the population in coastal areas benefits financially from the pirate's purchasing power by selling goods and services (Hunter 2008). Piracy can become an integral part of the local economies. Scholvin describes piracy in Somalia and South East Asia with the theoretical concept of 'Gewaltmarkt'[22], coined by Elwert (Scholvin 2009). 'Gewaltmärkte' develop in the absence of a monopoly of force by public authorities, where predation becomes the basic principle for economic activities (Elwert 1997). In many coastal regions where public authorities are weak and attractive targets easily Economic despair

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[22]   The „Gewaltmarkt"-concept by Elwert focuses on situations of violent conflict. Nevertheless, it can also provide interesting insights in dynamics of a setting in which the economy of a region is largely dominated by criminal activities.

accessible, the local economies have become determined by the income from criminal activities at sea (Scholvin 2009:1/2).

MALACCA STRAITS

The impoverishment of the Indonesian and Malaysian coastal population in the Malacca Straits has driven many into piracy. The introduction of more effective fishing technologies after the 1960s has resulted in a serious reduction of ocean stocks in many fishing grounds in the region (Liss 2007:2). In times of need, some of the more desperate among the fishers turn to piracy as a source of income. The situation for the local population has been aggravated by the Asian economic crisis starting in July 1997, which "exerted a stronger 'pull factor' on piracy, drawing more people (...) into maritime and other crime due to falling wages, higher food prices, and job losses" (Chalk 2008:11). While most of these acts were smaller 'self-help' attacks by local fishermen, others have set up more professional piracy networks. As seen in chapter 2.3.1, unemployed and desperate fishers have been hired by gangs of organized crime in order to attack or hijack merchant vessels (Liss 2007:7).

GULF OF ADEN

The situation in Somalia is even more severe. In terms of GDP per capita, Somalia is ranked as one of the poorest countries, with an estimated 60 USD per month (CIA World Factbook 2010a).[23] The UN Secretary General's Special Representative to Somalia, Ambassador Ahmedou Ould-Abdallah, emphasized that "poverty, lack of employment, environmental hardship, pitifully low incomes, reduction of pastoralist and maritime resources due to drought and illegal fishing and volatile security and political situation all contribute to the rise and continuance of piracy in Somalia" (SGSR 2008).

The means of existence of local fishers are said to have declined due to illegal activities of international fishing trawlers, as well as to toxic waste deposed in Somali waters (Scholvin 2009:2). The situation deteriorated further in December 2004 when the local fishing industry was severely hit by the remnants of the tsunami, leaving many fishermen redundant (Møller 2009a:1). The potential benefits of piracy justify for many of the desperate young men to take the risk of joining a pirate crew. A business man of Bosaso, Puntland, is quoted as explaining that in case of successful operations, the pirate who first boards the seized ship gets 130.000 USD. Families losing one of their members at sea are indemnified with 200.000 USD (Dietrich 2009). It is estimated that since 2008, Somali pirates extorted a total sum of around 100 million USD by hijacking ships off the country's coast (Roche 2010).Given the enormous discrepancy between these extremely high sums flooding the rather basic local economy, the pirate's money heavily influences the local economy. In Bosaso, the capital of Puntland for example, a new airport has been built within the last four years, in the centre of the city, modern and multi-storey office buildings were put up, and New-Bosaso is full with the pirates' villas (Dietrich 2009). In these regions, piracy

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[23]   Due to the lack of reliable data, the UNDP Human Development Index for Somalia has not been established since 2001.

has become a normal business on which much of the regular economy is dependent, blurring the borders of legality and illegality and creating a self-stabilizing system according to the principles described in the Gewaltmarkt-concept of Elwert (Scholvin 2009:3).

3.3. Ideology and political grievances

Ideology and political grievances as a root cause for maritime violence predominantly refer to internationally oriented maritime terrorism, maritime insurgency and political piracy. Common piracy, the most common type of maritime violence in the Gulf of Aden and in the Straits of Malacca is per definition motivated by economic gains and ideology while political grievances play a minor role.[24] As maritime insurgency is a minor phenomenon in the two regions, this phenomenon will be neglected in this section. The following analysis focuses on ideology and political grievances as a root causes to the threat of internationally oriented maritime terrorism of jihadist kind, as well as, with respect to GAM, to political piracy.

MALACCA STRAITS

While the degree of the actual ties between Jeemah Islamiyah (JI) and Al Qaeda remains uncertain, the fact that they share a common pan-Islamist ideology is undisputed. Chalk argues with respect to Al Qaeda's ideology that "attacking key pillars of the Western commercial, trading, and energy system is a theme that, at least rhetorically, has become increasingly prominent in the years since 9/11, and that is viewed as integral to the Islamist war on the United States and its major allies" (Chalk 2008:24).Following, this ideological foundation the main enemy behind JI's regional ambitions remains the West, as the supporting and stabilizing force of the local authorities (Geise 2007:17). It is therefore not surprising that the Bali attacks as well as the supposedly planned attacks on U.S. ships in the Singapore Straits were directed against symbolic western targets in the region.

The leaders of the GAM did not adhere to international jihadist ideology of Al Qaeda's kind. They rather saw their struggle as the continuation of the anti-colonial uprising. They maintained that Aceh did not voluntarily join the Republic of Indonesia in 1945 but was incorporated illegally. The organization was thus driven by an ideology of national liberation going back to the pre-colonial sovereign Sultanate of Aceh (Schulze 2004:6).

GULF OF ADEN

Abd al-Rahim al-Nahshiri, known as Al Qaeda's principal maritime strategist, and his men who conducted the attacks on USS Cole and the Limburg in Yemen, were driven by Al Qaeda's anti-Western ideology. After the attack on the Limburg, Osama Bin Laden issued a tape declaring: "By God, the youths of God are preparing for you things that would fill your hearts with terror and target your economic lifeline"

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[24]   In this sense, the often heard explanation of Somali pirates that they are simply 'coast guards', defending Somali waters against illegal fishing is not to be seen as a main cause but rather as an attempt by the pirates to legitimize their attacks and win public support (Hansen 2009: 8/9).

(Luft/Korin 2004:64, Murphy 2007:69). Al Qaeda's ideology and goal became very clear through the statement of one of its spokesman announcing that they had struck "the provision line and the feeding to the artery of the life of the crusader nation" (Debevoise 2004:1).

3.4. Conclusion

The first objective of this section was to test the assumption that due to the different circumstances under which they take place, comparability would be difficult. This thesis clearly has to be refuted. Notably the two main arguments that the extent of state failure and economic despair in Somalia do not allow for a comparison with respect to possible countermeasures do not hold water. In Somalia, as it was the case in Indonesia, there are public institutions present on which cooperative remedies against maritime violence can be based. While in Indonesia this was the central government, in Somalia, local governments of Somaliland and/or Puntland are able to play this role. Furthermore, it has to be reminded that Yemen as the second state bordering the Gulf of Aden, although having major domestic problems, can also be a partner in such endeavours. Finally, while economic hardship and the linkage between piratical activities and the local economy seem to be more severe in Somalia, there is no reason not to consider possible lessons learnt from the Straits of Malacca.

The two cases are comparable

The second aim of this chapter was to study the circumstances under which systematic maritime violence appears and continues in the Gulf of Aden. Particularly the analysis of state capabilities will be valuable in determining the chances of success of applying the lessons learnt from the countermeasures in the Straits of Malacca to improve the effectiveness of remedies in the Gulf of Aden.

4. Lessons from Countermeasures in the Malacca Straits with respect to the Gulf of Aden

The fourth chapter will focus on the measures taken against maritime violence in the two regions of concern. In a first step, the successes and failures of the remedies implemented to secure the Malacca Straits will be described. In a second step, the current strategy of countering maritime violence at the Horn of Africa will be assessed. The last sub-section then establishes three main lessons from the Malacca Straits that might be adapted and applied in the Gulf of Aden.

Structure of the chapter

Countermeasures designed to curb maritime violence can be divided into two broad types. First, a variety of measures of defence and deterrence such as enhanced patrols and prosecution are designed to curb piracy in the short term. Second, measures meant to tackle the root causes of maritime violence are hopefully paired with short term strategies. Although the transition from one type to the other is fluid, it still seems useful to analyse the different forms of remedies along these lines.

Defence and deterrence versus long term measures

4.1. Countermeasures in the Malacca Straits

Remedies against maritime violence in the Malacca Straits are characterized by a series of measures taken by regional states which were importantly supported by

Countermeasures in the Malacca Straits

international actors. In the following, these short- and long-term measures will be evaluated.

4.1.1. Defence and Deterrence

During the last ten years, many different national, regional and international solutions have been implemented in the Straits of Malacca.

On the national level, the three littoral states Singapore, Malaysia and Indonesia have each taken significant steps to enhance their capabilities to fight maritime violence in their respective waters. Singapore, to start with, clearly feels the threat of maritime terrorism with its major container port, petrochemical refineries and the city itself located close to the waterfront (Huang 2008:89). It stepped up port security measures and the monitoring of the vessels passing the Singapore Strait and built up a modern and capable navy and coast guard. Furthermore, Singapore in 2003 created an interagency Maritime and Port Security Working Group, bringing together the navy, police coast guard, and the maritime and port authority (Huang 2008:89/90). Malaysia is, in addition to general concerns about safety and the human risks posed by piracy and maritime terrorism, mainly concerned with the protection of its fishing and tourism industries. It has "focused on ensuring navigational safety and protecting against environmental threats, in addition to countering piracy" (Huang 2008:90). Malaysia has recently taken a number of measures to become more effective at policing its waters, including internal reorganizations as well as the purchase of new vessels and helicopters (Huang 2008:90). Indonesia's attention finally has long been focused on issues such as economic development, political reform, territorial integrity, and militant Islamism (Huang 2008:91). Nevertheless, despite other priorities, the government attributed increasing funds to improve the coastal guard's equipment and maintenance and stepped up the patrols in the territorial waters after 2004 (Bünte 2009a:95). The IMB in 2008 praised the Indonesian government for its "tireless efforts in curbing piracy and armed robbery in its waters" (IMB 2008).

A number of regional initiatives to counter maritime violence have been set up by the three littoral states. While Singapore, Malaysia and Indonesia have been cooperating, to a limited extent on a bi- and trilateral level since 1992, the states significantly enhanced the coordination of their national efforts to combat maritime violence by introducing the Malacca Straits Security Initiative (MSSI) in July 2004 (Bünte 2009b). Within the framework of the MSSI, the Operation MALSINDO was launched. It involved coordinated patrols by the national navies, each of them patrolling in the waters under its own sovereignty. In September 2005, the sea patrols were complemented by the Operation Eyes in the Sky, which introduced joint patrols in national and international airspace over the Straits of Malacca and Singapore.

Multilateral cooperation within the Association of Southeast Asian Nations (ASEAN), however, remains very limited. In fact, the organization has no branch dedicated to combating maritime violence (Bünte 2009:96). The statements of increasing interest in regional cooperation on maritime security within the ASEAN have remained on a

declaratory level and have not been backed by concrete action plans yet(Bradford 2008:68).

Extra-regional stakeholders have been influencing the remedies against maritime violence in the Malacca Straits by proposing frameworks of cooperation or by financially supporting the local states. Japan, which is economically heavily dependent on the shipping trade through the Malacca Straits has played the most important role in this regard. As early as 1999, Japan proposed at the ASEAN plus three Summit a far-reaching framework of regional countermeasures. The Japanese proposed to build on the formation of a regional coast guard to combat piracy, based on multilateral patrols by forces from Japan, South Korea, China, Malaysia, Indonesia, and Singapore (Huang 2008:93). China strongly opposed this proposition, seeing it as a Japanese attempt to countermand Chinese maritime influence in the region (Huang 2008:93). A compromise was reached in 2004 with the signing of the Regional Cooperation Agreement on Anti-Piracy (ReCAAP). This was a Japanese proposal for a far less ambitious anti-piracy initiative. ReCAAP, the first anti-piracy measure implemented on a government-to-government level, encourages information sharing, capacity building and some further cooperative arrangements (Raymond 2009:38) and led to the creation of the Information Sharing Center (ISC) in Singapore. The ISC aims at facilitating communication and information exchange between the countries and writes regular reports on acts of maritime violence in the region (Raymond 2009:38). Indonesia and Malaysia, while cooperating with the ISC, have not yet formally signed the agreement, limiting ReCAAP's effectiveness (Raymond 2009:39).

Furthermore, in 2001 and 2002, the U.S and Indian navies, escorted vessels through the international waters of the Malacca Straits. The U.S., in an attempt to increase information sharing and early warning of possible maritime violence, proposed a Regional Maritime Security Initiative (RMSI) in 2004. The initiative failed due to sovereignty concerns from Indonesia and Malaysia (Huang 2008:93). Most importantly, the United States has furnished financial and technical assistance to the littoral states. In 2007 and 2008, the U.S. government provided equipment worth 50.6 million USD to Indonesia and another 26.5 million to Malaysia (Storey 2009:53). Australia, China and India have also provided important financial, technical and educational contributions to the authorities in the littoral states (Bünte 2009:96).

4.1.2. Tackling Root Causes

In 2004, at the height of maritime violence in the Malacca Straits, Indonesian state capacities and economic performance were considerably weaker when compared to Malaysia and Singapore (see Chapters 3.1 and 3.2). As the overwhelming majority of relevant pirate and terrorist activities in the Malacca Straits were due to these deficiencies in Indonesia, this section focuses on the measures taken by the Indonesian government. With respect to long-term oriented measures, endeavours to increase state capacity will be analysed first. Second, this sub-chapter addresses measures to improve the economic situation for the local population.

The changing political environment in Aceh has decisively impacted the Indonesian government's ability to control its territory and territorial waters. After the devastat-

ing tsunami in December 2004, in which some coastal villages in Aceh lost more than 70 percent of their inhabitants (IMB 2003:25), the Indonesian government and the GAM returned to the negotiation table in order to discuss the disaster relief operation. The resulting mutual confidence paved the way for a peace deal, signed in August 2005 (Raymond 2009:37). The agreement has had a positive impact on anti-piracy measures in two ways. First, the stabilization of the political situation and the regained political control of the Indonesian state administration over Aceh have considerably limited the freedom of action to groups involved in piracy (Raymond 2009:37). Second, the necessity for GAM to earn money through piratical activities has considerably declined.

In addition to the improvements in Aceh, President Susilo Bambang Yudhoyono has decisively fought against notorious corruption and weak state capacities since he was elected in 2004 (Bünte 2009:95). Through his firm political rule he managed to guarantee political stability and Indonesia's ratings in the Failed State Index with respect to the political and military indicators have improved considerably.[25] The increasing capability to efficiently carry out measures of defence and deterrence is mainly due to these long-term oriented endeavours of the Susilo government (Bünte 2009:95).

State capacity

The political leadership also addressed economic hardship (Bünte 2009:95), identified in chapter 3.2 as one of the root causes of piracy in the Malacca Straits. Economic reforms led to yearly economic growth of around 4% (Ziegenhain 2009: 83). Since 2004, the GDP per capita has increased by 25% and in 2009, stood at 4000 USD (CIA 2004, CIA 2010b). Furthermore, the government has implemented a number of initiatives to specifically strengthen the livelihood of the rural population (Ziegenhain 2009:83).

Economic performance

4.1.3. Factors of Success

As a consequence of the remedies applied in the Malacca Straits as described above, three main factors of success can be identified.

Three main factors of success:

ESTABLISHING EFFECTIVE STATE CONTROL OVER REGIONS OF CONCERN

A first factor of success was the achievement of the Indonesian government to increase its administrative capacities, particularly in the disputed Aceh region. The catastrophic tsunami of December 2004 ironically had the function to trigger a peaceful solution of the conflict in Aceh. Immediately after the tsunami, piracy in the Malacca Straits had ceased. Even regions that were not affected by the mega-wave recorded zero attacks in the weeks after the catastrophe (Raymond 2009:37). The impact of the tsunami on piracy is mirrored by the more than 60% decrease of incidents from 2004 to 2005 (IMB 2005:5). Nevertheless, the tsunami cannot serve as an explanation for the continued low level in piratical attacks. In its 2004 annual report, the IMB predicted that "once life resumes normally in North Sumatra crime will return and with it attacks against ships" (IMB 2004:25). The fact that this did not happen has to be attributed to the changed political situation in Aceh (Raymond

Establishing state control

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[25] Ratings on political and military indicators 2005 : 9.2, 8.6 and 7.6; in 2009: 6.7, 6.7 and 7.3 (Failed State Index 2009).

2009:37). In the situation of total destruction after the tsunami, the GAM declared a cease fire of hostilities and it cooperated with the central government in the management and distribution of relief aid in the affected areas. This created a spirit of confidence between the two actors which led to the successful completion of peace negotiations in August 2005. Under the terms of the treaty, both sides agreed to cease hostilities immediately, the GAM agreed to disarm and was integrated into political process of the country.[26] This example demonstrates that ending conflict and re-establishing effective state control over the most pirate-prone regions is fundamental to countering maritime violence.

INTENSIFIED PATROLS THROUGH A COOPERATIVE FRAMEWORK OF REGIONAL STATES

Enhanced technical capacities of the national coastal guards as well as effective co-operation amongst the littoral states are, together, a further factor of success. These measures of containment took place within the operation MALSINDO and ReCAAP.

Intensified, regionally coordinated patrols

Intensified patrols in coastal waters have proven to be efficient. They clearly limited the pirate's freedom of action at sea. Moreover, the governments have taken a number of steps to improve the coastal guard's equipment and know-how and reorganized the administrative structures dealing with fighting maritime violence. Furthermore, the success of operation MALSINDO demonstrated the potential of regional cooperation on questions of common concern. The coordination of the patrols within operation MALSINDO and the enhanced information sharing mechanisms introduced by ReCAAP made the regional efforts far more consistent and effective (Huang 2008:96/97).

INTERNATIONAL SUPPORT

International support to the littoral governments has proven essential in the success-ful endeavours to step up the state mechanisms to counter maritime violence. Technical and financial support by the U.S., Japan, China, India and Australia has allowed the coastal states to invest in improving their enforcement capabilities at sea. The regional states considered these international contributions a righteous burden-sharing by the international stakeholders, which themselves benefit from their vessels' secure passage through the Straits (Huang 2008:90). The littoral states consistently contended that they themselves have the capacity to safeguard the Straits and blocked any attempt by external states to deploy a major international presence in the region. Moreover, mechanisms proposed in a top-down manner by international powers such as the RMSI or the Japanese proposal of 1999 were consistently opposed by the littoral states due to concerns over sovereignty (Huang 2008:93).

International support

4.1.4. Limiting Factors

While the remedies taken in the Straits of Malacca are seen as very successful, two limiting factors have to be mentioned when trying to maintain lessons to be learned for a different context.

Two main limiting factors

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[26] For more on the Aceh Peace Treaty of 2005 see U.S. Council on Foreign Relations 2005.

Sovereignty concerns of the littoral states have limited the efficiency of countermeasures on two accounts. First, it compromised the cooperation between the littoral states. Under Operation MALSINDO, the patrols were coordinated, not joint, so the forces of each littoral state only patrolled within their own territorial waters. Even within the cooperative framework, the guards did not have the right to pursuit pirates across sea borders. They therefore relied on a "hand-off mechanism" (Huang 2008:97) to deal with cross-boundary enforcement. Sam Bateman argues that the strong adherence of South East Asian countries to principles of state sovereignty is the main obstacle to a more encompassing and effective regime for maritime security in the region (Bateman 2007:109).[27] Second, while Singapore has far-reaching cooperation agreements with external states, notably the U.S., Malaysia and Indonesia remain more restrictive in this sense. Offers of operational assistance run up against sovereignty concerns of these two states, as they fear direct intervention by foreign powers (Huang 2008:96). The refusal of Malaysia and Indonesia to sign and ratify ReCAAP has to be seen as a consequence of that same mindset.

Reticence to give up sovereignty

LACK OF FOCUS ON LONG-TERM MEASURES

Some analysts further emphasize that the remedies against maritime violence in the Malacca Straits focus too much on defence and deterrence measures, combating the symptoms of the phenomenon while not focusing enough on the root causes (Raymond 2009:40, Scholvin 2009:6). The achievements of the Indonesian government of Susilo (see chapter 4.1.3) are acknowledged, but corruption of local officials and economic despair in coastal regions remain a main cause for maritime violence still occurring at a small scale in the region (Raymond 2009:40). It remains questionable whether maritime violence would not regain momentum if the repressive measures would cease.

Lacking long-term measures

4.2. Countermeasures in the Gulf of Aden

This sub-chapter analyses the remedies taken in the Gulf of Aden. After a brief description of the current measures taken, three main lessons to learn from the Malacca Straits will be identified.

Countermeasures in the Gulf of Aden

4.2.1.   Defence and Deterrence

Given the relatively low level of state capacities, the main focus of countermeasures to maritime violence in the Gulf of Aden is currently the maintenance of large international naval presence in the region. Under the Combined Task Force 150, countries associated with Operation Enduring Freedom tasked some of their ships in the region to counter piracy off the Horn of Africa. Then, in October 2008, NATO deployed the Standing NATO Maritime Group-2 for the Operation 'Allied Provider'. Its mission was to escort cargo vessels as well as ships chartered by humanitarian agencies such as

International naval presence

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[27]   Such a regime would according to Bateman include operational arrangements on information sharing, surveillance, patrol and responses as well as institutional measures for policy formulation, capacity building and burden sharing (Bateman 2007:109).

the World Food Program (WFP). Finally, in December 2008, the European Union sent the Operation EU NAVFOR Atalanta to the region also with the task to protect WFP-ships as well as other vessels.

Many state governments have increasingly been involved in diplomatic efforts to curb the phenomenon and increase the efficiency of a wide range of international remedies. The U.S. initiated the Contact Group on Piracy off the Coast of Somalia for this purpose. To date, 45 countries and seven International Organizations participate in the group (U.S. State Department 2010). Its four working groups deal with military and operational coordination, information sharing and capacity building, judicial issues, strengthening shipping self-awareness and other capabilities and public information, and are chaired by the United Kingdom, Denmark, the U.S. and Egypt. Diplomatic efforts

In addition to being present with one's own navies and trying to find broad-based diplomatic solutions, individual states have also provided support to the national governments in the region. These funds were directed either to build up, or to improve containment capabilities of the local coastal guards. The United States for instance, has financed the creation of a Yemeni coast guard (Bodine 2010:7). What's more, international actors have tried on several occasions to establish a Somali coast guard with the aid of private military contractors. These attempts failed repeatedly (Struwe 2009:28). Support to local governments

Under the guidance of the IMO, a number of regional states signed the Djibouti Code of Conduct in January 2009.[28] The signatory states agreed to improve their national legal dispositions and enforcement capabilities with respect to the fight against maritime violence. The code further includes measures of mutual technical assistance and information sharing. Finally, it calls for the establishment of a regional training centre for maritime security forces in Djibouti and further regional institutions in the Yemeni capital Sana'a, Dar es Salaam in Tansania and the Kenyan port town of Mombasa. Djibouti Code of Conduct

4.2.2. Tackling Root Causes

Chapters 3.1 and 3.2 have demonstrated that the virtually non-existent Somali central state and widespread poverty have to be seen as the root causes of maritime violence in the region. In spite of the statement of Dr. Jun Bando, U.S. Maritime Security Coordinator, arguing that "a durable solution for ending piracy in the Horn of Africa will require improving security, stability, rule of law, and economic opportunity in Somalia, as well as solidifying political progress (...)" (U.S. State Department 2009), remedies against maritime violence remain strongly biased towards repressive measures (Hansen 2009:44). However, some alternative measures have been taken to improve public governance and reduce poverty in the region. It is important to note that the situations differ considerably between Somalia and Yemen. Bias towards repressive measures

In Somalia, the international community still focuses many of its efforts on supporting the TFG in Mogadishu. AMISOM, the mission of the African Union which is supported by the European Union and the United States guarantees the survival of the Support to the TFG

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[28] Its complete name is: Code of Conduct on the Suppression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden.

Somali government. Moreover, the European Union has set up the European Training Mission Somalia (EUTM) in January 2010, to contribute to the training of Somali security forces. The mission takes place in Uganda and is characterized by close cooperation with the African Union and the TFG (EU Consilium 2010). Also, in 2009, the U.S. government has stepped up its support for AMISOM (Ploch et al. 2009:22). Despite these efforts, the Somali transitional government has no actual power in the northern regions of Puntland and Somaliland bordering the Gulf of Aden. Therefore, while supporting the TFG is necessary to keep the long-term perspective of an integrated Somali state, it is of little short- or medium term effect on the piratical attacks this study is concerned with.

Mostly in order not to compromise the legitimacy of the TFG, support to the governments in Puntland and Somaliland in their fight against maritime violence, remains rather low-scale. A first measure of support to the local governments is the UNDP's Rule of Law programme, through which some 60 Puntland police officers were educated in recent years (Hansen 2009:57). Second, the Contact Group on Piracy off the coast of Somalia has attributed some financial aid to support the anti-piracy efforts of Puntland and Somaliland (UNSG 2010:5). And finally, the authorities of Puntland and Somaliland are involved at a technical level in the 'Kampala process', a Somali counter-piracy technical cooperation mechanism (UNSG 2010:5). *Low-scale support to Puntland and Somaliland*

In Yemen, central state capacity, especially in the coastal areas is much higher. However, Al Qaeda is gaining ground in this mountainous country and still poses a potential threat to the shipping traffic in the Gulf of Aden (see chapter 3.1). The Yemeni military has intensified its fight against AQAP and since 2009 allowed for the U.S. to conduct air strikes on Al Qaeda targets in the country (Worth 2010). However, it is widely deplored that the main focus of foreign help is on military assistance. Development aid and funds to foster state capacities remain comparatively low (Bodine 2010:7).[29] The future of Yemen however raises grave concerns, given that in addition to the numerous conflicts, the country with its fast growing, desperately poor population is running out of water and its meagre oil resources are also running dry (Bodine 2010, Worth 2010). *Difficult fight for stability in Yemen*

4.2.3.   Lessons to be Learnt from the Malacca Straits

When looking at the shortcomings of the remedies taken to counter maritime violence in the Gulf of Aden, three main lessons can be drawn from the Straits of Malacca. *Three main lessons to be learnt:*

LESSON 1: THE EFFORTS TO COUNTER MARITIME VIOLENCE IN THE GULF OF ADEN NEED TO BE RE-GIONALIZED

Given the sophistication of the piracy business in Somalia and the largeness of the area to cover, the success of the concerted efforts of all of the world's main navies has remained very limited. It is true that the percentage of successful attacks in the Gulf of Aden has diminished. Nevertheless this apparent success is to a large extent *Regionalization of the remedies*

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[29]   U.S. military assistance to Yemen amounts to 120 million USD a year while economic assistance is at 40 million USD (Bodine 2010:7).

outweighed by the increasing numbers of attacks.[30] In the Malacca Straits, littoral states created mutually beneficial cooperative frameworks to increase and coordinate their patrols, and to share knowledge and information. Scheffler argues that "as the Malacca case shows, piracy can and must be dealt with by the state confronting the problem" (Scheffler 2010:10). Two additional thoughts back this argument. First, the current situation is not sustainable. Ploch et al. argue that "the long-term ability of international intervention to eliminate these threats is less certain in the absence of committed and capable regional and local actors" (Ploch et al. 2009:21). The international naval presence is very costly and limited to fighting the symptoms of the problem. If root causes are not tackled and if the containment measures are not in the hands of the littoral states, nothing hinders piracy to re-emerge or further intensify when the international presence disappears (Hansen 2009:46). Second, local participation enhances ownership (Hansen 2009:45). While the regional governments have a number of diverging views, "they all have vital economic and security-related interests in preventing piracy" (Struwe 2009:29). The example of the Malacca Straits has shown that if the regional governments lead the countermeasures off their coasts, they will have a much more direct stake in the success of the measures. Countermeasures led by regional states would have the added benefit of creating job opportunities in the coastal regions. And it would allow the local authorities to fight other ills in their waters. For instance, illegal fishing in Somali waters is seen within the country as a much more pressing problem than piracy (Hansen 2009:45). It is clear that due to the weakness of the TFG, the State of Somalia can only limitedly be a partner for regional cooperation. However, the relatively stable entities of Puntland and Somaliland can crucially contribute to a stronger regional effort to secure the Gulf of Aden.

A possible framework, pushing for regional cooperation and direction over counter-measures has been presented by Lars Bangert Struwe in March 2009. His proposition of a Greater Horn of Africa Sea Patrol (GHASP) suggests a rather far-reaching regional framework established jointly by Kenya, Tanzania, Eritrea, Djibouti, Egypt, Yemen and Saudi Arabia. The shape and tasks of the GHASP would resemble those of a classical coast guard (Struwe 2009:28). Given the sovereignty concerns experienced in the Straits of Malacca with the very similar Japanese proposal of 1999, the creation of a joint unit to fight maritime violence might prove to be difficult to establish. Djibouti and Eritrea for instance are still at odds over their borders and their willingness to cooperate within a joint coast guard is at least questionable.[31] However, even if one would not go as far as Struwe's suggestions, the framework of the Djibouti Code

Regionalized patrols

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[30] Mainly due to the international presence in the Gulf of Aden, the success rate of pirates diminished from 37% in 2008 to 17% in 2009. At the same time, the number of the attempted attacks raised from 92 to 116 (IMB 2009). The picture off the East Coast of Somalia is even worse: while the success rate diminished from 53% in 2008 to 34% in 2009, the attempted attacks rose from 19 to 80 (IMB 2008). Hence, while the international presence renders the pirate's business more difficult, it has so far been unable to limit the phenomenon as such.

[31] Struwe himself talks of „conflicting interests" which however will be challenged by a vital economic and security-related interest in preventing piracy (Struwe 2009:29).

of Conduct could very well be developed towards the kind of coordinated patrols that proved successful in the Malacca Straits.

LESSON 2: INTERNATIONAL SUPPORT TOWARDS LOCAL ENFORCEMENT AGENCIES NEEDS TO BE EN-HANCED

For the international presence in the region to be replaced by a regional framework, the local enforcement capacities need to be strengthened. Comparable to the Malacca Straits, the international contribution to maritime security shall principally be in training personnel, equipping vessels, bases and headquarters, and providing radar installations and aerial surveillance structures. Scheffler, himself a member of the NATO Research Division, argues that "NATO's future role in counter-piracy is consequently more likely to be of a supportive kind, as was the U.S. assistance in the battle against Malaccan piracy: providing the necessary equipment and training to states that lack the institutional capability to secure their own seas" (Scheffler 2010:11).

International support to local governments

When taking a closer look at the region, the existing capabilities in the maritime domain vary greatly amongst the local states. Starting with the situation in Somalia, supporting the TFG to build naval containment forces does not seem to be promising, as she lacks sufficient control over most of the country outside Mogadishu. According to Roger Middleton, "an effective option may be to create an internationally sanctioned and administered coast-guard for Somalia" (Middleton 2008:10). Such a mechanism, which concentrates on patrols off the Southern Somali coast, hence not directly affecting the situation in the Gulf of Aden, would contribute to an encompassing containment effort in the region. It could be based in Kenya and/or Puntland and temporarily be run by the European Union and other interested contributors, through an adapted mandate of their forces already present in the region. Given the fact that much of the East coast of Somalia is controlled by the Islamist rebel groups, this would be a very difficult undertaking. However, it seems to be the best way to deal with state failure in Southern Somalia. In the longer term, the paramount necessity in this region is to strengthen the TFG and to support a political solution to the conflict.

Support to the TFG

Cooperation with the local governments of Puntland and Somaliland, offers a more promising perspective with respect to the Northern part of the country bordering the Gulf of Aden. The Puntland government has repeatedly issued some clear demands in this respect. Its Minister of Security stated in 2009 that his government would be able to control piracy in its territory "within a few months" (Dietrich 2009) if it would get the necessary international technical support to do so. Also, even with limited means, the government has proven on several occasions that it is willing to fight the piracy clans. But although corruption is widespread, doubts about links between the administration and some pirate gangs seem to be justified and counter-piracy measures have so far been quite arbitrary, it would still seem a failure not to systematically strengthen and cooperate with this government (Hansen 2009:58). In May 2010, Puntland began building a new navy base for its naval forces outside Bosaso city, a promising step. The project of the Puntland government is supported by a British private security company called Saracen International (Horseedmedia 2010). The

Support to Puntland and Somaliland

fact that the government relies on benefit-oriented companies is another sign for lacking contributions from official sides. In addition to Puntland, Somaliland is also a credible regional partner within Somalia. Even though its coast is not highly affected by piracy, its coast guard could, if strengthened, play an important part in patrolling the waters of the Gulf of Aden.

Furthermore Yemen, Djibouti, Saudi Arabia, Egypt, Eritrea and also Kenya all have important economic and political interests in securing the East African waters. If their coast guards are further trained and equipped, they could play a more active role in cooperative regional countermeasures in the region. Several African countries, including Djibouti, Kenya, Tanzania, and Yemen, have already received U.S. support for the installation of radar systems that provide enhanced maritime domain awareness (Ploch et al. 2009:22). And the U.S. Congress, to support governments at the Horn of Africa, expanded the Department of Defense's Section 1206 'Train and Equip Authority' in 2009 to include assistance for maritime security forces. Moreover, in early 2009, the U.S. government began its support of a regional Maritime Center of Excellence in Mombasa. It should serve as a training centre for regional navy officers (Ploch et al. 2009:22). More of this kind of international support is needed to enable the regional forces to efficiently patrol their own waters and contribute to a regional cooperative mechanism.

Other regional states

LESSON 3: STATE WEAKNESS AND ECONOMIC DESPAIR NEED TO BE FOUGHT WITH INCREASING INTENSITY

The example of the Straits of Malacca has shown that effective public control over the piracy-affected areas is a crucial element to countering maritime violence. This included the ending of violent conflict in the Aceh region. These measures are seen as prerequisites for forceful repressive measures. Most of the existing literature on the question would suggest that Somalia is a lost cause with regard to state authority. Nevertheless, it seems evident that only a political solution in Somalia can in the long term stabilize the country. In this regard, strong international support of the TFG is required. This can take place through direct assistance or through the international missions AMISOM and EUTM.

Need for a political solution in Somalia

Building up a Somali authority remains a long-term project, but local administrations such as those in the Puntland or Somaliland should be strengthened immediately. While the international community has, so far, been reluctant to engage local institutions, international actors have "increasingly understood that local solutions must be found" (Hansen 2009:57). The visit by a delegation of the German Foreign Ministry to Puntland's President Abdirahman Mohamed Mohamud in May 2010 can be interpreted as a sign of less reluctance in this regard (Garoweonline 2010). Steps such as these are conducive to strengthening the legitimacy and efficiency of the local administration to fight piracy on land and improve the prospects of possible cooperative containment mechanisms at sea. Strengthening the local institutions might also pay off financially. Hansen estimated that the cost of one ship in EU Operation Atalanta could correspond to the payment for 100.000 Puntland police officers over 6 months (Hansen 2009:61). Bronwyn E. Bruton, in her report for the U.S. Council of

Political and economic cooperation with Puntland and Somaliland

Foreign Relations further suggested that in addition to increased development aid, Puntland's legitimate business community should be strengthened. She characterizes these circles as "probably the only social segment strong enough to challenge the pirate networks" (Bruton 2010:33).

In Yemen, diplomatic, financial and development aid is needed to improve the state's capabilities and in determining a political solution with the Southern Movement. The central government should be strengthened in its endeavours to guarantee public control and to prevent Al Qaeda from gaining more and more ground also in the Southern regions. The former U.S. ambassador to the country argues that "Yemen has created a fragile, flawed but very real democratic structure and process that reflects the Yemeni character and traditions. Its flaws should be a focus of assistance not an excuse to disengage or not engage" (Bodine 2010:8). Basically it seems impossible to fight ideology as a root cause for international maritime terrorism. Hence indirect measures to support the Yemeni political control over the crucial areas and to fight poverty will be the most effective solutions maintaining the threat of a major terrorist attack in the Gulf of Aden to a strict minimum.

5. Conclusion and Recommendations

This study has evaluated the possibility of improving the effectiveness of remedies against maritime violence in the Gulf of Aden by learning from past successes in the Malacca Straits. The hypothesis of this study, developed on the basis of comments made by analysts on the matter, was that very few lessons could be learnt from the efforts in South East Asia. These analysts claim that first, the two cases are too different with respect to the perpetrators involved and the attack scenarios that take place; and second they argue that the degree of state failure and economic weakness in Somalia renders any attempt to compare the two cases obsolete.

These assumptions have proved to be short-sighted. The thorough comparison of the two cases in question have showed that while Somali pirates have attained a level of sophistication that is superior to what was faced in the Malacca Straits, the attack scenarios threatening international shipping and raising security concerns are very comparable. This finding was completed by the analysis of the root causes of maritime violence in the two regions. It was found that the differences in local public institutions are not as significant as stated in the existing literature. Indeed, the Somali state authorities are far less capable than the Indonesian authorities in 2004, but the local governments of Somaliland and Puntland as well as the Yemeni government are well suited to fill this gap and effectively contribute towards solutions against maritime violence in the Gulf of Aden.

Having established the degree of comparability between the two cases, the present thesis established a number of lessons to be learnt from the Malacca Straits with respect to the Gulf of Aden. The lessons taken altogether provide for a coherent strategy to improve the current countermeasures in the Gulf of Aden. While many concrete recommendations for the international actors have been outlined in the analysis of the three main lessons learnt, the most important aspects shall be recapitulated here. First, the lessons instruct us to regionalise the containment effort.

This could for example take place within the existing framework of the Djibouti Code of Conduct. It does not necessarily have to be a unified regional coast guard as proposed by Struwe but it needs to enhance the cooperation of a wide range of regional states. To overcome the impasse posed by state weakness in Somalia, Puntland and Somaliland have to be systematically included in such a coordination effort. The East-Somali coast, currently without clear political authorities, shall be filled by an increased presence of international forces in this area as long as the Somali central government is not able to secure this part of the country. Second, this effort has to be supported by a strengthened international assistance to establish efficient local coast guards. The need to do so has already been acknowledged by a number of states. One of the tools is the strengthening of the capacity building institutions set up in the region under the Djibouti Code of Conduct. Additionally, direct financial and technical support to the local states have proven successful not only in the Malacca Straits, but also recently in Yemen. Strengthened endeavours in this respect equally have to include support to the coast guards of Somaliland and Puntland. Furthermore, the cooperation between anti-piracy measures of Puntland, Somaliland and its neighbours need to be improved. In this sense, the 'Kampala process' needs to be supported politically as well as financially. And third, the capacities of the local governments to limit the root causes of maritime violence need to be strengthened. This includes measures to foster state capacities to fight piracy on land. This assistance has to include trainings of local officials but also a certain level of diplomatic recognition by international governments. It further requires a dedicated effort for a political settlement of the various conflicts in Somalia and Yemen. Further measures include development aid aiming at improving the livelihood of the coastal population in the long-run.

Two additional considerations concerning the recommendations for a new strategic focus on action against maritime violence in the Gulf of Aden deserve to be mentioned. First the lessons are conditioned by the success factors elicited for the countermeasures in the Malacca Straits. Therefore, measures that were not central to success in South East Asia were automatically sidelined in the current thesis. This does not mean that they are of less relevance for a comprehensive set of remedies in the Gulf of Aden. Measures of this kind include the enhanced international diplomatic cooperation within the Contact Group on Somali Piracy, the improvement of defence strategies on the vessels passing the Gulf, a more coherent legal framework for the prosecution of arrested perpetrators, and the tracking of international networks behind the Somali pirate gangs. Independent of the focus on a strategic level, stepping up these endeavours, which represent a vital part of the current remedies, would greatly contribute to a more efficient set of countermeasures in the Gulf of Aden.

Additional factors to take into consideration

Second, the lessons learnt from the Straits of Malacca can also be applied to other regions affected by maritime violence. Given that the nature of groups conducting attacks of maritime violence as well as the root causes of the phenomenon are comparable across different regions, the basic features of remedies remain the same. While international presence in any case can only be seen as temporary countermea-

Lessons can also be applied to other regions

sures, sustainable solutions require regional capacity of containment, based on functioning local state structures. While these general lessons deserve serious consideration in any situation, the concrete implementation of countermeasures remains dependent on specific regional factors. These include the local state structures, political will of international actors to engage and the degree of common interests by the regional states in fighting violence at sea.

An additional objective of this study was to establish a coherent framework of analysis for the phenomenon of maritime violence. This was accomplished through the two level analysis based on the short-term motivation behind the immediate attacks and the larger objective of the perpetrators. The resulting differentiation of the typologies: common piracy, political piracy, international maritime terrorism, maritime insurgency, and economically oriented maritime terrorism has proven a useful tool to better understand the different facets of maritime violence in the Malacca Straits and the Gulf of Aden. This framework can be seen as a general analytical instrument to clarify the different, often overlapping or contradicting concepts of types of maritime violence, independent of the regions analysed.

Framework of analysis can be applied to other regions

Maritime violence in the Gulf of Aden will continue to gain media coverage in the foreseeable future. Yet, as long as the international efforts are concentrated on a costly presence of international naval forces in this vast region, the root causes of the phenomenon will remain largely untouched. Shifting the international attention to an increasing regionalization of the containment efforts and the strengthening of local authorities would represent a much more sustainable way of approaching the problem. The successes of the countermeasures in the Malacca Straits have proven that such a shift in strategy would have considerable chances to succeed.

Shift in strategy needed

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