6-1-2010

Maritime Terror: A Comparative Study of the Barbary Corsairs and Modern Somali Pirates

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Abstract

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Financial motivation, level of organization, and viciousness of attacks are all characteristics the Somali pirates and Barbary Corsairs share. They differ in that the Corsairs operated as part of a religious war and were culturally and politically different from current pirates, targeted different types of vessels, and had fleets that consisted of larger, traditional ships. The lessons learned from Barbary as well as these similarities and differences all contribute to formulating the most viable response to the threat of modern piracy. The failure of tribute payments and the diplomatic treaties that stipulated for these tribute payments to the Barbary leaders, the success of best safety practices, and the necessity for military action to counter piracy are all important lessons from the Barbary era that can be applied to the current problem of maritime crime. Military intervention on the high seas is the most viable solution because of the capabilities of the United States Navy that can directly address the threat of piracy.

Document Type
Thesis

Degree Name
M.A.

Department
Josef Korbel School of International Studies

First Advisor
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Keywords
Barbary, Corsairs, Piracy, Somalia, U.S. Navy

Subject Categories
International Relations | Political Science

Publication Statement

Maritime Terror: A Comparative Study of the Barbary Corsairs and Modern
Somali Pirates

A Thesis

Presented to

the Faculty of the Josef Korbel School of International Studies

University of Denver

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts in International Security

by

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June, 2010

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ABSTRACT

Maritime piracy off the Horn of Africa, although not a new security threat, has grown at an alarming rate in the twenty-first century. This study compares modern Somali piracy with the Barbary Corsairs problem of the eighteenth and nineteenth centuries to understand what policy responses might be most effective. The comparison focused on pirate characteristics and motives; targeted ships; attack frequency; hostage treatment; counter measures to combat piracy; and outcomes.

Financial motivation, level of organization, and viciousness of attacks are all characteristics the Somali pirates and Barbary Corsairs share. They differ in that the Corsairs operated as part of a religious war and were culturally and politically different from current pirates, targeted different types of vessels, and had fleets that consisted of larger, traditional ships. The lessons learned from Barbary as well as these similarities and differences all contribute to formulating the most viable response to the threat of modern piracy. The failure of tribute payments and the diplomatic treaties that stipulated for these tribute payments to the Barbary leaders, the success of best safety practices, and the necessity for military action to counter piracy are all important lessons from the Barbary era that can be applied to the current problem of maritime crime. Military intervention on the high seas is the most viable solution because of the capabilities of the United States Navy that can directly address the threat of piracy.

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Introduction

Piracy has plagued world commerce and global security for centuries. Despite being popularized in the Pirates of the Caribbean trilogy and the satirical cartoon series South Park, maritime piracy is dangerous, and a much larger concern than the entertainment media portrays. It disrupts shipping and commerce, and contributes to regional insecurity. A sudden increase in Somali piracy in 2008 captured news headlines, and brought to light the major threat to shipping off the Horn of Africa. The attempted seizure of the *Maersk Alabama*, and its American crew, on April 8, 2009 raised the following question: what can be done to successfully counter maritime piracy? In particular, is military intervention a viable option, and if so, how would it work?

Thus far, piracy has proven to be a difficult threat to solve. Piracy stems from opportunity, economic desperation, and a lack of government institutions able to stop the crime. It threatens the safety of ships and crews, and impacts shipping costs, the global economy, and regional security. During the early part of the twenty-first century, the major geographic hotspot for piracy was in Southeast Asia around the Strait of Malacca. However, as anti-piracy best practices and littoral patrols began to take effect, incidences of piracy decreased in the region. The sheer size of the region off the Horn of Africa, combined with the lack of capable law enforcement institutions, makes applying the lessons from Southeast Asia to East Africa extremely difficult. It also makes an effective strategy to combat both the causes and symptoms of piracy exceptionally problematic.

This study will focus on the military response to maritime piracy. It will use a qualitative approach to explain why naval action is the most viable course of action to combat maritime piracy. A literature review will be performed to present the current United States policies on maritime piracy. These will be drawn from statements released by the Department of State, the 2005 National Strategy on Maritime Security, and the National Security Council's Countering Piracy Off the Horn of Africa: Partnership & Action Plan. When piracy began to flare up in the Gulf of Aden, resources from Combined Task Force 150 (CTF-150), tasked with conducting counter-terrorism operations, were diverted to deal with the new threat. Eventually, a new task force, CTF-151, was created to deal specifically with the threat of piracy. The literature review will also explain why separate policies are needed to combat terrorism and piracy. Finally, the literature review will introduce alternative policies to combat piracy discussed in various journal articles, and explain the strengths and weaknesses of the approaches.

A comparative case study, examining the United States experience with the Barbary corsairs and its current dealings with Somali pirates, will be conducted to address the research questions. It will introduce the background and describe the conflict of each case, and compare each based on the following criteria: geographic regions of activity, characteristics of the pirates, motivations for piracy, the targets, the nature and frequency of attacks, treatment of hostages, measures undertaken to combat piracy, and the outcomes. The criteria will illustrate how each of these factors contribute to piracy, how the outcomes were determined, and which attempts to stop acts of piracy succeeded versus which ones failed. The parameters focus on the period between 1783 and 1815 for

the Barbary corsairs. For the Somali pirates, the study will focus on the time period

between 1991 and 2009, concentrating specifically on the period between 1999 and 2009.

Finally, the remaining section will focus on analysis of the case studies, and will

include the alternative solutions for combating piracy, as well as the case for naval action.

The analysis portion will examine what worked and what did not in both cases, and the

reasons for success or failure. Also, this section will look at what lessons can be learned

from previous experience, and how they may be applied in the future. In the alternative

solutions segment, the cases for the use of diplomacy, on-board deterrents, ransom

payments, and a land-based solution will be presented. Within each, the positives and

negatives of the approach will be discussed. Lastly, the portion on naval action will also

discuss the strengths and weaknesses of a military approach, but will illustrate how the

United States Navy is better equipped to deal with maritime piracy, and is thus the most

viable course of action for the United States to pursue.

For the purposes of this research it is imperative to differentiate between terrorism

and piracy, as well as pirates and corsairs, or privateers. While there are numerous

definitions of terrorism, those used for the purposes of this research are those provided by

the United States National Counterterrorism Center and the U.S. Department of Defense,

which classify terrorism as the following:

- The calculated use of unlawful violence or threat of unlawful violence to
  inculcate fear; intended to coerce or intimidate governments or societies in
  the pursuit of goals that are generally political, religious, or ideological.[1];
  or

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[1] United States Department of Defense "Military Definition of Terrorism."
http://www.dtic.mil/doctrine/jel/doddict/data/t/05461.html .

- Premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents.[2]

Modern piracy, like terrorism, has a variety of definitions. Two are common, one outlined in the United Nations Convention on Law of the Sea, and the other defined by the International Maritime Bureau. By modern standards, piracy is:

- (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 a ship or aircraft; or (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; (c) any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b).[3]; or

- An act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act.[4]

According to late eighteenth and early nineteenth century Americans, pirates were classified as persons who engaged in "robbery or other acts of violence on the seas…without having any authority from, and independently of, any organized government."[5]

Corsairs participate in the same actions as pirates, use many of the same methods which pirates employ, and are different only in that their deeds are sanctioned by their government. They were recognized by the laws of nations throughout the sixteenth, seventeenth, eighteenth, and into the nineteenth century based on the following criteria: the commissioning of a vessel to carry arms by the government, and the use of these arms

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[2] National Counterterrorism Center Counterterrorism Calendar 2009, "Terrorism Definitions", 141.
[3] International Maritime Organization, "Piracy and Armed Robbery Against Ships" definition of piracy in article 101 of United Nations Convention of the Law of the Sea. http://www.imo.org/
[4] ICC-Commercial Crime Services – International Maritime Bureau. "Piracy and Armed Robbery Against Ships: Annual Report 1 January-31 December 2008." (January 2009), 3.
[5] Frank Lambert, *The Barbary Wars* (New York: Hill and Wang, 2005), 107.

only against states with which their government was at war.[6]   Corsairs were authorized

by their respective governments to raid enemy vessels and required to carry

documentation identifying them as agents of the state, while pirates had no

documentation, nor government authorization, and were as likely to attack ships flying

their own country's flag as they were their enemy's.[7] As such, the pirates of the Barbary

Coast will be referred to as corsairs throughout this study, as the various Barbary

regencies sanctioned their participation in acts of piracy, and the pirates of Somalia will

be referred to as pirates, as the transition government of Somalia does not commission

their attacks. The differences in these definitions are important to note, as they have an

impact on the formulation of responses to the threat. The options available to the United

States, while similar in both cases, cannot be successfully pursued in both, due mostly to

the inherent differences between the corsairs and the pirates**.**

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[6] Ibid, 107.

[7] Richard B Parker, *Uncle Sam in Barbary: A Diplomatic History* (Florida: University Press of Florida, 2004), 6.

Chapter 1: Literature Review

The trend to dealing with Somali piracy in the twenty-first century has involved shipping companies paying hefty ransom sums to safely free their crews, ships and cargoes. However, this practice is only exacerbating the problem. By examining the current literature, as well as the United States government's policies on maritime piracy, the alternatives to ransom payments can be evaluated, highlighting the strengths and weaknesses of the various solutions, and pinpointing both successful strategies and gaps in different approaches. As U.S. military counter-piracy initiatives began as part of Combined Task Force 150, which focused on maritime terrorism, prior to the formation of CTF-151, it is important to differentiate between terrorism and piracy in order to understand why separate policies and strategies are needed to effectively fight both terrorism and piracy. Therefore, this portion will focus on the literature as it pertains to the causes of terrorism and piracy; current U.S. maritime security policy; the policies advocated for combating piracy within the literature; the role of ransom payments; and the impact of military intervention on both terrorism and piracy.

Causes of Terrorism and Piracy

As the nature of warfare evolved throughout the twentieth century and into the twenty-first, terrorism became a more prevalent tactic of peoples and organizations attempting to alleviate grievances and institute fundamental socio-economic or political transformation at the state level, although groups such as al-Qaeda seek a widespread, global change. Starting in the latter half of the twentieth century, an abundance of literature has been published identifying the causes of terrorism. Crenshaw states that

there are both preconditions, or particular situations and permissive factors, and

precipitant conditions that contribute to terrorist group formation.[8] Specifically, she cites

modernity, urbanization, social facilitation, transnational communication, and the absence

of adequate (state) prevention as factors which enable the creation of terrorist

organizations.[9] Further, she lists that among the direct causes of terrorist group formation

is the presence of concrete grievances among a substantial group within the larger

population; this group often feels a sense of deprivation and as though they have been

unjustly discriminated against. Another major grievance attributed to terrorist

organization formation is the lack of opportunity for political participation, highlighting

the fact that grievances are not entirely socio-economic in nature.[10] This final point is

especially important because, as Crenshaw mentions, terrorism is the result of elite

dissatisfaction, and tends to be a reaction to what is perceived as unjust government

actions.[11] Finally, she concludes by stating that failure of alternative methods to

correcting perceived grievances, as well as the existence of favorable conditions for

terrorist group formation, can drive terrorism because it is viewed as a simple, rapid

option which brings instant, visible results.[12]

Similar to Crenshaw, Cronin claims that terrorism is a reaction to a perception of

justice and is political in nature.[13] It is a reaction to empires, colonial powers, and the

U.S.-led international system marked by globalism[14] that targets governments, their

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[8] Martha Crenshaw, "The Causes of Terrorism." *Comparative Politics* 13, no. 4 (July 1981): 381.
[9] Ibid, 381-382.
[10] Ibid, 383-384.
[11] Ibid, 384.
[12] Ibid, 388-389.
[13] Audrey Kurth Cronin, "Behind the Curve: Globalization and International Terrorism." *International Security* 27, no.3 (Winter 2002-2003): 33.
[14] Ibid, 34.

publics and their constituents.[15] Cronin cites David Rapoport's four waves of modern

terrorism (anarchist, anti-colonial, leftist, and religious),[16] focusing mainly on his

argument that this fourth wave, while certainly having a religious characteristic, is more

of a power struggle between central versus local and modern versus traditional powers.

Cronin builds on this notion, claiming that modern terrorism, even that which is

religiously inspired, is part of a broader sense of anti-globalization, and a reaction to the

disparity between the "have and have-not nations, as well as between the elite and

underprivileged within those nations."[17] She also notes that, despite there being four

types of terrorism in existence today (left-wing, right-wing, ethno-nationalist/separatist,

and religious or "sacred"), the trend since the 1990s has been a decrease in overall

terrorist attacks, despite an increase in religiously motivated attacks, a growth in the

lethality of attacks, and an increasing number of attacks targeting Americans.[18] This last

point is not surprising, as globalization, with its characteristics of Westernization,

secularization, democratization, consumerism, and the growth of market capitalism, has a

very American feel to it. Thus, anti-globalization sentiments often present themselves as

anti-American in nature, with the backlash to American economic, political and social

power coming from conservative cultures and less privileged populations.[19]

 For Sedgwick, ideology has a major impact on the adoption of terrorist strategies

by a group. He argues that terrorism originates in the global environment; when groups

witness the success of terrorist tactics they may opt to employ their own violent strategies

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[15] Ibid, 32.
[16] David C. Rapoport, "The Four Waves of Modern Terrorism," in Audrey Kurth Cronin and James Ludes, eds, *AttackingTerrorism: Elements of a Grand Strategy* (Washington, D.C.: Georgetown University Press 2004), 47.
[17] Cronin, 35.
[18] Ibid, 42.
[19] Ibid, 45.

to achieve their goals.[20] He argues a "contagion" hypothesis, claiming that previously used strategies and tactics, especially those applied at the global level, inspire other organizations to act in the same manner, and utilize either the same or similar techniques.[21] Thus, while ideology plays an important role for why groups form, it is the indirect impact of global events, specifically the success of an attack, which provides the inspiration for organizations to adopt terrorist strategies.[22]

Finally, like Crenshaw and Cronin, Newman lists a number of factors which contribute to the formation of terrorist groups and subsequent execution of attacks. He cites grievances such as poverty, social inequality or exclusion, dispossession, human rights abuse, alienation and humiliation, as well as a number of precipitant conditions associated with urbanization, a clash of values and various demographic factors as giving rise to terrorism.[23] These features are quite similar to those presented by Crenshaw and Cronin, illustrating that any combination of anti-modernism, anti-globalization, feelings of resentment and desperation, weak government, unemployment, inequality affecting distinct groups and injustice, as well as numerous other factors, has an opportunity to facilitate terrorist group formation. However, Newman does mention that the root causes are not applicable in every case, and that there is no direct cause and effect relationship between the stated root causes and the creation of terrorist organizations.[24] Thus, while Newman's list of root causes is helpful in understanding what can contribute to the rise of terrorism, it, like Sedgwick's contagion hypothesis, is not the only explanation.

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[20] Mark Sedgwick, "Inspiration and the Origins of the Global Waves of Terrorism." *Studies in Conflict and Terrorism* 30, no. 2 (2007): 98.
[21] Ibid, 101.
[22] Ibid, 109.
[23] Newman, Edward. "Exploring the 'Root Causes' of Terrorism." *Studies in Conflict and Terrorism* 29, no. 8 (2006): 751-753.
[24] Ibid, 755-756.

Piracy, like terrorism, can result from a number of various factors. Admiral Thad Allen, Commandant of the United States Coast Guard, pointed out the two most prevalent in an April 2009 news release, claiming that the root causes of piracy in the Gulf of Aden and Western Indian Ocean are political instability and a lack of economic opportunity in Somalia. Like Admiral Allen, McNeill and Schaefer also point to the failure of a centralized state authority as facilitating maritime piracy in the region; they claim it allows pirates to collect resources for future missions, run intelligence collecting operations needed to target ships in the area, and provides a market for captured cargo, thus making further profit.[25] Yet, poverty and the rampant lack of economic opportunity contribute to the real motivator for piracy: easy money. The capture of a ship, its cargo, and hostages usually translates into a one to two million dollar ransom paid by the shipping company, making piracy a highly lucrative business for those otherwise facing desolation.[26]

Max Boot elaborates on this point, stating that the piracy industry is one of the biggest employers in Somalia, as it offers immense opportunities for economic advancement in a country that has an average GDP per capita of $600 USD.[27] Like terrorism, piracy exists where the opportunity exists. With a majority of the major naval powers' resources dedicated to conventional operations and counter-terrorism missions, piracy had been widely overlooked in the Horn of Africa until 2008. In addition, as the odds of attack on a vessel transiting the region are slim, shipping companies would rather

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[25] Jena Baker McNeill and Brett D. Schaefer, "Options for Combating Piracy in Somalia." *Heritage Foundation WebMemo No. 2397* (15 April 2009), 1.
http://www.heritage.org/Research/HomelandSecurity/wm2397.cfm
[26] Ibid.
[27] Max Boot, "Pirates Then and Now: How Piracy Was Defeated in the Past and Can be Again." *Foreign Affairs* 88, no. 4 (July-August 2009).

pay ransoms averaging one million dollars per ship than implement extra security measures.[28] As a result, piracy is flourishing in the Horn of Africa.

According Pham, piracy is located, as Boot pointed out, where the opportunity lies. Due to the lack of centralized state authority and the rampant lawlessness throughout Somalia, pirates have been able to entrench themselves in the country. Pham explains that the political economy of piracy involves individuals from all levels within Somali society, allowing the pirates to build large, organized networks that conduct sophisticated operations.[29] The 2005 United States National Strategy for Maritime Security presents the same notion – that piracy exists in areas of high commercial activity, especially where there is vast political and economic instability, and flourishes in regions where there is little or no maritime law enforcement capability.[30]

In his writings, Murphy illustrates similarities between facilitation of both pirate organizations and terrorist groups. He categorizes piracy as organized crime, but notes that a permissive political environment allows both terrorism and organized crime to flourish on land.[31] Murphy also cites cultural acceptability and, specifically in regard to piracy, the opportunity for reward as contributing factors. Like Murphy, Menkhaus relates Somali piracy to the political and economic issues on shore. Piracy itself is just a symptom and outward projection of the lack of a stable, strong government and effective law enforcement organizations. Further, it is a viable, low-risk, high-yield alternative to

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[28] Ibid.
[29] J. Peter Pham, "The Pirate Economy." *Foreign Policy* (April 2009: Web Exclusive), http://www.foreignpolicy.com/story/cms.php?story_id=4817
[30] The United States National Strategy for Maritime Security. September 2005, 5. http://www.dhs.gov/xlibrary/assets/HSPD13_MaritimeSecurityStrategy.pdf
[31] Martin N. Murphy, "Suppression of Piracy and Maritime Terrorism: a Suitable Role for A Navy?" *Naval War College Review* 60, no.3 (Summer 2007).

otherwise bleak economic opportunities.[32] The United States National Security Council

emphasizes this financial aspect of piracy in its Countering Piracy Off the Horn of Africa:

Partnership & Action Plan, stating that the end goal is substantial ransom payments, as

these are the lifeblood of Somali pirates.[33]

Reveron agrees that easy access has allowed piracy to flourish in the Horn of

Africa. He acknowledges that there are very few barriers to entry into the industry, citing

the problem as poor governance on shore.[34] Like the NSC Plan, he mentions the large

pool of possible recruits who hope to achieve economic prosperity, and also notes that the

Somali pirates do not see themselves as criminals. Rather, Reveron explains that the

pirates view their activities as in defense of the local fishing industry, with some even

regarding themselves as a type of coast guard.[35] Lennox elaborates on this point,

claiming that piracy began as a reaction to illegal fishing in Somali waters, and was

initially defensive in nature.[36] Once the mechanisms and opportunities for expansion

were in place, however, piracy was able to grow around the Horn of Africa. Lennox

explains that the possibility of an impoverished future, desperation, greed, entrenched

pirate networks extending into the upper levels of government, sanctuary and opportunity

all contribute to contemporary piracy off the Horn of Africa.[37]

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[32] Ken Menkhaus, "Dangerous Waters." *Survival* 51, no. 1 (2009), 22.
[33] The United States National Security Council. "Countering Piracy Off the Horn of Africa: Partnership & Action Plan." 2008., 6.
http://www.marad.dot.gov/documents/Countering_Piracy_Off_The_Horn_of_Africa_-_Partnership__Action_Plan.pdf
[34] Derek S. Reveron, "Think Again: Pirates." *Foreign Policy* (January 2009: Web Exclusive),
http://www.foreignpolicy.com/story/cms.php?story_id=4626
[35] Ibid.
[36] Patrick Lennox, "Contemporary Piracy off the Horn of Africa." *Canadian Defence & Foreign Affairs Institute* (December 2008), 8.
http://www.cdfai.org/PDF/Contemporary%20Piracy%20off%20the%20Horn%20of%20Africa.pdf
[37] Ibid, 2-4.

Finally, in a Congressional Research Service report, Ploch and others, cite instability and economic hardship as the causes of maritime piracy, and also point to specific factors of both areas which contribute to the overall problem. The full list includes poverty, lack of employment, environmental hardship, pitifully low incomes, reduction of pastoralist and maritime resources due to drought and illegal fishing, and a volatile security and political situation.[38] These factors illustrate that solving the problem is going to be extremely difficult, and will require a number of approaches.

In summary, terrorism is mainly the result of concrete grievances by distinct, often elite, populations. Modern terrorism is a backlash to globalization, modernity and Westernization. It can be motivated by the proven success of other groups, or by perceived injustice or inequality. Counter-terrorism initiatives in the twenty-first century have relied heavily on military intervention. However, this has proven to be successful only at the outset. As Cronin explains, the United States and its allies should use military force in the short term, combining airstrikes with specific ground missions carried out by specialized forces, and incorporate all types of intelligence collection and analysis, focusing on human intelligence and cultural sensitivity, into these missions.[39] She does go on to say that this will not fix the problem in the long run. Cronin states that longer-term plans need to be implemented to restructure the global environment, and that in order to counter the root causes of terrorism, the United States need to work with partner

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[38] Lauren Ploch and others. "Piracy off the Horn of Africa." *Congressional Research Service* (21 April 2009), http://www.fas.org/sgp/crs/row/R40528.pdf , 6.
[39] Cronin, 55-56.

countries to implement economic growth, sustainable development, and encourage advances in democracy and human rights.[40]

The factors influencing piracy differ from those motivating terrorism. Maritime piracy is the result of poverty, economic desperation, a lack of effective law enforcement capabilities, political instability, and a decrease of maritime and pastoralist resources as a result of drought and illegal fishing. Military action alone cannot eradicate piracy off the Horn of Africa. As the literature shows, it is only partially effective. Pham argues, however, that naval ships have the ability to interdict attacks or suspected pirates, and detain those suspected of participating in acts of piracy.[41] Similar to terrorism, the only real way to halt piracy is to implement a strong central government capable of dealing with the threat.[42] In addition, an increase in legal, profitable economic opportunities will provide alternatives to engaging in acts of piracy.

Before implementing a military response to terrorism and piracy, other solutions need to be discussed and attempted. The most important of these is diplomacy. Unfortunately, diplomacy in these situations is difficult to pursue. As Somalia's Transitional Federal Government has no real power, working with government officials will, in the end, prove to be futile, with the exception of determining what the government feels the international community should do to halt the spread of piracy. Solving terrorism through diplomacy is just as difficult, as the official stance of the United States is not to negotiate with terrorists. Cronin's notion of addressing grievances and inequalities in the long term comes close, especially as it will take cooperation with

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[40] Ibid.
[41] Pham 2009.
[42] Ken Menkhaus, "The Seven Ways to Stop Piracy." *Foreign Policy* (April 2009: Web Exclusive), http://www.foreignpolicy.com/story/cms.php?story_id=4872

international partners and the governing bodies of the countries in which these measures are pursued. However, it is more in line with counterinsurgency doctrine than negotiating the end to a conflict. Thus, diplomatic efforts tend to be ineffective in these situations.

Maritime Security Policy

The goal of the 2005 National Strategy for Maritime Security claims the United States must "detect, deter, interdict, and defeat terrorist attacks, criminal acts, or hostile acts in the maritime domain, and prevent its unlawful exploitation for those purposes."[43] It states the U.S. will conduct monitoring and patrolling operations to protect its maritime borders, exclusive economic zones and high seas areas of interest, and institute reliable deterrent and interdiction capabilities, as well as effective prevention measures, in the forms of operations and security programs, to increase threat knowledge and awareness.[44] The Strategy directs the United States to work with international partners to achieve its objectives of preventing terrorist attacks and criminal or hostile acts, protecting maritime-related population centers and critical infrastructures, minimizing damage and expediting recovery, and safeguarding the ocean and its resources.[45]

Focusing specifically on terrorism the 2006 National Strategy for Combating Terrorism outlines a plan that involves fighting terrorism by promoting democracy as a long-term solution to the problem, preventing attacks of terrorist networks, denying terrorist groups and rogue states access to weapons of mass destruction (WMD), and

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[43] The United States National Strategy for Maritime Security, 8.
[44] Ibid, 8-9.
[45] Ibid, 8-12.

denying terrorists the sanctuary of rogue states or control of any nation from which they could operate.[46]

The policies concerning piracy send a very similar message, and have much of the same tone as those regarding terrorism. In April 2009, Secretary of State Hillary Clinton specified the U.S. policy on maritime piracy, stating: "The United States does not make concessions or ransom payments to pirates." Previously, the National Security Council released a plan in 2008 specifically outlining the steps necessary for combating piracy off the Horn of Africa. In the Countering Piracy Off the Horn of Africa: Partnership & Action Plan, the causes for concern, objectives of the United States concerning Somali piracy, and strategies for combating piracy are clearly detailed. The U.S. is tasked with preventing, disrupting, and punishing acts of Somali pirate organizations by reducing the vulnerability of the maritime domain, operating in accordance with international law and the rights of flag and coastal states to interrupt acts of piracy, and hold accountable, through fair prosecution, individuals suspected of piracy.[47] To achieve these goals, the United States is directed to develop a global partnership plan, engage in a Contact Group on Somali Piracy, contribute to a regional Counter-Piracy Coordination Center (CPCC), encourage the use of a Maritime Security Patrol Area (MSPA) in the Gulf of Aden, urge commercial ships to update their security practices, strengthen strategic communications, maintain a persistent interdiction-capable presence, seize and destroy equipment and vessels used for piracy, disrupt revenue, dismantle bases on shore, develop agreements in accordance with international conventions and international law on custody and

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[46] The United States Strategy for Combating Terrorism. September 2006.
http://www.globalsecurity.org/security/library/policy/national/nsct_sep2006.pdf
[47] The United States National Security Council, 6.

prosecution of suspected pirates, support ship-rider programs to facilitate the arrest and

detainment of suspected pirates, and improve the capabilities of regional States to

prosecute, extradite, or incarcerate suspected pirates.[48]

Attached to the NSC Plan is the 2007 Policy for the Repression of Piracy and

other Criminal Acts of Violence at Sea, which claims that freedom on the high seas

requires international cooperation, and coordination between all departments and

agencies within the U.S. Government. It states that piracy repression should include

diplomatic, military, intelligence, economic, law enforcement, and judicial actions, and

emphasizes the necessity to prevent pirate and other criminal acts at sea, disrupt and

terminate pirate attacks within the bounds of international law and the rights and

responsibilities of coastal and flag states, and bring to justice those accountable for acts

of piracy.[49] The Policy also notes that responses to piracy will vary depending on the

political, geographic and legal environments, as well as the mission and the nature of the

threat.

Finally, in a Congressional Research Service Report regarding piracy around the

Horn of Africa, Ploch and others, outline what needs to be done in the long-term to

combat Somali piracy. Statements released by the Obama administration point to a

continuation of the counter-piracy policies initiated by the George W. Bush

administration. These policies advocate achieving political stability and establishing

governance in Somalia, implementing rule of law, providing security to Somali citizens,

and increasing economic development in the country.[50]

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[48] Ibid, 7-14.
[49] Ibid, 16-17.
[50] Ploch and others, 14.

The policies of the United States Government concerning maritime security threats, and specifically maritime piracy, have been evaluated by numerous authors who have either supported, expanded, deconstructed, or revised the current courses of action. Pham argues that political institutions, especially at the local level, and security capabilities, specifically an official coast guard, must be built, strengthened and sustained by Somalis in order to reduce the rampant lawlessness that is allowing piracy to continue. Additionally, he advocates the use of the military, as it will be needed both as a deterrent and as a resource in high-risk situations.[51]

Like Pham, Menkhaus argues the usefulness of military action, claiming that while naval vessels cannot halt piracy, they can interdict and apprehend those suspected of undertaking acts of piracy.[52] Menkhaus also outlines seven options for dealing with piracy, exploring the reasoning behind the seven main options for combating the threat. First, he suggests that the world can live with piracy as a nuisance, as European powers did in the Barbary corsair era, since ransom amounts, which are not huge costs for shipping companies, do not justify military response.[53] Second, he examines the use of military patrols, pointing out that, to date, they have not worked as planned. Further, he states it is widely agreed upon that naval interdiction alone cannot stop piracy off the Horn of Africa, and may be ineffective at reducing pirate attacks in the region.[54] He also addresses the notion of arming cargo ships, explaining that this option is not viable. Legal concerns, combined with increasing insurance costs and a possible escalation of violence, are resulting in major resistance to this option from shipping companies, who

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[51] Pham 2009.
[52] Menkhaus, "Dangerous Waters", 22.
[53] Menkhaus, "The Seven Ways to Stop Piracy."
[54] Ibid.

prefer to pay ransom costs.[55] The notion of military action on land has also been put

forth, an idea that Menkhaus disagrees with, citing certain civilian casualties, likely

unsuccessful airstrikes, and risk to the welfare of hostages and U.S. strategic interests in

Somalia as reasons to avoid this strategy.[56] Additionally, he comments on the financial

aspects of the problem. Menkhaus states that going after the financiers of piracy, a

strategy for combating both piracy and terrorism, will be incredibly difficult, and could

also hurt the coastal economy that has greatly benefitted from piracy. As for ransom

payments, he states that if the act is no longer profitable, then it will cease. However, a

refusal to pay ransoms would have to be paired with increased military action to be

effective, which, as Menkhaus pointed out, has not yet achieved the desired results.[57]

Finally, Menkhaus addresses the policy most widely agreed on, which Ploch highlights in

the CRS report. He claims that backing a government that can enforce rule of law in

Somalia, where law enforcement capabilities can deal with piracy on-shore, is the most

viable option to ending piracy off the Horn of Africa.[58]

Unlike Menkhaus, Middleton favors the international community conduct a

military campaign to combat Somali piracy. Like Menkhaus, he mentions that the only

real solution is political stability inside Somalia, and thus the international community

has the option of doing nothing. However, as piracy is linked to Somalia's internal

problems, doing nothing allows piracy to continue to flourish in the region.[59] Thus

Middleton presents three military-based solutions. First, as is advocated in the NSC's

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[55] Ibid.
[56] Ibid.
[57] Ibid.
[58] Ibid.
[59] Roger Middelton, "Piracy in Somalia: Threatening Global Trade, Feeding Local Wars."
Chatham House October 2008,8. http://www.chathamhouse.org.uk/publications/papers/view/-/id/665/ .

Partnership & Action Plan, a Maritime Security Patrol Area (MSPA) could be organized

for commercial ships to sail through under the protection of military vessels.[60] However,

while he does point to this as being a viable option, he also mentions that a MSPA would

only decrease the danger for ships traveling on an East-West route, while those traveling

North-South would still be prone to attack. Secondly, Middleton mentions that "an

internationally sanctioned and administered coast guard" would be an effective option for

combating piracy off Somalia.[61] Finally, Middleton mentions the use of a large naval

force, similar to the military presence proposed in the NSC's Plan. He explains that

while it would be expensive, an international force has the ability to reduce incidences of

piracy through deterrence and interdiction.[62] However, Middleton supports the use of a

substantial naval combined fleet to patrol a MSPA.

McNeill and Schaefer advocate international action, stating that the role of the

United States Navy is to participate in intelligence sharing, targeted operations, and

search and rescue operations with other concerned naval powers.[63] Also, they mention

that in order to make the seas safer, the Navy should conduct hostage rescue operations,

and, as supported by the NSC's Plan, deter piracy off the Horn of Africa by participating

in interdiction and blockade missions.[64] Included in these missions should be

international naval efforts to conduct blockade and interdiction operations around ports in

Somalia and elsewhere known to be harboring pirates.[65]

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[60] Ibid, 10.
[61] Ibid.
[62] Ibid.
[63] McNeill and Schaefer, 2.
[64] Ibid.
[65] Ibid, 3.

In concern to naval operations, Lennox addresses the elements necessary for conducting military missions. He explains that a critical mass of warships, as well as their assets, are required if sea-based tactics are to be constantly pursued. Further, he emphasizes that while an international effort is important, regional navies need to make a more concerted effort to halt the problem.[66] Also, as is advocated by the NSC's Plan, Lennox states that commercial vessels must implement operational and communications security (OPSEC) practices to protect themselves from potential attacks. Finally, he notes that private security firms seem to be the most effective "band-aid solution" to protecting commercial ships from pirate attacks.[67]

Kraska and Wilson, like Lennox, suggest that measures other than military operations are more effective in solving the problem of Somali piracy. They explicitly state that despite the increase in the number and types of warships patrolling the waters around the Horn of Africa, the patrols have been largely unsuccessful in stemming the tide of Somali piracy.[68] Rather than relying solely on military action, they advocate the use of international cooperation between governments, international organizations, and the private sector in order to combine financial, political, military and legal resources to contain piracy.[69] Kraska and Wilson heavily emphasize the importance of international coordination in counter-piracy strategies. They do acknowledge that until political stabilization is achieved in Somalia, the problem of piracy will have to be addressed from sea to shore. Also, Kraska and Wilson emphasize that international cooperation must occur between major maritime powers, shipping states, and regional partners in order to

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[66] Lennox, 13.
[67] Ibid, 14.
[68] James Kraska and Brian Wilson, "Maritime Piracy in East Africa." *Journal of International Affairs* 62, no. 2 (Spring/Summer 2009): 56.
[69] Ibid.

implement deterrents such as prosecution and punishment; they claim that pursuing this

line of action, in accordance with international law, is more likely to halt the continuance

of maritime piracy than the just presence of warships.[70] Additionally, they suggest that

regional states need to take the lead in protecting their own waters, and that the

international community should participate in an international Maritime Operational

Threat Response Plan (MOTR)[71] in order to aid and support counter-piracy operations.

They explain that an international MOTR plan would allow round-the-clock maintaining

of communications among the various maritime states patrolling the area, and permits

countries to quickly coordinate responses and issues pertaining to on-scene interdiction of

ships hijacked by suspected pirates.[72]

Likewise, Patch does not agree with United States government policies regarding

maritime piracy. He believes that piracy is a law enforcement problem, and thus the

military is not useful in combating piracy. Rather, he advocates the use of the military in

instances of terrorism.[73] If military action is going to be used, however, Patch argues that

it should be in support of law enforcement agencies. For the United States, this means

either the Coast Guard, or placing law-enforcement capabilities (LEDETS) on board

ships. Patch claims that law enforcement bureaus are better able to handle piracy because

modern warships, outfitted to confront traditional threats, are poorly equipped to handle

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[70] James Kraska and Brian Wilson, "Fighting Pirates: The Pen and the Sword." *World Policy Journal* 25, no. 4 (Winter 2008/09): 47-52.

[71] The MOTR plan supports the National Strategy for Maritime Security, and "aims for coordinated United States Government response to threats against the United States and its interests in the maritime domain by establishing roles and responsibilities that enable the government to respond quickly and decisively."

[72] James Kraska and Brian Wilson, "Fighting Piracy: International Coordination is Key to Countering Modern-day Freebooters." *Armed Forces Journal* (February 2009) http://www.armedforcesjournal.com/2009/02/3928962

[73] John Patch, "The Overstated Threat." *Proceedings* 134, no. 12 (December 2008). http://www.usni.org/magazines/proceedings/story.asp?STORY_ID=1694 .

piracy.[74] Finally, he suggests the private sector implement anti-piracy best practices to protect their vessels at sea.

Another option is for the United States is to solely pursue its maritime self-interests. Murphy discusses this notion, questioning whether or not the U.S. Navy should be used to combat asymmetric threats, and suggesting that the U.S. must protect its self-interest. For Murphy, this means that modern navies should use their power in defense of trade.[75] He suggests that the U.S. Navy redevelop its old virtue of presence and exercise its informational, humanitarian, and diplomatic capabilities as part of its power in actions abroad.

According to Boot, the United States Government can pursue more than diplomatic and military solutions. While he does suggest that the U.S. and its allies increase the number of warships in the region, he also mentions the ability of the U.S. to revive letters of marquee,[76] although permitting modern day privateers to operate would likely cause considerably more problems.[77] Boot examines the private sector's role in dealing with piracy. He proposes the argument made by retired Army Officer Ralph Peters, stating that the U.S. Government could adopt a plan that would deny any company the right to do business in the U.S. if it fulfills ransom demands.[78] Boot also presents the argument of Claude Berube of the U.S. Naval Academy, claiming national forces be augmented by private security firms, at the cost to the shipping companies.[79] The use of Littoral Combat Ships (LCS) and prosecution of suspected pirates are what

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[74] Ibid.
[75] Murphy 2007.
[76] A letter of marquee is a government document allowing citizens to seize goods or citizens of another country, essentially legalizing piracy. It is authorized by the United States Constitution in Article I, Section 8.
[77] Boot 2009.
[78] Ibid.
[79] Ibid.

Boot argues are the best options to deter Somali piracy until rule of law is established on land.[80]

Finally, Reveron argues for an increase in protective measures on ships. He believes that on-board deterrents are a commercial vessel's best option for defense, but emphasizes these best-practice security procedures, and not armed security guards, are what is needed.[81] As for a military role, he states that there may be a role for naval escorts to protect humanitarian aid ships, but there are too many commercial vessels for military patrols to be otherwise effective.[82]

Ransom Payments

There are mixed feelings world-wide about ransom payments to pirates. On the one hand, they guarantee the safe release of a ship, its crew and its cargo, with relatively little overall cost to the shipping company. On the other hand, paying ransoms exacerbates and elongates the problem, allowing piracy to flourish. Menkhaus argues that ransom money is dangerous, not only because it risks attacks on commercial vessels, but also because it allows piracy to become entrenched in Somali society. He claims that the revenue from ransoms is "leading to the rise of a mafioso racket in which top political and business figures are earning sizable cuts of the ransoms."[83] Also, pirate acts, exacerbated by ransom payments, are a threat to regional commerce and the flow of humanitarian aid into Somalia, and the revenues may potentially find their way into the

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[80] Ibid.
[81] Reveron 2009.
[82] Ibid.
[83] Menkhaus, "Dangerous Waters", 24.

hands of the radical al-Shabaab movement.[84] Finally, Menkhaus notes that if ransom

refusal is to be put into effect, it would have to be in conjunction with increased military

rescue operations in order to avoid failure.[85]

Middleton argues that the reasoning behind ceasing ransom payment – if ransom

payments stop, then the incentives to engage in piracy decrease due to it no longer being

prosperous – fails to acknowledge two notions. First, if ransom payments end, pirates

may just alter their tactics, and, as happened in Indonesia, create "phantom ships" from

captured vessels.[86] Thus, pirates would still earn revenue from their endeavors.

Secondly, Middleton points out that ransoms will likely continue because no company

wants to risk the lives of the hostages, let alone be the first to refuse payments when the

price of doing so is so high.[87] As a result, Middleton proposes companies make an effort

to deflate the ransoms paid, as it could have a positive impact.

Boot argues that ransom payments, combined with a lack of challenge to piracy at

sea, are allowing the problem to spiral out of control. He points to the United States'

experience with the Barbary States during the eighteenth and nineteenth centuries,

illustrating how ransom payments never satisfied the leaders of the Barbary States, and

the problem continued until the U.S. conducted substantial naval operations against

Tripoli and Algiers.[88] Pham agrees that hefty ransom revenues are cause for the

continuation of piracy, citing that ship owners and insurers are partially responsible for

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[84] Ibid.
[85] Menkhaus, "The Seven Ways to Stop Piracy."
[86] Middleton, 11.
[87] Ibid.
[88] Boot 2009.

the growth in the industry, as their ransom payments have given increasing numbers of

Somalis incentive to pursue a career in piracy.[89]

Military Intervention

Military action in response to acts of terrorism and instances of piracy has had

varied results. Hoffman points out that in the initial incursion into Afghanistan following

the September 11, 2001 attacks, the military's "shock and awe" strategy was a success.

However, al-Qaeda operatives have adapted their methods to combat allied forces'

military operations in the region with lethal results. He suggests that the U.S. military

must modify its own counter-terrorism strategy to meet the new tactical changes of its

adversaries, as the "kill or capture" approach is no longer working.[90]

Likewise, in his discussion of the relationship between terrorism and military

action, Lesser states that the United States military is increasingly facing asymmetric

threats. He claims that modern terrorism may be a consequence of current and past

Western military action throughout the rest of the world.[91] The military incursion in

Saudi Arabia, starting with the 1990-1991 Persian Gulf War and lasting throughout the

remainder of the 1990s, is a good example of this notion, as the Western military

presence in the Muslim holy land was listed as a major grievance of al-Qaeda. Lesser

examines the case of Libya during the 1980s, stating that despite airstrikes as part of

Operation El Dorado Canyon, launched in response to the bombing of a Berlin club

frequented by U.S. military personnel, the decrease in terrorist activity in the mid-1980s

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[89] Pham 2009.
[90] Bruce Hoffman, "Testimony: Does Our Counter-Terrorism Strategy Match the Threat?"
(California:RAND Corporation, 2005): 10. http://www.rand.org/pubs/testimonies/CT250-1/,
[91]Ian O. Lesser, "Countering the New Terrorism: Implications for Strategy." in *Countering the New Terrorism*. (California: RAND Corporation, 1999).

was short lived; terrorist incidents flared up again in 1987 and 1988, including the bombing of Pan Am Flight 103.[92]

Tucker, in his comparison of United States and Israeli counter-terrorism efforts, claims that military intervention is only one tool to use when combating terrorism.[93] He notes that both Israel and the U.S. have focused too narrowly on a military solution, ignoring the root causes of terrorism and focusing mainly on physical security as the means for countering terrorist attacks. For Tucker, a successful counter-terrorism strategy needs to focus on more than just the military aspect; to be truly effective a counter-terrorism strategy that addresses the socio-economic and political grievances must be developed, and used in conjunction with military action.[94]

The use of military force to combat piracy, like terrorism, has had mixed results. It has seen success in the rescue of *Maersk Alabama* Captain Richard Phillips by the U.S. Navy, but has been unable to fully deter attacks. Kraska and Wilson explain that the military operations off the Horn of Africa have been largely unsuccessful thus far due to the manner in which they are conducted. They claim that the only sea-based solutions will involve the major maritime powers support of regional players. Included in this relationship is increased capacity building through a Global Train and Equip program,[95]

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[92] Ibid.

[93] Jonathan B. Tucker, "Strategies for Countering Terrorism: Lessons from the Israeli Experience." March 2003. http://www.homelandsecurity.org/journal/Articles/tucker-israel.html.

[94] Ibid.

[95] The Global Train and Equip program is used by the Department of Defense and Department of State to increase the capability of partner nations to solve local problems before they require outside intervention. Approximately one-third of the program is focused on strengthening maritime security support to regional countries and includes development of coastal surveillance infrastructure, patrol boats and maritime interdiction capabilities.

and the development of a maritime organization in east Africa that can help build a coast guard for the region.[96]

Menkhaus concludes that naval operations help, but cannot halt the spread of piracy in the long-run. Military action is not the end-all solution in this situation because naval vessels can only interdict and apprehend pirates at sea. However, military operations do not fix the problem on land.[97] Yet, as Axe claims, counter-piracy operations have had some limited successes. He points to the cooperation between the French and American Navies that resulted in the rescue of the luxury yacht *Le Ponant's* thirty crew and capture of six suspected pirates in April 2008.[98] Additionally, Axe explains that the United States Navy is actively seeking out pirates at sea and on shore through the use of ScanEagle drones and is also using helicopters and other equipment to conduct deterrence and rescue missions.[99]

Summary

A number of the arguments made by the authors are important in determining the most viable counter-piracy strategy. First, a different approach from counter-terrorism operations is needed. The different factors contributing to terrorism and piracy call for different solutions to each threat. Where terrorism is the result of socio-economic and political grievances, especially concerning clashes of values, a disparity between the 'haves and have-nots', perceptions of injustice, inequality, dispossession, humiliation and

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[96] Kraska and Wilson, "Fighting Piracy: International Coordination is Key to Countering Modern-day Freebooters."
[97] Menkhaus, "The Seven Ways to Stop Piracy."
[98] David Axe, "4 Fronts for Pirate-Navy Battles as Pirate Attacks Continue." http://www.popularmechanics.com/technology/military_law/4285201.html .
[99] Ibid.

alienation, piracy is the result of economic desperation. It is caused by poverty, widespread unemployment, environmental hardship, and, in the Somali case, illegal fishing, and is facilitated by political instability, the lack of a centralized state authority, the absence of adequate law enforcement institutions, and cultural acceptability. Piracy is traditionally an opportunistic crime, whereas terrorist attacks are carefully and methodically planned.

The factors which contribute most to terrorist group formation show that it is a reaction to certain outside influences, most notably globalization, modernity, Westernization and capitalism, as well as to perceptions of inequality. Piracy, on the other hand, has purely economic roots. Unlike terrorism, there is no political or social inequality aspect to piracy. There is no clash of values between pirates and their targets, and Somali pirates do not target ships based on their flag, indicating a lack of the backlash to Westernization and globalization that is characteristic of terrorism. However, there are a few similarities between terrorism and piracy. For one, both have economic components. Piracy is a business because individuals facing otherwise bleak financial futures have the opportunity to make easy money. In regards to terrorism, the lower ranks of terrorist groups consist of poor, disillusioned individuals who encountered a lack of employment opportunities in urban, capitalist settings. Also, social facilitation and political permissiveness both allow terrorist and pirate organizations to thrive, as there is no challenge to the rise of such groups.

The nature of the threat and the role of politics are also important to consider in determining the best course of action. Piracy, at its most basic, is a crime. Somali piracy has flourished in the early part of the twenty-first century, growing into several large,

sophisticated organized crime syndicates. It has become entrenched in society – from the lowest class to the upper echelons, and it is believed that warlords and government officials alike are reaping the financial benefits of piracy. However, despite government officials receiving a share of the profits, there is no political characteristic to piracy. Pirate organizations do not desire political power and a radical change of the government, but rather are simply in the business for the money.

Finally, it is important to note that certain aspects of the various solutions thus far presented have been successful. Considering the goal of safe return of crew, cargo and vessel, private shipping companies have had complete success by paying ransoms. However, giving in to ransom demands does nothing to halt the spread of piracy. In terms of best safety practices and on-board deterrents, it is agreed that these are the first line of defense against pirate attacks. They have had some success deterring attacks, and academics and government officials alike advocate shipping companies have their vessels utilize evasive maneuvers, install protections such as high-powered fire hoses and Magnetic Acoustic Devices, and practice operational and communications security.

The best solution to Somali piracy is solving the situation on land. Economic and political stability, with effective law enforcement institutions, are needed to end piracy off the Horn of Africa. In terms of diplomatic efforts to halt piracy, diplomacy with Somali officials is only effective with a strong central government. The success of current diplomatic pursuits has been in garnering international support of counter-piracy mandates, initiatives, and operations. Finally, military patrols have had some success in thwarting pirate attacks in the region. Where military operations have been extremely successful is in conducting interdiction, detention, and rescue operations, most notably

with the rescue of the crew of the French yacht *Le Ponant* in 2008 and the rescue of

Captain Richard Phillips in 2009.

Chapter 2: The Barbary Corsairs

The Conflict

The conflict between the Barbary regencies and the early American republic is rooted in a struggle that dates back to the First Crusade in the late eleventh century. At the time, both Christians and Muslims supported raids against the other's shipping, justifying it as an essential part of the religious battle.[100] Eventually this progressed into a contest between the European powers, in particular Spain, and the Ottoman Turks over control of the Mediterranean Sea, which resulted in the separation of the Mediterranean Sea into two spheres of influence – the western half under the Spanish and the eastern portion under the Ottomans.[101] As the Barbary privateers became increasingly active during the sixteenth and seventeenth centuries, the Europeans became tired of raids against their commercial vessels, and the Dutch and British reacted by quelling the Barbary fleets through excessive military force.[102] By the late eighteenth century, when American shipping first encountered the Barbary privateers, the regencies were only able to support at most a dozen corsairs.[103] However, for the United States, with its nonexistent navy and inability to negotiate realistic treaties, the Barbary corsairs were a major threat to trade and commercial shipping in the Mediterranean.

Central to the conflict between the United States and the Barbary regencies was the religious struggle between Christianity and Islam, though more subdued than it had been in earlier centuries. In May of 1786, then United States ambassadors to Britain and France, John Adams and Thomas Jefferson, respectively, met with the Tripolitan

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[100] Lambert, 33.
[101] Ibid.
[102] Ibid, 34.
[103] Ibid.

ambassador to Britain, Sidi Haji Abdul Rahman Adja, in an attempt to understand the hostility Tripoli had towards the U.S., and attempt to negotiate a peace treaty with the regency. As was reported to the Continental Congress, the ambassador remarked "that it was founded on the Laws of their Prophet, that it was written in their Koran, that all nations who should not have acknowledged their authority were sinners, that it was their right and duty to make war upon them wherever they could be found, and to make slaves of all they could take as Prisoners, and that every Musselman who should be slain in Battle was sure to go to paradise."[104] Thus, the deys and beys of the Barbary regencies ordered the corsairs to raid American merchant vessels, and upon their capture demanded hefty payments of money, ships, naval stores and goods to secure the release of imprisoned sailors and merchants sold into slavery. For the United States, however, it was not as much of a religious war as a cultural conflict. After so recently achieving their independence, American citizens viewed the Barbary leaders as tyrannical, lawless, and uncivilized. In essence, the Barbary leaders were foes that epitomized traits that were the exact opposite from the values and liberties the new republic saw itself as representing.

Attacks against American commercial vessels, which were no longer under the protection of the British Navy, caught national attention in 1784 upon capture of the *Betsey*; the capture of both the *Dauphin* and the *Maria* in 1785 meant the Barbary corsairs were now a major threat to American economic prosperity and political independence.[105] Raids against American shipping increased throughout the 1790s, with eleven vessels (the *President,* the *George*, the *Jay*, the *Minerva* of Philadelphia, the *Jane*, the *Thomas*, the *Polly*, the *Hope,* the *Olive Branch*, the *Dispatch*, and the *Minerva* of

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[104] Joshua E. London, *Victory in Tripoli: How America's War with the Barbary Pirates Established the U.S. Navy and Shaped a Nation* (New Jersey: Wiley and Sons, Inc., 2005), 23.
[105] Lambert, 48.

New York) captured in 1793 alone.[106] Details of the fates of the crew members aboard

the ships captured in 1785 and 1793 are listed as follows: of those freed, one was sent

with dispatches (James Leander Cathcart of the *Maria* in 1796), one left with a treaty

(Captain Richard O'Brien of the *Philadelphia* in 1795), and one was ransomed by the

British. The other one-hundred prisoners were redeemed, or released after ransom

payments were received, by either friends, general redemption by the government, or the

Dutch between 1793 and 1796. Twenty-nine, however, died while in captivity from the

plague, consumption, smallpox, cholic, and one in a "madhouse."[107]

Finally, the conflict was not limited to one between the United States and Barbary

regencies. At home there was vast disagreement on how to deal with the deys and beys

of Barbary and their corsair fleets. After America gained its independence and began to

encounter issues in the Mediterranean Sea, it became clear that U.S. commercial vessels

were vulnerable to interception and capture by any power, weak or strong. It also

became obvious that, due to a lack of power and resources, the United States government

had no remedy to the situation.[108] As the state of affairs worsened throughout the

remainder of the eighteenth century and into the early nineteenth century, two camps

arose within the U.S. government concerning the best course of action for dealing with

the government leaders in Barbary. One side, led by John Adams, claimed that because

the tradition of the European powers was to pay tribute to the Barbary States, the United

States had to follow this policy for it had no other means for dealing with the Barbary

governments. Adams argued for diplomacy because, when compared to the cost of

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[106] Parker, 208-213
[107] Ibid.
[108] Lambert, 28.

building a navy and waging war against the Barbary corsairs and their leaders, a negotiated treaty with annual tribute payments was financially less expensive.

Thomas Jefferson, however, advocated using military force because he believed building a navy would be cheaper than constantly paying tribute to the leaders of Barbary. He also argued that military defeat of the corsairs and their governments was a far more durable long-term solution that in the short-term would punish the captors of American sailors and bolster the United States' standing in Europe. Also naval victory would establish the United States as a free state whose economy and maritime trade was not threatened by the actions of the Barbary regencies.[109] While the debate over the best course of action persisted, American citizens became increasingly frustrated with the situation in the Mediterranean. Despite raising private funds to secure the release of American captives, they desired decisive action to end the threat the Barbary corsairs posed to U.S. mariners. However, with government disagreement over how to proceed against the regencies, no effective solution would be pursued until war was declared against Tripoli in 1801.

Background

For the United States, the Barbary Wars presented some of the first challenges, both domestic and international, the young republic faced. The European powers had tolerated piracy in the Mediterranean since the sixteenth century, from the time of the decline of the corsair boom of Elizabethan England,[110] and dealt with it until the nineteenth century when the Americans defeated Algiers in 1816. The system of tribute

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[109] Ibid, 61-62.
[110] David Mitchell, *Pirates* (New York: The Dial Press, 1976), 137.

that the Europeans followed was repugnant to the Americans who, after recently fighting

a war to protect personal liberties, pursued their goals of free trade and freedom of the

seas into the Atlantic and Mediterranean, despite no longer having the protection from

Barbary attacks that they enjoyed under the British.

The reasons behind European toleration are ones the United States experienced in

its initial involvement with the Barbary regencies as well, and ones which still dominate

international relations in the contemporary era: national interest, commerce, and politics.

Jealousy and desire for power dominated European politics during this era, and the

various European powers (England, France, Spain, Holland and the Scandinavian states)

used the Barbary corsairs as "pawns in a complex political and commercial game in

which little was left to chance."[111] The Barbary States accepted this role, as treaties with

each power, if it wished to participate in Mediterranean trade, were negotiated based on a

system of tribute and bribery that benefited the regencies. These treaties sponsored, in

part, the continuation of the corsair business as the Europeans, operating in their realm of

Machiavellian diplomacy, used the corsairs to further their national foreign policies; the

Europeans allied themselves with Barbary to wage war on one another through corsair

raids.[112]

Despite the drastic decrease in corsair activities by the late eighteenth century,[113]

in 1783 the United States nevertheless entered a world of Mediterranean trade still

dominated by a "system of tribute and bribery to piratical Muslim overlords entrenched

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[111] Ibid, 152.
[112] Cyrus H. Karraker, *Piracy Was a Business* (New Hampshire: Richard R. Smith Publishers, Inc, 1953), 32-33.
[113] Parker,16.

in their fortified seas thousands of miles from America's shores."[114] Although the

Americans asked the major European powers, especially France, for help and protection

from the Barbary corsairs, the Europeans did little to aid the United States, as they did not

wish to see the development of yet another competitor to their maritime trade.[115] Thus,

the Americans found themselves essentially on their own in dealing with the Barbary

regencies. After the capture of the American ship *Betsey* by Moroccan corsairs in 1784,

the United States realized it needed to shape a policy for dealing with the Barbary

regencies if it wished to participate in maritime commerce in the Mediterranean.

Dealing with the corsair threat and the Barbary states was an immense and

difficult task for the United States. As a young country it had little power and influence,

and even less money. Although the traditional European model of negotiation and tribute

was initially tried by the United States, the consuls sent to Morocco, Algiers, Tunisia, and

Tripoli found it increasingly difficult to negotiate and continuously meet the exorbitant

demands of the regencies' rulers. This was due mainly to the partisan bickering of the

American government, the inability of the United States to offer large sums of money and

grand presents as tribute, and the impatience of the pashas, deys and beys of the

regencies. This was especially the case in Tripoli and Algiers, and was such a problem

that it soon became clear that the only way to deal with the Barbary corsairs was by show

of force. Thus, the United States, due to its pride, desire for freedom of the seas, and

unwillingness to pay bribes to freely participate in maritime commerce,[116] found itself

involved in some of the first military campaigns since the end of the War for

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[114] London, 1.

[115] Charles F. Gallagher, *The United States and North Africa: Morocco, Algeria, and Tunisia*
(Massachusetts: Harvard University Press, 1963), 233.

[116] Gallagher, 231.

Independence: The War with Tripoli from 1801-1805, and the War with Algiers from 1815-1816.

Region

The western stretch of North Africa along the southern Mediterranean Sea was referred to as the Barbary Coast through the early nineteenth century.[117] The area was ideal for pirates and privateers to operate out of due to the natural harbors backed by lagoons. These areas often experienced strong, intense storms that proved fatal for those who did not know the coastline.[118] It is to this day also known as the Maghreb, or "Land of Sunset", in the Arab world, indicating its significance as Islam's territory west of Egypt.[119] Today it encompasses the countries of Morocco, Algeria, Tunisia, and Libya, and was the location of the Barbary regencies of Morocco, Algiers, Tunis, and Tripoli.

Barbary itself was originally part of the Ottoman Empire, and thus subject to the rule of the sultan. However, the sultan appointed rulers of each of the regencies, offices which, if not obtained through appointment, were acquired either through lineage or vicious fighting.[120] Despite the overall rule of the sultan, the regencies retained power over their territories, and eventually resembled individual states rather than a portion of a powerful empire. For example, Algiers had a system of Islamic courts and judges, mosques and Qur'anic schools, municipal facilities, a police force and market inspectors; and private property was respected, financial records kept, and merchants and artisans

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[117] Mitchell, 137.
[118] Jane Soames Nickerson, *A Short History of North Africa: From Pre-Roman Times to the Present* (New York: The Devin-Adair Company, 1961), 76.
[119] London, 15.
[120] It is reported that Pasha Yusuf Qaramanli murdered his eldest brother in front of their mother, executed a rebellion against his father, and usurped the power of his elder brother Ahmad to gain control and consolidate his power in Tripoli.

were able to trade and sell their products and retain the proceeds.[121] The regencies were

also able to negotiate and observe international treaties (although they did so arbitrarily)

without the approval of the Ottoman sultan.

Thus, the deys and beys, or leaders, of the regencies had control over their

territories, and were able to legitimize and launch their own corsair campaigns against the

European's and American's Mediterranean trade. In addition to the Mediterranean Sea,

corsairs were instructed to search for merchant vessels in the Atlantic, and pursued these

instructions vigorously. Coastal towns were often raided, and the Barbary corsairs

operated as far north as England, Ireland, and Iceland, using the Irish city of Baltimore

(whose population was later wiped out by the corsairs) as a base to launch attacks against

vessels in the North Atlantic, especially English fishermen in the Bristol Channel.[122]

Characteristics

Religion played a critical role in the history and actions of the Barbary corsairs.

As Muslim states, the Barbary regencies were in constant conflict with the Christian

European, and later American, states. However, this religious conflict was more one of

differences in culture and society than it was one of theology. After the Spanish

expulsion of the Moors in the early seventeenth century, the Barbary regencies justified

increased attacks on Christian shipping as part of the *al-jihad fi'l-bahr*, or holy war at

sea; they were also legitimized by the Muslim belief of having the right to capture and

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[121] Parker, 1.
[122] Mitchell, 144.

enslave all non-Muslims.[123] Often, the seamen of ships were either sold into slavery or

retained by the government as slaves if they were of the 'wrong' religion.[124]

The peoples of the Barbary regencies were ethnically Berber. They were a

minority even to the Arab population, who viewed them as foreign and primitive, or

barbari. The Romans had originally classified them as such because they spoke neither

Latin nor Greek. Traditionally, they were pastoralists who viewed themselves as "noble

and freeborn", and though they were considered ferocious warriors, they remained a

conquered people through much of their history, most significantly under the Arabs and

Ottoman Turks.[125]

Piracy took root in the region after the activities of pirate Khayr an-Din

Barbarossa in the sixteenth century. It flourished during the Ottoman presence in the

Maghreb, when the Ottoman sultan used Tunis, Tripoli and Algiers as strategic military

locations from which to launch pirate attacks. The pirates themselves were part of a

ta'ifa, or community, of seamen, from which rose pirate captains called *ru'asa*, who were

considered military heroes. Eventually the *ru'asa*, who were extremely important to the

economy and state revenues of the regencies, acquired the authority from the Ottoman's

to select a ruling officer, or dey (bey in Tunis), connecting piracy to the state, especially

in Algiers.[126]

For the United States, the difficulty was in understanding how a society could be

subservient to the dey, and submissive to both him and its religion. Americans found

three sharp distinctions between American Christianity and Barbary Islam: individual

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[123] London, 24-25.
[124] Parker, 10.
[125] London, 16.
[126] London, 20.

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religious freedom, religion as an instrument of the state, and religious posturing in negotiations between the United and Barbary States.[127] As a result, the view was that the United States was "locked in a struggle of liberty versus tyranny and good versus evil" with the Barbary regencies based on three notions: piracy and trade, tyranny and freedom, and Islam and Christianity.[128] This last concept was based on the American view that Muslim citizens in North Africa willingly allowed tyrants to thrive. To a newly founded republic that based its ideals on notions such as the right to life, liberty and the pursuit of happiness, the submissiveness of the peoples of the Barbary regencies seemed barbaric and revolting.

Nonetheless, the United States, before engaging in wars with Tripoli and Algiers, was forced to negotiate with, bribe, and pay tribute to the Muslim Barbary regencies for the right to participate in maritime commerce in the Mediterranean. This was only heightened by the fact that once the American public became aware of the sufferings and fate of American seamen taken into captivity and enslaved by the Muslim Berbers, they demanded government action. However, the only actions that could be taken (tribute as part of peace agreements) served to strengthen the power of the Barbary regencies, and contributed to their continued campaigns against Christian merchants.

Though religion did have a key role in the conflict, American negotiators pressed that the religious differences between the United States and the Barbary regencies were a non-issue.[129] Rather, as emphasized by enslaved Captain Richard O'Brien, later United States general consul to the Barbary Coast and consul to Algiers, money was the driving

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[127] Lambert, 112.
[128] Ibid, 105-106.
[129] Ibid, 118.

factor. O'Brien commented that "Money is the God of Algiers and Mahomet their prophet."[130]

Motivations

Money was by far the most influential factor motivating a dey's sanctioning of the corsair business. Although merchants and artisans enjoyed trade and profited from domestic commerce, the citizens and economies of the regencies were dependant on foreign commerce and the demand created by revenues and goods brought in by the corsairs.[131] Also, as the corsair fleets were drastically reduced by the mid-eighteenth century, the deys and beys were forced to break treaty obligations when desperate for money and living in fear of assassination.[132] Interestingly, this notion that political stability is dependent on economic prosperity is a notion that both the Washington administration and government of Algiers shared in 1794,[133] and one that will be returned to later in this study.

The easiest way for the regencies to raise revenue was through their system of tribute and bribery. Due to the continual wars between the Christian states, in particular the French Revolutionary and Napoleonic Wars, and the United States' War of 1812, the Barbary corsairs enjoyed relative freedom in the Mediterranean,[134] and took full advantage of the fact that the navies of the major powers were not being sent to defend their merchant ships; these countries were too involved in their own wars to be bothered

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[130] *Naval Documents Related to Barbary Powers*, 2:51.
[131] Parker, 21.
[132] Mitchell, 154.
[133] Lambert, 109.
[134] Mitchell, 156.

with negotiations with the Barbary regencies. Especially vulnerable as a result of this were American vessels, as United States merchantmen were easy targets due to the lack of clout the United States had in the region, as well as the absence of effective peace treaties with the Barbary powers.

Tribute payments made to the regencies included presents for the Barbary leader, as well as his family and servants, and whatever natural resources, tools and weaponry the dey or bey desired. For example, the Dey of Algiers' exorbitant demands in 1794 included gifts for the Dey's wife and daughter, the chamberlain, cooks, clerks, money counters, ushers, officers of the justice, Turkish secretaries, Prime Minister, Generalissimo of the Turks, and Farmer General.[135] Under the treaty of 1795, only approximately $642,500 of the original $2,247,000 demand was paid to the Dey, which had included a $354,000 ransom demand for one-hundred American captives. A tribute of naval stores was also requested, including nails of various lengths, cables of various diameters, bomb shells of various calibers, rope, oars, gunpowder, pine and oak planks of various length and thickness, canvas, lead, and tar brushes to be brought to the Dey over a number of years.

Religion, too, was a motivator for the corsairs. Yet, it mainly consisted of Algiers obtaining its long-term political objective of ousting the Spanish from what it considered to be Muslim lands, and waging jihad on the Christian states. However, operations eventually evolved into simple piracy on a large scale, organized by the state and in no way connected to Islam.[136]

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[135] Parker, 233-237.
[136] Nickerson, 86.

Finally, the actions of the Europeans indirectly helped fuel piracy in the Mediterranean. Because the European powers viewed piracy as a nuisance that had to be dealt with in order to participate in maritime commerce in the Mediterranean, little was done to attempt to eradicate the threat. Therefore, the Barbary regencies were able to follow a policy of extortion against the Europeans that was financially and politically highly beneficial to the Barbary powers, with very little concern about European retaliation.

Targets

European and American merchant vessels were the targets of Barbary corsair attacks, and were considered important prizes if caught. The United States and Europe transported goods such as wine, grain, fish, fruit, spices, rice, wheat, and coffee to and from the East Indies.[137] While these cargoes would be taken during corsair raids, no commodity was as valuable to the corsairs and Barbary governments as Christian slaves. Because the Christian countries were willing to pay exorbitant amounts of money for the release of their citizens, as well as the fact that Muslims saw it as their right to be able to enslave non-Muslim prisoners, Barbary corsairs targeted American and European ships, as well as European coastal towns, for the specific purpose of enslaving their captives and levying a large ransom on their respective governments.

Unfortunately, no merchant vessels, and in some cases naval ships (even when states had signed peace treaties with the regencies) were safe from attack; the deys would often arbitrarily disregard the treaties if they felt there had been any sort of breach, and

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[137] Mitchell, 151.

would thus view themselves now at war with the offending state.[138] Again, American

vessels were especially vulnerable, due to the fact that they were often unable to provide

their stipulated payments on time. For example, when Algiers declared war on the

United States in 1785, the government did not send world of the announcement. Rather,

the United States found out through the French commandant at Toulon on July 14,

1785.[139] When a state was at war with another country, it was also incredibly vulnerable

to attack, as the Barbary corsairs would seize the opportunity to capture more merchant

vessels (as the naval vessels sometimes used as convoys were being directed elsewhere),

and thus extract more tribute. This was the American experience with Algiers (who were

operating with British assistance) immediately preceding the War of 1812.

Nature and Frequency of Attacks

The Barbary corsairs were apt to strike any vessel at any time, whether or not a

peace treaty was in place. Treaties could be broken without any notice and war declared

against the adversary's vessels, especially if the dey deemed that he had been wronged or

that a state was not honoring its part of an agreement. In the absence of peace

agreements, the corsairs were instructed to strike any of the adversary's merchant and

naval vessels, particularly if it meant capturing state-of-the-art ships and their crew.

The nature of these attacks varied from utilizing a ship's guns to mount an assault,

to the more traditional and widely-used tactic of boarding a vessel and engaging in hand-

to-hand combat with its crew members. Resistance to boarding was dependent on the

type of vessel, its defense mechanisms, and the capabilities of its commander. A

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[138] Parker, 7.
[139] Ibid, 43.

successful example of this is the engagement of the USS *Enterprize* with the Tripolitan

pirate ship *Tripoli* on August 1, 1801. During the battle the corsair captain sought to ram

the *Enterprize*, attempted to board her three times, and tried to trick the Americans into

believing he was surrendering. Fortunately, under the leadership of Lieutenant Andrew

Sterrett, the *Enterprize* was able to keep the corsairs from boarding, and after three hours

of fighting destroy the *Tripoli*.[140]

Despite being considered legal by the international community (due to the fact

that they were agents of a recognized government) and operating under the then current

international laws on privateers and naval vessels, the corsairs nonetheless used deceitful

tactics in pursuit of their victims. They were known to fly false flags or feign friendship

towards another ship in order to indicate it meant no harm to the other vessel.[141] From

there, the corsair vessel had the ability to easily attack, board and capture an enemy ship.

Also, the Barbary regencies failed at times to notify their enemies they were at war,

allowing them instead to believe their shipping was safe until the consul arrived in one of

the regencies and was informed of the declaration of war.

While these attacks were violent in nature, the corsairs were required to maintain

a measure of restraint during their assaults on another ship. Because the ships and their

crews were of such high value, the corsairs had to be careful not to do too much damage

to the vessels, or kill or wound the crew members. Any damage done would decrease the

value of their victims, and would result in less revenue for both the government and the

corsairs.

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[140] London, 102-103.
[141] Parker, 6.

Treatment of Hostages

Christian slaves were of high value to the leaders of the Barbary regencies. The captives were either sold or kept in the service of the government until their own government arranged the proper tribute for release. Firsthand accounts of the treatment endured by prisoners were often kept in personal journals, like that of James Leander Cathcart, future United States consul to Tunis and Tripoli, and specifically outline what life was like for the European and American captives in the Barbary regencies. There was a sense of hierarchy in the Christian slave community; many captives were sent to a bagnio, or prison, and forced to work in hard labor camps while enslaved, while others were apprenticed to tradesmen, and some employed in the service of the dey or the regency's admiralty. Cathcart was lucky, throughout his years in Algiers he was assigned domestic chores (including the position of coffee server, or qahwaji, which was paid in gold coins by visitors), made clerk of the admiralty, and eventually made clerk of the Galera bagnio, where he was able to acquire and operate a tavern that served the prisoners and local residents.[142]

Most captives were not as lucky as Cathcart. Upon capture many were forced to work in galleys manning the oars of captured ships now at the disposal of the corsairs, and those who were not were taken to the market, where they were beaten if they seemed weary or lazy, and then sold. Often these individuals were sent to work in hard labor camps, including quarries, where the slaves would carry down stone they quarried from the mountains to the shore. Some worked in fields or ran chores to and from the market, while others were shackled to carts and forced to sell water in the streets, and were beaten if they returned to their master with less than the sum he specified be obtained. Women

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[142] Ibid, 89-90.

were either forced into domestic servitude or sent to Constantinople to be concubines for the Ottoman sultan.[143]

Actions Taken to Combat Piracy

Tribute and bribery were the established methods of conducting trade in the Mediterranean Sea and retrieving captives from the Barbary regencies. The European powers had followed this system of appeasement for centuries, claiming that it was cheaper than using military force, and that having a naval presence in the region was only a tool for improving negotiations with the Barbary States.[144] Initially, the United States followed the European model, advocating diplomacy and maintaining the position that paying off the deys was cheaper than building and maintaining a navy. Under John Adams and Thomas Jefferson, the United States attempted negotiating treaties for protection with the European powers, as well as peace treaties with the Barbary regencies throughout the 1780s and 1790s. By 1790 major issues had arisen due to the increased demands of the regencies, as well as the American view that paying tribute was dishonorable. The unwillingness to continuously pay tribute, as well as the inability to do so, was the fatal flaw in the initial American approach to the conflict with the Barbary regencies.[145]

In an attempt to establish a solid, viable policy towards the Barbary problem, Thomas Jefferson offered the following options to Congress in 1790:

- Ignore the threat and continue the status quo, by continuing to pay the high insurance premiums, risk the molestation of U.S. ships

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[143] Stanley Lane-Poole, *The Story of the Barbary Corsairs* (New York: G.P. Putnam's Sons, 1890), 236.
[144] London, 10.
[145] Parker, 64.

and shipping, then pay the exorbitant ransoms and tariffs, leading inevitably to the abandonment of the Mediterranean market;

- Obtain peace by purchasing it; or

- Repel force by force and build a navy to fight the pirates.[146]

While the United States attempted ransoming its captives on its own terms, the Barbary regencies demanded more than the Americans could afford. In fact, in 1792, Jefferson instructed negotiators that refusing to pay Algiers the amount the dey requested was not as much out of concern for money, but rather to insure the dey was not given an exaggerated idea of the amount the Americans were willing to pay, and thus make American vessels more vulnerable to corsair attacks.[147]

Yet, demand by the American public that the American captives be ransomed and returned home led President Washington to send new instructions to American negotiators in Barbary in 1794. While broad in nature, these instructions increased the amount the United States would pay per captive, but still kept a cap on how much tribute the United States could afford. The four instructions were as follows:[148]

- Ransom and peace are to go hand and hand, if practicable; but if peace cannot be obtained, a ransom is to be effected without delay.

- After endeavoring to obtain a ransom, at the lowest possible rate, or at the rate allowed by Portugal, or other nations the least favored, you may if necessary go as far as three thousand dollars per man.

- You will refer to the former instructions for the real wishes of the Government as to the sum to be paid for peace; keeping in mind the preference for a larger annuity and a smaller douceur in hand, to the reverse. But we would not break for fifty thousand dollars per annum, and two hundred thousand dollars by way of douceur,

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[146] London, 35-36
[147] Parker, 65.
[148] Parker, 92-93.

to secure a peace for the convenient term of years. But, though this form of the thing is most eligible, yet it is not judged to be a sine qua non; for, after all, what is usual and effectual must decide, and the payment in gross may be accommodated to the necessity of accomplishing the object.

- If, however, by any other modification of the sum of eight hundred thousand dollars, a peace and ransom can be obtained, you may modify accordingly; restricting yourself, on the head of a ransom, within the above mentioned limit of three thousand dollars per man.

The United States pursued diplomacy throughout the 1790s at an enormous fiscal cost. The 1795 treaty with Algiers required the United States pay approximately $642,500 USD, as well an annual amount of military stores, and another with Tunis in 1799 stipulated the United States provide tribute of gunpowder and provisions.[149] This sum, which is equal to about nine million USD in 2004[150], was drastically reduced from the original demands. Initially, the dey of Algiers had requested a sum of $2,247,000, broken down between presents for the dey, his family, various government employees, Grandees Houses in Algiers, and for the redemption of one hundred American captives.[151]

The treaties themselves included provisions to pay for traditional peace presents, an annual payment to Algiers of 12,000 sequins (in cash or kind), and $585,000 for the captives and maintaining a future peace.[152] It is uncertain as to why the Dey drastically decreased his demands for a treaty, especially after attempts had been made by David Humphreys, minister resident to Portugal, to negotiate a treaty similar to those terms

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[149] Gallagher, 234.
[150] Parker, 104.
[151] Ibid, 233-235.
[152] Ibid, 103-104.

which the Dutch had received. It is speculated that the Dey was irritated with the British, and therefore concluded a peace treaty with Britain's enemies, the United States, as a show of disdain towards the British rather than satisfaction with the American tributary offer.

Diplomacy, in the end, turned out to be an ineffective method for abolishing Barbary piracy. American disdain for the paying tribute and bribes to the deys, a lack of adequate funds, and the regencies' inclination to disregard treaties on a whim all influenced the decision to change the Barbary policy from weak diplomacy and appeasement to military action. The United States had begun gradually building its Navy in 1794, and the Quasi War with France in 1798 forced further increases in naval development. While employed as United States consul to Tripoli, William Eaton, in an 1800 letter, commented on the fact that only a formidable show of force (or more) or consistent financial sacrifice would silence the deys and deter the corsair raids.[153] In 1803 Commodore Edward Preble commented in a letter to his wife that he was experiencing successful negotiations with Morocco; this came shortly after an extensive show of United States naval strength in the Mediterranean Sea, especially around Tripoli and Tunis.[154] Both of these comments illustrate the necessity for military force if fair peace treaties were to be negotiated and upheld.

As any sort of united international action against the Barbary corsairs was extremely difficult to coordinate, the young United States was forced to be the first state to break away from the humiliating system of bribes, threats and capitulation.[155]

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[153] London, 73.
[154] London, 152.
[155] Nickerson, 94.

Although the endless raids against American shipping should have signaled to the United States government the fact that force would be necessary in 1785, it took until 1801 for any military action to be ordered. On February 6, 1802, Congress passed "an act for the protection of the commerce and the seamen of the United States against Tripolitan cruisers", which awarded President Jefferson the use of the United States Navy in action against the corsairs. President Jefferson ordered the officers to "subdue, seize and make prize of all vessels, goods, and effects belonging to the Dey of Tripoli", and to advance with any measure "the state of war will justify".[156] Thus, in response to the 1801 declaration of war against the United States by the regency of Tripoli, the United States began its first naval campaign in the Mediterranean.

The military campaign began in 1801, when Commodore Richard Dale was given command of a squadron of four vessels that were dispatched to the Mediterranean Sea to protect American merchant shipping and block major Barbary ports. Blockades were set up at Tunis and Tripoli, while other Tripolitan cruisers were being detained at Gibraltar, and a second squadron was sent to the Mediterranean after Dale returned home. While the Americans did have some success in combat against the corsair ships (the USS *Enterprize*'s defeat of the *Tripoli*), the United States suffered major setbacks during the campaign. Most prevalent was the capture of the USS *Philadelphia* and her 307 crew by Tripolitan gunboats. Eventually the American vessels launched an assault, led by then Lieutenant Stephen Decatur, on the *Philadelphia* in order to destroy her and thus prevent the use of her by the Tripolitans.

Despite this setback, the United States continued its harbor blockade and bombardment of Tripoli. It seemed as though little was being accomplished however,

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[156] London, 107-108.

with the exception of angering the other Barbary regencies. It was not until William

Eaton's successful assault, in cooperation with the Arab troops of Ahmad Qaramanli (the

older brother of Pasha Yusuf Qaramanli, Dey of Tripoli), on the city of Derna that Yusuf

Qaramanli agreed to negotiations.[157]

Unfortunately, this did not spell the end of United States naval action in the

Mediterranean. Soon after the squadrons left, corsair raids on American merchant vessels

resumed. The attacks continued through 1815, but the United States was unable to deal

with them before this date due to the War of 1812 with Britain. On March 3, 1815,

Congress declared war on Algiers, and President Madison deployed two squadrons to the

Mediterranean to end Barbary piracy.[158] Unlike the previous engagement, the 1815 War

with Algiers brought a definitive end to corsair harassment of United States vessels

because Madison ordered the squadron to win a lasting peace, and authorized an

overwhelming show of force to do so. Jefferson had attempted this "shock" approach, a

military tactic that is still practiced in contemporary times, but was not nearly as

successful as Madison, who managed to obtain peace treaties from Algiers, Tunis and

Tripoli, none of which required any sort of tribute. On the contrary, now Captain

Stephen Decatur, designated peace commissioner along with Captain William

Bainbridge, demanded and received retribution from the Deys of Tunis and Tripoli.[159]

Outcomes

The United States' courage to refuse to abide by a traditional system of blackmail,

bribery and tribute has had lasting effects. In addition to the growth of American naval

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[157] London, 216-217.
[158] Lambert, 188-190.
[159] Ibid, 194.

power, the United States' actions in the Mediterranean helped contribute to the eradication of Barbary piracy (Tunis officially renounced piracy in 1819, and Great Britain and France began naval activities in the region during the 1820s and 1830s to ward off the corsairs)[160], the notion of Gunboat Diplomacy, and a faith in the military's role in negotiations (the view that a demonstration of strength can influence the role on the ground).[161] Most importantly, it was a demonstration of American honor and morality, and set a precedent for future issues: diplomacy before military intervention. While this has not always been the case since 1816, it is certainly a good policy to pursue.

Diplomacy in the Barbary era failed in part because of the United States' inability to timely follow through on tribute payments. The Barbary leaders' impatience with the United States caused them to retract treaties and pursue further attacks against American commercial ships. Further, the lack of a threat to the operations of corsairs allowed the privateers to pursue their attacks without consequence. With the United States having no real power to persuade the Barbary leaders to honor their treaties or stop corsair raids against their ships, U.S. efforts to solve the problem diplomatically were essentially futile. Likewise, the system of tribute failed for the United States. Continuously paying off the Barbary leaders as stipulated by treaty negotiations did not work. Rather, it exacerbated the situation, allowing the Barbary leaders to exact heftier tribute payments, and allowing their corsair fleets to continue attacks if payments were not received.

Military action, on the other hand, had the power to persuade the deys and beys of Barbary because it threatened the survival of the regencies. The new United States Navy

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[160] Gallagher, 234.
[161] Parker, 171.

could easily beat the corsair fleet, and destroy their home ports if necessary. It had the ability to put an end to the revenues of the Barbary leaders, thus threatening both the economy and their power. As a result, military action worked because the U.S. Navy did sufficient damage to the corsair ports and fleets in both the War with Tripoli and the War with Algiers to convince the leaders of the Barbary regencies that further attacks on and tribute demands from the United States were not in their best interest.

Chapter 3: Somali Pirates

Piracy is no stranger to the waters of the Indian Ocean off the East African coast. It is a business that has been practiced there since at least the ninth century BC. The Strait of Hormuz, currently one of the most dangerous shipping zones in the world, was once part of a 150 mile long area known as the "Pirate Coast." Along this route pirates harassed Roman ships, Assyrian kings, and the fleet of Alexander the Great.[162] Now at peril are any merchant vessels that dare enter the Gulf of Aden. Despite efforts to deter Somali piracy, current policies seem to be lacking and ineffective. And due to the massive problems Somalia faces, as well as the fact that the Gulf of Aden is too large to keep a continuous naval presence in, it is easy to understand why.

Conflict

The situation in Somalia is one of an internal conflict that is projecting itself outward, disrupting international commercial shipping in the process, and eliciting a strong legal and military response. Political and economic conditions in Somalia have allowed corruption and lawlessness to take root in the country and become entrenched in society. Since the fall of Siad Barre's regime in 1991, Somalia, despite numerous attempts, has been unable to install an effective, stable government, and has thus become the ultimate example of a failed state. Despite a common religion (Islam), a strong sense of national pride (seen when outside powers intervene), and shared financial strife, the clan divisions, economic hardship, and constant struggle for power between the warlords, Islamic Courts Union and al-Shabaab, and the Transitional Federal Government has

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[162] Mitchell, 24.

prevented stability in Somalia. Somalia has traditionally been a clan-based, pastoral society, with its chief exports being livestock, hides, fish, charcoal and bananas.[163] Also, while Somalia does have a textile and wireless communications industry, the overwhelming majority of the population is employed in the agricultural sector. However, drought and warring factions have wreaked havoc on the economy, and illegal fishing and waste dumping in Somalia's territorial waters has only exacerbated the problem.

Somali piracy started initially in the 1990s, when Somalis patrolled their coast line, protecting their territorial waters from illegal dumping and fishing. Piracy itself did not become a lucrative business for the Somalis until approximately 2005, and was all but eradicated under the reign of the Islamic Courts Union (ICU). It resumed again with defeat of the ICU by Ethiopian troops, and increased dramatically throughout 2008 and 2009. The prosperous nature of piracy off the Horn of Africa drives pirates to search for commercial vessels far out to sea, encourages further attacks, and motivates young Somalis to join pirate organizations. In a country where the GDP is approximately 600 USD, multi-million dollar ransom payments are extremely lucrative, and provide a bright alternative to what would otherwise be an economically frustrating future.

This is where the central conflict lies between the Somalis and the international community, including the United States. For the shipping industry, piracy is a threat to the security of their crews, ships and cargoes. It has the potential to disrupt trade and negatively affect individual states' economies. Piracy also violates international law, and distracts maritime and regional powers from focusing on other maritime threats such as

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[163] CIA Factbook – Somalia. https://www.cia.gov/library/publications/the-world-factbook/geos/so.html.

terrorism. The case in Somalia is especially worrying in this regard because there is the

potential for a piracy-terrorism nexus to form, and using resources to combat piracy takes

focus off interrupting terrorist activities from al-Qaeda and al-Shabaab in the region.

In addition, where diplomacy or sanctions would normally be applied to persuade

a change in action, the lack of stable political institutions in Somalia makes such efforts

almost pointless. Due to the lack of law enforcement capabilities, the government is

unable to enforce any anti-piracy policies it adopts. Even military action in the region is

having little effect. Although the pirates have had lethal encounters with the French and

American Navies, the military presence off the Horn of Africa has done little to deter

piracy in the region.

According to data from the International Maritime Organization and International

Chamber of Commerce Commercial Crime Services – International Maritime Bureau, the

following chart illustrates the number of actual and attempted attacks from 1999 –2009.

The data includes actual and attempted attacks in ports, as well as in territorial and

international waters along the East African coast and in the Gulf of Aden.

Table 1. **Number of Pirate Attacks, 1999-2009.**

Year	Number of Ships
1999	16
2000	29
2001	7
2002	23
2003	21
2004	10
2005	45
2006	20
2007	44
2008	111
2009	194
Total	**520**

Background

     Prior to 1991, Siad Barre had instituted a harsh, authoritarian regime after gaining

power in 1969. This regime facilitated fighting between clan groups, a notion especially

devastating to a society, like Somalia's, where life traditionally centers around kin.[164]

The policies Barre implemented devastated the economy, resulted in clan-government

fighting throughout the 1980s, and helped fuel an economic and humanitarian crisis that

resulted in continuous Somali dependence on foreign aid. These issues had initially been

created by European colonialism, when British and Italian notions of state and the

external world market conflicted with the traditionally decentralized pastoral society.[165]

When colonialism ended, the Somalis attempted implementing a democratic,

parliamentary government, which resulted in disaster and the 1969 military coup that

brought Siad Barre to power.

     Like many countries, Somalia was a proxy state during the Cold War. Somalia

had developed a relationship with the Soviet Union that led to its constant dependence on

foreign aid (including military support), but turned to the United States for military,

economic, and humanitarian aid after the Soviets began building stronger ties with

Ethiopia in 1977.[166] The continuous influx of military arms and equipment had

devastating, lasting effects on Somalia. Barre remained in power throughout the 1980s

based on terror and the facilitation of clan rivalries. At the same time, he further

weakened the economy but continued to receive massive international assistance as

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[164] Terrence Lyons and Ahmed I. Samatar, *Somalia: State Collapse, Multilateral Intervention, and Strategies for Political Reconstruction.* (Washington, D.C.: The Brookings Institute, 1995), 8.
[165] Ibid, 11.
[166] Karen A. Feste, *Intervention: Shaping the Global* Order (Connecticut: Praeger, 2003), 115.

outside countries did little else to facilitate the end of the humanitarian crisis and severe instability within Somalia.

Intense armed conflict in the country began in 1989, and culminated in the uprisings that caused Barre to flee. After he left the capital, the country collapsed into complete chaos. During the past nineteen years the international community has intervened a number of times, attempting to improve the humanitarian situation, foster political stability, and prevent a fundamentalist Islamist takeover of the government.

Beginning in the early 1990s, the United Nations has kept a close watch on the situation in Somalia. In 1992 it initiated the first incursion into the country, United Nations Operations in Somalia (UNOSOM I), consisting of 500 troops tasked to escort convoys delivering food relief supplies and protect aid workers.[167] Unfortunately, due to clan fighting and resistance from Mogadishu, the operations were largely unsuccessful. Despite cease-fire agreements between the clans, fighting continued after troops arrived in September 1992, preventing seaborne supplies from being unloaded and dispersed to starving Somalis throughout the country.[168]

After the frustration of UNOSOM I, the United Nations Security Council authorized the United Task Force (UNITAF), which was to last five months and be replaced by United Nations Operations in Somalia II (UNOSOM II). Under UNITAF, the participating member states were permitted to utilize necessary military force in order to protect the food relief being delivered and dispersed through Somalia.[169] The United States, which contributed approximately 26,000 of the 37,000 personnel involved in UNITAF, led the largely successful mission. The U.N. force was able to secure the main

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[167] Ibid, 114.
[168] Ibid, 116.
[169] Ibid, 117.

ports and roads within a few weeks,[170] and soon after relief supplies flowed freely to parts

of Somalia where war, drought, and famine had left the population on the brink of

starvation.

Hope for peace and future stability was further bolstered by a ceasefire

agreement, signed on March 27, 1993, which stipulated that the warlords engage in

complete disarmament. This accord also gave U.N. forces the power to take strong

actions against detractors of the ceasefire agreement.[171] Unfortunately, none of the

parties involved produced results by the time UNOSOM II commenced in May 1993,

leaving the new, smaller U.N. contingent vulnerable to attack, and the country again on

the verge of complete collapse. Throughout 1993 concerns about Somalia's deterioration

turned into reality when twenty-four Pakistani blue berets were killed while attempting to

inspect the arm stores of General Aideed, the most powerful man in Mogadishu, on June

5. After this incident, the United Nations sanctioned the use of helicopter gunship strikes

against Aideed's bases, and placed a price on his head.[172]

This all lead to the infamous 'Black Hawk down' incident in October 1993, when

United States Black Hawk helicopters were shot down in Mogadishu, and the bodies of

dead U.S. military personnel dragged through the streets for the world to see. After the

incident, United States president Bill Clinton pledged that all U.S. military personnel

would be out of Somalia by the end of March 1994. The other Western states soon

followed suit, and only "Third Tier" troops were left to carry out the U.N. mission, now

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[170] Ioan, Lewis, *Understanding Somalia and Somaliland* (New York: Columbia University Press, 2008), 78.
[171] Ibid, 78.
[172] Ibid, 79.

downgraded to peace keeping from peace enforcement by March 1995.[173] Overall,

UNOSOM II was a failure, and, despite the success of UNITAF, Somalia slipped back

into a state of chaos and devastation.

The latter half of the 1990s saw growth and movement towards stability in the

northern break-away state of Somaliland. Yet, further clan fighting, including conflict

over control of banana exports, dominated southern Somalia, resulting in no

improvement in the political, economic or security situation. Peace conferences and an

international push towards a stable government have dominated the international

community's involvement with Somalia during the twenty-first century, although the

United States has refrained from active participation in international conferences. In

2000, the president of Djibouti initiated a new peace plan for Somalia under the

Intergovernmental Authority on Development, a local regional organization comprised of

Somalia, Djibouti, Eritrea, Kenya, Sudan, Ethiopia and Uganda.[174] This conference,

which brought together delegates representing all factions of Somali society, established

a Transitional National Government (TNG) headed by Abdiqasim Salad Hassan. It was

believed Hassan could unify his clansmen in Mogadishu[175] and begin a process of

stability, pacification, and growth in Somalia. Unfortunately, the unpopularity and

inability of the TNG to retain control over Mogadishu proved to be too much, and the

TNG ended as yet another unsuccessful attempt at Somali stability.

In 2002, another international conference was held in Kenya in hopes of finding a

workable solution to Somalia's problems. These talks, unlike the ones in Djibouti,

included all of the main warlords, in hopes that this would create more support for a new

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[173] Ibid, 80.
[174] Ibid, 81.
[175] Ibid, 82.

government. Eventually, after two years, massive European Union intervention, corruption, and allegations of vote buying, a new transitional government, as representative of the clans as the TNG, was formed, with Colonel Abdillahi Yusuf chosen as the provisional president. The new Transitional Federal Government (TFG) returned to Somalia (though not to Mogadishu) in 2005, but never had any real power. Rather, the warlords reverted back to their normal tactics, even forming the Alliance for the Restoration of Peace and Counter-Terrorism[176] in an attempt to play a role the U.S. War on Terror (it is stipulated this alliance was backed by the Central Intelligence Agency). No doubt this was really a ploy to convince the international community, or at least the United States, that it would be beneficial for them if the warlords remained in power.

Partially due to a backlash against this counter-terrorism alliance, as well as a need to fill the void left in Somalia by the absence of law and order, the Islamic Courts Union, backed by local clan militias and business interests, began to obtain power in 2006.[177] Under the ICU, who made security its main issue, Somalia began to have some semblance of a stable state. However, stability came at a steep price: an oppressive regime that imposed harsh laws and took away freedoms of the Somali people. Though appreciated by the Somali people for its contributions to security, the ICU was unacceptable elsewhere. Allegations of sponsoring terrorism brought international disapproval of the regime, especially from the United States, and by the end of 2006 Ethiopian troops and military equipment were rolling over the border into Somalia. Initial incursions between the Islamists and Ethiopians sent the Islamists retreating to their safe havens in Mogadishu, where, along with local clan militias, they largely ceased

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[176] Ibid, 85.
[177] Ibid, 86.

fighting due to an inability to challenge the more sophisticated weaponry of the Ethiopians. This gave Yusuf, an ally to the Ethiopians, the opportunity to declare victory, and implement a number of harsh, oppressive measures that likened back to the days of Siad Barre's regime.[178] And like Barre's policies, Yusuf's contributed to increased insecurity, undermined his already shaky rule, and paralleled in 2007 the Somalia of the late 1980s, just before Barre's fall.

Since the pull out of Ethiopian troops in December 2008, the political situation in Somalia has been a disaster. The country is back in chaos (though it can be argued it never truly left it, even under the ICU), with constant fighting between the government and the militant wing of the ICU, al-Shabaab. Piracy, which had been all but eradicated under the Islamic Courts Union, flared up in a big way, capturing the world's attention in 2008. And it is sure to continue until the Somali government can gain control over the country.

Region

Somali piracy has shifted in location in the last few years. Prior to 2008, it was heavily centered off the coast of Southern Somalia, around Mogadishu.[179] In the past two years, however, it has shifted north, and is now located primarily in central and northern Somalia, particularly off the coast of the semi-autonomous region of Puntland. Specifically, the coastal towns of Eyl, Garacad, Hobyo and Xarardheere have become major pirate centers, where hijacked ships are often taken while being held for ransom.

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[178] Ibid, 90.
[179] Middelton, 3.

Originally, Somali piracy was located in the littoral waters off the coast, mainly targeting illegal fishing in the 1990s. As pirates have become more ambitious during the twenty-first century however, warnings for international shipping have increased from staying at least fifty nautical miles away from the coast to six-hundred nautical miles away.[180] Ships in the Gulf of Aden, a 550 mile long, 200 mile wide gauntlet between Somalia and Yemen that connects the Suez Canal and the Red Sea to the Arabian Sea and Western Indian Ocean, are currently the most prone to pirate attacks worldwide. Through the use of 'motherships', or hijacked fishing trawlers, pirates are able to attack vessels on the high seas hundreds of miles from the Somali coast. For example, the Saudi-owned super-tanker, Sirius Star, was 420 nautical miles from the Somali coast when it was hijacked on November 15, 2008.[181]

Due to the dramatic rise in piracy since 2005, and especially since 2008, the Gulf of Aden is quickly becoming one of the more dangerous waterways in the world. Although the Strait of Malacca is still considered to be the most dangerous (because of its extremely narrow size and the fact that 50,000 ships pass through it per annum compared to 20,000 per annum in the Gulf of Aden), the increasing peril in the region is causing some shipping companies to consider re-routing vessels around the Cape of Good Hope, rather than have them navigate around the Horn of Africa.[182] For sure, this will increase the price of goods normally shipped through the Gulf of Aden. It is not clear what this will mean for Somali piracy, although it is possible the pirates will just re-focus their area of operations. Attacks against vessels have previously moved north, and certainly can

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[180] ICC Commercial Crime Services, "Piracy Alert," http://www.icc-ccs.org/index.php?option=com_content&view=category&layout=blog&id=59&It.
[181] Reveron 2009.
[182] Middelton, 9.

move south. Already there have been assaults on vessels to the south of Somalia, most notably an attack against a yacht near the Seychelles, located about 1,000 miles east of Kenya and northeast of Madagascar.[183]

Characteristics

Many pirates are former members of the informal Somali coast guard that appeared in the 1990s in response to illegal fishing in Somalia's territorial waters. They are traditionally poor residents, often of coastal fishing villages, who have seen fishing revenues drastically decrease due to illegal fishing and toxic dumping. These pirates are extremely familiar with waterways in the region as a result of their fishing experience, and are thus exceptionally capable of excelling in their enterprise.

Like the Barbary corsairs, the Somali pirates adhere to the Islamic faith. However, unlike the corsairs, religion plays no role in who the Somali pirates target. There is no jihad waged against Christian ships, and, as the attack on the Sirius Star illustrated, Somali pirates do not discriminate against ships based on their flag, cargo or crew. For the Somalis, piracy is purely a business, and hijackings and hostage taking are means of making money, with multi-million dollar ransoms being the goal.

The only possible link religion has to piracy in Somalia is the notion that some revenues may be supporting the al-Shabaab fighters waging war against the TFG in hopes of re-instating the Islamic Courts Union. There is, however, no solid proof of this idea. While highly possible, as a number of people, groups and towns do benefit from pirate revenues, the fact that the ICU almost eradicated piracy while it was in power (through

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[183] Yachtpals, "Pirates Attack Yachts near the Seychelles," http://yachtpals.com/piracy-seychelles-4120.

fear more so than stability or economic security) suggests the ICU does not approve of piracy, as it is un-Islamic, and wants nothing to do with the practice. Despite this, observers still worry about an Islamist-piracy connection, especially if it results in a piracy-terrorism (more specifically piracy-al-Qaeda) nexus. Due to the different motivations of each group (money versus ideology) however, it is skeptical whether such a link will ever exist.

Motivations

The main motivation behind Somali piracy is simple: money. There is no desire for power or influence, either domestically or internationally. While a sum of the profits from pirate attacks is passed to important locals (government officials, warlords), the majority of the revenue is kept by the pirates.[184] In an interview with *New York Times* reporter Jeffery Gettleman, Sugule Ali, the spokesman for the pirate group that held the MV *Faina* in September 2008, explained that the pirates "just want the money."[185] Ali went on to say that the ransom money (20 million USD in cash) would be divided between all the men and used to fend off hunger, as hunger is their real enemy. As for the cargo and the hostages, Ali stated they had no intention of selling weapons to anyone in Somalia, as the country had undergone enough chaos and devastation due to rampant fighting in the past eighteen years. They also had no intent of killing the hostages, and believed they could all interact honorably because they are all human beings capable of treating one another with respect. However, for some pirate groups, this final view has

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[184] Middleton, 9.
[185] Jeffery Gettleman, "Q.&.A. With a Pirate: 'We Just Want the Money'," *The New York Times*, 30 September 2008,
http://thelede.blogs.nytimes.com/2008/09/30/q-a-with-a-pirate-we-just-want-the-money/.

certainly changed due to lethal actions taken by French commandoes, and especially since the Maersk *Alabama* incident, where U.S. Navy SEALS shot and killed three pirates holding Captain Richard Phillips hostage in April 2009.

Pirate organizations like Ali's, the Central Region Coast Guard, view themselves not as pirates (or 'sea-bandits as it is translated) but rather as a patrol organization, similar to a coast guard, that is protecting Somali waters from illegal fishing and toxic waste dumping.[186] In fact, the pirates that hijacked the French cruise vessel *Le Ponant* in 2008 claimed to be part of the Coast Guard, informing the crew that they had started as vigilante fishermen who robbed foreign boats smuggling contraband to and from Somalia in the early 1990s. Groups such as these, of which there are believe to be four or five in Puntland alone, are large (the 'Coast Guard' reportedly has upwards of 400 members) and formed on clan-based alliances.[187]

Nonetheless, these "patrols" are bringing in massive revenue that is helping boost the economic situation in the pirate towns. In 2008, Somali pirates earned between thirty million and forty million USD, collecting at least one million USD per ransomed ship.[188] The result is that the pirate villages are starting to have a vastly different look from the rest of Somalia. In Eyl, the landscape has transformed from just a few tin-roofed shacks to a booming town that has several new restaurants, 4x4s racing around, gunmen showing off their new weapons, and "middlemen" in suits punching numbers into state-of-the-art cell phones.[189]

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[186] Ibid.
[187] William Langewiesche, "The Pirate Latitudes," *Vanity* Fair (April 2009), 186.
[188] Pham 2009.
[189] Jonathan Clayton, "Business Booms in Somalian Pirate Village Eyl," *The Australian*, 19 November 2008.

This is in stark contrast to the economic situation of the majority of Somalia. In a country that experiences frequent drought and has an economy heavily based on livestock, especially cattle (an industry that fluctuates depending on world demand and trade barriers), life is often bleak. Food is scarce and starvation rampant, making piracy a lucrative prospect. Ironically, the presence of pirates prohibits World Food Program vessels from delivering desperately needed supplies (unless escorted by military convoys)[190], making the economic and humanitarian situation even worse.

Targets

While no vessels, except maybe navy ships, are safe from pirate attacks, some are more vulnerable than others. Vessels that have low sides, travel at low speeds, do not have a large crew, and lack adequate watch-keep capabilities are the most susceptible to attacks.[191] In terms of cargo, the pirates do not discriminate. They are just in it for the money. Pirates will attempt to hijack any vessel they see as illegally traveling in their waters, especially those that are likely to yield a high ransom payment. Also, the pirates are not intimidated by the flag a merchant vessel is flying; they will attack any and all ships if possible. Thus far, it has been reported that pirates have attempted or successfully hijacked ships either owned by or flying flags from Norway, the United Kingdom, the United States, the Philippines, Germany, Ukraine, Egypt, Libya, Saudi Arabia, Antigua and Barbuda, France, Italy, Belgium, Lebanon, Greece, Togo and the Netherlands.

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[190] Middelton, 9.
[191] Ibid, 4.

Nature and Frequency of Attacks

Somali pirate attacks are violent in nature, and have evolved from opportunistic raids to sophisticated operations. Launched from motherships, they exist of up to three swifts (high speed boats), and carry around ten men among the three vessels.[192] Motherships are often large fishing trawlers, like the one spotted by *Le Ponant* just before it was boarded. That particular ship was typical of a local fishing boat seen in the region, being approximately 150 feet long and having "a rugged oceangoing appearance."[193] The pirates often have global positioning systems (stolen from hijacked ships), satellite phones, night vision goggles, and access to shipping information from ports in the Gulf, Europe and Asia. From the time of sighting, it can take as little as fifteen minutes for a pirate boat to reach and board a vessel. As the pirates carry automatic weapons, ammunition, and often rocket propelled grenades, merchant vessels are almost powerless against the pirates, especially if no naval vessels are nearby.

The main tactic favored by Somali pirates, like the Barbary corsairs, is boarding. Armed with grappling hooks, ladders, and sophisticated weaponry, they have the ability to intimidate and often quickly overcome a crew. While pirate attacks have historically been committed during the day, they are increasingly being carried out under the cover of darkness. Once a ship has been boarded and the crew subdued, the pirates proceed to execute what is called a control, where everything on the ship is searched.[194]

Since attacks are transforming from crimes of opportunity to sophisticated, planned missions, the frequency of pirate attacks in the Gulf of Aden is on the rise. Theoretically, access to data on shipping schedules allows the pirates to precisely plan

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[192] Ibid, 6.
[193] Langewiesche, 181.
[194] Gettleman 2009.

attacks, which, despite the large international naval presence in the region, could lead to a further increase in attacks. In 2008 alone there were 111 attempted attacks, 42 of which were successful.[195] In 2009, there were 61 attacks within the first quarter of the year. In January alone, out of reported instances, the International Maritime Bureau (IMB) estimated that one in six vessels traversing the region were attacked. By mid-May this number had risen to 71, with 14 successful hijackings.[196] By the end of the year the number of reported attacks was up to 194.

Treatment of Hostages

As Sugule Ali stated in his interview, the hostages on the *Faina* were treated humanely. The pirates ate and conversed, to the best of their ability, with the mostly Ukrainian crew during the *Faina's* detention.[197] Like the Barbary corsairs, the Somali pirates recognize the importance of their hostages, and understand that one reason the companies pay ransoms is so their ships, cargoes and crew remain unharmed. To help facilitate the well-being of the captives, an illicit catering industry has developed in Somalia that helps feed and care for the hostages while they await ransom. The crew of *Le Ponant* had what can be considered a surprising experience with their Somali captors, who turned out to be more civilized than the French crew expected. According to the published report of the ship's captain, the Somalis allowed the crew to prepare and enjoy French cuisine and wine, play cards and board games (including Trivial Pursuit,

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[195] UPI, "Emerging Threats: Pirate Attacks Pass 2008 Mark," http://www.upi.com/Emerging_Threats/2009/05/13/Pirate-attacks-pass-2008-mark/UPI-26151242247992/ .
[196] ICC Commercial Crime Services, "Pirate Attacks off Somalia Already Surpass 2008 Figures," http://www.icc-ccs.org/index.php?option=com_content&view=article&id=352:pirate-attacks-off-somalia-already-surpass-2008-figures&catid=60:news&Itemid=51.
[197] Gettleman 2009.

Monopoly, and Pictionary), and even celebrate a crew member's birthday.[198]

Unfortunately, it is uncertain whether or not future French hostages will afforded the

same treatment. After the lethal encounters with the French Navy and United States

Navy, Somali pirate groups have pledged to kill any future French or American hostages

as revenge for the deaths of their fellow pirates.

Actions Taken to Combat Piracy

To date, much as been done to combat the threat of piracy in East Africa, but little

has been achieved. Legally, the United Nations Security Council Resolution 1846,

unanimously adopted on December 2, 2008, allows states and regional organizations to

use 'all necessary means' (an unusual move by the U.N.) to fight piracy off the coast of

Somalia for a twelve month period.[199] After receiving a letter dated December 9, 2008

from the Somali Transitional Federal Government requesting international help to

"interdict those who use Somali territory and airspace to plan, facilitate or undertake acts

of piracy and armed robbery at sea," the Security Council recalled Resolution 1846 (as

well as Resolutions 1814, 1816, 1838 and 1844, all Resolutions on the situation in

Somalia adopted in 2008), and implemented Resolution 1851 on December 16, 2008.

This resolution called on all states, regional and international organizations that have the

capacity to do so, to actively participate in the fight against maritime piracy and armed

robbery "by deploying naval vessels, arms and military aircraft and through seizure and

disposition of boats, vessels, arms and other related equipment used in the commission of

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[198] Langewiesche, 185.
[199] United Nations Security Council, "Security Council Decides States, Regional Organizations May Use 'All Necessary Means' to Fight Piracy Off Somalia Coast for 12-Month Period," http://www.un.org/News/Press/docs/2008/sc9514.doc.htm .

piracy and armed robbery at sea off the coast of Somalia." As prosecuting suspected or actual pirates is currently difficult for the international community, the resolution also invites "special agreements or arrangements with countries willing to take custody of pirates…to facilitate the investigation and prosecution of persons detained as a result of operations conducted under this resolution for acts of piracy and armed robbery at sea off the coast of Somalia." To date, only Kenya, France and the United States seem willing to detain and prosecute pirates, with heavy reliance being placed on the over-taxed judicial system in Kenya.

Actions taken by the United States have been in accordance with U.N. mandates, as well as U.S. maritime security provisions. In addition, after the April 2009 hostage crisis, where American captain Richard Phillips of the *Maersk Alabama* was held for four days, the United States Senate passed Senate Resolution 108 of the 111th United States Congress titled "A Resolution Commending Captain Richard Phillips, the Crew of the "Maersk Alabama", and the United States Armed Forces, Recognizing the growing Problem of Piracy Off Somalia's Coast, and Urging the Development of a Comprehensive Strategy to Address Piracy and its Root Causes", and the United States House of Representatives is currently considering the "United States Mariner and Vessel Protection Act of 2009" (HR 2984). The Senate Resolution suggests that the President of the United States of America work with the international community and Transitional Federal Government of Somalia to develop a comprehensive strategy to combat piracy and its causes; the House Resolution is intended to assist in the defense of United States-flagged vessels against piracy and guarantee the right of self-defense against piracy, and suggests allowing the United States Coast Guard to deploy a maritime safety and security

team to prevent and respond to acts of piracy in international waters. This would require

the Secretary of the Coast Guard to work through the International Maritime

Organization to establish coordinated actions. Also it outlines under what circumstances

armed force can be used.

In terms of military action, France and the United States have been the leaders in

aggressively combating Somali piracy. The French Navy has maintained a large

presence in the region, especially since the *Le Ponant* hijacking in 2008, and in the past

two years French commandoes have detained or killed a number of pirates. In addition,

the *Maersk Alabama* crisis, which ended when U.S. Navy SEALS on the USS *Bainbridge*

(named for Captain William Bainbridge, once a Barbary hostage and captain of a U.S.

Navy ship sent to combat the Barbary corsairs) shot and killed three Somali pirates,

highlighted the willingness of the United States to use lethal force against Somali pirates.

Also, the United States has been a lead participant in Combined Task Force 150 (CTF-

150), an international naval coalition originally tasked with counter-terrorism operations

around the Horn of Africa.[200] Due to the rise of piracy in the region, CTF-150 has also

been tasked to act as a deterrent in the Gulf of Aden and western Indian Ocean. In

January 2009, the Combined Maritime Forces (CMF), which had previously established a

Maritime Security Patrol Area (MSPA) in August 2008, announced the launching of a

new Combined Task Force 151. CTF-151 focuses solely on the counter-piracy mission

in east Africa, allowing CTF-150 to concentrate on counter-terrorism initiatives.

Finally, shipping companies have been urged to take on-board defensive

measures. Suggestions have been made to arm the ships with private security guards, and

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[200] United States Department of the Navy, "Combined Task Force 150"
http://www.cusnc.navy.mil/command/ctf150.html.

the private security firm Blackwater has offered its services. As there are a number of

problems with this policy (i.e. it may escalate violence, and many ports refuse to allow

armed ships to dock), the more preferred methods include using fire hoses, carpet tacks,

deck patrols, the Long Range Acoustic Device (LRAD) system that broadcasts translated

warnings to pirates at uncomfortably high volumes, and Active Denial Systems (ADS)

which emit directional high-powered wave beams of energy that create unbearable

burning sensations on the skin.[201] Vessels can attempt traveling in waters guarded by

naval ships, using a convoy approach of sorts, but because the area is so vast this is likely

to be rather difficult. Some vessels utilize every possible measure to keep from being

hijacked, including hurling produce at boarding pirates, as Filipino crew members on one

ship did when they pelted pirates with tomatoes in an attempt to thwart an attack.[202]

There was even an instance where a tugboat set itself into a high-speed spin until the

pirates pursuing the vessel abandoned the attack.

Outcomes

Despite the numerous tactics in place for fending off pirate attacks, mixed results

have been achieved. While the on-board deterrents, with the exception of the tomatoes,

can repel pirates, they do not always work. Also, even with the large naval presence in

the region, pirate attacks are still a common occurrence. The vast area in the Gulf of

Aden and the Western Indian Ocean means that warships are only able to scare off pirates

if they are close to the vessel under attack. Plus, the pirate skiffs are quicker than the

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[201] Stephanie Hanson, "Backgrounder: Combating Maritime Piracy," *The New York Times*, 28 January
2008.
[202] Jeffrey Gettleman, "Pirates Outmaneuver Warships Off Somalia," *The New York Times*, 15 December
2008.

bulky warships, making it easier for them to outmaneuver the naval patrols. As for the arrests and trials that do occur, these are doing nothing to end the spread of piracy in East Africa. After all just about anywhere is better than Somalia, even an American or French prison.

Though Somalia has a government willing to negotiate on ways to halt piracy, the lack of stable political institutions and effective law enforcement agencies within Somalia means diplomatic pursuits are not going to achieve the desired results. While negotiating with the powerful local warlords could be attempted, it too would likely have little, if any, effect, as these individuals are thought to be reaping a share of the profits from piracy. And, like the case with Barbary, paying ransoms to pirates does not end the conflict. Rather, it emboldens pirates to partake in further attacks in pursuit of higher ransom payments, and thus further profits.

While military action has not completely halted Somali piracy, it has had some success. Naval ships in the region have interrupted attacks in progress, interdicted suspicious vessels, and detained suspected pirates for prosecution. The U.S. Navy has the technological capabilities to overpower the pirates, and is working with an international coalition, backed by U.N. Resolutions, working to do so. Overall, though the military solution has brought only small victories, it has had more success in halting piracy than either diplomacy or conceding to ransom demands.

Chapter 4: Analysis

There are a number of similarities and differences between the Barbary and

Somali cases that are important to note before examining the current options the United

States has for combating maritime piracy. The time frame of the cases is important

because it illustrates a valuable lesson for countering modern piracy. Conflict between

the U.S. and Barbary regencies began in 1783 and lasted until 1816, a total of thirty-three

years. The conflict between Barbary and Europeans and Americans combined, however,

lasted for almost four centuries, from the sixteenth century through the mid-nineteenth

century. Despite battles that drastically reduced the power of the corsair fleet by the

beginning of the eighteenth century, the Europeans saw no need to entirely eradicate

piracy. They viewed the corsairs as a nuisance at worst, and used them as allies against

their enemies when needed. As a result the corsairs of the Barbary regencies were

allowed to plague Mediterranean shipping well into the nineteenth century. From this

experience the United States needs to take away the fact that piracy needs to be dealt with

at the onset. Somali piracy, which began initially in the 1990s and increased dramatically

starting in 2008, needs to be curbed now before it further entrenches itself into Somali

society and becomes a long-lasting, widespread threat.

Despite the differences in longevity, era, and precise location, similarities

between the Barbary and Somali cases can be drawn. For one, there is no doubt that the

Barbary corsairs and the Somali pirates can be characterized as dangerous and a major

menace to shipping. Attacks were violent, but it was imperative to both the corsairs and

the pirates to keep the crews alive and safe. Both were motivated by money, and

extracted immense ransom payments for the release of hostages. Also, the current

pirates, like the corsairs, are incredibly well organized. They operate near important

shipping lanes, and are part of sophisticated, hierarchical networks. Although piracy is a

crime of opportunity, both groups were able to carry out frequent attacks against their

adversaries in vast bodies of water. Finally, both proved difficult to solve. The United

States exhausted money, pursued fruitless diplomatic solutions, and engaged in two wars

before finally defeating the Barbary threat. As for the Somali case, the pirates have been

resilient; they have not ceased attacks despite the presence of a coalition naval force

patrolling the waters in the Gulf of Aden.

However, there are also a number of dissimilarities that are important to note.

First, although financial gain was important to both groups, the motivations of each were

different. The Barbary corsairs were operating as part of a holy war against Christianity,

and thus were targeting Christian shipping and crews, with the ransom payments being a

secondary motivation for corsair attacks. The Somali pirates, on the other hand, are

solely motivated by the proceeds they will receive from ransom payments. Targets of

corsair attacks differed from that of Somali pirates basically because of the differing

motivations. The Somali pirates will attack any ship, no matter what flag it is flying; the

corsairs specifically targeted ships flying the flags of Christian countries.

Another important difference is the size and makeup of the corsair fleets versus

the pirate skiffs. Corsair vessels were roughly the same size as commercial vessels, and

even some naval ships. Thus, ships could easily be boarded or do battle with one

another. This is not the case with the Somali pirates. The small fishing trawlers and

high-powered speed boats used by the pirates are no match for the enormous warships

deployed in the region, making any use of military force difficult within the constraints of

international law. Finally, the characteristics of the corsairs and pirates are quite different. While the Somali pirates do belong to large networks that extend into all levels of Somali society, these networks do not have the same caliber of structure the Barbary regencies did. In Barbary, there was a central ruler who authorized corsair raids, and the corsairs functioned as an extension of government power. The Barbary leader was an extremely important figure, as he was the one who negotiated peace treaties and tribute payments, and the one who had to be appeased in order for the agreements to be implemented.

The politics of Barbary, in particular Tripoli and Algiers, were incredibly important to the conflict, and just as important as politics in Somalia are in regards to the current issue, just in a different way. Barbary corsairs were state sanctioned, and turned a portion of their revenues over to the state as a result. When compared with the current pirate threat, this fact made finding a solution to the problem easier. As a result of state involvement in acts of piracy, the United States had a concrete person to negotiate with. This was fortunate once the situation worsened, as United States leaders only needed to influence the sole leader of a Barbary regency that it was in his best interest to cease corsair raids against U.S. ships.   The Barbary situation is greatly different from the current state of affairs in Somalia, where politics matter only because the lack of stable political institutions is allowing Somali piracy to flourish. The lack of a strong central government and effective law enforcement capabilities means any U.S. negotiations with the TFG to end piracy are essentially futile, and makes finding an effective end-all solution incredibly difficult.

There were two main options the United States considered in dealing with Barbary: live with it as a nuisance as the Europeans did, which meant constantly negotiating treaties and providing tribute payments, or military action. Learning the lessons from the Barbary era is crucial for developing an effective, concrete strategy for dealing with modern piracy. These two options can, and were applied to the Somali case, albeit in different ways due to the change in circumstances. Negotiations now are not done in conjunction with ransom payments. Nor are they really a feasible solution to the Somali situation. Also, the official U.S. policy now is that the United States does not pay ransoms to pirates. The payments that do get made are from the private shipping companies, and, like the Barbary case, fail to solve the problem. International military action has been pursued thus far, although again, in a different way. Unlike in the Barbary era, military force cannot be used to bombard ports and wage all-out conventional combat against modern piracy. Rather, it must be used as it has, most notably by the United States and France - as a deterrent to pirate attacks, and in interdiction, hostage rescue, and detention situations.

After examining these two cases, a number of conclusions about the United States' ability to combat maritime piracy can be drawn. First, the main motivation of piracy in general is money. Cut the money supply, make the risk outweigh the reward, and piracy will decrease. Obviously, this task is much easier said than done. But as both the Barbary and Somali cases have shown, pirates know that governments or shipping companies will pay ransoms in order to free their captive ships, crews and cargoes. As these payments bring in large revenues for the pirates, ransom payments do not work to stop piracy. Rather, they give pirates more incentive to continue attacking ships. While

it does mean the safe return of a ship, cargo and crew (in the Somali case), paying ransoms also makes the situation worse, and makes pirate-prone waters even more dangerous. If ransom payments continue as the main modus operandi for dealing with piracy, then the international community will be back to where it was when the Europeans dealt with the Barbary corsairs during the sixteenth, seventeenth and eighteenth centuries: treating piracy as a necessary nuisance rather than an economic, regional, and international security threat.

The cultural and religious aspects of formulating responses in both cases are minimal, at best. Cultural and religious sensitivity is a necessary part of diplomacy, and there is no doubt that diplomatic relations are beneficial and need to be maintained. Though the American diplomatic approach to the Barbary States acknowledged and attempted this sensitivity, it eventually had to be abandoned for the sake of national security. Economic and national security interests sometimes continue to trump religion and culture, even among Islamic states. In the Somali case, both Pakistan and Turkey have contributed to either CTF-150 or CTF-151.

Comparison of the Barbary corsairs and Somali pirates shows that out of everything the pirates target, the crew is the most valuable commodity. During the Barbary era governments would pay large ransoms to free their sailors, and Somali pirate negotiations have shown modern shipping companies are willing to do the same. A line of reasoning stands that the larger the crew or cargo one has, the more ransom one can demand for it. While smaller crews are thus likely cheaper to ransom, and also cheaper in terms of operations, they make vessels more vulnerable to hijackings because smaller crews are more easily overcome. As such, every precaution needs to be taken by ship

owners, as well as the crew, to protect crew members. Mariners need to be alert while traversing dangerous waters, and must be aware of and understand proper defense mechanisms, as pirate attacks are violent and can occur at any time. The United States cannot afford (for political, economic, and diplomatic reasons) to have another incident like the one Captain Bainbridge encountered during the War with Tripoli in 1803, when his ship, the USS *Philadelphia,* ran aground outside the harbor of Tripoli, and the ship and crew were captured by the enemy. It is unclear what U.S. action would be if an entire American crew were to be held hostage by Somali pirates, but it would likely take more than three Navy SEALs to solve the crisis.

Another conclusion that can be drawn from the comparison is the notion of violence begets violence, as in both cases increased force by the United States lead to increased threats and hostilities on the part of its adversary. Lessons from the Barbary wars tell us that the enemy needs to be completely overwhelmed in order to cease attacks. The show of force during the War with Tripoli was not enough of a deterrent, among other reasons, for Algiers and the other Barbary regencies against attack U.S.-flagged commercial vessels. Because Somali pirates have already vowed revenge for the killing of three pirates, the United States, and the international community at large, needs to make sure violence does not escalate further, as that would cause the situation to further deteriorate. Talk has been made of possible military incursion into Somalia's shores, not just on the seas. This type of military operation is what needs to be avoided, as it would likely increase the frequency and violent nature of pirate attacks, and also escalate the level of clan and Islamist fighting on shore.

The root causes of Somali piracy are not going to be eradicated by military action on Somali soil. In general, ending piracy depends on the type (corsair/privateer versus pirate), location, and players involved. Military force worked with Barbary because the United States was dealing with a government that needed to look after its own interests, which included maintaining power. In the Strait of Malacca, which will be returned to later, littoral patrols, not major naval operations, are what drastically reduced the number of pirate incidences by 2008. The case so far in Somalia is that the massive naval presence is not as effective as had been hoped. It is going to take more than warships patrolling the Gulf of Aden and western Indian Ocean to end Somali piracy. Unfortunately, the real solutions, a stable government and steady economy, currently are not viable options.

Since naval force is what was used the last time the United States encountered acts of piracy, and currently seems like the only viable alternative, it is important to discuss what the United States Navy can learn from its previous experiences, and how battling Somali piracy will be different from tackling the Barbary corsairs. During the Barbary era, the U.S. faced a threat that by today's standards would be easy to counter. For one, they had the option of diplomacy to work out peace treaties. Also, the naval force of the corsairs was more on par with that of the United States, and engaged in traditional combat tactics. The U.S. Navy was facing a threat that had ships similar in size and maneuverability to its own fleet. This is certainly not the case today.

Somali pirates operate in much smaller vessels, and lack the capabilities to engage a modern warship in battle. Thus, the various major maritime powers patrolling the Gulf of Aden face the problem of how to deal with irregular maritime warfare. As the pirates

do not seemed phased by the massive naval presence, the warships need to prove they are indeed a danger to the pirates. Unfortunately, doing so within the context of international law and without losing international support for operations is going to be easier said than done. As easy as utterly destroying pirate vessels would be, it would also be a violation of proportional response under the jus in bello tenet of just war theory. Although the U.S. is not waging a war against the Somali pirates, it is still a good notion to follow, as it is too expensive, unnecessary, and inhumane to utilize highly sophisticated weaponry against a less advanced threat. If the United States Navy wants to effectively counter piracy, it is going to have to do what it did once the U.S. realized the Barbary regencies needed to be dealt with using force: build a naval fleet to defeat the pirates. Obviously this is incredibly expensive, but fortunately it is already partially underway. The United States began creation of a Littoral Combat Ship (LCS) program in 2003 as part of a transformation of its surface combatant fleet. More about this will be discussed later, but the LCS is a good start at a military counter to piracy (to name one threat), as it is able to move more quickly and in littoral waters, rather than being forced to remain out to sea.

What the United States needs first, however, is a detailed policy addressing the issue of piracy. Before the U.S. could take action against the Barbary corsairs, the government had to determine its goals, and under what circumstances a navy could be formed to counter the corsair threat. While the Bush administration passed some legislation in the summer of 2007, the Obama administration needs to decide if it will adhere to the Bush policies, or create and implement its own.

Lessons Learned

To develop a strategy to combat modern Somali piracy, the United States, Navy included, needs to examine and learn from its past experiences. It needs to understand the lessons of Barbary, and determine which of these do and do not apply to the current problem. There are several broad themes that can be pulled from the Barbary case, each further broken down into specific lessons. These include:

- Diplomacy

- Tribute or Ransom Payments

- Political Stability

- Best Safety Practices

- International Cooperation

- Military Action

Many of these themes are not mutually exclusive of one another. This is especially true of diplomacy and tribute payments during the Barbary era. Immediate ransoms and annual tribute payments to the Barbary leaders were an essential part of negotiations. The treaties agreed upon by the Barbary regencies and United States were often ineffective to begin with, as the deys and beys were apt to disregard them at any moment. Hefty tribute demands, which were an essential part of the final treaty, essentially caused the failure of diplomatic negotiations, as the U.S. was often unable to produce on these demands. The lesson here is to keep diplomacy and ransom payments separate. In concern to diplomacy in the Somali case, the government itself will not be the entity the international community has to negotiate with, as it is willing to do what is possible to halt piracy. Rather, if there is any one group in power the U.S. could

negotiate with to stop piracy, it is the warlords. However, dealing with them will liken back to dealing with the Barbary leaders. These individuals desire money and power. They are seeing profits from the current pirate raids, so for the United States to convince them to eradicate piracy they must be given an incentive, most likely in a financial form, before they take any action against piracy. The problem here, besides how it will be perceived by the international community, is that after an initial show of cooperation and decrease in incidences of piracy, the pursuit of self-interests by the warlords, like those of the Barbary leaders, will allow attacks to resume.

As for ransom payments, the Barbary case illustrated how appeasement failed to end the problem. Fortunately, here the United States has learned its lesson from Barbary. The U.S. does not treat piracy as nuisance as the European powers of the sixteenth, seventeenth, and eighteenth centuries did. Rather, it adopted a stern stance not to pay ransoms to pirates. Ransom payments will not solve the conflict, but if they are to be pursued, that decision should be left to the shipping companies.

An important lesson to be taken away from the Barbary era is how crucial economic prosperity is for political stability. The revenues the corsairs brought in to the regencies helped the leaders of Barbary retain their power. For Somalia, political stability is the key to solving the problem. Unfortunately, the lack of law enforcement institutions and economic opportunity in Somalia make stability a monumental challenge that will take years to achieve.

During the Barbary era, safety measures were taken by both individual ships and naval patrols. Commercial vessels were prone to attack from similar size corsair vessels, which were known to fly false flags or feign friendship to initially disarm their

opponents. If equipped with the necessary weapons, these ships were sometimes able to fend off capture in battle. Combined with the fact that some crews were able to repel pirates once aboard through hand-to-hand combat, this notion that safety measures were effective against the Barbary corsairs illustrates the necessity for the United States to now encourage commercial ships to utilize on-board deterrents and practice evasive maneuvering and other best practice measures.

Finally, there are lessons to be learned about international cooperation and military intervention. Despite the fact that the European powers kept naval vessels in the Mediterranean Sea to improve negotiations with the deys and beys of Barbary when necessary, there was never any cooperation to bring a complete end to the threat of Barbary piracy. The United States has already shown it has learned to do otherwise, participating in CTF-151 operations with international partners. Further, the Navy has shown that it learned from the mistakes of Barbary when it took immediate action by sending warships to the Horn of Africa to act as a deterrent. It has shown a good start to protecting commercial vessels, but like the early years of the Barbary era, it still has a long way to go.

Security Implications

So what does all of this mean? How have the Barbary corsairs and Somali pirates affected regional and international security, and what, if any, are the implications for the future? Comparatively speaking, the Barbary corsairs were more of a nuisance than a threat. Regional stability was not threatened; there were multiple regencies along the North African coast, aligned under the Ottoman sultan, which all had the same objective,

and thus were not going to go to war with one another. If the government of one felt slighted because another regency's administration was able to broker a more beneficial 'peace' agreement, action and anger was taken against the Christian state in question. The Barbary corsairs were more of a threat to what could then be considered the 'international community' than they were to regional security. This threat, however, was minimal for the major naval powers. As the United States had no real navy to speak of, it was a chief security issue that threatened the lives of its sailors, as well as the U.S. economy. For the Europeans who had strong navies, the importance of Mediterranean commerce trumped the threat. Indeed, they were able, in some cases, to use the Barbary corsairs to their advantage. The Europeans were each other's enemies, and by striking a deal with the regencies, they could indirectly wage war on one another while securing their own economic advantage. For the United States though, the corsairs and their acts of piracy were a major security problem. And this is an issue that still plagues the United States to this day, except it has now grown into one that vexes the international community as well.

Somali piracy is much different from that of the Barbary corsairs. While some of the ends and means are still the same, the international community's ability to deal with them is not. Unlike the corsairs, the pirates are contributing to regional instability. While the situation in Somalia has not been stable in decades, piracy has only made it worse. And security in the region, both in East Africa and the Middle East, is rather unstable at times. Any economic effect on the littoral or regional states, or increased animosity due to the naval patrols in the area has the ability to threaten the security and stability of countries in the region.

For the international community, Somali piracy is now a wide concern. Because the dynamics are different from the Barbary corsairs, as well as from other regions where states had to deal with rampant piracy (the Strait of Malacca, for example), the threat to shipping in the Gulf of Aden demands immediate and constant attention, and needs to be addressed and dealt with now so that it does not drag on for centuries. Fortunately, the increased risks to shipping in an increasingly interdependent world have forced the international community to recognize the immediate and long term consequences of allowing Somali piracy to run rampant in East Africa, and have pushed a number of major naval powers into action. This common threat has the positive effect of bolstering international cooperation, which has the possibility to further strengthen international relationships to combat future threats.

The implications of this case study tell us that the response to piracy is determined by the type, locations, and dynamics of the organizations. If it is state sponsored, we know that a strong naval contingent is capable of halting pirate attacks. However, state sanctioned piracy seems to be the exception to the rule now, as irregular warfare pitting regional or transnational organizations against traditional powers becomes the dominant trend. Governments and their corresponding navies need to adapt to these changes, and look at their past experiences, both on land and at sea, with non-traditional actors in order to develop a comprehensive strategy to fight piracy; the threats the world will face in the future are too great to risk not doing so.

Again, if Somali piracy is not stopped it has the potential to destabilize part of the region. There is concern that piracy may pick up in other states, especially in ones where the government is weak or lacks counter-measures. This could have an adverse effect on

the world economy, as once shipping companies deem it too dangerous to ship goods through the Suez Canal and into the Gulf of Aden (or vice versa), they are going to start re-routing them around the Horn of Africa. While this does lower the insurance premiums on a company's vessels, it also adds extra costs, which are then tacked onto the cost of the good to the consumer. With no end in sight for the current economic crisis, these extra costs cannot be incurred.

In addition, there is the international concern about Islamic extremist groups increasing their maritime attacks in the future. While a piracy-terrorism nexus is unlikely due to the differing motivations of the organizations, there is a good chance that terrorist groups benefit from the pirates. It is already speculated that al-Qaeda linked al-Shabaab is reaping the rewards of piracy in Somalia, and the chaos in the state makes it ideal for terrorist organizations to operate in virtually undetected. If terrorist attacks are carried out in the countries surrounding the Gulf of Aden, or against vessels in the region (as has already been seen with the attack against the USS *Cole* in 2000 when it was targeted in the Yemini port of Aden), regional and international security are both going to be at risk. Also, if terrorists are driven from operating on land to operating at sea, they may look to pirates to learn how proceed with operations. If pirate tactics are mimicked, it will be extremely difficult for the conventional navies to distinguish what group carried out the attack until some responsibility is claimed.

Unfortunately for modern navies, keeping up with the ever-changing nature of asymmetric threats is no easy task. While CTF-150 and CTF-151 are a start, the bulky warships are not always effective, and as the *Cole* incident showed, are prone to attacks themselves. Thus, navies need to develop strategies to deter threats and adapt to new

adversaries. The United States Navy, with its forthcoming LCS fleet and UAV

surveillance capabilities, is certainly on the way to doing just this. And continuing to

work with international partners in the interest of regional, global, economic, and

personal security will certainly augment naval measures, and legitimize and bolster

efforts to combat piracy.

Options Available to Combat Piracy

The prime solution to ending Somali piracy is a strong, stable Somali government.

This fact cannot be reiterated enough, because all other options are not addressing the

root causes of piracy. Only a government that is able to overcome the fighting that has

existed in Somalia for almost two decades, as well as the lawlessness that is rampant in

the country, can stamp out piracy. Somalia needs an effective judicial system, law

enforcement sector, and coast guard to be able to curb piracy through the threat of

prosecution and punishment. It can be argued that Somalia had achieved this during the

short rule of the Islamic Courts Union. Right now, however, the judicial system exists at

the local level, and is based on some secular law, Sharia law, or traditional Somali

customary law. Also, a fundamentalist Islamist government in Somalia is not going to be

acceptable to the rest of the world. Thus, Somalia needs a stable, democratic

government, which, as history has shown, faces enormous difficulties in the country.

Although the current Transitional Federal Government is not in power due to free and fair

public elections, still retains some semblance of a democratic institution, as it is

representative of Somali society and clans, and was originally "elected" in 2004. In

2009, President Sheikh Sharif Sheik Ahmed was elected by the Transitional Federal

Assembly in Djibouti, but neither he nor Prime Minister Omar Abdirashid Ali Sharmarke has been able to do anything to stabilize the country.

Additionally, Somalia needs economic growth to off-set the benefits of piracy. Steady incomes and profitable, legitimate business will lead to an improvement in the quality of life, and make piracy and its risks less lucrative. Obviously, a sustainable economy is a lofty goal, and one that goes hand in hand with internal security. Basic economics mandates trade and investment to encourage growth. Yet, overseas companies are going to be wary of investing in Somalia due to the unstable internal environment. Thus, until the security and economic situations in Somalia improve, piracy is going to continue to harass shipping in the Western Indian Ocean.

In the meantime, a number of options are available for governments and shipping companies to pursue in their fight against piracy. While none of these will bring about its demise, they can attempt to lessen its effects in the maritime community. These include ransom payments, on-board deterrents, diplomacy, littoral patrols and military action. Here each one will be discussed, highlighting its strengths and weaknesses.

Ransom Payments

Ransom payments are not a highly effective method of dealing with piracy. A positive aspect of ransom payments is that they yield immediate results. Once a negotiation is worked out, and the money delivered to the pirates, the ordeal is essentially over. This method insures the safe return of the captured vessel and its cargo to the shipping company. More importantly though, ransom payments guarantee the ship's

crew is not harmed, and is safely handed over with the vessel and cargo once the payment has been made.

However there are risks associated with paying ransoms. For one, it leaves vessels more prone to attack in the future. As pirates are simply reaping the benefits of ransom payments, they are going to continue attacking vessels in the Gulf of Aden until the enterprise is no longer profitable. Also, pirates have the upper hand during negotiations. If a company is unable or unwilling to pay the desired amount, or deliver it in cash, it threatens the safety of the captured crew members. While thus far the pirate groups have not been violent, there is no way to know whether or not they will start killing hostages in the future in order to show that they are dedicated and will be taken seriously.

As both the Barbary and Somali cases have illustrated, ransom payments do not solve the threat. Rather, they exacerbate the problem. In Barbary, treaties guaranteed the safe return of American captives, but at a major financial cost to the United States. Also, it showed the Barbary leaders that the U.S. was weak and no real threat to their operations, which just encouraged further corsair raids. The Somali case, while not exactly the same, has seen the same results. It is true that ransom payments made by shipping companies assure the safe release of a ship, her crew, and cargo soon after the payment is received, but ransom payments also motivate the pirates to pursue future attacks, which they will do when it is necessary or when the opportunity presents itself.

Best Safety Practices

The second option available is the use of best safety practices and on-board deterrents, which have had mixed results. Proponents of increased on-board security measures claim they are good ways to ward off pirate attacks, and even simply increasing speed or removing the ladder on which pirates can board could thwart an assault. The use of LRAD and ADS systems is a good way for any vessel, especially larger ships that cannot move quickly, to prevent pirates from getting close to the ship, and can give the crew time to prepare other defensive measures. In an appearance before the House Appropriations Subcommittee on Military Construction, Veterans Affairs and Related Agencies, General David Petraeus urged merchant vessels traversing pirate infested waters to utilize more of these methods. He noted that shipping companies need to increase their safety measures, possibly even hire armed security services, because a limited number of warships cannot protect thousands of vessels in the vast area off the coast of Somalia.[203] While the naval patrols can be contacted in case of an emergency, the on-board deterrents are a first step, and one that is often effective. Also, increasing the preventive measures may decrease the insurance costs of traveling through the Gulf of Aden, saving the shipping company money.

Yet, successful hijackings of ships still occur. The problem with on-board deterrents is that eventually pirates are going to adapt to these techniques, and develop counter-measures that render the current tactics useless. Also, they do not always work. What may work for one ship may fail completely for another, even if this second ship had properly implemented and executed the suggested techniques. In addition, if pirates

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[203] CNN, "Petraeus Tells Shipping Companies to 'Get More Serious' About Piracy," http://www.cnn.com/2009/WORLD/africa/04/24/petraeus.pirates/index.html.

attack under the cover of darkness, the crew may not know until it is too late. Moreover, the small skiffs pirates use are much quicker than the majority of the commercial and recreational vessels that travel through the Gulf of Aden, so ships that do not have ample time (estimated to be fifteen minutes) to unscrew and pull up the ladders or get LRAD, ADS systems, or water cannons operational are unlikely to be able to foil the attack.

Best-safety practices and on-board deterrents have seen some success off the Horn of Africa, and did have some success against the Barbary corsairs as well. During the Barbary era, a ship was able to fend off attack if its commander could outmaneuver the enemy craft, or if its crew was successfully able to defeat the attacking corsairs in combat. The best example of this was Lt. Andrew Sterrett's success on the USS *Enterprize* in 1801 when his leadership resulted in victory over the attacking Tripolitan cruiser *Tripoli*. Vessels currently traversing the Gulf of Aden and waters off the Horn of Africa have also had success in fending off pirate attacks through the use of best-safety practices and on-board deterrents. While not effective in every instance, vessels using a variety of deterrents, from the most high tech like LRADs and ADS to simply setting into a high-speed spin as one tugboat did, are able to fend off pirate attacks. Practicing operational and communications security also denies the pirates information on location, on-board deterrents, routes and destinations, further protecting a ship from the highly sophisticated pirate networks.

Diplomacy

A third option to pursue is diplomacy. During the Barbary era, the Unites States was able to exercise its limited diplomatic power with the regencies and various

European powers. Consuls worked diligently to negotiate protection arrangements and peace agreements. They worked out tribute payments that provided for the release of captives upon receipt of the gifts, and also included annual payments that guaranteed safety for American ships as part the peace agreements. Though they had only limited success, this worked in part because the Barbary States had a government the United States could work with. These lessons can be applied to the Somali case, but will need to be done so in a different manner. The Somali Transitional Federal Government has already made it clear that it is willing to work with outside powers to fight piracy off its shores. It has reached out to the United Nations, pleading for help with the issue, as there is only so much it can do on its own. Secretary of State Hillary Clinton has pledged to establish a diplomatic team to work with officials from the TFG and regional leaders, especially those in Puntland. The goal is for the combined efforts and power of the TFG and the United States to press local leaders into taking actions against the pirate organizations that operate in the territories that they control.

Working with the regional leaders likely means the TFG and the United States will have to work with local warlords and various clan leaders. Though this is a scenario that many players would rather avoid, it has precedent and is not the worst option available. During the George W. Bush administration, the warlords were tolerated and dealt with due to their participation in counter-terrorism measures in Somalia. While working with the warlords to end piracy in Somalia would partially undermine the TFG, it could actually produce significant results. However, as it is believed the warlords are profiting from piracy, they would need to be offered very large, attractive incentives to be willing to help end a profitable business. There is also the possibility of working with

local clan leaders to help bring an end to piracy. As this approach has seen some success

in Afghanistan, another culture based largely on tribal ties, some thought should be given

to trying it in Somalia. While it is unclear who would execute such a policy, as bringing

in foreign military personnel would likely not be effective, there is a chance that this

strategy may work since Somalia is a society traditionally based on kinship.

The other faction that has any influence in Somalia is the Islamic Courts Union,

and its militant wing, al-Shabaab. As the United States has placed al-Shabaab on its

terrorist watch list, claiming it has al-Qaeda ties and recruits foreign fighters (possibly

even Somali-Americans[204]), working with the group will not happen. Unfortunately, the

ICU would be very beneficial to the fight against piracy, for two reasons. First, the ICU

has experience with the issue, and has both the knowledge and the willingness to bring an

end to Somali piracy. Second, like the clan leaders, the Islamists have an air of

legitimacy to them, as they share a common factor (religion) with the overwhelming

majority of the Somali population. Until the ICU transforms from a Taliban-like

organization to a moderate, democracy-oriented group, however, the United States, and

much of the rest of the international community, is going to be unwilling to offer any

support to this policy.

Another diplomatic option is one already being followed: reaching out to the

international community to help with counter-piracy operations in the Gulf of Aden. In

her statement, Secretary of State Clinton emphasized the need for the International

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[204] CNN, "Somali-American's Family: Who Sent Son to Die?"
http://www.cnn.com/2009/WORLD/africa/07/13/somalia.american.killed/index.html.

Contact Group on Somalia to "develop an expanded multinational response."[205] This includes the need for a single, comprehensive strategy on Somalia, so that guidelines for response can be developed, naval action coordinated, and a single message condemning piracy from a unified international voice be broadcasted.

Finally, Clinton's remarks on the response to piracy highlighted a point already touched upon – the need for shipping and insurance companies to address self-defense measures, reasoning that combating piracy is the responsibility of both governments and the shipping industry. The team tasked with engaging the TFG and regional Somali leaders has also been directed to work with shippers and the insurance industry to improve their defense mechanisms, including their on-board deterrents. In addition, Clinton suggested tracking funds and pirate assets, a tactic that has already proven successful against terrorist organizations.

Diplomacy worked in the Barbary era, to an extent, because the United States had a strong government able of controlling the corsairs to negotiate with. However, the connection diplomacy had with tribute payments, coupled with the fact that the U.S. had no military power to guarantee the enforcement of any peace agreements, meant diplomatic negotiations with the Barbary leaders were often futile. In the case of the Somali pirates, diplomacy, while always the most preferred method of solving crises, will not affect the situation. The lack of a strong, stable government that has law enforcement capabilities and a working judicial system means that, although the TFG is willing to cooperate with and indeed needs the help of the international community, it is powerless to do anything about the problem. Thus, just negotiating with the government is not

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[205] United States Department of State, "Announcement of Counter-Piracy Initiatives," http://www.state.gov/secretary/rm/2009a/04/121758.htm.

enough; specific strategies and the means with which to achieve them are necessary for a successful campaign against piracy.

The fact that the Somali Transitional Federal Government is not seen as entirely legitimate (and thus not very well liked or supported by the Somali people), makes diplomatic solutions even more difficult. Working with the people in power, rather than the government, can have serious consequences of its own. First, there is no telling what level of backlash there will be from strengthening the warlords, clan leaders or Islamist factions. While any one of them may put an end to piracy, they also have the potential to further weaken the government, and cause the country to slip even further into chaos. Additionally, it is unclear how these actions might play out in the international community. Negotiating agreements with various groups runs the risk of undermining international operations and forcing other states to take decisive action for fear that the United States' policy will threaten their own security. Also, legitimizing any warlord, clan leader, or al-Shabaab has the future potential to further destabilize the region. In addition, it is unknown whether or not piracy will be indeed be erased as a result of any agreements, as many leaders have personal, not necessarily security, interests at heart. Thus, even if they do stop Somali piracy, there is no guarantee that it will be permanent. In the future, they may sanction a return to piracy because they enjoyed the revenues, a portion of which they are likely now receiving.

Littoral Patrols

Probably the most effective deterrent of piracy in the twenty-first century is the use of littoral patrols, which operate along the coasts in pirate infested waters. These

patrols prove more beneficial than any option discussed thus far, and in the past few years have successfully reduced the number of pirate attacks in the Strait of Malacca that were frequent in the earlier part of the twenty-first century. In the Somali case, littoral patrols would serve as a deterrent and law enforcement capability, relieve navies from piracy patrols, and even address some of the grievances of the pirates and the Somali people.

First, littoral patrols are able to stay closer to shore, and scan both the water and land for activity. Knowing where the pirate strongholds are located, the patrols have an advantage as they can specifically target these areas, keeping watch for suspicious vessels that have tell-tale signs of pirate boats (a certain number of men, travelling in groups of three, a lack of fishing equipment, or the presence of heavy weapons and ammunition). If equipped with the proper surveillance technology, the personnel aboard have a better chance of knowing when and where pirate vessels are launching, and thus have a better chance of thwarting attacks. These patrols, unlike the naval ones on the high seas, are made up of smaller, faster boats that have the ability to quickly engage suspect vessels. Their mission is to interdict suspicious boats in territorial waters before they can make it out to sea, or ones that are engaging in illicit activities. If a law enforcement component is added as part of the patrol's assignment, then it could act as even more of a deterrent, since the patrol would now have the ability to detain, arrest, and hand over pirates to the authorities able to prosecute them. A law enforcement task could also help address the grievances of the Somali people, as well as the original purpose of the Somali "Coast Guard" pirate organizations. The patrols could guard territorial waters from illegal foreign fishermen, as well as illegal, often toxic, dumping in Somali waters. With the

waters free for the Somalis to safely and profitably fish in, there is a chance pirate attacks would decrease.

In addition, littoral patrols relieve the naval patrols operating on the high seas of the Western Indian Ocean, which are then able to return to their intended, traditional missions. Initial patrols, however, would still be part of the U.S. Navy's mission, as it is in the process of acquiring a new type of warship, the Littoral Combat Ship, which can be used to counter piracy off Somalia until an African program is developed. As littoral patrols are normally conducted by the states surrounding the inflicted waters, it will eventually need to be the job of those countries to work together in building, coordinating and maintain patrols to combat piracy in the region, as Malaysia, Indonesia and Singapore did around the Strait of Malacca. Because these three states have experienced great success in executing a littoral patrol program in Southeast Asia it would be beneficial to have representatives from each country take the lead in developing an African plan. As Somalia in its current state would be unable to undertake such a task, the international community, and African Union in particular, would need to help run such a program.

The 1997-1998 Asian Financial Crisis caused by slumping currencies, a rise in debt, and devalued stock markets throughout Southeast Asia and Japan, and intensified by poor International Monetary Fund economic stabilization policies, hurt Malaysia's economy and devastated that of Indonesia. In Indonesia, this also severely affected the security of the government and the country, and provided ideal conditions for a growth in both piracy and terrorism in the islands. Inability to prevent falling wages, higher food prices, job losses and funding for effective coastal monitoring added to the pull towards

piracy. Due to their proximate location to the vital Strait of Malacca, pirates from Malaysia, and more so Indonesia, profited greatly during the first years of the twenty-first century. As the Strait of Malacca is extremely narrow (with the narrowest point only 1.5 miles wide), and see approximately 50,000 ships (or one-third of the world's maritime shipping) pass through them each year, piracy flourished and became an enormous security threat in the region. In 2004, Malaysia, Indonesia and Singapore increased patrols (done by both their navies and coast guards) to curb the rate of piracy in the region. Since then, attacks in Southeast Asia have dropped from 94 in 2004 to 32, with only 15 in the South China Sea around the Strait of Malacca, Indonesia, and Singapore in 2009.

Unfortunately there are a number of issues with littoral patrols. First, they are expensive to develop if a state (or states) lacks the equipment or capabilities of continuously conducting patrols over a long period of time. The same is true for foreign states; operating warships, whether on littoral or high-seas patrols, is costly. In addition, if the operations are multinational (as they would have to be at the onset), coordination and jurisdiction becomes an issue. As Somalia has a long coastline, which state would be patrolling which areas and when, who would contribute resources and manpower versus who would contribute funds, and who has jurisdiction in Somali territorial waters to arrest and prosecute pirates would all need to be agreed upon before operations could commence.

Further, the TFG would need to work with local leaders to make sure the Somali people understand why ships are located so close to their shores, and emphasize to the people that the patrol boats must be allowed to interdict the pirates; this is a daunting task

indeed. Also, there will still be a need for a blue-water navy to help patrol the Gulf of Aden. Pirates who are able to evade patrol boats or are already in international waters will still be able to carry out operations on the high seas, so the major navies will still need to remain in the area. Thus, the patrols do little to help the major navies return to their traditional missions. Finally, if the initial stages of such patrols are coordinated international actions, then there is little incentive for the TFG or African Union to become involved by contributing or developing a coast guard apparatus, as these patrols are already being carried out for them.

Military Action

Finally, military action brings with it a lot of options the other methods lack, and also incorporates components of those alternatives. Military endeavors involve coordination, sophisticated technology, intelligence, tactical competence, thorough strategies, and adherence to law. For the United States, the Navy is more than capable of using its resources and abilities to combat piracy.

During the Barbary era the United States waged two successful wars against the Barbary regencies. The strength and capabilities of the Navy contributed to campaigns that ended the relationship based on tribute and bribery the U.S. had with the Barbary States. No longer were American ships traversing the Mediterranean Sea at risk of attack or capture by Barbary corsairs. After the War with Algiers ended in 1816, U.S. commercial vessels were free to pursue trade in the region with threats now only coming from competing European powers.

In concern to the current situation off the Horn of Africa, counter-piracy operations have had some successes. Participation in rescue operations, and interdiction and detention missions has yielded positive results. However, the hopes that a large naval presence in the region would deter most pirate attacks have yet to be fulfilled. The following illustrate the capabilities of the United States Navy, how these may be applied to counter-piracy operations off the Horn of Africa, and the weaknesses of naval action as well.

Currently, the United States is engaging in international action in the Gulf of Aden. Because the Navy recognizes that no one state can police the world's waters, it makes it the ideal organization (besides the fact that it is the only one that has the capabilities and knowledge to combat piracy) to participate in international coalitions, such as CTF-151, to take on this threat. It has the ability to share responsibilities and information with other navies, and work with these other countries to develop specific counter-piracy strategies and tactics to be applied in the Gulf of Aden. The Navy is increasingly participating in network centric operations, which deal with an integrated force network that facilitates efficient, easy information sharing in order to increase situational awareness and ensure knowledge of the commander's overall intent in battle. The goal is to translate "information advantage into combat power by effectively linking friendly forces within the battlespace, providing a much improved shared awareness of the situation, enabling more rapid and effective decision making at all levels of military operations, and thereby allowing for increased speed of execution."[206] Currently, the Navy is in the process of developing and applying FORCEnet, the future implementation

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[206] United States Department of Defense, "The Implementation of Network-Centric Warfare," http://www.oft.osd.mil/library/library_files/document_387_NCW_Book_LowRes.pdf.

device of network centric warfare. It is the "operational construct and architectural framework for Naval Warfare in the Information Age to integrate warriors, sensors, networks, command and control, platforms, and weapons."[207] Through network centric operations, intelligence will be more easily distributed; at sea this means transmitting information concerning piracy, terrorism, enemy naval vessels, or any other threat to a unified fleet dispersed over a large area.

In terms of information and intelligence, the U.S. Navy has a wealth of excellent resources at its disposal. Due to increased intelligence sharing requirements after 9/11, the Navy should be receiving pertinent intelligence from other agencies and branches of the military in relation to its task. It also has its own incredibly sophisticated intelligence collection capabilities and department of analysts. The Navy's C4ISR technology is some of the most advanced in the world, and includes a number of unmanned vehicles (aerial, surface, ground and underwater). In addition, the imagery intelligence (IMINT) and signals intelligence (SIGINT) capabilities of the Navy can be utilized to combat piracy. Photographs taken by satellites, navy planes, and UAVs, such as the ScanEagle and Pioneer, can be used to identify locations and track movements. IMINT can illustrate what ports pirates operate in and out of, frequently used routes, shipment of armaments to the pirates, and can track the movement of pirate ships in open water. For example, small tactical un-manned air systems (STUAS), and satellite imagery can provide a clear illustration of the situations within the pirate – plagued Gulf of Aden. The main issue

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[207] United States Department of the Navy, "What is FORCEnet?" http://forcenet.navy.mil/fn-definition.htm.

with using satellites though is that if pirates use fishing vessels, then the satellites are unable to distinguish between pirates and commercial fishermen.[208]

SIGINT critical node enablers, such as wireless network technologies, can aid in counter-piracy efforts by intercepting messages that relay intent, dates, patterns and plans. Theoretically, telemetry and electronic intelligence that can pick up on weapons emissions and systems[209], if used, and can gauge the capabilities of weapons used, thus giving the U.S. and CTF-151 members an idea of the strength and threat of a particular pirate vessel. With this knowledge Navy commanders issue alerts warning of the dangers in littoral areas during a given time period in hopes of avoiding attacks or the taking of a ship.

In addition to the intelligence capabilities, naval craft have a technical advantage over pirate vessels. With the most up-to-date sophisticated weaponry, the Navy can counter almost every man-made threat. Included in its arsenal are radar and short range tactical -, intermediate range tactical-, and surveillance sonar systems, the Aegis combat system, target acquisition systems, guided weapons systems, missiles (including anti-ship, surface-to-air, and cruise) and missile launchers, torpedoes, 5 and 16 inch guns with corresponding 38, 50 or 54 caliber munitions, and various helicopters and naval aircraft. Clearly, the Navy is ready for battle against another powerful fleet, and thus can easily overpower pirate boats if they wished. Also, the U.S. Navy has an elite submarine fleet at its disposal, which, if integrated with surface missions, and provided timely, accurate information, can be highly effective against asymmetric threats that cannot detect its

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[208] The Economist "Ahoy there Somalia" (November 2008), http://www.economist.com/world/mideast-africa.

[209] Mark M. Lowenthal, *Intelligence From Secrets to Policy*, ed. 2, (Washington, D.C.: CQ Press, 2003), 71.

presence. Submarines are stealthy, agile, and require minimal logistic support, making them ideally suited to carry out operations and survive in hostile, "forward-deployed areas across the spectrum of peace and conflict."[210] Their mission agility and technical capabilities to identify and avoid the enemy make submarines ideal for long – term operations. A submarine's ability "to penetrate and operate in denied areas with virtual impunity while detecting and destroying advanced threats will be a critical enabler to ensure our Navy can fight and win in the littorals."[211]

Littoral capabilities are an excellent counter-piracy tool. Development of a LCS fleet by the U.S. Navy will allow it to stop and interdict pirates before they can get out to sea. An effective, extensive international littoral force is a deterrent that will have a positive impact on the safety of ships traversing the Gulf of Aden, and one that will attack the symptoms of piracy. To understand the importance of securing the littorals in combat zones, the United States must look to its experience in Vietnam just prior to the Tet Offensive. During the Vietnam Conflict, the United States Navy, U.S. Coast Guard, and South Vietnamese Navy, though operating patrols in busy commercial waterways, were unable to detect the transfer of arms and munitions to the Viet Cong before the Tet Offensive until it was too late. While a new surveillance plan was enacted in March 1965 that employed aircraft and radar to identify fishing trawlers transporting war materials, and required the U.S. Coast Guard monitor coasts and in-shore waterways, the damage

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[210] United States Department of the Navy, Chief of Naval Operations, Submarine Warfare Division, "Submarine Themes: Denied Areas. The Submarine's Ability to Prepare and Control the   Battlespace Will be Vital to Successful 21st Century Naval Warfare," http://www.navy.mil/navydata/cno/n87/themes/denied.html.
[211] Ibid.

had been done, despite these efforts being successful in deterring further transport of arms.

Finally, the new United Nations legal measures, in addition to United States laws governing response to piracy, give the Navy leeway to pursue, detain and prosecute pirates in a legitimate manner. As the United States is willing and able to prosecute and punish pirates, the U.S. Navy, unlike those of other states, can be a major deterrent to pirates. If more and more are detained (rather than killed), and not returned to Somalia (as some European countries are forced to do with captured pirates), pirate organizations may eventually begin to realize that there are increased risks to their actions, and thus abandon their pursuits. In addition, capture of pirates also means capture of vessels and arms, forcing pirate groups to spend more money acquiring new capabilities.

Despite the number of advantages of using naval power to combat piracy in the Gulf of Aden, there are also a number of shortcomings to this strategy, as well as a plethora of challenges. First of all, the Gulf of Aden and western Indian Ocean off the coast of Somali spans a wide expanse of ocean, with a coastline that is approximately 1900 miles long. Thus, with only a limited amount of ships available to patrol the area (approximate 36 in the CTF-151), vessels are still vulnerable as the naval contingent cannot be everywhere at once, leaving vast areas susceptible to attacks.

In addition, even when naval ships are in the area, it can be difficult to differentiate between regular fishing boats and pirate vessels. As pirate organizations operate from motherships, which are often captured large fishing trawlers, surveillance capabilities may not be able to identify the vessel as an actual pirate boat. In such a

scenario, pirates may be free from detection and able to carry out operations once they are far enough out of range of the navy ship.

When navy ships are in range, however, they still face problems interdicting pirates and thwarting attacks. Unlike the swift boats the pirate organizations utilize, battleships and destroyers are big and bulky, and thus move at a much slower speed. Even if they are in the area, there is still a chance that pirates will hijack a ship between the time a distress call is issued and the time the warship arrives. In addition, though the United Nations has given permission to states to chase pirate vessels into Somali territorial waters, the navy ships must be careful in doing so. The ships are made for blue-water operations far out to sea, not green-water maneuvers close to the coast. Thus, the vessels need to be careful not to run aground, like the USS *Philadelphia* did immediately before her capture outside of Tripoli in 1803, which was a disaster then, and would certainly be a major disaster now.

Littoral combat capabilities are much better suited for asymmetrical operations than traditional warships are. Yet as of right now, the LCS system is not fully developed, and it is unclear if it would have any effect on Somali piracy. More than two ships, which are all that is available at present, would certainly be needed; it will be some time before the full fleet of Littoral Combat Ships is developed, and when it is, there will still only be four. In April 2009 Defense Secretary Robert Gates stated that the DoD would increase the acquisition of new Littoral Combat Ships from two to three in fiscal year 2010, with the eventual goal of a fleet of fifty-five ships. If these are to police littoral regions worldwide, the Navy will certainly need more the present two, as the Somali coast and Gulf of Aden alone would need multiple vessels. There is no doubt that littoral

patrols would help, as the Malaccan case illustrated. Yet, part of the reason why those endeavors were successful is due to the small size of the Strait of Malacca. As the waterway is narrow and not very long, it is much easier for the littoral states to police. Also, Malaysia, Indonesia and Singapore all had both the willingness and resources to build a large enough monitoring capability to effectively patrol the coasts. Somalia, whose coasts are much longer and whose government does not have the funds to build up a coastal taskforce capable of patrolling and securing the littoral areas, is unable to contribute to an international, or even U.S. effort to monitor the Somali coast and its territorial waters.

Also, it is unclear whether or not countering piracy is part of the Navy's mission, and if it is not, whether or not it should be in the future. As piracy is not a traditional task of the Navy, and, unlike terrorism, is not a direct threat to the United States, many make the case that it should not be the role of the U.S. Navy to engage in counter-piracy activities. Rather, it is believed that piracy is a law enforcement problem, and therefore requires a law enforcement solution. This would mean employing a coast guard, not a traditional navy, to deal with the issue, as navies do not have law enforcement capabilities or jurisdiction in foreign territorial or international waters, despite the recent U.N. Resolutions.

In addition, if the Navy is tasked with taking on piracy as a new part of its mission, there is a strong likelihood that the U.S. Navy will have a presence in the region for long time to come. Not only does this distract it from pressing transnational threats, but it is also very expensive to maintain and operate warships for years on end. The same case can be made for the LCS system. If deployed to the region, it will remain engaged

until piracy can be effectively quelled, which could take years, and thus make it a rather expensive operation.

As piracy is an asymmetric, non-traditional threat, the Navy could attempt implementing counterinsurgency tactics, like the Army and Marine Corps have done in Iraq and Afghanistan, to help suppress Somali piracy. A major tenet of this requires the Navy to win the "hearts and minds" of the Somali people in order to effectively carry out operations. Unfortunately, this is much easier said than done, for a few reasons. First, the Somali people, after experiencing massive Western and U.S. intervention (including the arms sales to Siad Barre in the 1970s, and the UNOSOM and UNITAF incursions in the 1990s), are wary and distrustful of Western powers. Second, navies are far out to sea while Somali citizens are on land, preventing the necessary interaction between the two groups. Unless sailors dare step foot off the ships, which in a place like Somalia, even with automatic weapons and Kevlar body armor, it is incredibly dangerous to do so, not much can come from this approach.

A major issue with the use of naval force to combat Somali piracy is the fact that it has been in use since late 2008, and thus far is not having much of an effect. Pirates are not intimidated or afraid of warships, and thus the strategy is not working as a deterrent. The lack of available options for navies in concern to how to halt attacks, conduct hostage rescue missions, and implement detention, prosecution, and punishment capabilities is allowing the pirates to continue their operations un-phased, as they know there are no serious consequences to their actions. If a law enforcement capability, such as a coast guard or Interpol was working with the naval powers, it might have more of an effect than current tactics are. Also, rules of warfare, dictated by just war theory and

outlined in the Geneva Conventions, give guidance about the amount of firepower that can be used against an adversary. The proportionality clause prevents the use of overwhelming force that would obliterate the enemy giving him no ability to defend himself, no matter what the cause of the conflict. For the United States Navy, this is a major issue in concern to piracy because the equipment of the pirates, while advanced, is still no match for the sophisticated weaponry available on board a warship. Response in the form of a torpedo, missile, or large caliber gun would likely be seen as overkill in the eyes of most of the world, could easily garner hatred towards the United States by the Somali people, and possibly recruit more pirates, or worse, terrorists to Islamic fundamentalist organizations in other parts of the world.

Finally, naval force does not address the root causes of Somali piracy. It does not solve the problem on shore, and at best can only curb its symptoms at sea. Neither naval force, nor a military incursion into Somalia, are able to secure political stability, boost the economy, or improve humanitarian conditions. For now, all the various navies patrolling the Gulf of Aden and Western Indian Ocean can do is hope to be near the right place at the right time in order to prevent or interdict a pirate attack.

Conclusion

As the cases of naval interaction with the Barbary corsairs of the nineteenth century and the Somali pirates of the twenty-first century have shown, the United States Navy has had mixed results dealing with piracy throughout its history. The circumstances of the conflicts and the capabilities of the Navy have determined the role of military action in the solution. In both cases it was not the first resort, and has, and should continue to be, applied in combination with other courses of action. The results of the Barbary and Somali cases illustrate the successes and failures of the various methods for combating piracy, and highlight why naval action is currently the most viable option.

In both Barbary and Somalia, the first resort has been to agree to ransom demands. However, as Menkhaus explained, ransom payments are dangerous because they allow piracy to become entrenched in society.[212] This was certainly the case during the Barbary era, when pirate revenues benefited not only the corsairs and the Barbary leaders, but the regencies' economies as well. In Somalia, the situation is becoming perilously close to paralleling the role of piracy in Barbary society. As Boot pointed out, piracy is a lucrative industry that has taken in revenues of over 100 million USD in recent years.[213] The problem is spinning out of control not only on the seas, but on Somali soil as well, where these massive revenues are finding their way into the hands of Somali officials and wealthy businessmen, and are resulting in economic growth in pirate towns along the Somali coast. While this last point is certainly a positive aspect, it comes at the cost of pirate networks becoming heavily entrenched in Somali society. Pham explains

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[212] Menkhaus, "Dangerous Waters." 24.
[213] Boot 2009.

that these hefty ransom payments are a cause for the continuation of piracy.[214] The

Barbary case illustrated this, showing that while tribute payments were successful in

freeing captured mariners, they also provided incentive for the Barbary leaders to

sanction future corsair raids. In Somalia, the ransom payments made by shipping

companies have had the same effect. Although they do guarantee the safe release of

vessel, crew, and cargo, they too entice pirates to conduct further attacks.

Diplomacy was an important component to the United States approach to

Barbary. Closely linked to tribute payments, this strategy encountered systemic failure in

part due to the inability of the U.S. to produce the agreed upon tribute payments on-time,

as well as its lack of power to reinforce negotiations. The Barbary leaders' practice of

disregarding negotiated peace agreements on a whim also contributed to the failure of

diplomacy. In Somalia, diplomacy is not a true option for solving the conflict because

Somalia lacks a strong government. Despite the United States policy to engage TFG

officials and Puntland leaders and press them to take actions against pirates[215], diplomacy

is essential futile. Although the Somali government has asked for help solving the piracy

crisis, the best the U.S. can do is work with other countries to form a possible solution

that is satisfactory to the Somali TFG. A stronger central government in Somalia is what

is needed to end piracy. Only a government that has effective law enforcement

institutions, a sound judicial system and the capability to stop piracy on shore will bring

about the demise of Somali piracy.[216]

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[214] Pham 2009.
[215] Ploch and others, 14.
[216] Middleton, 12.

Some success in staving off pirate attacks has been achieved through the use of best-safety practices and on-board deterrents. In the Barbary era this was uncommon, with victory over the corsairs on the seas coming only if the two ships were of relatively equal size and power, and if a vessel's mariners and leaders were well enough versed in combat and evasive maneuvering to overcome her foe. The best example was the defeat of the *Tripoli* by the USS *Enterprize* under the direction of Lt. Andrew Sterrett.

New technologies and practices that have been developed and implemented in the late twentieth and early twenty-first centuries have been successful in thwarting attacks from Somali pirates. While hijackings still occur, preventive measures and on-board deterrents have bolstered the safety of commercial vessels traversing the waters around the Horn of Africa, and show promise for the future. Lennox explains that commercial ships can practice operational and communications security to avoid pirates from gaining knowledge of their on-board deterrents, location, route, number of crew on board, and final destination, as well as implement evasive maneuvering to outrun or avoid pirate skiffs.[217] Additionally, on-board capabilities such as fire hoses and Long Range Acoustic Devices have been successfully utilized to thwart potential pirate attacks in the region. Patch points to the 2005 case of the U.S.-flagged *Seabourn Spirit*, whose captain implemented safety actions, including speeding out to open waters and deploying the ship's LRAD after coming under attack from a pirate vessel.[218]

In terms of military action, naval power was successful in the Barbary case because the regencies' fleets could rival that of the fledgling United States. The deys and beys of the Barbary States understood and reacted to a show of force. In addition, they

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[217] Lennox, 14.
[218] Patch 2008.

were willing and able to engage in diplomacy to work out peace agreements with the United States. These leaders had control over their citizens, regulated corsair activity in and out of the regency, and operated similarly to the Europeans, using their corsair fleets in a traditional manner. Thus, the United States understood that a strong and overwhelming show of force would convince the leaders of the Barbary regencies to cease attacks against United States commercial vessels in the Mediterranean Sea. The wars with Tripoli and Algiers, in 1801 and 1815 respectively, effectively ended corsair raids against U.S. ships traversing the area.

In contrast to the success of the Barbary era, the United States Navy is experiencing only limited victories over the Somali pirates. The overall end of piracy in Somalia will come as a result of a stable government and effective law enforcement capabilities. While the Navy will not be able to solve this issue on land, it can conduct interdiction missions and apprehend suspected pirates at sea[219], as well as participate in blockades, hostage rescue, search and rescue, and deterrence operations.[220]

As the threat has changed from the Barbary era though, transforming from a traditional maritime foe into an asymmetric adversary in the last two hundred years, so too must the Navy adapt from combating regional powers to relatively small organizations. However, the traditional nature of the Navy is making it difficult to do so. The lack of littoral capabilities deployed in the world, especially in pirate-infested waters, forces the Navy to rely on its warships, which in turn are unable to counter the threat along the coast. Patch emphasizes this point, pointing out that warships are ill-equipped to combat piracy, and that the threat should be left to law enforcement agencies. He

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[219] Menkhaus, "Dangerous Waters.", 22.
[220] McNeill and Schaefer, 2.

claims that if the Navy is to be involved, it should be in a supporting role with law enforcement detachments placed aboard ships to deal with piracy.[221]

The reliance on traditional warships has kept the U.S. Navy far out to sea, hoping to be in the vicinity of a ship when a distress call is issued. This fact has led many to conclude that the deterrence patrols have been widely unsuccessful so far. Kraska and Wilson agree with this point, stating that the patrols have not been conducted properly, and need to be structured so that the major naval powers are supporting the regional navies in order for naval operations to be successful. In addition, they argue for an International Maritime Operational Threat Response program that will facilitate communications between the maritime states patrolling the region, as fostering international cooperation is the key to military success.[222] Fortunately, there have been victories. The successful hostage rescue of Captain Richard Phillips in April 2009 by three U.S. Navy SEALS illustrates that the United States is not afraid to use its force against the pirates, and that, despite the difficulties it faces, the Navy is still able to counter asymmetric threats while keeping its traditional nature.

While this represents only a limited success, it is important to keep in mind that the Navy, along with others in Combined Task Force 151, and still other major navies patrolling the Gulf of Aden, is operating in a vast region that cannot be completely monitored at all the times. However, if the Navy were to utilize more of its assets, then counter-piracy operations in the region would likely be much more successful, and attacks possibly thwarted more frequently. Axe points to the use of unmanned aerial drones such as the ScanEagle that are being used to seek out pirates both at sea and on

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[221] Patch 2008.
[222] Kraska and Wilson, "Fighting Piracy." 2009.

land as one such example of how the Navy's various capabilities can be utilized in the fight against piracy.[223] Also, the military solution is a more effective and viable option than others being considered. Ransom payments, on-board deterrents, diplomacy, and littoral patrols, while all viable options, do not produce the desired outcomes. And while the Navy is encountering this same problem, it is working diligently with international partners under authorization of the United Nations to implement robust action that interdicts and thwarts pirate attacks. Unlike ransom payments, naval action discourages piracy, and is more effective than diplomacy with a government that has no real power, on-board deterrents that work for some vessels and not others, and littoral patrols that do not exist off the coast of Somalia and in the Gulf of Aden.

It is important to remember that with this show of force, the United States must exercise some of it soft power to win in Somalia. This soft power has already been beneficial to the United States, as it has gotten other states to participate in counter-piracy patrols in the region. It would be wonderful if soft power resources could be utilized to implement courses of action that actually fixed the root causes of piracy in Somalia, but that is just not possible. The true end of Somali piracy is a stable government capable of instilling security throughout the country, and a growing economy that gives the Somali people legitimate industries in which to work. Obviously, the United States is not capable of solving this issue through military action, if at all. Until peace and prosperity can somehow be brought to Somalia piracy will run rampant, and the best option the United States has to combat this threat is utilizing its military power as a deterrent.

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[223] Axe 2009.

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