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Modern Maritime Piracy
—
Influential Factors and a Heuristic Framework
to
Identify Potential Future Piracy Hotspots

by

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Abstract

Piracy poses multidimensional threats not only to the shipping industry but also to seaborne trade and human lives. Indonesia and the Strait of Malacca in Southeast Asia, a region in which most pirate attacks have been reported to have taken place in the last ten years, is considered to be the first hotspot of modern maritime piracy. Recently, a new hotspot of piracy has emerged: the waters off Somalia and the Gulf of Aden. This thesis reveals that although piracy off the coast of Somalia differs distinctly in occurrence and characteristics from the attacks now taking place in Indonesia, a comparison of the factors and their respective indicators that seem to have enhanced piracy's prevalence in both regions shows that they match largely. This result validates the heuristic framework developed in this thesis; a tool to determine potential future piracy hotspots. In using that tool, the framework was applied to Nigeria to establish whether this area is prone to further developments of modern maritime piracy. Nigeria is already subject to piracy attacks, but the number of attacks in its waters so far is well below Somalia's. Nevertheless, the analysis clearly reveals that although Nigeria is not yet considered a piracy hotspot, it is on the verge of becoming one; especially if more of the framework's factors and indicators are fulfilled.

Following relationship table between thesis objectives and thesis structure guides the reader and indicates which sections are of particular importance for the research questions and which sections rather provide additional background information.

Thesis Structure & Objectives	1) Introduction	2) Conceptual Approach to Modern Maritime Piracy	3) Developing a Heuristic Framework: Piracy in Southeast Asia	4) Application of Heuristic Framework: Piracy at the Horn of Africa (Case Study I)	5) Application of Heuristic Framework: Piracy in West Africa (Case Study II)	6) Conclusion
I: Identifying Factors and Indicators that Enhance the Prevalence of Modern Maritime Piracy in Indonesia	•	•	o			•
II: Verifying whether the same Factors and Indicators Contribute to Explaining Modern Maritime Piracy off Somalia		•	•	o		•
III: Identifying a Potential Future Piracy Hotspot		•	•	•	o	•

o strong relationship

• weaker relationship / supporting role

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List of Abbreviations

AAPA	American Association of Port Authorities
art.	Article
BBC	British Broadcasting Corporation
bbl	Barrel
BIMCO	Baltic and International Maritime Council
CIA	Central Intelligence Agency
Circ.	Circular
CSI	Container Security International
DWT	Deadweight Tons
EEZ	Exclusive Economic Zone
e.g.	Example given
et al.	Et alii; and others
etc.	Et cetera
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FDI	Foreign Direct Investment
GAM	Gerakan Aceh Merdeka; Free Aceh Movement
GDP	Gross Domestic Product
GPS	Global Positioning System
HRW	Human Rights Watch
ICC	International Chamber of Commerce
ICS	International Chamber of Shipping
ICU	Islamic Courts Union
i.e.	id est; that is
IMB	International Maritime Bureau
IMF	International Monetary Fund
IMO	International Maritime Organization
ISM	International Safety Management (Code)
ISPS	International Ship and Port Facility Security (Code)
Km; km ²	Kilometer; square kilometer
LLAR	Low-Level Armed Robbery
LNG	Liquefied Natural Gas
LPG	Liquefied Petroleum Gas
m; m ²	Meter; square meter
MCHJ	Major Criminal Hijack
MEND	Movement for the Emancipation of the Niger Delta
MLAAR	Medium-Level Armed Assault and Robbery
MOWCA	Maritime Organization of West and Central Africa
MSC	(IMO) Maritime Safety Committee
MSPA	Maritime Security Patrol Area
NASA	National Aeronautics and Space Administration

NATO	North Atlantic Treaty Organization
n.d.	Not dated
No.	number
OECD	Organization for Economic Cooperation and Development
OPEC	Organization of Petroleum Exporting Countries
p.; pp.	Page(s)
PRC	(IMB) Piracy Reporting Centre
Resp.	respectively
RMSI	Regional Maritime Security Initiative
RPG	Rocket propelled grenades
SAAG	South Asia Analysis Group
SCA	Suez Canal Authority
SCCS	Security Council Committee concerning Somalia
sq	square
TFG	Transitional Federal Government
TI	Transparency International
UK	United Kingdom
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Program
USA	United States
US\$	US Dollars
VLCC	Very Large Crude Carrier
Vol.	Volume
WFP	World Food Program
1982 UNCLOS	UN Convention on the Law of the Sea of 1982

1. Introduction

1.1. Problem Outline

Many people still associate piracy with the romanticized image portrayed in pop culture and may not be aware that piracy actually constitutes a serious economic, political, environmental, and psychological threat. The overall economic loss caused by piracy is estimated to range between US\$ 250 million and US\$ 16 billion per year – monetary loss that is often borne by businesses and consumers (Ho, 2005, 7; Luft & Korin, 2004). Yet the real threat of piracy cannot be expressed in numbers. Modern piracy is more than armed robbery on water; it is a crime that has the potential to erode political stability and economic prosperity and could substantially damage the environment and hamper international (seaborne) trade. Moreover, there is the human element. In 2008, a total of 293 – both successful and attempted – attacks by pirates were reported; in contrast, 240 such attacks had already been reported in the first half of 2009 alone (IMB, 2009b, 6). That means in six months, 240 crews have witnessed and consequently been exposed to heavily armed attackers that are often on drugs. Crews not only witness the attacks, they are increasingly becoming the target themselves. Moreover, there is a dark figure of unreported cases that increases the scale of the problem additionally.

Piracy is no longer the unknown phenomenon it was a few years ago. Modern maritime piracy has, at last, entered newspapers and journals; even glossy magazines publish articles about the topic. Most articles focus on the current hotspot ‘Somalia and the Gulf of Aden’ and elaborate on the latest attacks, the pirates’ tactics as well as the counter-measures currently taken to prevent attacks, but also aspire to find an answer to the question why piracy ‘suddenly’ emerged off the coast of Somalia. Out of personal interest for this topic, the author of this thesis has followed the developments of maritime piracy over the last few years and realized that many who write about piracy isolate the phenomenon, respectively restrict it to a particular regional or geographical area, in this case Somalia. Findings of similar analyses of another piracy hotspot, Indonesia, have largely been ignored. Isolating one country for the purpose of finding reasons for the emergence of piracy is without a doubt a valid procedure and provides important insights to the question at hand. However, it would be particularly valuable to find rather abstract factors and indicators that would help explaining the prevalence of modern maritime piracy independent of an individual country or region. What are these factors and their respective indicators? Is it possible to build a framework based on these components that could be used to identify piracy hotspots of the near future? These were the considerations at the beginning of this research and since prior investigations revealed that no such approach has been developed so far, this thesis is an attempt to do so.

1.2. Study Objectives, Organization and Some Reservations

The thesis at hand tries to shed light upon the factors that seem to enhance the prevalence of modern maritime piracy. The main objective is to identify factors and their respective indicators that appear to have led to the recent emergence of modern maritime piracy in Indonesia and to find out whether these indicators also contribute to explaining the rise of pirate activities in Somali waters and the Gulf of Aden. If that is the case, potential future hotspots can be identified by applying the heuristic framework developed here.

Thus, the relevance of this study is twofold. On the one hand, it will give the reader an understanding of the diverse factors that seem to contribute to the existence of maritime piracy. On the other hand, the thesis also aims to provide a framework and a tool for a structured

analysis to determine whether a region or state is prone to become a piracy hotspot. This is particularly valuable as it gives decision-makers the opportunity to react in time to avert the (further) development of the serious threats to human beings, national sovereignty, economic activities and environmental intactness posed by piracy.

The study consists of six sections. The first section, *Introduction*, delineates the problem, the relevant research questions, the organization of the paper and some reservations regarding its scope. The second section, *Conceptual Approach to Modern Maritime Piracy*, provides an introduction to the phenomenon of modern maritime piracy. Different concepts are introduced, including a definition of piracy, categories of different forms of piracy as well as the extent and occurrence; also, conceptual borders are drawn. In the following section, *Developing a Heuristic Framework: Piracy in Southeast Asia*, a framework to identify potential future hotspots is developed in an inductive manner. The framework builds on factors and indicators based on an analysis of piracy in Indonesia. Indonesia was chosen for the initial research and starting point due to the fact that it was the first hotspot of modern maritime piracy. For about ten years, piracy in Indonesia and Southeast Asia outnumbered any other occurrence of piracy. Therefore, the majority of piracy literature that also elaborates on the background of piracy focuses on Southeast Asia. The following section *Application of Heuristic Framework: Piracy at the Horn of Africa (Case Study I)*, includes a first case study in which the heuristic framework is applied to the current hotspot Somalia to examine the identified factors and indicators as well as to evaluate the framework. In the fifth section, *Application of Heuristic Framework: Piracy in West Africa (Case Study II)*, a second case study is carried out by applying the developed framework to Nigeria in order to determine whether this country is prone to become a piracy hotspot in the near future. Finally, *Conclusion*, summarizes and presents the derived results and gives recommendations concerning further research.

Some reservations need to be emphasized. First of all, 'piracy' is a complex phenomenon: The phenomenon called piracy exists in several countries in different parts of the world and each case shows different characteristics. Comparing these diverse types of piracy and the factors that influence its prevalence is a delicate task. Political, demographical, economical and other circumstances vary and constitute their own dynamics. Finding general indicators is an attempt to reduce or overcome these site-specific aspects, but these indicators may in turn be too vague or not specific enough to encompass the phenomenon. However, these flaws need to be accepted to a certain extent because this study would not have been possible otherwise. Also, this thesis identifies factors and indicators that *seem* to enhance the prevalence of modern maritime piracy. It is not possible here to establish its causes with certainty. For that, one would need to undertake a more in-depth research including data gathering and (numerical) verification. Also, no regressions have been carried out. The aim of this thesis was to identify the most important factors and indicators that seem to enhance the prevalence of piracy and to develop a framework. Analyzing which components influence the existence of piracy to what degree is certainly important and valuable, but this would have gone beyond the scope of this study. One last remark regarding the scope of the study: In this thesis, only littoral states, thus countries with a coastline are analyzed. Though it is unlikely that profoundly different factors and indicators influence piracy on landlocked lakes or inland rivers, this kind of piracy is not touched upon since it rarely occurs and thus too little information and data is available for it to be included in this thesis.

1.3. Data Problem

One of the biggest challenges in researching modern maritime piracy is the existing data, or, more precisely, the lack thereof. To put it bluntly: The real extent of piracy is unknown. This analysis is based on data provided by the IMB, the only reliable source of statistical data on piracy. The IMB is considered highly reputable and the available data is "generally correct"

(Bateman, 2006, 87) and, in general, a good indicator of trends. There is no other institution that collects data on piracy to the same extent like the IMB does. However, the IMB did not start to extensively collect data on piracy until the mid-1990s¹. Therefore, the data range is limited.

Caution is advised as the figures in this thesis represent *reported* incidents only². The IMB estimates the actual level of pirate attacks to be at least two times as high while other sources assume it to be even higher (IMB, 2007, 17; Transport Committee, 2006). Shipping companies are sometimes reluctant to report attacks, whether actual or attempted, for several reasons. First of all, the economic loss is mostly lower than the (demurrage) costs that arise in case of investigations (Dale, 2005). The vast majority of attacks by pirates fall into the Low-level Armed Robbery [LLAR] category, the type of attack resulting in rather insignificant losses (see sub-section 2.3 *Categories and Characteristics*). In those cases, the monetary loss is too low to merit insurance payments. On the other hand, most hijackings of international merchant vessels tend to be reported nowadays due to the 'visibility' and insurance reimbursement of the ransom payment³ (Gottschalk & Flanagan, 2000, 88–89, 102). It can be said that the statistics carries a "violence bias" (Young & Valencia, 2003, 272).

Besides the actual loss there is the time factor: Reporting attacks translates to lengthy and cumbersome involvement of local enforcement authorities while the vessel lies idle. Thorough investigations are time-consuming, rarely successful and thus not worth the effort. Another consequence of a reported attack is higher insurance premiums. Overall, the individual disadvantages from reporting a (minor) attack clearly outweigh the individual advantages. Nevertheless, different organizations involved in fighting piracy, such as the IMB and the International Maritime Organization⁴ [IMO], urge companies to report all attacks as they are otherwise unable to issue up-to-date warnings and the real extent of the risk of piracy remains unknown meaning that ship owners are not aware of the actual threat (Hand, 2009a). Recently, there have been signs that indicate that the reluctance to report attacks by pirates might be changing now. The sharp increase of piracy in Somalia and the Gulf of Aden, where 'kidnap and ransom' is the standard procedure and millions are demanded in exchange for the release of the ship, ship owners have begun to report more diligently. This behavior might spill over to other piracy areas like Indonesia or Nigeria. (Economist, 2006; Gottschalk & Flanagan, 2000, 99)

1.4. Methodology

The main method in pursuit of the research questions developed above is a thorough review of existing literature. Though it has been established above that the currently available data basis, or the literature, respectively, is challenging and not complete, the research nevertheless had to be based on it and it builds the foundation of this thesis.

This study claims to be empirical even though no primary data were collected. The reason is simply that the information needed for this thesis is available in some, 'raw' form. Secondary sources providing data and information are drawn from academia, high quality

¹ In October 1992, the IMB Piracy Reporting Centre [PRC] was set up. It is the leading institution in the fight against piracy. It is this institution that actually collects the data for the IMB and also assists shipmasters and ship owners in case of attacks.

² One of this author's interview partners, head of ISM/ISPS department of a shipping company, expressed doubts as to whether that the IMB verifies every reported piracy attack. The data comes directly from the victims of pirate attacks, thus from shipping companies, masters, insurance companies, etc. They file reports and send the information to the IMB Piracy Reporting Centre.

³ Still, some hijackings in Southeast Asia and Nigeria go unreported as will be explained in sections 3.2 *Describing Piracy in Indonesia and Strait of Malacca (Southeast Asia)* and 5.2 *Describing Piracy in Nigeria and Gulf of Guinea (West Africa)*.

⁴ The IMO is the United Nation's specialized agency concerned with the safety of shipping and cleaner oceans.

newspapers and journals, think tanks, books, government agencies and international organizations including the United Nations and the World Bank. One of the most important sources of information are the (quarter) annually published Piracy Reports by the International Maritime Bureau⁵ [IMB] that contain primary data on pirate attacks including location of attacks, status of ships (steaming or at halt), types of arms involved, etc. In-depth interviews with representatives from the shipping industry or academia were not considered necessary as information on piracy is available. The main challenge was to find and identify adequate material from the bulk of literature and to bring it into a functional structure for further analysis. Contact has been established with the director of the International Chamber of Shipping [ICS] and the head of department ISM/ISPS⁶ of a shipping company that recently experienced a piracy attack off Somalia to verify and receive a second opinion.

In a methodologically narrower sense, Rational Choice theory has been applied. The aim was not to strictly follow a sophisticated theory, but to make use of a basic model in order to embed the study into a theoretical frame. In this thesis, Rational Choice serves as a tool for understanding what factors make people choose to engage in piracy. It is an approach that draws on micro-economics to model individual behavior and decisions. This approach assumes that people are self-interested and that their decisions and behavior are intentional, usually called rational; they “maximize goal achievement, given the goal in question and the real world as it exists” (Isaak, 1985, 232) (Ward, 2002, 68). This means that when people are making decisions, they are guided by their preferences on the one hand and by constraints on the other. Preferences are considered stable over time and may be different for each and every person (Ward, 2002, 68). Having preferences also means that individuals are able to rank-order known outcomes. They choose the highest-ranked outcome possible given restrictions that they cannot change themselves. These restrictions or constraints can be divided into ‘external’ and ‘internal’ factors. Internal factors as well as personal preference cannot be verified in the context of this thesis as they are subject to research of other fields of sciences such as psychology and sociology. In this thesis, the subject of study is the mix of external factors in people’s environment in Indonesia, Somalia and Nigeria, or the “real world [around them] as it exists”, respectively (Isaak, 1985, 232). These external constraints are the factors that seem to enhance the prevalence of modern maritime piracy. (Isaak, 1985, 232-235; Ward, 2002, 65; 68-69)

The here conducted research is based on the example of Indonesia. On the basis of this one case, factors and indicators of modern maritime piracy are identified and then applied to two other piracy cases, Somalia and Nigeria. This procedure will be delineated in detail in section *3 Developing a Heuristic Framework: Piracy in Southeast Asia*. This is one possible approach to research piracy. The state of information on modern maritime piracy varies severely from one case to another and as mentioned already, piracy in Indonesia is the currently most thoroughly researched case. It therefore acts as the prime example and basis for piracy research for this thesis. However, it is imperative to emphasize that the here conducted research, also called ‘extrapolation’, is not the typical social science approach of ‘theory construction’. The typical or standard approach in social science refers to the development of theories out of abstract hypotheses and assumptions set up prior to the research. In this case, one would verify the abstract hypotheses individually on the basis of the observed realities of the three cases of Indonesia, Somalia and Nigeria and not build on one case, Indonesia. Therefore, the accusation of tautology hangs in the air, however for the above mentioned reasons, the here followed approach was considered best and therefore, chosen.

⁵ The IMB is a specialized division of the International Chamber of Commerce [ICC] representing the business community and is very active in the combat of maritime crimes such as piracy.

⁶ ISM stands for International Safety Management and ISPS for International Ship and Port Facility Management. The ISM/ISPS department focuses on the safety and security onboard ships including the danger of piracy.

2. Conceptual Approach to Modern Maritime Piracy

The term 'modern maritime piracy' is central in this thesis and consequently needs proper explanation. There are two concepts combined in the term: modern piracy and maritime piracy. 'Modern piracy' usually refers to piracy in the last 20 to 30 years. Reliable and published data on reported attacks by pirates are available from 1991 onwards, 1994 respectively⁷. In this thesis, modern piracy is defined as starting in 1994 due to the availability of the data. The concept of 'maritime piracy' is more complex and explained in the following sub-section *2.1 Defining Maritime Piracy*.

2.1. Defining Maritime Piracy

Originally, the word 'pirate' stems from the Greek expression 'peirates, which means 'bandit' (Liddell & Scott, n.d.). For centuries, no universal definition of the term existed. Today, there are two different definitions for the term 'maritime piracy' that complement each other. The first one is the conventional definition that has been adopted at the 1958 Geneva Convention of the High Seas and can be found in Art. 101 of the 1982 United Nations Convention on the Law of the Seas [UNCLOS]:

"Piracy consists of any of the following acts:

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

The reason why another definition was developed over time is the number of flaws found in the above definition. According to that definition, piracy is an unlawful act that is committed on the high seas or in places outside the jurisdiction of a state, whereby at least two ships are involved. The control of the ship has been obtained by the attacking party. Notably, the aim of piracy is to satisfy private needs. The biggest problem of that definition is that it restricts piracy to the high seas or outside the jurisdiction of any state. In reality, however, the vast majority of attacks take place when a vessel is within the jurisdiction of a state. In 2008, at least 55% of all reported, successful attacks took place in ports or when vessels were at anchorage (IMB, 2009a, 11). The percentage of attacks taking place within the jurisdiction of a state are probably higher than 55% for two reasons: Firstly, attacks on steaming vessels are difficult 'to locate' as launching an attack might have taken place within the jurisdiction of one state, the chase in another one and the boarding in yet another one. Therefore, these attacks are often filed as 'location not stated' although the attack did in fact occur in territorial waters. Secondly, due to underreporting, numerous minor attacks in ports and at anchorage are excluded from the data. If the UNCLOS definition was applied, then the yearly number of attacks by pirates would be only marginal and misrepresent today's situation. Besides that, further aspects of the definition narrow down the term to an extent that piracy would hardly exist. As piracy's full extent is largely

⁷ Reports by the IMB on reported pirate attacks have been published for a while, but detailed information on attacks is only available from 1994 onwards.

unknown, its threats are possibly not considered to be problematic enough and is thus not addressed, or only in an inconsistent way⁸.

Therefore, there was the need for a more practical definition that does take into account attacks within the jurisdiction of a state. In response to the flaws of the 1982 UNCLOS text, the IMB created following, second definition (2009a, 2):

“For statistical purposes, the IMB defines ‘Piracy and Armed Robbery’ as:

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

The second definition is broader than the one adopted by UNCLOS in 1982 as it covers all “actual or attempted attacks whether the ship is berthed, at anchor or at sea” (IMB, 2009a, 3): There is no distinction between the high seas and territorial waters. Consequently, the more pragmatic and less juristic interpretation of the IMB definition includes attacks occurring inside *and* outside of territorial waters. According to the IMB definition, any violent act against a ship, property and humans onboard is categorized as an ‘act of piracy and armed robbery’ – be it theft, murder, rape, etc. (Mo, 2002, 346). However, even though this definition certainly does not unnecessarily exclude attacks, it raises the question of where ‘ordinary crimes’ end and where piracy begins. Consequently, in order to find a border between opportunist robbery and piracy, the IMB decided to “exclude petty thefts [. . .] unless the thieves are armed” (2009a, 3).

When applying the IMB definition, the number of pirate attacks is higher than when the 1982 UNCLOS definition is used under which piratical incidents are ‘lost’. In order to have consistent data and to remedy the problem, in 2000 at its 74th meeting, the IMO Maritime Safety Committee [MSC] found a practical solution by creating a Draft Code of Practice for the Investigations of the Crimes of Piracy and Armed Robbery against Ships (MSC/Circ. 984). This code includes a combination of both definitions and intends to ease the above mentioned problems (IMB, 2009a, 3):

“For the purpose of this Code:

2.1 ‘Piracy’ means unlawful acts as defined in Article 101 of the 1982 United Nations Convention on the Law of the Sea (1982 UNCLOS).

2.2 ‘Armed robbery against ships’ means any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of “piracy”, directed against a ship.”

This working definition covers all pirate attacks, whether the ship is at sea, berthed or anchored (IMB, 2007a, 3; IMO, 2000). It is only a draft code for investigating attacks and does not have the legal standing or international recognition of, for example, a convention. However, it can be considered the best definition at the moment and is the most widely used one today – not just because of its practicability but also because the IMB publishes its figures in accordance with that definition, therefore making it the basis of nearly all articles, analyses and reports on piracy.

2.2. Political Piracy and Maritime Terrorism

Maritime terrorism differs from piracy in distinct ways and is not covered in detail by this thesis. However, the thesis at hand would lack an important aspect if this issue was not

⁸ For further elaborations on this topic, see Barrios (2005) and Keyuan (2005).

mentioned at all; especially with respect to the current developments in Nigeria (see 5.2 *Describing Piracy in Nigeria and Gulf of Guinea (West Africa)*).

Maritime terrorism and piracy may have the same root causes, but differ distinctly in motivation. Maritime terrorism, or 'political piracy' as it is also called, is not covered by the combined definition introduced in 2.1 *Defining Maritime Piracy*, which states that piracy is "an act [. . .] committed for private [material] ends" (UNCLOS, 1982, Art. 101). Terrorists on the other hand, have political, religious or ideological motivations. One objective of terrorism is to distort the world economy. An effective way to do so is to attack seaborne trade: "The maritime transport system is vulnerable to being used and/or targeted by terrorists" (OECD, 2003, 55). After all, 80–90% of worldwide trade is carried on vessels, and water – unlike land and air – is barely policed (OECD, 2003, 7; Sedlaček et. al., 2006, 8). Compared to land-based infrastructure, commercial vessels and oil tankers are protected poorly. Heightening the interests of terrorists, ships can be used as weapons. Not surprisingly, the most probable targets of terrorist groups are vessels that carry liquefied petroleum gas [LPG] or liquefied natural gas [LNG] that can be blown up in a port or in a trade bottleneck; to attack a cruise ship with a large number of passengers; to launch missiles at a coastal city from a hijacked ship; to hide a terrorist along with explosives and weapons in a container that is transported to a major port, etc. The costs resulting from such acts of terrorism would be a short-, medium, and long-term "multi-billion-dollar damage to world economy"⁹ (Luft & Korin, 2004): sharply increasing oil prices, higher voyage and operating costs due to alternate trade routes, overcrowded bottlenecks, rising insurance premiums, environmental degradation and psychological impacts. (Ho, 2005, 8-9; Luft & Korin, 2004; OECD, 2003, 7-17; Sedlaček et al., 2006, 21-24)

Maritime terrorism is not a new phenomenon. There have already been a number of politically and religiously motivated attacks at sea: Attacks against the Italian cruise liner *MV Achille Lauro* in 1985, the American warship *USS Cole* in 2000, and the French oil tanker *MV Limburg* in 2002. Over the last three decades, maritime terrorist attacks amounted to a mere 2% of all terrorist events (Ho, 2006, 565). Maritime terrorism entered the broader public discussion in the aftermath of the 9/11 terrorist attacks on the United States. There are two camps: those who believe there is a growing link between maritime piracy and terrorism and those who deny that. The latter group emphasizes the differences between the two with regard to causes, objectives and tactics, arguing that whereas terrorists intend to draw attention to their actions causing as much damage as possible and are ready to take greater risk to fulfill their causes, pirates seek to avoid all that and damage occurs only when necessary to successfully carry out an attack (Frécon, 2006, 33-34; Young & Valencia, 2003, 269). In their view, the link between the two groups is largely constructed and serves the political interests of the United States. On the other hand, the second 'camp' claims that there is indeed a conflation. They claim that maritime piracy is becoming a "key tactic of terrorist groups" (Luft & Korin, 2004) and that many pirates these days share an ideological goal. According to them, pirate activities are mainly carried out in order to acquire money and vessels that will be used for logistical purposes as well as for future terrorist attacks. Supporters of this position argue that in view of international efforts of freezing finances of terrorist groups, terrorists have to look for new ways of funding their operations, piracy being one of them.

It is difficult to verify whether or not there is such a conflation. However, there are some hints and pieces of evidence. Some terrorist groups are assumed to be in possession of 'phantom ships'¹⁰ that were seized through pirate activities. It is believed that those groups also obtain the expertise necessary to carry out maritime terrorist attacks such as navigating a vessel in crowded sea lanes as well as diving in order to attack ships from beneath. Arrested members of the Southeast Asian Islamic terror group Jemaah Islamiah and the Kumpulan Militan Malaysia

⁹ The Organization for Economic Cooperation and Development [OECD] estimates that the economic loss of the United States alone to be US\$ 58 billion (2003, 55).

¹⁰ More information on 'phantom ships' will be given in section 2.3 *Categories and Characteristics*.

admitted that the Strait of Malacca and commercial shipping had been discussed as possible terrorist targets (Bradford, 2005, 70–71; Ho, 2005, 6, 10). To some, it is just a matter of time until the first major maritime terrorist attack occurs. (The Economist, 2003; The Economist, 2004; Luft & Korin, 2004).

2.3. Categories and Characteristics

The expression ‘pirate attack’ is a broad term that covers a large range of different types of crimes with different *modi operandi* and degrees of sophistication. Anyone from an opportunist to an internationally organized crime syndicate may be labeled a pirate. There is no single approach as to how to categorize modern maritime piracy and different authors and organizations have formed their own groupings. However, all categories developed by different groups are roughly all the same: small-scale piracy, high-level piracy and something in-between. In this thesis, the categories that are currently most popular, ‘Low-Level Armed Robbery’ [LLAR], ‘Medium-Level Armed Assault and Robbery’ [MLAAR] and ‘Major Criminal Hijack’ [MCHJ], are used¹¹. *Table 1: Overview Typical Characteristics of Piracy Categories* further below provides an overview and summarizes the typical characteristics of each category¹².

The first and least dangerous category of pirate attacks is the so-called LLAR category where the ‘pirates’ are individuals such as poor fishermen and seamen, simple thieves or opportunists who are looking for easy prey like cash, ropes and paint onboard – anything that can be used or sold, thus not the cargo, vessel or crew (Eklöf, 2006, 47). They avoid confrontations, pursue a hit-and-run tactic, and tend to act at night and/or when vessels are at halt. Typically, these attacks take place in ports or at anchorage. The pirates are not heavily armed and carry only knives or machetes with them. “This is a low investment crime and has a lower return [up to US\$ 5000], which translates into less violence” (Young & Valencia, 2003, 272). These attacks are often not reported as the loss is marginal.

The second category, MLAAR, is used to describe robberies on a bigger scale: with regards to the degree of organization, money and the threat posed to crews. These pirates are organized in groups of about five to seven people and attack merchant vessels with fast boats from ‘mother (pirate) ships’¹³ or from the coast directly. This phenomenon is very common in Southeast Asia. Typically, assaults against steaming vessels fall into this or the third category. If a vessel is attacked underway, the risk increases, which often translates into a higher threat potential to crews and eventually a more violent attack. These attacks are mostly undertaken during daytime and confrontation with the crew is often unavoidable; therefore, pirates are heavily armed. The vessel is seized temporarily and the crew is tied up while the vessel is searched for personal valuables like cameras, laptops and watches, portable nautical equipment as well as the cash in the ship’s safe (Eklöf, 2006, 47). The financial loss normally varies between US\$ 10’000 – US\$ 30’000. As with the first category of attacks, the stolen valuables do not amount to a high enough loss in order to justify an investigation and therefore, a large part goes unreported. (Chalk, 2008, 5-6; MunichRe, 2006, 14, 17; Young & Valencia, 2003, 272–273)

The most dangerous types of attacks fall into the third category, MCHJ. These attacks constitute a million dollar business. There are two typical kinds of MCHJ: The ‘phantom ship’ and

¹¹ However, there are signs that the IMO’s categories are applied with increasing frequency and might replace the ones here presented one day (Mason, 2009). The IMO classification distinguishes between ‘Minor armed robbery’, ‘Armed Robbery and Aggression of Intermediate Degree’ and ‘Serious Criminal Hijack’ (Frécon, 2006, 19-20). The classification is very similar to the one described here.

¹² Interestingly, the origins of these categories are not clear. A report by Munich Re makes reference to the International Chamber of Shipping [ICS]. However, upon inquiry, the ICS denied to have established these categories. (Mason, 2009; MunichRe, 2006, 16)

¹³ Mother ships are larger, unsuspecting vessels (e.g. fish trawlers) that the tow speed boats used for the actual attack closer to the hunting grounds that are further away from the coast. (Reyes, 2009)

'kidnap and ransom' phenomena that occur both in territorial waters as well as on the high seas. The former describes the hijacking of the vessel and crew in order to unload the cargo, which is then transferred onto another vessel either at sea or in a 'rat harbor'¹⁴, or in order to steal both, cargo and vessel. In that case, the crew is abandoned on a remote island or killed and thrown overboard. The stolen vessels are ships with 'no real identity'¹⁵ that can be either re-sold, used as mother ships or operated by the syndicate as 'phantom ships' for other illegal activities such as transporting drugs and weaponry and smuggling humans (Butcher, 2009, 2; Ho, 2006, 562). This is common in Southeast Asia. Though a few spectacular cases have been reported (of which the *MV Alondra Rainbow* is the most popular and best documented¹⁶), it is very difficult to estimate the actual number of phantom vessels. One source states that there are around 200 ships that have been hijacked and have not resurfaced ever since¹⁷ (Knight & Crystall, 2005).

The other type of MCHJ, 'kidnap and ransom', depicts crimes where neither the cargo nor the vessel but the crew members are the main target of the pirates: The crew is taken hostage and freed only after a negotiated ransom has been paid. Worldwide, this crime has rarely occurred until recently, but it has become the dominant strategy of Somali pirates because it is such a lucrative business. It is such a lucrative business because most companies pay the ransom and by doing so, imitators enter the scene asking for even higher ransoms. The amount demanded is a fraction of the potential loss of the cargo, the vessel and the crew members' lives, yet it depends on where it takes place. In Southeast Asia, ransom demands are not as high as those by Somali pirates (Luft & Korin, 2004). In 2006, Captain Pottengal Mukundan, director of the IMB, estimated ransoms to be "hundreds of thousands of dollars" (Ship Management International, 2006, 51); however since the rise of piracy off Somalia the cumulated ransoms are estimated to amount to over US\$ 49 million in 2008, respectively other sources estimate it to be US\$ 80 million (Lloyd's List, 2009a; Tages-Anzeiger 2009a). Such sophisticated crime requires precise planning, logistics, knowledge and connections. A syndicate is indispensable: "Hijackings are the work of organized and well-resourced rings; individual pirates do not have these resources" (Dali, 2005, 5). Pirate gangs consist of the 'actual pirates' that carry out the hijackings, corrupt officials, underpaid port workers, businessmen who dispose of the goods and the masterminds pulling the strings¹⁸. Every detail of an upcoming attack is planned and to do so, the heads of the pirate gangs maintain close ties with corrupt police and port authorities or have access to confidential information about merchant vessels' cargoes and routes. (Chalk, 2008, 6; MunichRe, 2006, 14).

¹⁴ 'Rat harbors' are unofficial ports where smuggled goods or illegal migrants are transferred from one ship to another (McCawley, 2004, 51).

¹⁵ They are re-registered on the basis of wrong information regarding previous ownership and registration (Butcher, 2009, 2).

¹⁶ For further information, see Vasan (2005).

¹⁷ For further information, see Ellen (1997) or Eklöf (2006).

¹⁸ These syndicates consist up to thousand members as it will be explained in 4.2 *Describing Piracy in Somalia and Gulf of Aden (Horn of Africa)*.

Category	Low-Level Armed Robbery [LLAR]	Medium-Level Armed Assault and Robbery [MLAAR]	Major Criminal Hijack [MCHJ]
Actors	Individuals; poor fishermen, seamen, opportunists	Pirate gangs; between 5-7 pirates	(International) Syndicates; up to thousand members including actual pirates, officials, 'investors', masterminds, etc.
Target	anything that can be carried, used and/or sold; predominantly minor vessel equipments	cash in the ship's safe, personal valuables like laptops, cameras, cash, etc.	vessel, cargo, crew
Location	ports and anchorage; hardly when steaming	predominantly in territorial waters; when steaming	Territorial waters and on the high seas; when steaming
Type of Attack	Hit and run tactic, predominantly at night, avoid confrontation	temporary hijacking of vessel, during daytime, confrontation with crew	'Phantom ship', 'Kidnap and ransom' (maritime terrorism)
Equipment	knives, machetes	small arms, assault rifles, mother ships	assault rifles, RPGs, mother ships, GPS, satellite telephones
Loss	Minor; up to US\$ 5000	normally between US\$ 10'000 - 30'000	Increasingly in the US\$ million range

Table 1: Overview Typical Characteristics of Piracy Categories

There is no data on which type of pirates goes after which type of vessel. However, by analyzing the attack protocols, it becomes clear that the targets are heterogeneous and there is no clear preference as shown in *Figure 1* below (IMB, 2009a, 28-36, 43-87). For instance, LLAR pirates go after all types of vessels anchored and in port, while MLAAR and MCHJ pirates attack not only big fish trawlers, container vessels, bulk carrier, chemical and oil tankers, and general cargo ships, but also tug boats, barges, sailing boats and yachts – even vessels of the United Nations World Food Program transporting aid food to displaced people in Somalia have been attacked (IMB, 2009a, 17; United Nations News Service, 2006). Selecting the target is rather a question of coincidence, information and vessel size. Nevertheless, in general, fast vessels (more than 15 knots) with a high freeboard (more than nine meters) are hardly attacked (Fossey, 2009).

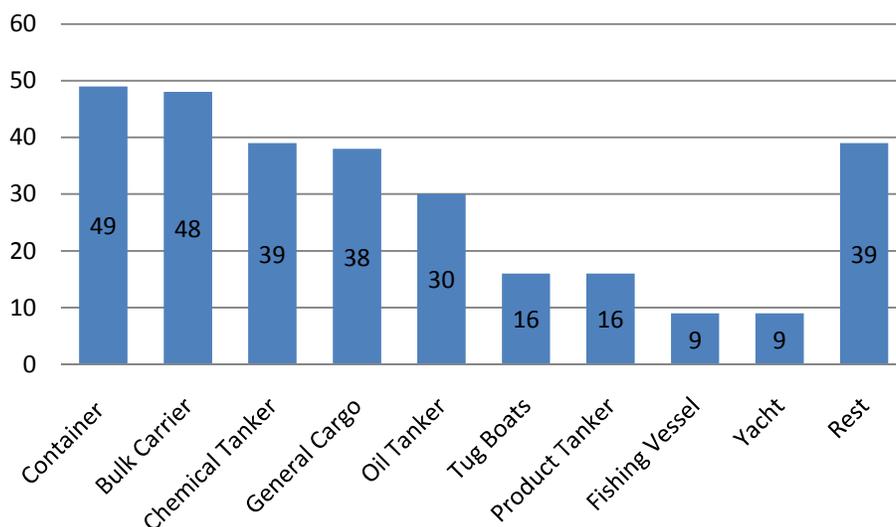


Figure 1: Number of Vessel Types Attacked 2008 (IMB, 2009a, 17)

2.4. Extent and Areas of Occurrence

Over the last twenty years, the number of reported pirate attacks has shown an overall upward trend. The first significant increase occurred between 1994-1998 when the number rose from around 90-100 attacks per year to above 200, thus effectively doubling. The number of attacks rose to the all-time high of 469 reported acts of piracy in 2000. Until 2003, the quantity of pirate attacks remained high, although not on a constant level. From 2004 onwards, a temporarily decrease was observed with only 239 attacks in 2006. However, since 2006, the number is rising again. In 2008, 293 attempted and actual attacks against vessels were reported to the IMB, making that year the highest peak of the last four years. This number is very likely to be topped in 2009 as the number of attacks in the first half of the year is 240 already (IMB, 2009b, 6).

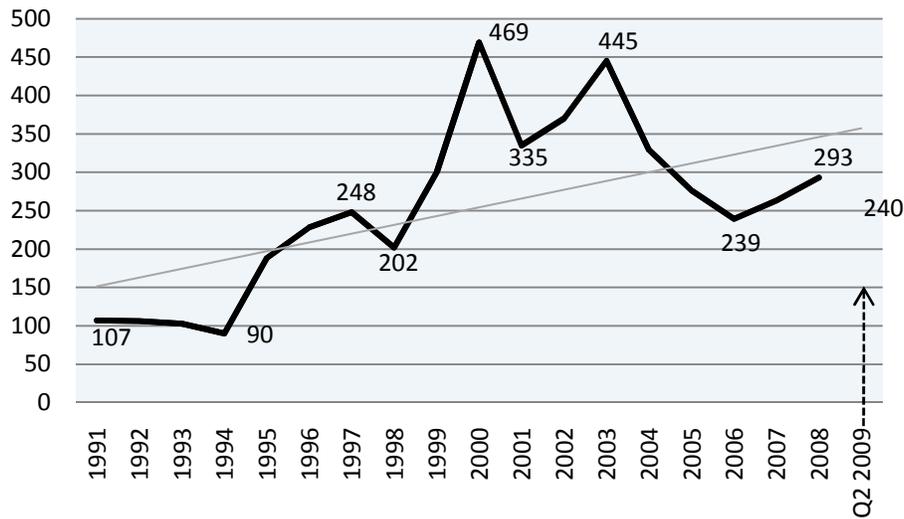


Figure 2: Attacks 1991-2008 (Gottschalk, 2000, 89; IMB, 2006, 5; IMB, 2009a, 6)

Modern maritime piracy is concentrated in certain geographical regions of the world: Southeast Asia, East and West Africa, Indian Subcontinent, Latin America and Far East. In addition to that, a handful of attacks take place in the other parts of the world each year, including the Persian Gulf, Iraq, Oman and even Europe (e.g. on the Danube river) (IMB, 2009a, 18-19; Pancevski, 2006). The distribution of attacks by modern pirates is shown in subsequent *Figure 3*. The figure highlights that the center of gravity was changing during the observed period: Whereas in the 1990s, most attacks took place in Southeast Asia and the Far East, it shifted to Africa recently.

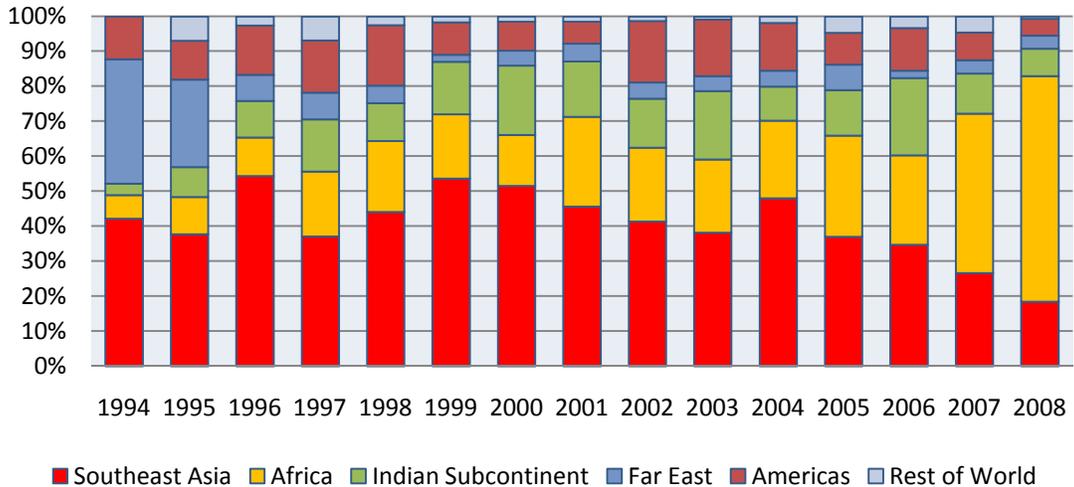


Figure 3: Distribution Worldwide Attacks 1994-2008 (IMB, 2006, 5; IMB, 2009a, 5-6)

In Southeast Asia, acts of piracy mainly take place in territorial waters and ports of Indonesia and Malaysia as well as in the Strait of Malacca. In 2008, 28 of the total 54 reported attacks in Southeast Asia occurred in Indonesia. Indonesian waters have always been prone to pirates and generally make up for about half of all attacks in Southeast Asia as can be seen in *Figure 4* and traditionally accounts for about 20-40% of worldwide attacks (*Appendix 1: Number of Worldwide Attacks 1991-2008*). To a less extent, attacks occur in waters of the Philippines, Myanmar and Thailand. The remaining countries of Southeast Asia hardly exhibit attacks in their waters.

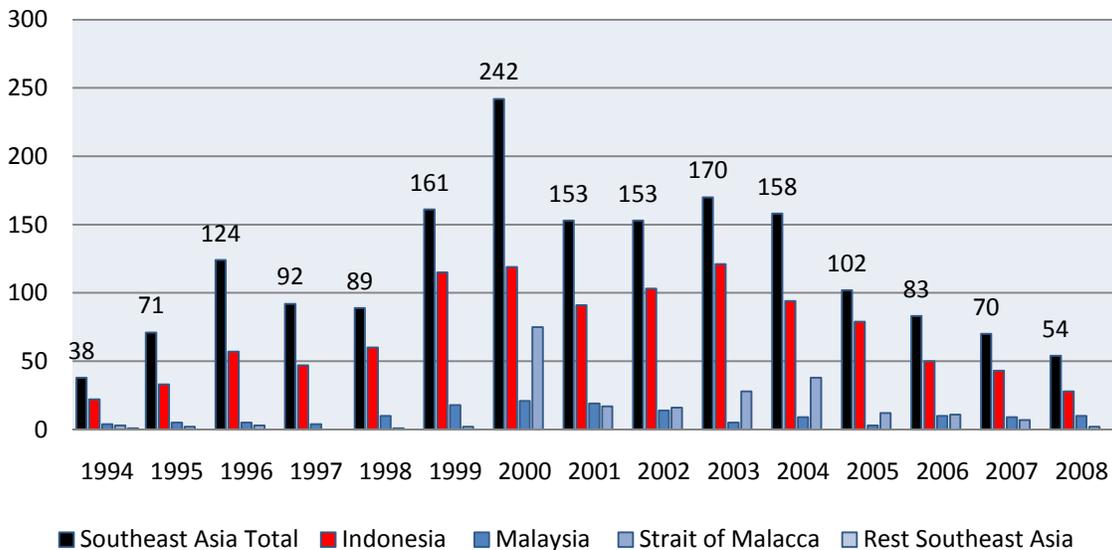


Figure 4: Distribution Attacks Southeast Asia 1994-2008 (IMB, 2006, 5; IMB, 2009a, 5-6)

In the last two years, piracy in Africa surpassed the one in Southeast Asia, which is a novelty. Africa has established itself as the new hotspot for contemporary maritime piracy. In 2008, attacks in African water accounted for 65% of all reported attacks (IMB, 2009a, 5-6). One can differentiate between acts of piracy in East and West Africa. In West Africa, most attacks occur in waters of Nigeria while in East Africa, the vast majority of attacks take place off the

Somali coast and in the Gulf of Aden, or at the Horn of Africa¹⁹, respectively. Attacks around the Horn of Africa outnumber piracy at the Horn of Africa, respectively experienced a much more dramatic increase as can be seen in *Figure 5*. Most recently, attacks have been reported in the Red Sea and the Seychelles, another novelty (Fairplay, 2009b).

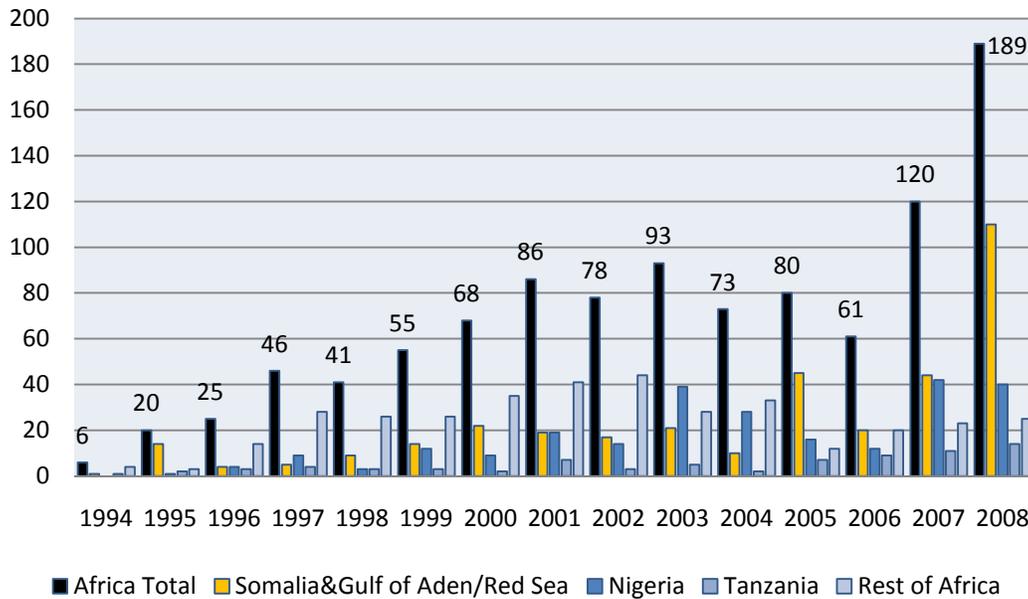


Figure 5: Distribution Attacks Africa 1994-2008 (IMB, 2006, 5; IMB, 2009a, 5-6)

As mentioned above, piracy takes place not only in the two hotspots Indonesia and the Horn of Africa, but in other parts of the world as well. The remaining regions where piracy occurs make up the so-called 'rest of the world' category. The Indian Subcontinent traditionally has the largest stake. Pirates in Bangladeshi ports are responsible for most attacks, closely followed by Indian pirates. Piracy in Sri Lanka is only of marginal importance and hardly contributes to the ranking of the Indian Subcontinent. Piracy in the Americas refers to attacks that mainly take place in waters of South American states including Peru, Venezuela and Colombia to mention the most important ones. Attacks by pirates in Latin America have never been numerous reported and are not considered a serious problem, so far. Piracy in Europe is restricted to a few isolated attacks or attempts, respectively. At most, one attack takes place per year; in 2009 there was one attack in the Baltic Sea (Osler 2009e). (IMB, 2009a, 18-19, 26-27)

¹⁹ Though there are a few incidents of pirates coming from Yemen, Somali pirates are primarily responsible for the numerous attacks in the Gulf of Aden (IMB, 2009a, 6).

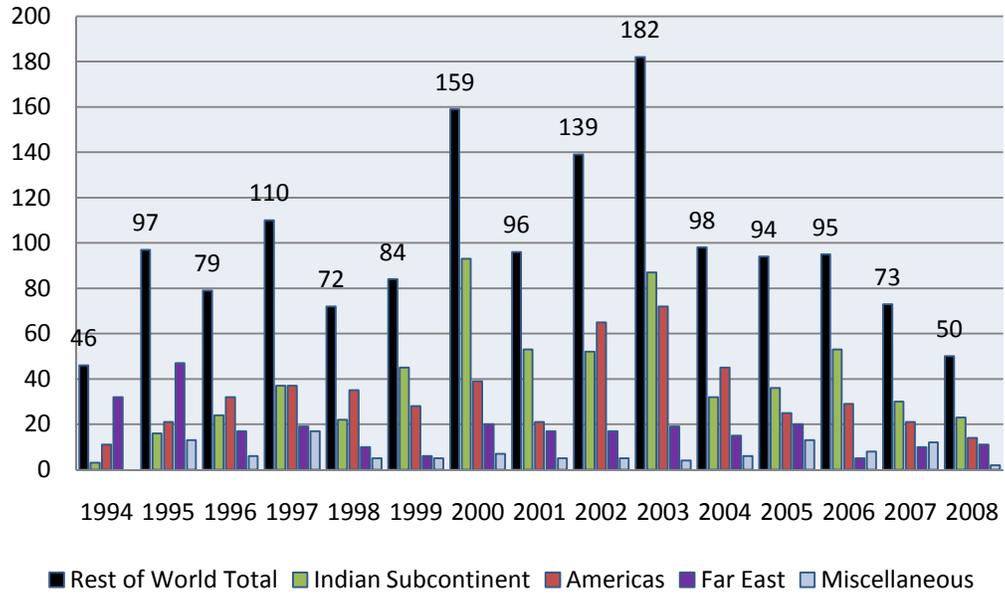


Figure 6: Distribution Attacks Rest of World 1994-2008 (IMB, 2006, 5; IMB, 2009a, 5-6)

3. Developing a Heuristic Framework: Piracy in Southeast Asia

In order to develop a heuristic framework, factors that seem to enhance the prevalence of piracy need to be identified first; they will build the 'skeletal structure' of the framework. This will be done by analyzing the case of piracy in Indonesia²⁰. This country was chosen as starting point because it was the first hotspot of modern maritime piracy, which has resulted in extensive literature on the subject.

Firstly, a brief introduction to Indonesia is provided, including the country's location, population, economics, political situation and other conditions to give a basic understanding and knowledge of that region which is crucial to understanding piracy. Secondly, the phenomenon piracy in Indonesia and the Strait of Malacca is described, i.e. its history, where attacks take place, the modus operandi, which categories of piracy dominate, etc. As a third step, an attempt is made to identify abstract, crucial factors that help explain the prevalence of piracy in Indonesia by using the insights gained previously. These factors are very broad and their supporting facts are location-specific. As the final step, in order to be able to explain piracy elsewhere in the world, 'neutral' indicators are identified by drawing from the supporting facts. The indicators of the factors that seem to enhance the prevalence of piracy are then summarized in *Table 2: Summary: Piracy Indicators*.

In conclusion, the development of the framework consists of four steps that are presented in *Figure 7: A brief introduction to the piracy area, describing the prevailing piracy, identifying general factors and extracting piracy indicators thereof*. This framework will be applied in section 4 *Application of Heuristic Framework: Piracy at the Horn of Africa (Case Study I)* to examine the factors and indicators as well as to evaluate the heuristic framework as a whole.



Figure 7: Developing Heuristic Framework

3.1. Introduction to Indonesia

Location and Population: With an estimated 240 million people, the Republic of Indonesia is the fourth most populous and the largest Muslim state in the world (CIA, 2009, Indonesia). The Indonesian archipelago consists of 17'508 islands with nearly 55'000 km of coastline (CIA, 2009, Indonesia). Only about 6000 islands are inhabited. Indonesia is situated in Southeast Asia, a region that encompasses countries geographically south of China, east of India and north of Australia²¹. The half billion people living there are of different ethnic and religious identities.

²⁰ The focus is on piracy in Indonesian waters and will only briefly touch upon piracy in Malaysia and the Strait of Malacca as well as Singapore, respectively. The reason for that is that most attacks in the Strait of Malacca or close to Singapore take place Indonesian waters and are therefore classified as Indonesian piracy. Also, most pirates are of Indonesian citizenship (Eklöf, 2006, 47-48).

²¹ Countries of Southeast Asia are Brunei, Cambodia, Timor-Leste, Indonesia, Laos, Malaysia, Myanmar (Burma), the Philippines, Singapore, Thailand and Vietnam.

Strait of Malacca: The Indonesian archipelago lies along the Strait of Malacca, the main trade connection between the Western hemisphere and the Far East. Roughly 80% of Japanese and Chinese oil supplies and roughly a third of world's trade are transported via this waterway (CSI, 2009). Its geostrategic location connecting the Indian Ocean with the Gulf of Thailand, the South China Sea, and the Pacific Ocean makes it one of the busiest and most important sea lanes. The width of the Strait of Malacca varies between 3 and 320 km. Besides being partly narrow and shallow²², the sea lane is crowded. Annually, more than 65'000 commercial vessels make their way through the Strait of Malacca (Malaysian Marine Department, n.d.). Between 1999 and 2004, traffic increased by 45% (Ho, 2006, 560). With respect to future oil demand and long-term increasing trade activities in Asia, the Strait of Malacca is expected to gain even more importance. Apart from international traffic, there is artisanal fishing and other coastal traffic (Teitler, 2002, 72). Singapore, one of the world's most important (container) ports, transshipment hubs and business spots, profits heavily from its position at this crucial trade lane as does Malaysia with port Klang and port Tanjung Pelepas. Indonesia does not directly profit from its location along this major trade lane as trade bypasses the country: Tanjung Priok, Indonesia's biggest port is the only Indonesian port appearing in the 'World Port Ranking 2006' by the American Association of Port Authorities [AAPA] and ranks 27 while Singapore is number one and Malaysia has four ports in the ranking (AAPA, 2007). Even though the Strait of Malacca is by far the most important sea lane in Southeast Asia, there are also alternate sea lanes such as the Singapore Strait, the Sunda Strait, and the Lombok Strait. However, they cannot rival the importance of the Strait of Malacca due to different insufficiencies²³ (Ho, 2005, 8).



²² There are numerous islets and reefs that complicate the southern entrance of the Strait of Malacca.

²³ The Singapore Strait, adjoining to the Strait of Malacca, is shallower than the Strait of Malacca, thus ships over 200'000 DWT cannot pass through. The Lombok Strait, situated between Bali and Lombok Island, is a safer route for large tankers of more than 200'000 DWT because the strait is wider and deeper than the Strait of Malacca. Nevertheless, it is less frequently used for trade flows between East and West due to its geographic location. Located between the Indonesian islands of Sumatra and Java, the Sunda Strait is a possible alternative to the Strait of Malacca, but strong currents as well as its limited depth complicate the passage of vessels over 100'000 DWT. (Ho, 2005, 2-3)

Picture 1: Location Strait of Malacca (Persona Naval Press, 2008)

Economy: Indonesia's economy relies heavily on export of manufactured goods to Japan and the USA (Cayrac-Blanchard, 2006, 186). Roughly 85% of the population works in the industry or service sectors and only 15% in agriculture. The Asian financial crisis in 1997-1998 hit Indonesia especially hard and brought an end to the economy that had been booming until then. The trust of investors in the Indonesian economy was eroded and the large amounts of foreign investments that previously poured in now remain below previous levels, or are rather placed in China or Vietnam instead (Cayrac-Blanchard, 2006, 187). In the last six years, the average growth rate of the GDP was around 5%, which is a remarkable figure, but looking at the GDP per capita, one realizes that this growth is not enough. In 2007, GDP per capita was at US\$ 1'869, which is about four times lower than the GDP per capita in Malaysia, respectively 20 times lower than the one of Singapore (UN Statistics Division, 2009a). UN Statistics show that 9% of the population is unemployed while other sources put this number as high as 30% (Cayrac-Blanchard, 2006, 186; Rieffel, 2004, 107; UN Statistics Division, 2007). Nearly a fifth of the population lives below the poverty line²⁴ and consumer prices increased by a third from 2005 to 2008 (CIA, 2009, Indonesia; OECD, 2009). (Cayrac-Blanchard, 2006, 186; International Crisis Group, 2004, 2-5)

Politics: Since its independence from the Dutch in 1949, Indonesia has experienced recurring domestic unrest and only recently embarked on a political transition towards democracy²⁵. In 1998, the 30-year authoritarian military regime under Suharto was overthrown and his successors have tried but failed to introduce thorough reforms. The control and governance capabilities of the Indonesian political institutions remain poor (Rieffel, 2004, 104). Particularly corruption hinders economic progress: Indonesia is ranked 126th of the total 180 listed countries of the 'Corruption Perceptions Index 2008' and scores a 2.6 out of 10, which translates to a corrupt country²⁶ (TI, 2008). Thomas Friedman of the *New York Times* calls the post-Suharto Indonesia a "messy state [that is] too big to fail and too messy to work" (2000). Besides the rampant corruption, he criticizes the "fragmentation of power in which neither the army, the Parliament, the executive nor the remnants of the old order have the strength to assert their will" (Friedman, 2000). The Indonesian military that was powerful under Suharto still influences politics and society today. For instance, just like the civil government, the military's command structure goes down to the village level and that is where they also exercise pressure and power on the population (Rieffel, 2004, 105). Nevertheless, there is a gradual decline in status and defense spending, though the latter is predominantly due to lack of resources (Chalk, 2008, 11-12; Rieffel, 2004, 104). Both, in relation to the GDP as well as in dollar value, Indonesia's defense spending is today among the lowest in Southeast Asia (Djalal, 2005, 146; Storey, 2008, 107).

Security Threats: Security threats in Southeast Asia include interstate territorial disputes (e.g. with China over the Spratly Islands in the South China Sea), non-state violence of insurgents and terrorists (e.g. the radical Islamic Jemaah Islamiyah), religious and ethnic conflicts, separatist movements (West Papua, Molucca Islands, Kalimantan and formerly Aceh) and damages to the maritime environment (deforestation, damages to coral reefs and mangrove forests, pollution and overfishing). Transnational maritime crimes like piracy, armed robbery, drug smuggling, human trafficking, weapon proliferation and illegal migration affect most countries in Southeast Asia, but the still prevailing sensitivity over national sovereignty and the little trust among neighboring countries impede far-reaching cooperative approaches to end the crimes (Bradford, 2005, 67, 69-73; Teitler, 2002, 73). The armed forces are predominantly

²⁴ The poverty line is a set level of income. If a family income falls below this level, it is considered poor. In this thesis, the level is one US\$ per day. (Mankiw, 2007, 434)

²⁵ In July 2009, the second direct, democratic presidential elections took place (NZZ, 2009).

²⁶ A score below 5 reflects 'serious' corruption and below 3 is an indicator of 'rampant' corruption (TI, 2008).

employed to fight domestic threats and not so much transnational ones (Rieffel, 2004, 105). Particularly the availability of small arms is a problem as it nourishes the perceived need for arms by citizens and the military (UN General Assembly, 2006). The proliferation of small arms has fuelled several conflicts in Indonesia in the last decades, such as the separation struggle of Timor Leste, the Free Aceh Movement (Gerakan Aceh Merdeka [GAM]) and most recently in West Papua. Supply of arms comes from stealing or buying from the military and police as well as from smuggling, mainly from Thailand, the “key source state for weapons in Southeast Asia” (Moser-Puangsuwan, 2002, 21) and from Singapore, the major transshipment hub for arms in the region (21).

3.2. Describing Piracy in Indonesia and Strait of Malacca (Southeast Asia)

History: Maritime piracy is not a new phenomenon in Southeast Asia. Seafaring has always been related to political motives and piracy was simply a side-effect of rivalries between different political or religious communities (Young & Valencia, 2003, 270). Piracy formed part of the naval warfare and was a legitimate way to fight against other rulers in the region over enrichment, trade and power²⁷ (Teitler, 2002, 67). In the 19th century, as European colonial powers conquered Southeast Asia, pirate activities increased. Some academics believe that the new monopolistic trading forms set up by the colonizers impoverished the local communities so that piracy became a way to survive (Hervé, n.d., 74). Others argue that the presence of European colonizers and trading companies has nothing to do with piracy, seeing as it existed in Southeast Asia long before that and the trade had already been subject to monopolistic patterns before (Teitler, 2002, 68). While their influence on the initial increase of piracy may be disputed, colonial powers eventually succeeded in effectively reducing piracy in (Southeast) Asia by establishing territorial states and protecting their sovereignty, including the territorial waters. Increased naval patrols at the end of the 19th century and during wars including the World Wars have led to a decline in the number of attacks. However, the decrease in piracy was only temporarily; it has never been eliminated. In the aftermath of the Cold War, maritime piracy in Southeast Asia resurfaced when the presence of the naval forces of the superpowers that protected shipping in the region was gradually reduced and military bases were closed down (Kim, 1998). Since the beginning of the 1990s, piracy in Southeast Asia, respectively in Indonesia, experienced a remarkable revival. However, since 2003, the general trend is downwards as can be seen in *Figure 8* below. (Dale, 2005; Gottschalk & Flanagan, 2000, 2, 20; Kane & Passicouset, 2000; Teitler, 2002, 68)

²⁷ This is comparable to the privateering during the 16th to 19th centuries when European colonial powers issued ‘letters of marquee’ to private seafarers to attack and rob other state’s merchant vessels in times of war.

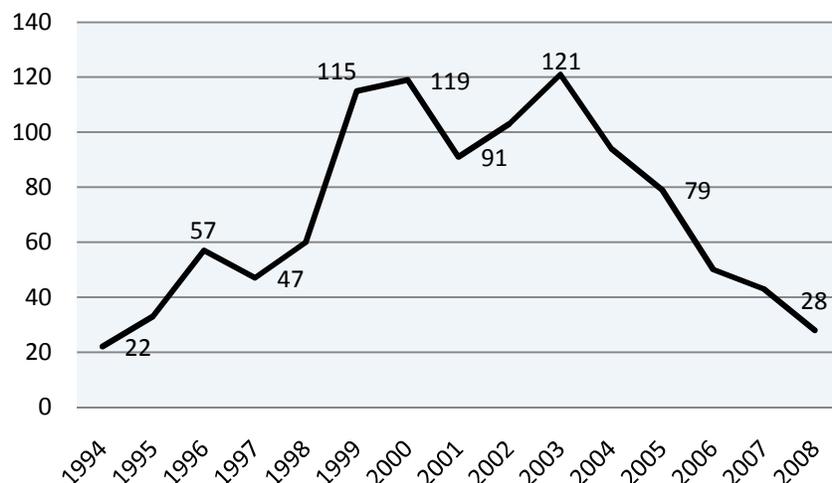


Figure 8: Attacks in Indonesia and Strait of Malacca (IMB, 2006, 5; IMB, 2009a, 5-6)

Location: It is often said that Indonesian waters are ‘pirate-infested’. While it is true that the majority of attacks between 1992 and 2006 did take place in Southeast Asia with the center of gravity in Indonesia, this is an incorrect and too general a statement. Piracy predominantly occurs in the southern and northern part of the Strait of Malacca and to a lesser extent to areas east and south of Borneo.

In the southern part of the Strait of Malacca, attacks mostly take place in Indonesian territorial waters close to Singapore. There are numerous little islands that offer countless waiting areas and hideouts to pirates (Eklöf, 2006, 50). In the northern part, piracy takes place around the port of Belawan and the waters off the northern part of the island of Sumatra. Because of the vicinity to the province Aceh, piracy is often linked to separatist movement and according to the IMB, the GAM is involved in piracy, or use piracy to finance their activities, respectively (McGeown, 2003). However, the GAM has repeatedly denied such activities²⁸. The rest of the attacks are scattered around Borneo or take place in port Tanjung Priok, Jakarta. These attacks tend to be of opportunistic nature.

Actors, Modus Operandi and Categories: “Modern Malay piracy has no romantic, anarchist, utopian or religious roots as it did before. [You only find] sea-hooligans or the desperate poor” (Frécon, 2006, 38). This quote sums up the two types of modern maritime pirates that dominate in Southeast Asia: On the one hand, there are ‘the desperate poor’, or the numerous non-organized, small-scale attacks by so-called opportunists, respectively, which are generally harmless. On the other hand, there are the ‘sea-hooligans’, the pirate gangs that carry out violent and planned attacks. Roughly 45% of all reported attacks in 2008 fall into the first category: these are the LLAR attacks that take place after midnight and/or when the vessels are in port or at anchorage (IMB, 2009a, 11). These attacks occur all over Indonesia (IMB, 2009a, 43-49, 71-72). In reality, the share of LLAR is much higher, but underreporting is a big problem, especially in Indonesia (IMB, 2009a, 23). Carolin Liss of the Murdoch University believes that the majority of attacks are directed against fishermen, fish trawlers and regional merchant vessels, respectively, which hardly show up in the statistics. She mentions fear of revenge by the pirates, lack of education, illegal fishing²⁹ and the perceived disadvantage in reporting as reasons why locals do not report attacks (Liss, 2007).

²⁸ Even if the GAM were involved in piracy, their objective would be to raise money and not to make a political statement against the Indonesian government, seeing as how the number of attacks in the region did not decline after their signing a peace agreement in 2005 (Eklöf, 2006, 56).

²⁹ Illegal fishing refers to fishing in another state’s waters or in national marine parks. It is mainly conducted by international commercial fish trawlers, but also by local fishermen.

The other type of piracy consists of the assaults against steaming vessels that fall in the MLAAR or MCHJ category. Attacks against steaming vessels mostly take place during daytime and in the northern part of the Strait of Malacca or in the area of the Riau Archipelago close to Singapore (IMB, 2009a, 43-49, 71-72). In Southeast Asia, about 40% of the reported attacks occur while vessels are steaming (at low speed³⁰) (IMB, 2009a, 11). MLAAR attacks in Southeast Asia are often very brutal (Mukundan, 2004, 13). Many MLAAR and MCHJs lead to bloodshed and pirates are willing to use their weapons, among them assault rifles and even grenade launchers (Eklöf, 2006, 42). In Southeast Asia, the 'phantom ship' phenomenon is common while 'kidnap and ransom' attacks hardly take place; if they do, then the requested ransom often amounts to a five-digit number which is considered to be low.

As indicated in sub-section 2.3 *Categories and Characteristics*, MCHJ is the work of organized crime gangs. Members of pirate gangs are former sailors, fishermen or small business owners who lost their jobs and are without prospects as a result of the Asian financial crisis or more recently of the Tsunami³¹. They possess the nautical and physical skills and equipment (boats, ropes, etc.) to commit these robberies. Poor coastal villagers either turn to piracy on their own or they are hired by pirate rings to do the actual work; in return, they are provided with a job and an income (Bulkeley, 2003, 3-4; Gottschalk & Flanagan, 2000, 24). In Indonesia, but also in the Philippines, China and Thailand, the heads of these syndicates possess direct or indirect access to information regarding the local administration and are able to influence the law enforcement bureaucracy in their favor by bribing officials or making them part of their network (Chalk, 2008, 13). It is very likely that the Indonesian military is also involved in piracy in some ways. The Human Rights Watch study *Too High a Price: The Human Rights Cost of the Indonesian Military's Economic Activities* (2006) expounds that due to lacks of sufficient funds stemming from the – in their view – 'small' share of state budget, additional sources of income were sought to meet their needs, ranging from – among others – criminal activities such as drug trafficking, illegal gambling or prostitute rings to corruption (63-76, 71-74). Though piracy is not explicitly mentioned, some see direct links: "The 900-km Malacca Strait is a source of funding potential [. . .] for the Indonesian military. They can increase patrols to minimize crimes, but they can also give the green light to their underworld links" (Harsono, 2006, 13).

3.3. Crucial Factors Enhancing the Prevalence of Piracy

In the preceding sub-sections 3.1 *Introduction to Indonesia* and 3.2 *Describing Piracy in Indonesia and Strait of Malacca (Southeast Asia)*, the most important aspects of modern maritime piracy in Indonesia have been identified and presented in a descriptive way. The next step is analytical. Five major factors were observed from the previous analysis: 'Geographical Characteristics', 'Conducive Societal Environment', 'Economic Hardship', 'Socio-Economic Distress' and 'Weak Political System'. These factors constitute the pirates' external factors, which then help explain the prevalence of modern maritime piracy. In the following sub-sections, each of these factors is further explored by integrating data and information from the previous two sub-sections. This process highlights the significance of the individual factor.

3.3.1. Geographical Characteristics

Geographical characteristics appear to play a major role with regard to the prevalence of piracy and are considered a prerequisite. After all, where there is no water or coast line, there

³⁰ Fully laden tankers only steam with about 10 knots in the Strait of Malacca, whereas they otherwise go up to 15 knots (Frécon, 2006, 21).

³¹ The Tsunami in 2004 destroyed much of Sumatra's coastal and community infrastructure, particularly in the province of Aceh.

cannot be maritime piracy³². Water provides sea lanes for ships and attack routes as well as escape ways for pirates – it is the crime scene.

Moreover, some geographical characteristics can further the development of piracy. For instance, in the case of Indonesia, close distances between hideouts and targets, countless, small inhabited and uninhabited islands, mangrove forests and long coastlines give pirates the advantage and serve as starting points, retreat areas, rat harbors and (illegal) market places. The mere size of Indonesia adds additional weight to the issue: Its total surface spreads over eight million sq km of which water makes up for three quarter. Only a third of the 17'000 islands are inhabited and its coastline is nearly one and a half times the equator, or longer than the entire coastline of Europe, respectively (CIA, 2009, Indonesia; Djalal, 2005, 145-146). The waters of a country of such dimensions are extremely difficult to sufficiently patrol, if not impossible. It would require at least 300 vessels to do so, but the Indonesian Navy possesses less than 120 patrol vessels, only a third of which is fully operational at any time (Djalal, 2005, 145; Rabasa & Chalk, 2001, 54; Storey, 2008, 108). Inadequate maritime surveillance encourages pirates to commit attacks, no matter whether they are opportunists or transnational syndicates.

Heavily frequented sea lanes like the Strait of Malacca, but also sandbanks and reefs force captains to reduce speed for safe navigation, which makes it easier for pirates to approach vessels and climb onboard. There is a great deal of activities in these waters: Apart from the hundreds of merchant vessels that squeeze through the strait, numerous small fishing boats, trawlers, barges for regional transport and tugs are present. Prior to an attack, pirates select the target by watching from a deserted island or while fishing³³: “They go to sea and try to catch fish while they carefully look at the traffic” (Frécon, 2006, 35). This makes it very difficult for the patrolling units to catch pirates as they are not identifiable as pirates unless caught in the act.

‘Geographical Characteristics’ is the first factor that seems to further the prevalence of piracy. The case study of Indonesia provides a multitude of examples of how geographical features have favored the development of piracy. Probably no other country possesses those distinct geographical assets, so that it might appear that geographical characteristics are location-specific to piracy in Southeast Asia. To a certain degree, that is correct. But not all these aspects have to be present cumulatively in order to explain the emergence of piracy. Only the existence of a coastline and more general ‘water’ is required for maritime piracy. Numerous islands, proximity to trade lanes and bottlenecks as well as poorly governed waters are factors that enhance it even more.

3.3.2. Conducive Societal Environment

Certain conditions within a society that is exposed to piracy also seem to facilitate the emergence of maritime piracy. ‘Conducive Societal Environment’ tries to circumscribe some of these aspects. For instance, some degree of nautical skills seems to be indispensable for piracy. This vastly exists in Indonesia: People at the coast and rivers work as sailors, water taxi drivers, fishermen or in other water-related professions. They possess the necessary nautical skills (e.g. driving and maneuvering small boats) and the equipments (e.g. fishing trawlers and speed boats) and know the area very well, which is the key to successful attacks.

Southeast Asia has a longstanding history of piracy. Piracy has always been there and this historical context allowed for the development of a tolerance towards it. It is an illegal but socially accepted way of earning an income (Frécon, 2006, 23-24). The gradual development of pirate gangs and international syndicates involved in the piracy business has been facilitated by

³² As it was mentioned in section 1 *Introduction*, piracy on rivers and/or lakes are excluded from this study.

³³ This predominantly applies to LLAR and MLAAR attacks. MCHJ are planned in more detail and the vessel is often selected long before the actual attack.

the fact that in Asia, crime syndicates have been in existence for a long time already³⁴ (Liss, 2007). These syndicates have experienced a revival in the post Cold War era as well as with the rise of the financial centers of Singapore and Hong Kong and they have expanded their operations from land onto water (Liss, 2007).

Another aspect that influences the prevalence of piracy is that attacks have become 'easier': Ship-owners have responded to increasing insurance and fuel costs with cost-cutting policies and by registering vessels in open-registers and employing minimal crews. This translates into lower safety standards and fewer people onboard, which means longer working hours for the crew and less watch-keeping, making it easy for pirates to launch attacks unnoticed and to overpower the over-worked crew (Liss, 2007). As a matter of fact, a visibly low state of alert often determines whether a vessel is attacked or not. Moreover, the large amounts of money in the safe of commercial vessels attract attackers: In Southeast Asia, the cash onboard has been one of the main reasons to attack (IMO, 2002, 2-3). (Fossey, 2009)

'Conducive Societal Environment' is another factor that seems to enhance the prevalence of piracy. A longstanding history of piracy smoothes the way for further development as it does not constitute a new social phenomenon and people have learned to live with it. The possession of nautical skills to carry out attacks is important as is a surrounding that, to a certain degree, accepts this practice. In Southeast Asia, this acceptance stems from the distinct piracy history. Of course, this goes hand in hand with the first factor 'Geographical Characteristics': Every littoral state has inevitably built up some form of maritime industry and as a result, people have developed nautical skills.

3.3.3. Economic Hardship

It looks as if economic conditions, and the macro-economic performance of a state or region, respectively, play a crucial role regarding the prevalence of piracy. After all, piracy is a crime committed for financial gain. The Asian economic crisis at the end of the 1990s is considered one of the major 'pull factors' of piracy in Indonesia: It drew people into (maritime) crimes while resources used to monitor the waters were cut back (Chalk, 2008, 11). Also, in the aftermath of the 9/11 attacks, the little existing resources assigned to the security forces were further diverted to implement new and compulsory land-based security initiatives (e.g. in airports and land borders) while the waterside was basically ignored (Chalk, 2008, 11-12). The enhanced security on land and the 'lawlessness of the sea' seem to have led to an increase in maritime crimes.

On the one hand, it looks as if economic hardship and the number of attacks are co-dependent, which partly explains why the highest number of attacks has been reported in the years after the Asian economic crises. On the other hand, it would be misleading to believe that in times of economic growth, the number of attacks decreases automatically. As a matter of fact, economic crises often lead to long-term unemployment that still prevails once the (global) economy picks up again. Moreover, economic upturn and increased trade activities actually also contribute to piracy as more and more vessels are 'available' (Chalk, 2009, 2). However, economic prosperity in general is not necessarily representative of the country in which the attacks take place, but rather refers to the overall state of the world economy. Economic growth translates to increased maritime traffic and more vessels. This, combined with the fact that ransom is paid for the sake of the crew and cargo regardless of the world economy, encourages pirates even more (Frécon, 2006, 29). These considerations help explain the rise of attacks around 2003. Thus, the state of the global economy has an ambiguous impact on the number of attacks and it is a delicate undertaking to directly link the increase and decrease in number of pirate attacks solely to trade and economic conditions. It can be said that poor economic

³⁴ The largest syndicates in Asia are the Japanese Yakuza and the triads in China that both operate nationally, regionally and internationally. However, only little is known about their involvement in piracy as no high-ranking member has been arrested for that crime, so far. (Liss, 2007)

conditions lead to an environment in which piracy develops and good times may just attract and encourage others. Besides the fact that a thriving world economy results in increased seaborne trade, it also stipulates other developments: For instance, ports all over the world as well as vessel size increase. In the past, this has led to a situation in which today's biggest vessels can only call a few selected ports due to their draft. Trade routes have been designed accordingly. This translates into a steady flow of vessels on strategic trade lanes and through bottlenecks that are of strategic importance because there is often no real alternative. This trend will hardly be stopped by the existence of piracy – and pirates very much profit from that in return. (Fossey, 2009)

'Economic Hardship' also constitutes one of the factors that aid pirates. Though it cannot be said that a poor economic situation necessarily leads to piracy, seeing as there are poor countries along a trade lane with a shipping and fishing tradition that hardly have piracy, such as Algeria, Egypt, Libya, Panama, etc. (*Appendix 2: Socio-Economic Data*). Economic hardship on a macro-level tends to translate to poverty on the micro-level. This, then, is often 'the spark' when deciding whether or not to engage in piracy.

3.3.4. Socio-Economic Distress

Poor socio-economic conditions³⁵ appear to often be both the cause and the consequence of economic hardship. Socio-economic distress, especially poverty, is viewed as one of the main contributing factors to piracy (Transport Committee, 2006). Although Indonesia's socio-economic figures are average compared to other Southeast Asian countries, comparing them to those of its neighbors that share the same pirate prone waters (i.e. Malaysia and Singapore) paints a different picture: Indonesia's population is significantly poorer and suffers from a higher unemployment rate (*Appendix 2: Socio-Economic Data*). The high unemployment rate is not only attributed to the Asian financial crisis at the end of the 1990s, but also to the deteriorating (fishing) environment: overexploitation of fishing grounds, illegal fishing by international and regional fish trawlers, pollution and heavy maritime traffic yield lower catch of artisanal fishing and contribute to poverty and, ultimately, to the rise of piracy (Bradford, 2005, 73; Frécon, 2006, 32).

In the case of Indonesia, the Gini-index³⁶ is not a suitable indicator for the prevalence of piracy as the respective figures indicate a fairer distribution of income in Indonesia than in Malaysia or Singapore (CIA, 2009, Distribution of Family Income). Internal social injustice in terms of income distribution is not so much the reason for the emergence of piracy in Indonesia, but rather the striking differences in terms of wealth and development within the region. The gross discrepancy between Indonesia's and Singapore's prosperity weighs especially heavy on people of the Riau islands opposite Singapore: "Everyday, they see the arrogant skyscrapers of the opulent city [Singapore]. The Malacca Straits are like Monte Carlo adjoining the Central African Republic, with a channel as a narrow border" (Frécon, 2006, 32). Hence, excluded from the development and wealth of the prosperous neighbor, it is not surprising that some people try to get a share of it and subsequently turn to committing crimes. Urban people might commit robberies while people living near the coast are most likely turn to piracy.

Difficult socio-economic circumstances like low income, poverty and unemployment highlight personal distress. This factor emphasizes a more 'personal level' of why people become pirates: If people are without prospects and grew up in a society with a longstanding piracy history, turning to piracy might not be too big a step. After all, most fishermen already

³⁵ Socio-economic conditions refer to the micro-economic level and include, among others, income, wealth and occupation.

³⁶ The Gini-index measures the degree of (in)equality of the family income distribution in a country. Scandinavian countries have a relatively equal income distribution and the Gini-index is around 0.25 while Sub-Saharan countries display a much more unequal distribution with a higher Gini-index around 0.5. For more information, see CIA (2009, Distribution of Family Income).

possess machetes and knives for their work and small firearms are readily available due to the proliferation of small arms resulting from the ongoing conflicts in the region.

3.3.5. Weak Political System

It is often also a combination of lack of political will and lack of funds that contributes to the rise of maritime piracy. In Indonesia, although the piracy problem is acknowledged by the government, it is assigned a low priority compared to other domestic security threats. Domestic problems such as separatist movements as well as ethnic and religious conflicts are 'closer' to people and more 'visible' than piracy that occurs on water. These 'closer' problems are assigned a higher priority and draw not only attention, but also resources from the water to the land side. The lack of means could be bridged by rigorous regional cooperation or through the assistance and presence of an international player like the USA. Yet, the latter is currently not feasible. While Singapore strongly supports US regional security initiatives such as the Regional Maritime Security Initiative³⁷ [RMSI] and favors their physical presence in the region, Indonesia and Malaysia reject such involvement (Kuppuswamy, 2004). In response to the RMSI, Indonesia, Malaysia and Singapore eventually embarked on trilateral patrols (Operation Malsindo) in the Strait of Malacca, but they are poorly equipped and considered "more of a show than of real utility" (Bradford, 2005, 69). Still, it is believed to be one of the main reasons why the number of attacks in the Strait of Malacca has been reduced (IMB, 2009a, 27). Moreover, in times of economic hardship and tighter budgets, spending scarce funds on protecting international shipping against piracy loses priority and fewer patrols are carried out. The enduring lack of control and enforcement is apparent in Indonesia. Local police forces on the Riau islands close to Singapore have detailed knowledge of pirate activities and where gangs are located, yet those crimes go unpunished (Frécon, 2006, 44). Politics and the armed forces have adopted a *laissez-faire* policy and do not interfere and as long as Indonesia's unity is not threatened. Some (corrupt) officials even cooperate with pirates and act as their accomplices (Frécon, 2006, 27).

Like mentioned before, in Indonesia, corruption is still a big problem and even increased with the decentralization process of the political system (Rieffel, 2004, 109). It is a sign of the low political control and enforcement. Corruption facilitates the (illegal) flow of information, the establishment of crime networks and the piracy business. Corruption in Indonesia is often attributed to underpaid jobs. Sailors, port workers, officials or military personnel traditionally receive a low wage, which seems to be reason enough for them to engage in corruption, or to earn an additional income through illegal means such as corruption, respectively. (Frécon, 2006, 25)

A weak political system is yet another factor that seems to help explain the existence of modern maritime piracy. Insufficient coastal and port surveillance capacities, weak transnational cooperation and exclusion of security partners that possess the resources most likely contribute to the rise of piracy. The crucial aspect is that poor political control and governance alone hardly explain the prevalence of maritime piracy although piracy is sometimes interpreted as a form of protest against "a failing, distant government" (Teitler, 2002, 72) or confused with maritime terrorism. It is the combination with other factors that makes this factor particularly significant.

3.4. Summary: Piracy Indicators

As the last step in developing the framework, indicators are identified in and extracted from the previous analysis of the five factors in the sub-sections of *3.3 Crucial Factors Enhancing the Prevalence of Piracy*. The indicators are more specific than those factors and can (later) be used as a check list to determine whether the analyzed country or region is prone to

³⁷ The RMSI is a multilateral approach suggested by the United States to enhance maritime security by deploying American elite troops to the Strait of Malacca. (Ward, 2004, 1-2)

become a piracy hotspot. The identified indicators are summarized in the following *Table 2: Summary: Piracy Indicators*:

Factors	Indicators	
Geographical Characteristics		Indonesia
	Littoral State	yes
	Strategic Location (Trade Route, Major Port, Business Spot)	yes
	Large Territory (Coast Line and Waters)	yes
	Geographic Bottleneck	yes
	Local and Regional Maritime Activities	yes
	Retreat Areas	yes
	Navigation Challenges	yes
Conducive Societal Environment		Indonesia
	Nautical Skills and Equipment	yes
	Piracy History	yes
	Acceptance	yes
	Piracy Encouraging Policies of Shipping Industry	yes
	Existing Syndicates (Structures)	yes
Economic Hardship		Indonesia
	Lack of Means	yes
	Enduring Economic Hardship and/or Past Crisis	yes
	Low Foreign Direct Investments	yes
Socio-Economic Distress		Indonesia
	Poverty and Low GDP per Capita	yes
	Unemployment	yes
	Deteriorating Environment	yes
	Availability of Arms	yes
	Exclusion from Regional Wealth and Development	yes
Weak Political System		Indonesia
	Lack of Political Will	yes
	Weak State	yes
	Corruption	yes
	Political System in Difficult Transition	yes
	Domestic Threats and Conflicts	yes
	No/Low Degree of Transnational Cooperation	yes

Table 2: Summary: Piracy Indicators (Indonesia)

4. Application of Heuristic Framework: Piracy at the Horn of Africa (Case Study I)

In this section, the first case study will be carried out. The objectives of Case Study I are to examine the previously established factors and indicators and to evaluate the overall applicability of the heuristic framework. It is applied to piracy off the coast of Somalia and in the Gulf of Aden as this area is the current piracy hotspot. It is expected that the indicators of the five factors are largely applicable. If they are not, the framework needs to be rejected.

The application follows the same steps identified in *3 Developing a Heuristic Framework: Piracy in Southeast Asia* as can be seen in *Figure 9*. Yet, sub-section *4.1 Introduction to Somalia* will be shorter than in the case of Indonesia, i.e. *3.1 Introduction to Indonesia*. Previously, the focus was to gather as much information as possible in an intuitive way while the following analysis will be more structured and to the point. The introduction will consist of a brief presentation of the country; the analysis follows in the sub-sections of *4.3 Examination: Piracy Enhancing Factors and Piracy Indicators*. In order to back up the indicators facts, interpretations and wherever possible, indices were used.



Figure 9: Application Heuristic Framework - Somalia

4.1. Introduction to Somalia

Location and Population: The Republic of Somalia is one of the four countries on the Horn of Africa in East Africa³⁸. On the landside, Somalia shares its borders with Djibouti, Ethiopia and Kenya and on the waterside, with the Gulf of Aden and the Indian Ocean. Yemen lies on the opposite side of the Gulf of Aden. The population living in Somalia is estimated to be between 8 and 10 millions. A quarter of the entire population is estimated to live abroad (Winter, 2004). Somalia is commonly divided into three parts: Somaliland, Puntland and (rest) Somalia. Somaliland lies in the northwestern part of the country and has a population of about 3.5 million. Puntland, a region where 2.5 million people live, lies right at the Horn of Africa. The 'third part' is the remaining, southern and central part of Somalia where the capital Mogadishu is also situated. Somalia's population is predominantly (Sunni) Muslim. (CIA, 2009, Somalia; Rabasa, 2009, 10- 13)

Gulf of Aden: The Gulf of Aden lies between Somalia and Yemen, north of the Horn of Africa and south of the Arabian Peninsula, respectively. It is about 900 km long and between 30 and 500 km wide. It forms part of one of the major East-West trade routes that goes through the Suez Canal connecting the Indian Ocean to the Mediterranean Sea. In 2008, over 21'000 vessels transited the Suez Canal and thus also the Gulf of Aden (SCA, 2009). It is also the major route for oil from the Middle East and to the West, to Europe and the USA, respectively: An estimated 30% of the world's oil supply and 25% of the global container traffic is transported through the Gulf of Aden (Fossey, 2009; Harper, 2008). The Gulf is connected to the Red Sea

³⁸ The four countries are: Djibouti, Eritrea, Ethiopia and Somalia.

by the Bab al-Mandab Strait, a 30 km wide strait. The navigation channel is about 3 km wide, which poses navigation challenges for inbound and outbound traffic. The alternative route to the Suez Canal (black line in *Picture 2*) is going around the Cape of Good Hope (red line in *Picture 2*); a detour of nearly double the length of a typical voyage from the Middle East to Europe with significant cost and time implications (Fossey, 2009).



Picture 2: Alternate Trade Route to Suez Canal: Cape of Good Hope (Google, 2009)

Economy: The Somali economy is based on fishing by the waterside and livestock on the countryside as well as small enterprises in urban areas. Agriculture remains the most important sector, although the service industry, dominated by remittance and wireless communication, is growing (Rabasa, 2009, 19). The marginal industry sector processes agricultural products. Thanks to minimal state intervention, the informal economy grossly dominates economic activities in the country. There is only little statistical data on Somali GDP, GDP growth, GDP per capita, inflation, unemployment rate, the amount of the population under the poverty line, the inflation rate, etc. However, estimated figures rank very low compared to other (East) African states. For instance, Somalia’s GDP per capita is estimated to be US\$ 600, whereas it is slightly higher in Eritrea and Ethiopia, two and half times in Kenya and six times higher in Djibouti, respectively (*Appendix 2: Socio-Economic Data*).

Politics: Since the overthrow of the authoritarian Siad Barre regime in 1991 that marked the beginning of an ongoing civil war, Somalia has been without a working government, or a political system, respectively. It remains a socially heavy disrupted country, especially in the southern and central regions. Previous attempts to form a government have failed³⁹. External interventions by the international community and individual states to restore order have been unsuccessful, or only prolonged and contributed to the enduring instability of the state, respectively. With an incredibly weak government and political disorder, informal power

³⁹ In late 2006, the Somali Transitional Federal Government [TFG] took office after a foreign intervention overthrew the previous government. In early 2009, TFG formed a unity government with its opposition, but the institutions remain weak and the situation is unstable. The government is working on establishing a new constitution and organizing national elections for 2011. (CIA, 2009, Somalia; Rabasa, 2009, 8-9)

structures developed. In the absence of a working government, “alternative power centers” (Rabasa, 2009, 8) such as clan-based communities⁴⁰, insurgent groups, Islamic militants and warlords have emerged that (try to) fill the power vacuum. They started acting like official authorities, often backed up by violence that further fuels the civil unrest as do their clashes over territory (Mohamoud, 2002, 157; Rabasa, 2009, 8; 16). They have their own systems of law and order which are in line with either secular (mainly English common law), Somali customary or Sharia law (CIA, 2009, Somalia).

Somaliland and Puntland have their own governing institutions that are quite independent of Mogadishu. The Republic of Somaliland, declared independent in 1991⁴¹, has developed into a region of stability with functioning political structures and a growing economy. The semi-autonomous Puntland has been self-governing since 1998, but its government is weak and corrupt. Due to the absence of a strong sovereign Somalian state, Puntland is sinking more and more into chaos. (Rabasa, 2009, 32-34)

Security Threats: Somalia faces a number of internal and external threats. Internal security threats include the presence of warlords, clan rivalries and other internal conflicts such as a nearly 20-year old civil war that destroyed many cities and the basic infrastructure of the country. There are approximately 1.2 million internally displaced people and ten thousands of refugees in neighboring countries including Kenya and Yemen (WFP, 2009). A hotly debated security threat is the development of radical Islam in Somalia. Some experts believe that that Somalia is less conducive to that development than other countries in the region due to its dense clan-structures that are difficult for outsiders to penetrate (Rabasa, 2009, 7-8). However, others fear that Somalia is becoming a new base for international terrorism and claim that hundreds of foreign Islamic militants from Afghanistan and Pakistan are already in Somalia (Dietrich, 2009). Linked to that discussion is the issue of a potential conflation of piracy and terrorism that seems much more likely in Somalia than in Southeast Asia (Dietrich, 2009). Furthermore, famine, droughts, desertification, deforestation and environmental degradation pose other imminent security threats to the population (Mohamoud, 2002, 165). External threats include prevailing and severe interstate and intrastate conflicts in East Africa that might have spillover effects on Somalia: the war in Darfur (Sudan), the boundary dispute between Ethiopia and Eritrea as well as secessionist movements in Ethiopia (Péninou, 2006, 148-149).

4.2. Describing Piracy in Somalia and Gulf of Aden (Horn of Africa)

History: Though piracy existed for about 800 years in Northern Africa – the notorious Barbary or Corsair pirates – maritime piracy is a new phenomenon in East African waters and looks back at only about 15 years of history. Piracy gradually emerged with the collapse of the Siad Barre regime and the accompanied deteriorating conditions but remained at relative low levels until its abrupt rise in 2005 and 2007/2008 as can be seen in *Figure 10*. In 2008, 110 vessels have been reported attacked, which is about half a percent of all vessels transiting the Gulf of Aden (IMB, 2009a, 5-6; SCA, 2009). There was only one period in recent times, when piracy has completely vanished: In the second half of 2006 when the Islamic Courts Union [ICU] was in power. The ICU formed a relatively well functioning government that managed to repress piracy successfully (Middleton, 2008, 3). The number of attacks immediately rose again in when the ICU was overpowered⁴².

⁴⁰ Clans have always been a very important socio-cultural entity and since the breakdown of the government, they have become the most important society structure and form of individual security (Winter, 2004).

⁴¹ Somaliland is not internationally recognized as an independent state.

⁴² In June 2006, after a power struggle, the ICU, also called Somali islamists, gained control over the capital Mogadishu and was able to function as a government. However, the ICU government only lasted until December of the same year, when Ethiopian troops, supported by the United States, overthrow it

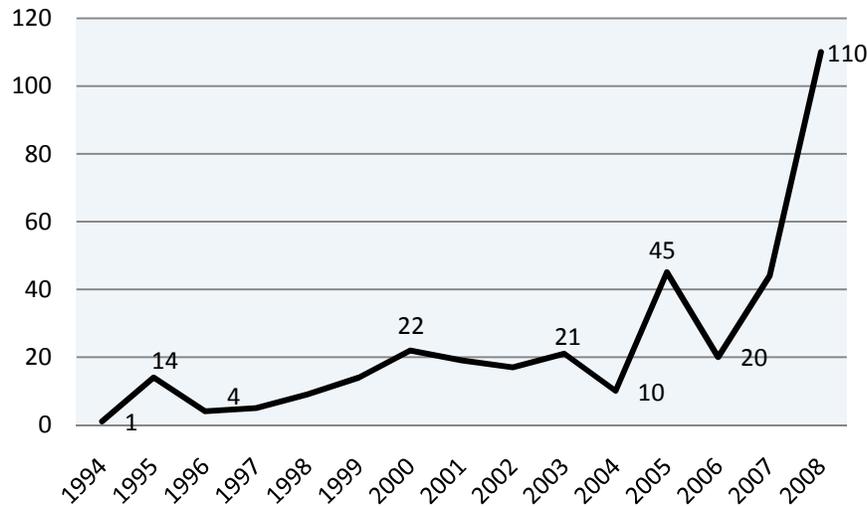


Figure 10: Attacks Somalia and Gulf of Aden 1994-2008 (IMB, 2006, 5; IMB, 2009a, 5-6)

Location: Until 2007, piracy mostly took place in southern Somalia and close to the port of Mogadishu. Thereupon, attacks increasingly occurred further away from the coast. Nowadays, most attacks take place on the high seas and in the Gulf of Aden, which are attributed to Somalia since the pirates predominantly originate from there (IMB, 2009a, 26). In 2008, most attacks occurred in the Gulf of Aden. Previous warnings that recommended ships to stay at least 50 nautical miles (92.5 km) away from the Somali coast are now at 600 nautical miles (1110 km) (IMB, 2009c). Yet, there is no safe place in the region: As the IMB states on its ‘Piracy Alert’ website, “pirates are now attacking ships off the entire coast of Somalia” (2009c). In July 2009, the IMB reported that pirates have extended their activities into the Bab al-Mandab Straits, the southern Red Sea, the Arabian Sea (off Oman) and the Seychelles (2009c). Although there is a ‘secured’ passage for merchant vessels close to the Yemeni coast called the Maritime Security Patrol Area [MSPA], pirates successfully attacked and hijacked escorted vessels in the transit corridor⁴³ (Fairplay, 2009a). The coastal Puntland region as well as the port villages and cities of central Somalia including Eyl, Harardhere and Hobyo are the major bases for pirates and host ports for hijacked vessels (Middleton, 2008, 4-5).

Actors, Modus Operandi, Characteristics: Piracy off the Somali coast and in the Gulf of Aden is restricted to only ‘kidnap and ransom’ attacks that are categorized as MCHJ (IMB, 2009a, 24). There have been a few cases of ‘phantom ships’ but their aim was only to transform the seized vessel into mother ships and not to steal the cargo⁴⁴. However, piracy originated from attacks categorized as LLAR: In the beginning of the development, the pirates were fishermen that demanded ‘taxes’ from the illegally fishing trawlers in Somali waters. These ‘attacks’ were hardly reported as these vessels engaged in illegal activities themselves. Soon, some tax collectors realized that hijacking of vessels is a more lucrative business. Nowadays, piracy at the Horn of Africa predominantly takes the form of organized crime consisting of pirates, translators and intermediaries (for the ransom negotiations) and ‘investors’. These investors are either former pirates that are wealthy enough to pay others to do the actual job or the heads of crime syndicates who live in Dubai, London or elsewhere in the world (Bodewig, Pavlidis & Kouts,

out of fear of an increasing radicalization of the Muslim population in the weak state. After the overthrow, the moderate Somali Transitional Federal Government [TFG] took office.

⁴³ The corridor is monitored by helicopters and navy ships are strategically located in order to respond to attacks (Fossey, 2009).

⁴⁴ There was one case, however, where the vessel’s cargo was sold but only because the ransom was not paid quickly enough (Tages-Anzeiger, 2009b).

2009; Tages-Anzeiger, 2009a). It is estimated that between 2007 and 2009, the number of pirates grew from 100 hardly organized pirates to about ten well-organized and equipped pirate gangs with each up to 1000 members (Zihlmann, 2008). So far, pirates mainly originate from Somalia while hardly any come from neighboring countries. There have only been a few cases of imitators from Kenya, Eritrea and Yemen (IMB, 2009a, 18-19).

For attacks, pirates use small high speed boats that are released from mother ships. This allows for quick attacks further away from the coast. Pirates are heavily armed and possess sophisticated electronic devices (e.g. GPS systems, satellite phones, etc.). Primary targets are slow vessels (less than 15 knots) with low freeboard (around 5m) and have a visibly low state of alert (i.e. no watch keeping). This translates to a slow response to an attack and inadequate emergency procedures (ICS et al., 2009, 2). However, fast container vessels and big tankers with a relative high freeboard have been successfully hijacked as well and the IMB states that “all types of vessels, with varying freeboards and speeds have been targeted and attacked” (2009a, 26).

A significant difference to pirates in Southeast Asia is that African pirates have thus far demonstrated a less aggressive behavior⁴⁵. Hardly anybody gets insured or dies during an attack; some gangs even have a ‘code of conduct’ (Bodewig, Pavlidis & Kouts, 2009, SCCS, 2008, 29). However, most pirates are on the drug khat, which makes them unpredictable (Ulrich, 2009).

4.3. Examination: Piracy Enhancing Factors and Piracy Indicators

In this sub-section, the identified piracy indicators from *3.4 Summary: Piracy Indicators* are applied. Each of the indicators is examined for its applicability to piracy off the Somali coast and in the Gulf of Aden. The cumulative findings are first presented in a table and afterwards explained. In *4.4 Summary: Evaluation Heuristic Framework*, the entire table with all indicators is presented along with elaborations on the applicability of the framework.

4.3.1. Geographical Characteristics

Geographical Characteristics:	Somalia
Littoral State	yes
Strategic Location (Trade Route, Major Port, Business Spot)	yes
Large Territory (Coast Line and Waters)	yes
Geographic Bottleneck	yes
Local and Regional Maritime Activities	yes
Retreat Areas	yes
Navigation Challenges	yes

Table 3: Indicators Geographical Characteristics Somalia

Littoral state: Somalia is a littoral state. Its territory encircles the Horn of Africa whose northern, eastern and southern border is surrounded by water.

Strategic Location: Somalia is strategically located at one of the major routes for seaborne trade. *Picture 3* shows that one of the major sea lanes for liner shipping goes through the Suez Canal, thus passes north Somalia, and Puntland, respectively. It is not only a major

⁴⁵ This applies as long as the ransom negotiations are not dragged on for too long. Also, even though hostages are treated relatively well, the psychological stress cause to them is nearly unbearable (for more information, see Ulrich (2009).

trade route for liners, but also for oil and bulk cargo⁴⁶ (Rodrigue, 2004, 364). Even if (oil) tankers and bulk carriers are rerouted around the Cape of Good Hope⁴⁷, thus avoiding the Gulf of Aden, they still have to sail along the Somali coast and with pirate attacks taking place further away from the Somali coast, these vessels might still fall victim to pirate attacks. Thus, rerouting is only a slightly safer alternative.



Picture 3: Major Trade Routes for Liner Shipping (in million TEU) (UNCTAD, 2008a, 24)

There is neither any major port nor a global business spot like Singapore nearby; the main ports of the Gulf of Aden area are Aden (Yemen), Bosaso (Puntland, Somalia) and Berbera (Somaliland, Somalia). The closest ports of international significance are Dar es Salaam (Tanzania), Mombasa (Kenya), Jeddah (Saudi Arabia) and Salalah (Oman). However, thanks to its strategic location, the trade route generates the massive trade volume without the ‘support’ of a major port or business center.

Geographic Bottleneck: Parts of Somali waters and the Gulf of Aden lie right at the southern entrance of the Red Sea and at the Bab al-Mandab Straits. Captain Pottengal Mukundan, the current IMB director, lists this passage as one of the six worldwide “maritime arteries” (2004, 6). The narrow navigation channel and the fact that it can be easily blocked (by an accident or an attack) make the Bab al-Mandeb Strait a geographical chokepoint for world trade.

Large Territory (Coast Line and Waters): With over 3000 km, Somalia features one of the longest coastlines in Africa. The Somali water area spreads over 10’000 sq km of water with an additional claim of 200 nautical miles (370 km) for the Exclusive Economic Zone [EEZ] (CIA, 2009, Somalia). In order to patrol this territory, it would take at least 1000 vessels, which is more than the entire US Navy fleet (Osler, 2009b). However, the real hunting grounds lie outside Somali territory. Somali pirates mainly attack on the high seas and in the Gulf of Aden, an area that is larger than five million sq km – a territory bigger than the entire European Union (CIA, 2009, EU; Sadler, 2009). Though the distances from the hunting grounds and the retreat areas are longer, pirates in Somalia operate with mother ships that allow for quick attacks.

Local and Regional Maritime Activities: There are a lot of maritime activities and artisanal fishing is one of the most important businesses in coastal East Africa. Apart from local artisanal and industrial fishing for export, there is illegal fishing by local fishermen from Yemen

⁴⁶ For more information on oil transport and trade chokepoints, see Rodrigue (2004).

⁴⁷ Tankers and bulk carriers are slower than container ships and have a lower freeboard (especially when loaded), which makes them more vulnerable to an attack.

as well as by foreign-owned fish trawlers⁴⁸ (CIA, 2009, Somalia). Artisanal fishing is closer to the coast while fish trawlers operate often further away from the coast. It is nearly impossible to distinguish between a fish trawler engaged in fishing and a fish trawler acting as mother ship.

Retreat Areas: Though there are hardly islands to launch attacks from and retreat to, there are invaluable retreat areas; namely the newly developed piracy havens Eyl (Puntland), Harardhere (central Somalia), Hobyo (central Somalia), Garacad (Puntland) and Ras Asir (Puntland). These are small cities with a few thousand citizens where pirates are highly regarded and find sanctuary. If present at all, authorities do not intervene since part of the ransom will flow to clan families as well as directly to the community (SCCS, 2008, 31). Besides these piracy strongholds, there is the “shore dimension” (Osler, 2009b): The fact that the 3000 km desert coastline is barely patrolled offers countless retreat possibilities to the Somali hinterland.

Navigation Challenges: Besides the north-south and south-north traffic due to the Suez Canal, there is east-west regional traffic, or west-east, respectively, from East Africa to the Arabian Peninsula that furthermore complicates the navigation. Apart from the Bab al-Mandeb strait, there are no particular navigation challenges in this area that favor piracy as it would require merchant vessels to slow down. Nevertheless, there is a ‘weather factor’ that influences the prevalence of piracy: With the beginning of the southwest monsoon season in May and the northeast monsoon in December, pirate attacks decrease and increase again once the rainy season is over (Osler, 2009d). Rougher sea and higher waves make it more difficult and dangerous to launch attacks with the help of small speedboats on the high sea (Viscusi, 2009).

4.3.2. Conducive Societal Environment

Conducive Societal Environment	Somalia
Nautical Skills and Equipment	yes
Piracy History	no
Acceptance	yes
Existing Syndicates (Structures)	yes
Piracy Encouraging Policies of Shipping Industry	yes

Table 4: Indicators Conducive Societal Environment Somalia

Nautical Skills: In Somalia, fishing is a major business at the coast. There are approximately 100’000 traditional fishermen in Somalia. Artisanal fishing accounts for 60% of the total fish production and the estimated 50 fishing villages and cities are spread along the entire coast⁴⁹ (FAO, 2009). According to the Food and Agricultural Organization of the United Nation [FAO], the civil war destroyed large parts of the industrial and artisanal fishing infrastructure (2009). Fishermen can only rely on their self-help as there is no governmental support. In a situation of a ruined industry and overfished waters, it comes as no surprise that fishers might use their nautical skills and ships differently to make a living.

Piracy History: There is no significant history of maritime piracy at the Horn of Africa.

Acceptance: Pirates find vast acceptance in the pirate havens of Puntland and partly around Mogadishu and can therefore pursue their business. Ransom money is pumped into the local economy by way of buying cars, cell phones, houses, etc. Piracy has quickly developed into “a major stay for the Puntland economy [and] the coastal region of Puntland is booming” (Harper, 2008). Eyl has become a “town tailor-made for pirates and their hostages. Special restaurants have been set up to prepare food for the crews of the hijacked ships” (Harper, 2008).

⁴⁸ The estimated number of unlicensed fish trawlers varies between 50-60 (by an EU official) and 220 (by a local fisherman) (Philipps, 2009).

⁴⁹ The majority used to be around the Mogadishu area, but due to the civil war many fled to the northern and northeastern part of the country (FAO, 2009).

Piracy is not only widely accepted, it has even become fashionable: “They have money, [. . .] wed the most beautiful girls, they are building big houses, they have cars and new guns” (Hunter, 2008). Piracy has become a form of employment for many: Hijacking a vessel not only requires those who actually do the job (seven to ten pirates), but also about 50 who take turns onboard to guard the hijacked vessel and crew as well as another 50 who remain onshore in case something goes wrong (Harper, 2008; Ulrich, 2009). In an already war-torn country where young people have no career perspectives, joining a pirate gang is considered socially more desirable than joining militias as the crime takes place far away and not in the streets. However, despite the vast acceptance, Somalis that are not involved in piracy increasingly see it as “stains on the devoutly Muslim, nomadic culture” (Gettleman, 2009) and blame it for increasing prices as well as the introduction of “big-city evils” (Gettleman, 2009) like drugs, alcohol and AIDS. (Hunter, 2008)

Existing Syndicates: National and transnational syndicates do exist in East Africa, but play a rather minor role when it comes to piracy. The main force behind the significant increase in MCHJ off the Somali coast is attributed to the existing social structures, and the already powerful clans, militias and other armed opposition groups⁵⁰ that control over 90% of the territory of Somalia⁵¹, respectively. Some of them have always been involved in crimes like drug and human trafficking and it is believed that they simply extended their business onto water once they heard of the lucrative nature of hijacking vessels. Not much is known about the structure and membership of these crime syndicates: Some argue that they are closed for new entrants while others argue that membership is often fluid; some say they are tightly organized in a military way while others deny that (SCCS, 2008, 29; Rabasa, 2009, 7-9). (SCCS, 2008, 17-22, 27-32)

Piracy Encouraging Policies by Shipping Industry: Since many shipping companies operate globally, the same companies are exposed to piracy in Indonesia and Somalia. The policies of the shipping industry do not deviate profoundly from one place to another. Vessels are operated using a minimal crew and still carry a considerable amount of cash in the ship’s safe, which in case of Somalia is not the main target, but nevertheless a welcome ‘first payment’ (Chalk, 2009, 2; IMO, 2002, 2-3). Besides these general policies, with regards to Somalia, the shipping industry including the Baltic and International Maritime Council [BIMCO], IMB, IMO and ICS issued guidelines for ship owners on how to avert attacks, gave advice to keep distance from the coast and suggested to use the protected corridor in the Gulf of Aden. On the individual, company level, some have adopted further policies such as rerouting slow vessels around the Cape of Good Hope (e.g. Maersk Line) or equip their vessels with additional seafarers in dangerous waters (Osler, 200b). At best, these policies make attacking more difficult for pirates, but will not stop them. As long as ransom is paid, pirates are encouraged to continue their business. Though shipping companies and operators are pressed by governments not to pay the money, they often comply with the demand by pirates since the crew members’ lives are at stake and since ransom only makes for a fraction of the total value of the ship, cargo and crew (James, 2009). Besides, it is covered by a special insurance.

⁵⁰ Some of these armed groups possess significant military capacity and receive financial support from clan contributions, fund-raising from the diaspora and the business community. For a detailed overview of the different armed forces as well as opposition groups in Puntland, Somaliland and Somalia, see SCCS (2008).

⁵¹ The remaining 10% is controlled by the TFG and is restricted to mainly areas around Mogadishu.

4.3.3. Economic Hardship

Economic Hardship	Somalia
Lack of Means	yes
Enduring Economic Hardship or Past Crisis	yes
Low Foreign Direct Investments	yes

Table 5: Indicators Economic Hardship Somalia

Lack of Means: Somalia is one of the poorest countries in the world and with regards to naval armed forces, lacks all kinds of resources, including funds, manpower, infrastructure and equipment. It heavily relies on foreign help and has done so the last few decades already. But with the end of the Cold War, no state is willing to support the country as much as before (Mohamoud, 2002, 166). In times of the Russian and later American assistance, the Somali navy was “among the top navies in Africa” (Ross, 2009). Since the collapse of the Siad Barre regime, the Somali security institutions⁵² disintegrated and the naval forces have not been operational ever since as it lacks ships, equipment and sailors (Ross, 2009). According to an in-depth report of the Security Council Committee concerning Somalia, the government has no resources (including power) to maintain the needed security forces and foreign support is provided. Military and police forces are supported by a few countries (including Ethiopia) and UN agencies (UN Development Program), but there has been no support for the Somali navy (SCCS, 2008, 35-36). There have been recent efforts by the Somali navy chief to build up the navy’s capacities: Some 500 sailors have been recruited and they are deployed to protect the coast (Ross, 2009). However, they are only equipped with speed boats and do not possess the needed resources such as the appropriate equipment and training to be fully operational and to challenge the well-equipped pirates. Thus, Somali waters can still be considered unpatrolled.

Enduring Economic Hardship and/or Past Crisis: Somalia has not necessarily experienced a recent economic crisis; it is in a permanent state of genuine economic hardship that has prevailed for decades. The economic situation has aggravated since the outbreak of the civil war and the emergence of illegal fishing. Nevertheless, the Somali economy, mainly the informal branches, has been growing in the last few years as can be seen in *Figure 11*.

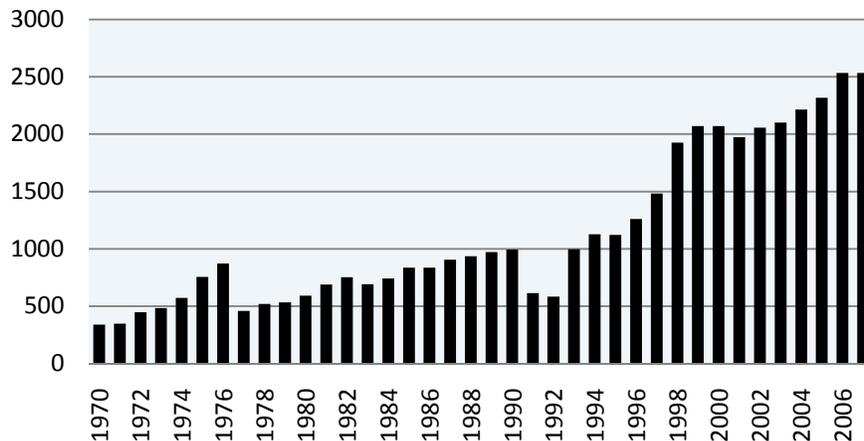


Figure 11: GDP Somalia 1970-2007 (in million US\$) (UN Statistics Division, 2009b)

⁵² The security sector in Somalia is split up in three parts, and areas, respectively: Puntland, Somaliland, and Somalia. However, they are all similarly supported by the international community and therefore do not need to be analyzed individually. (SCCS, 2008, 35-36)

The subsequent *Figure 12* shows that the Somali GDP growth has been very volatile, but predominantly positive. In the last few years, Somalia's GDP growth has stabilized and remains below 3% while the respective figures of Kenya and Djibouti are increasing⁵³.

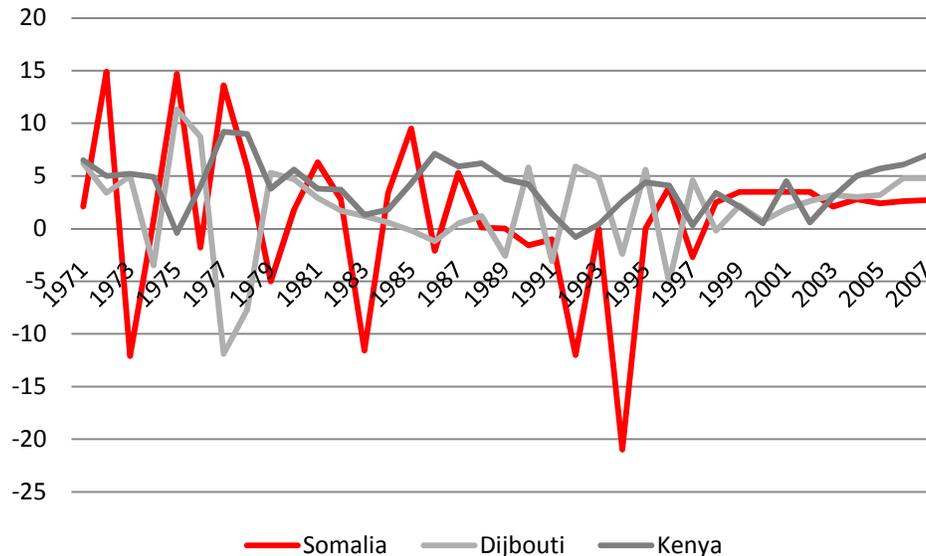


Figure 12: Rates of GDP Growth Horn of Africa (in %) (Un Statistics Division, 2009c)

Low Foreign Direct Investments: A situation of chronic political and economic instability and insecurity has deterred investments by foreign companies and individuals severely. Income from foreign direct investment [FDI] is low. The United Nations Conference on Trade and Development [UNCTAD] indicates that Somalia received about US\$ 141 million in 2007, which is less than 4% of the total FDI in East Africa (UNCTAD, 2008a). The little incoming FDI is received by small enterprises in the (mobile) telecommunications sector. Kenya receives only slightly more FDI as pictured in *Figure 13*, but much more money is flowing in from development assistance and aid by governments and organizations as can be seen in *Figure 14*. Due to its stability, Djibouti receives a lot of FDI and (therefore) less development assistance.

⁵³ The data on the third neighboring country Ethiopia is missing for the period 1970-1990. However, its GDP growth rates have been very volatile in the 1990s, but have increased in the last five years. The growth rate in 2007 was nearly 12% (UN Statistics Division, 2009c).

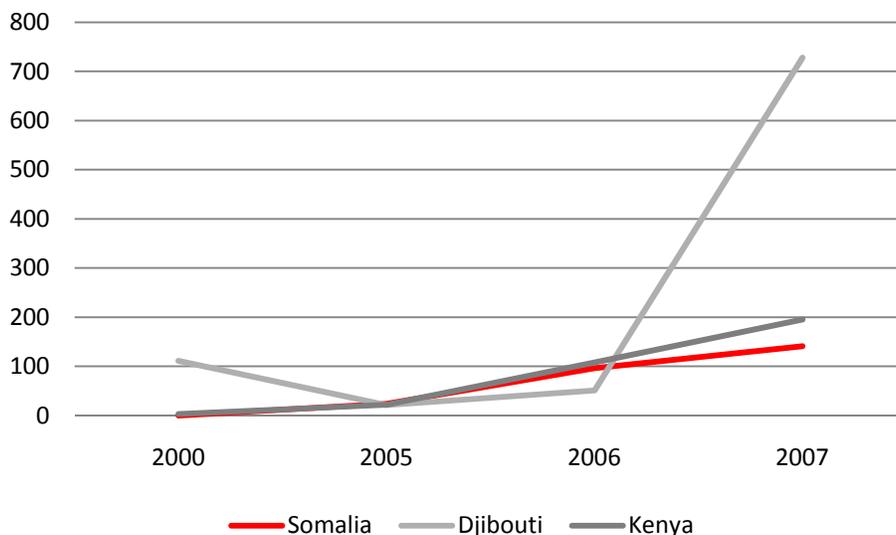


Figure 13: FDI Horn of Africa (in million US\$) (World Bank, 2009)

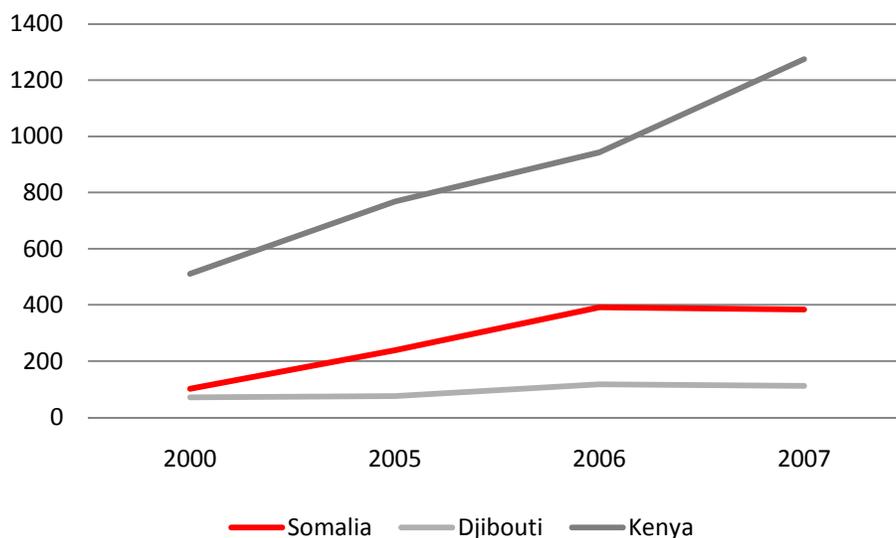


Figure 14: Development Assistance & Aid Horn of Africa (in million US\$) (World Bank, 2009)

4.3.4. Socio-Economical Distress

Socio-Economic Distress	Somalia
Poverty and Low GDP per Capita	yes
Unemployment	yes
Deteriorating Environment	yes
Availability of Arms	yes
Exclusion from (Regional) Wealth and Development	no

Table 6: Indicators Socio-Economic Distress Somalia

Poverty and Low GDP per Capita: Somalia is one of the poorest countries in the world. It could not be ranked in the ‘Human Poverty Index’ by the UN Development Program as there is too little (reliable) data available (UNDP, 2008*b*). According to the World Food Program [WFP], it is the country “with probably the highest humanitarian needs” (WFP, 2009). A third Somalia’s population is directly depended on the food aid by WFP and 71% of the population is undernourished (UNDP, 2004, 250). Approximately 43% suffer from extreme poverty (less than one US\$ per day) and 73% of the total population suffers from general poverty (less than 2 US\$ per day) (World Bank, 2008). In Somalia, (local) poverty and piracy seems to be directly linked: Where there is rampant poverty, the number of attacks is higher. In the relatively richer area of Somaliland, piracy hardly exists while it is predominant off the Puntland coast – the country’s poorest region where more than half of the population live from less than one US\$ per day (Levett, 2008; Middleton, 2008, 5). The income inequality is estimated to be very high though no reliable Gini-index of Somalia could be found to compare the country to its neighbors. As assessed in *4.2 Describing Piracy in Somalia and Gulf of Aden (Horn of Africa)*, the GDP per capita of Somalia is one of the lowest not only in the region but also worldwide. Though Somalia might have a higher GDP than Djibouti (see *Figure 15*), the GDP per capita corrects a potentially misleading interpretation and reveals that standard of living is much lower, and that the individual citizen in Somalia is much poorer, respectively. *Figure 16* highlights the low and basically stagnating level of GDP per capita of Somalia⁵⁴ compared to two neighboring countries, Djibouti⁵⁵ and Kenya⁵⁶.

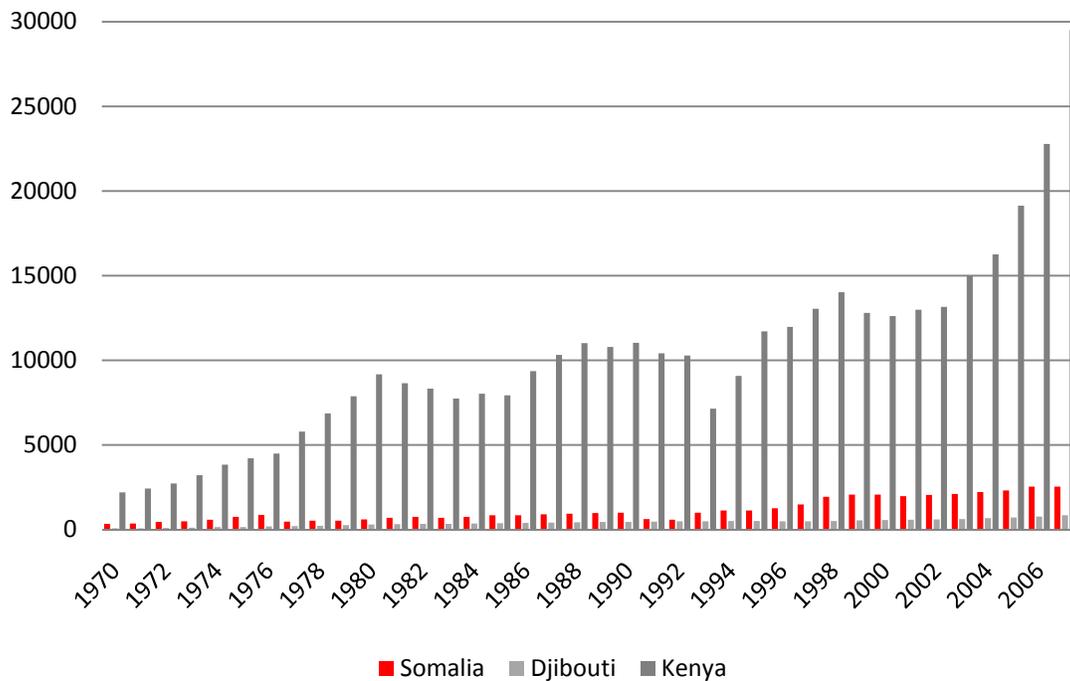


Figure 15: GDP Horn of Africa (in million US\$) (UN Statistics Division, 2009*d*)

⁵⁴ Earlier in this thesis, the GDP per capita in Somalia was estimated to be US\$ 600 while here it is at about US\$ 300 for 2007. This can be explained by different sources as well as the fact that no reliable data on Somalia is available.

⁵⁵ Djibouti, though an independent state, can be compared with Somaliland as they are both countries with a growing economy. There has been no reported piracy in Djibouti so far. (IMB, 2009a, 5)

⁵⁶ Despite the violent clashes during the 2008 elections, Kenya is often considered one of the most stable and prosperous countries in Africa. There have been a few piracy attacks in waters of Kenya, but they are believed to have been carried out by Somali pirates (IMB, 2009a, 5).

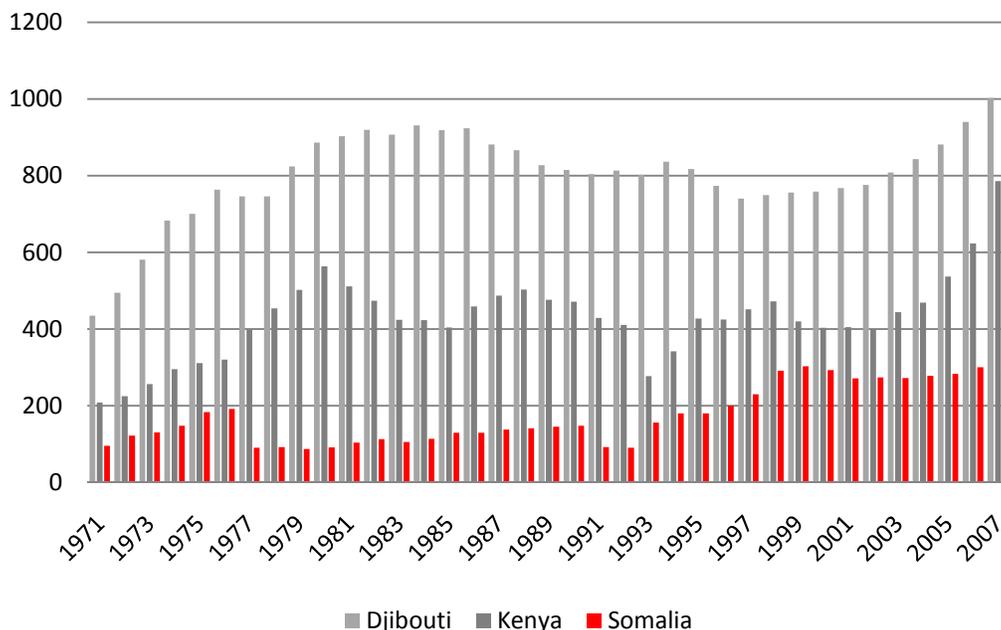


Figure 16: GDP per Capita Horn of Africa (in US\$) (UN Statistics Division, 2009e)

Unemployment: Neither the World Bank and International Monetary Fund [IMF], nor the UN Development Program or the UN Statistics Division list current data on the unemployment rate in Somalia. Under the prevailing political, economical and social conditions, it is likely that that rate is very high. In an article published by the *International Relations and Security Network* of the Swiss Federal Institute of Technology Zurich, the author states that the current unemployment rate is as high as 66% in urban areas and 41% in rural and nomadic regions (Daly, 2009). These are not just impressive figures; they also contribute to a situation of no prospects for young people. Somalis have learnt to live with those dire circumstances and helped themselves by developing an informal economy and finding alternate sources of income, such as piracy. The ‘flourishing’ informal economy certainly offers opportunities and jobs, but they are limited.

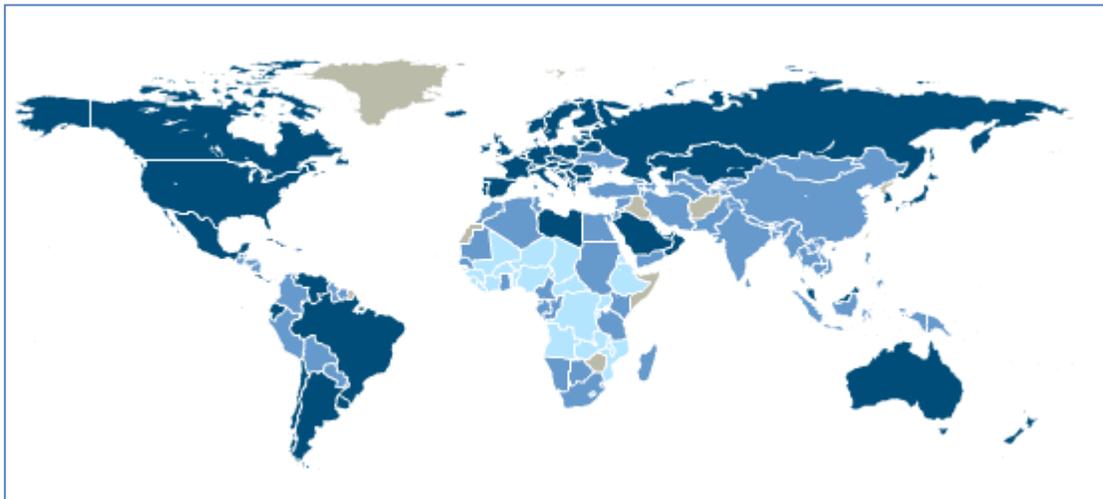
Deteriorating Environment: Illegal fishing, destructive fishing practices, excessive by-catch, oil spills and dumping of toxic waste due to the inexistent law enforcement eroded the fish stock and thus livelihood of Somalis living at the coast (FAO, 2009). In the case of Somalia, there is the sense of justice or grievance attached to piracy as explained by a citizen of Garowe, the capital of Puntland: “They don’t call themselves pirates, they call themselves coastguards” (Hunter, 2009) (SCCS, 2008, 28). Many see in the illegal fishing practices the initial cause for the ‘abrupt’ emergency of piracy. Pirates claim that they are just taking back what has been taken from them, which was certainly true at the beginning. However, piracy has become a business of its own that is to a large part detached from the problem of overfishing.

Availability of Arms: Despite an arms embargo on Somalia since 1992, the proliferation of arms has not stopped. There is a big amount of small arms readily available at low costs⁵⁷. Weapons have become an every-day, “commercial good, which can then be resold in Somalia in order to generate cash” (SCCS, 2008, 7). Apart from fuelling and financing the existing conflicts as well as increasing the level of violence, the easy accessibility made it possible for simple fishermen to acquire small arms for their first attacks. With every successful hijack and willing embargo violators abroad, money was spent on more sophisticated weapons and technical

⁵⁷ Weapons mainly come from Yemen or Eritrea and other conflict areas in East Africa (Rabasa, 2009, p. 7, SCCS, 2008, 6).

devices. Today’s pirates rely on the Global Positioning System [GPS] and satellite phones for the logistical part and on rocket propelled grenades [RPG], hand grenades and assault rifles for the attacks (IMB, 2009a, 23). To what degree piracy is used to fund wars is not certain. Pirates seem to stay out of ongoing conflicts on land, but a part of the ransom goes to the local communities that are involved in violent conflicts. These cash injections prolong and finance the conflicts and thereby contribute also to the proliferation of arms. However, it cannot be said that by eradicating piracy, the local and regional wars would be stopped, yet funds would be reduced (Middleton, 2008, 9).

Exclusion from (Regional) Wealth and Development: The Horn of Africa is one of the least developed and poorest regions in the world as can be seen in *Picture 4* by the UN Development Program. The ‘Human Development Index’ measures the development of a country and the standard of living⁵⁸. Somalia, though no data is available for the country, is expected to have a similar, yet somewhat lower standard of development than its neighbors Ethiopia and Kenya. The Horn of Africa is slightly more developed than the Sub-Saharan region. However, there are no gross differences between the countries that might spur criminal activities such as piracy as it is the case in Indonesia.



Picture 4: Map ‘Human Development Index 2006’ (UNDP, 2009)

4.3.5. Weak Political System

Weak Political System	Somalia
Lack of Political Will	yes
Weak State	yes
Corruption	yes
Political System in Difficult Transition	yes
Domestic Threats and Conflicts	yes
No/Low Degree of Transnational Cooperation	no

Table 7: Indicators Weak Political System Somalia

⁵⁸ It is composed of, among others, purchase power parity, literacy rate and life expectancy. It is a useful tool to compare the level of development across the world as it includes both wealth components and development components (UNDP, 2008).

Lack of Political Will: It can be said that there is a lack of political will to tackle the piracy problem in Somalia because whatever government is in power, it has much bigger problems than piracy. Struggling to keep control of the capital is just one of the more imminent challenges. There is the saying that “governments that are unable to effectively govern urban and rural areas outside the capital are even less able to exert control over events at sea” (Storey, 2008, 106). This is certainly true for Somalia. Furthermore, local authorities often do not interfere as piracy means income for their communities⁵⁹, job opportunities and local development (electricity, new shops, restaurants, buildings, etc.).

Weak State: Somalia is not just a weak state, it is generally seen as ‘stateless’ or a ‘failed state’. It is ranked number one of the ‘Failed States Index 2008’ by *Foreign Policy* and the author of the study calls it “the state most at risk of failure” (2008). Additionally, it holds the record of having been a failed state the longest (Mohamoud, 2002, 157). The current government does not have the abilities to establish law and order in its territory; neither on land and even less so on water. There is no functioning navy to patrol waters and to exercise law enforcement against piracy, illegal fishing and dumping of toxic waste. In case of Somalia, there is a direct link between an exceptionally weak state, or government, respectively, and the level of piracy activity: With a relatively well functioning government in place, piracy ceased under the ICU government⁶⁰. However, under the following, weaker government piracy rose immediately again.

Corruption: According to the ‘Corruption Perceptions Index 2008’, Somalia is the most corrupt country in the world (TI, 2008). The Security Council Committee concerning Somalia confirms this in its report and refers mainly to the complicity of members of local administrations in Puntland with pirates (SCCS, 2008, 31-32). Local authorities are often very well informed about piracy activities but either do not interfere or are themselves engaged in them. This includes offering safe havens to pirates and hijacked vessels, logistical help, etc. (Gettleman, 2009, 1). Pirates and administration are often linked through clan structures that have replaced state authority (Harper, 2008). Corruption not only means misuse of the power and public institutions, but in the case of Somalia also includes nourishing a criminal environment with informal economy, smuggling, arms and people trafficking, counterfeit and piracy. Corruption might provide a link between the lack of resources and the lack of political will: The political will to fight piracy is likely to suffer in a situation where the total (Puntland) budget is just about 20% of the projected ransom income from piracy over the same period (SCCS, 2008, 28).

Political System in Difficult Transition: The Republic of Somalia is in a process of political transition that goes in two directions. On the one hand, there are the disintegrating forces: Since the breakdown of the authoritarian regime, the country is being torn apart by power and independence struggles of clans, warlords, Islamic militias and other groups. The state is already split up in three regions with the semi-autonomous Puntland and an even more independent Somaliland that both have their own regional and local governing bodies. On the other hand, there are efforts by the transitional government to unite the country and create a new political system. Since 1991, there has been no permanent national government, parliament or a common legal system. The interim government is currently working on a new constitution and establishing a representative government with national elections in 2011, but the chances of success are very little. (CIA, 2009, Somalia)

Domestic Threats and Conflicts: Like mentioned before, Somalia faces severe political, humanitarian and security threats. It is ranked third last in the ‘Global Peace Index 2009’ – before Afghanistan and Iraq that are last (Vision of Humanity, 2009). Vision of Humanity explains that the security situation worsened from 2008 to 2009 and that this was also linked to piracy:

⁵⁹ According to the report of the Security Council Committee concerning Somalia, about 10% of the ransom payments are paid to the local community (SCCS, 2008, 31).

⁶⁰ It is in general not clear how the ICU managed to exercise control on territorial waters, but it is believed that they did so by putting pressure on clans and by calling the attacks ‘un-Islamic’ (Gettleman, 2009).

With the existence of piracy, more arms, money and drugs became available, which increases violence and instability in the streets (Vision of Humanity, 2009).

On a macro level, there is the political disintegration and economic degradation, while on the micro level, people have to deal with constant insecurity, sudden outburst of violence, famine and other immediate threats. Besides the ever-present clan warfare, a new dimension has emerged: religion. The Islamic militias Al-Shabaab, once allied with the ICU and now supported by the diaspora, have become one of the strongest groups dominating large parts of southern and central Somalia. Al-Shabaab fights the government and whoever “they regard as insufficiently Islamic” (Beaumont, 2008).

Low Degree of Transnational Cooperation: Concepts like national sovereignty and transnational cooperation hardly exist in Somalia. It is a country in a disintegrated state with internal power struggles where different groups try to gain power and where the government struggles to exercise control over the capital. With regards to Somali cooperation on a regional level, it can be said that there are some efforts (e.g. with Yemen and Kenya), but this hardly goes beyond the expression of intentions and good-will. But this is not because of a very protective understanding of national sovereignty, but simply due to lack of resources and power.

However, on the international level, dedicated transnational cooperation to combat piracy does exist and consists of a number of governments and international organizations. Two states have sent naval vessels to the Gulf of Aden before the situation off Somalia entered the broader public debate. The United States was already present in the area due to its operation ‘Enduring Freedom’ as part of its anti-terrorism operations and just extended it onto Somalia while France increased its presence in the region after the capture of the luxury yacht *Le Ponant* in 2008 (Bodewig, Pavlidis & Kouts, 2009, 10-11). Only in 2008 and after pirate attacks became more sophisticated did a will to deviate from isolated operations and to cooperate with each other develop. Today, the EU, IMO, the North Atlantic Treaty Organization [NATO] and a number of governments⁶¹ are undertaking coordinated patrols and other anti-piracy efforts in the Gulf of Aden. This has led to the creation of the Maritime Security Patrol Area [MSPA] mentioned above. To what degree this corridor is protecting vessels is not entirely clear since vessels have been attacked in the corridor (Fairplay, 2009a). The Somali government has repeatedly emphasized that increasing its armed forces would be the most efficient way to curb piracy. The international community gradually embarks on pursuing that strategy and the European Union [EU] agreed to train Somali security forces (BBC, 2009b).

4.4. Summary: Evaluation Heuristic Framework

In section 4 *Application of Heuristic Framework: Piracy at the Horn of Africa (Case Study I)*, the identified factors and piracy indicators from sub-section 3.4 *Summary: Piracy Indicators* were applied to the piracy situation in Somalia. By doing so, the factors and indicators were examined. In *Table 8: Summary: Evaluation Framework - Somalia*, the individual indicators are listed along with the applicability option ‘yes’ or ‘no’ with respect to Somalia. The option ‘yes’ means that it is a good indicator because it seems to enhance the prevalence of piracy in Indonesia and Somalia as it has been generated in 3 *Developing a Heuristic Framework: Piracy in Southeast Asia* and examined in 4 *Application of Heuristic Framework: Piracy at the Horn of Africa (Case Study I)*. The option ‘no’ means that the piracy indicator fails to contribute to explaining the existence of piracy in Somalia. Though something may have been considered an important factor in the case of Indonesia, it apparently did not contribute to explaining piracy off the coast of Somalia. Therefore, these indicators were moved down in the framework for future applications due to their lower priority, but still kept in the table because they might be important

⁶¹ Among others, Canada, India, Russia, Malaysia, Saudi Arabia and South Korea and even China have sent navy vessels to the region (Chalk, 2009, 4).

in other cases. This framework postulates that if all indicators are fulfilled and checked with 'yes', the country or area is most likely a piracy hotspot. If many indicators are not fulfilled, then it is likely that piracy does not prevail, although sporadic (minor) attacks might occur. If only a few indicators are not met, this means that piracy might exist, but the area or country is not a hotspot yet. But it nevertheless can develop in that direction if more indicators are fulfilled. A threshold value that says how many indicators need to be met to be categorized as 'prone to become a piracy hotspot' cannot be established. How and when a region becomes a piracy hotspot cannot be generalized as each country represents a unique case that needs to be analyzed separately. However, the more indicators are fulfilled, the more likely it is that a country is imminently threatened to become the next piracy hotspot. The framework is a fluid and dynamic concept where different indicators influence each other. This should be kept in mind when it is applied.

For each of the five factors, all, or all but one indicator, respectively, were found congruent; some explanations and elaborations are presented following *Table 8*. Within the framework of this thesis and in the absence of a third piracy hotspot, this procedure is considered a well-enough examination for each piracy indicator. The application of the framework answers parts of the research question: The identified factors and the indicators that seem to have enhanced the prevalence of piracy in Indonesia do to a large part also contribute to explaining the phenomenon of piracy off Somalia.

Indicators of	
Geographical Characteristics:	Somalia
Littoral State	yes
Strategic Location (Trade Route, Major Port, Business Spot)	yes
Large Territory (Coast Line and Waters)	yes
Geographic Bottleneck	yes
Local and Regional Maritime Activities	yes
Retreat Areas	yes
Navigation Challenges	yes
Conducive Societal Environment	Somalia
Nautical Skills and Equipment	yes
Piracy History	no
Acceptance	yes
Existing Syndicates (Structures)	yes
Piracy Encouraging Policies of Shipping Industry	yes
Economic Hardship	Somalia
Lack of Means	yes
Enduring Economic Hardship and/or Past Crisis	yes
Low Foreign Direct Investments	yes
Socio-Economic Distress	Somalia
Poverty and Low GDP per Capita	yes
Unemployment	yes
Deteriorating Environment	yes
Availability of Arms	yes
Exclusion from (Regional) Wealth and Development	no
Weak Political System	Somalia
Lack of Political Will	yes
Weak State	yes
Corruption	yes
Political System in Difficult Transition	yes
Domestic Threats and Conflicts	yes
No/Low Degree of Transnational Cooperation	no

Table 8: Summary: Evaluation Framework - Somalia

With regards to the factor ‘Geographical Characteristics’, all indicators are applicable. It has been established earlier that piracy only occurs where there is water, so the indicator ‘Littoral State’ could be checked right away. The subsequent indicators of the factor ‘Geographical Characteristics’ were discussed and found applicable. Somalia does lie at a strategic trade route and close to a bottleneck, features a long coastline with vast retreat possibilities and is a region with much maritime traffic. The last indicator, ‘Navigation

Challenges', was considered applicable. However, unlike in the case of Indonesia where it has been derived from the fact that navigation is difficult for merchant vessels, it here refers to temporarily difficult or impossible navigation for the pirates. Since it helps explaining the increase and decrease in the number of attacks, it is therefore a legitimate indicator.

Thereafter, the indicators of the factor 'Conducive Societal Environment' were examined. Coastal people possess the required nautical skills and pirates are tolerated in their communities. Of the five, one indicator was not found applicable: 'Piracy History'. Whereas in Indonesia a longstanding history of piracy made way for the acceptance and thus, existence of piracy, the same is not the case in Somalia. The acceptance is based on other aspects such as extreme poverty and sentiments of justice. Although the shipping industry has reacted to the piracy situation off Somalia and adopted a number of anti-piracy policies, they are only intended to give practical advice to ship owners and operators on how to prevent attacks and do not cover the question of how to end piracy altogether. The difference to Indonesia is that pirates off Somalia focus on ransom and not about the cash in the ships' safes. Since ransom is almost always paid, piracy will continue even if attacks become more difficult due to better prepared and vigilant crews. The potentially high returns make up for a higher risk level.

Of the next factor 'Economic Hardship', all three indicators were fulfilled. It can be said that Somalia is in a state of veritable and enduring economic hardship. The country not only lacks resources for its armed forces, it is also short of foreign investments that are withheld due to the instability and insecurity.

With regards to the factor 'Socio-Economic Distress', all but one indicator, 'Exclusion from (Regional) Wealth and Development' were found applicable. This can be explained by the fact that the Africa continent shows a low level of development and the differences between neighbors at the Horn of Africa are not striking or not as visible for the individual person as in Indonesia. Other than that, the country suffers from a high unemployment rate, lack of possibilities, poverty, depleted fish stock and the continuing proliferation of all kinds of arms despite an arms embargo.

All but one of the indicators of the factor 'Weak Political System' were fulfilled. A close link between a weak government and pirate activities was observed. Corruption is often a sign of a weak state, which is the case in Somalia. Imminent internal conflicts divert the attention away from the water and fighting piracy is not given the highest priority of the current government. After all, many of these indicators influence each other, or are cause and effect of each other, respectively. With regards to 'Low Degree of Transnational Cooperation', the very opposite is the case in Somalia: Isolated as well as cooperated operations have been launched to prevent acts of piracy. This might indicate that this indicator is Asia-specific.

5. Application of Heuristic Framework: Piracy in West Africa (Case Study II)

After examining the five factors and their indicators and establishing the applicability of the framework, it now can be used to assess whether areas or countries that are already subject to attacks can be classified as susceptible to becoming a piracy hotspot or not. For the upcoming Case Study II, Nigeria was selected from a set of countries that have exhibited attacks in their waters over the last few years.

Subsequently, the heuristic framework is applied. The same steps will be taken as in the previous Case Study I on Somalia and Gulf of Aden as shown in *Figure 17*. If the vast majority of the indicators are fulfilled, it can be said that the Nigeria is at risk to develop towards becoming a future piracy hotspot.



Figure 17: Application Heuristic Framework - Nigeria

Nigeria was selected as a result of the following selection process: Firstly, all countries that had experienced more than ten annual attacks over the last ten years or had been subject to a recent strong increase in attacks were selected. Secondly, those countries and regions that have already been discussed were taken off the list. Thirdly, those countries that are close to an already existing piracy hotspot were also removed from consideration⁶². Subsequently, countries with an erratic attack pattern, or an ever-changing number of attacks on a low level, respectively, were eliminated. Finally, countries that solely feature piracy categorized as LLAR were also excluded from the selection⁶³.

⁶² This was done because most attacks are committed by pirates from the nearby hotspot in search for new hunting grounds and to a lesser degree by local imitators (Frank, 2009a; IMB, 2009a, 24). It does hardly represent a new phenomenon, but rather highlights that the waters are badly patrolled. Though these places might be at risk to become pirate infested as well, this development is more 'visible' due to the already existing hotspot nearby.

⁶³ Though the number of LLAR might be impressive, these crimes are of a less violent and threatening nature than piracy in the before discussed hotspots. Originally, these attacks were not categorized as piracy under UNLCOS. They only entered the statistics because the UNCLOS definition was broadened to also include MLAAR and MCHJ occurring in territorial waters – but not to categorize petty theft or maritime muggings, thus LLAR, as piracy.

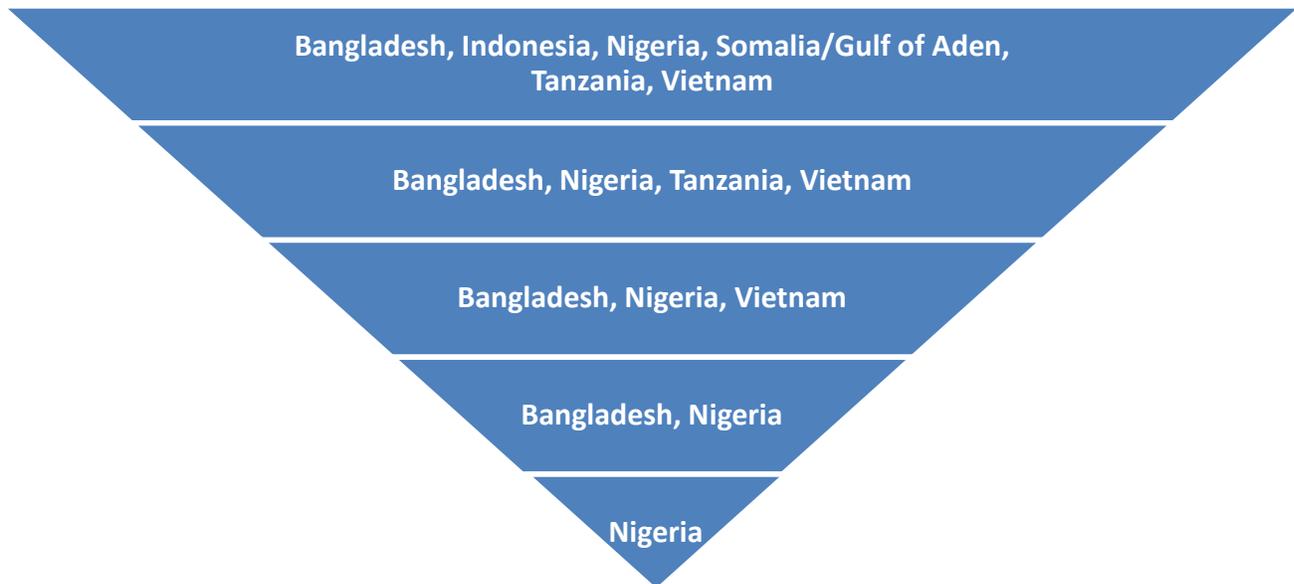


Figure 18: Selection Process for Case Study II

The selection process delivered only one country because the criteria were chosen restrictively. This does not mean that a potential piracy problem is no evolving anywhere else in the world as well; the restrictive criteria only ensured that the most pressing one was identified. Yet, with looser criteria, the range could be increased and more countries could have been identified that have shown interesting developments in terms of piracy recently, for instance Vietnam, Venezuela or Peru. When applying the heuristic framework, it is crucial to be aware of the impact of choosing the selection criteria.

5.1. Introduction to Nigeria

Location and Population: Nigeria has a population of nearly 150 million people, which makes it the most populous country in Africa. Almost half of the population lives in urban areas and nearly 60% of the population is younger than 18 years (UNODC, 2009). There are more than 200 ethnic groups and two main religions; Christianity and Islam. Nigeria is located in West Africa and shares its borders with Benin, Niger, Chad and Cameroon. Its coast lies at the Gulf of Guinea and the coastline extends over 850 km. (CIA, 2009, Nigeria)

Gulf of Guinea: The Gulf of Guinea is the part of the Atlantic Ocean that borders the southwestern Africa. It is an area where oil transport on sea is not jeopardized by maritime bottlenecks like narrow sea lanes or other geographical chokepoints that could be blocked due to attacks or accidents like the Bab al-Mandab Strait or the Strait of Malacca. It is the closest route for Nigerian oil to its main importers the United States, Brazil and Spain and forms part of the alternative route to the Suez Canal around the Cape of Good Hope (CIA, 2009, Nigeria).

Economy: Nigeria is the second largest economy in Sub-Sahara Africa and generates about 40% of the region's GDP. It heavily depends on its natural resources oil and gas: Petroleum and petroleum products make up 95% of all exports. It is one of the key oil producing countries in the world and a member of the Organization of Petroleum Exporting Countries [OPEC]. Nigeria is the biggest oil exporting country in Africa and extracts nearly 2.5 million barrels oil per day (CIA, 2009, Nigeria). The oil predominantly comes from oil fields in the Niger Delta area around port Harcourt (50 km from the coast). The other important port in Nigeria is Lagos in the southwestern part of the country and it is referred to as the "commercial heartbeat of Nigeria" (BBC, 2009a). The country still suffers from the poor macro-economic management

by the previous military rulers that only focused on oil and neglected other industries. A number of recently introduced market-oriented reforms try to and have already managed to bring improvements. Today, the industry and service sector generate more than 80% of the GDP but the agricultural sector still employs about 70% of the population. (CIA, 2009, Nigeria)

Politics: The Federal Republic of Nigeria has a longstanding history of political instability and corruption. The former British colony gained its independence in 1960. The following governments were corrupted by the oil money. After the almost 16 years of military rule that tried to set an end to these kinds of governments but ended up being corrupted as well, in 1999 a new constitution was adopted and a civilian administration took office. Since then, efforts have been made to restrict the endemic corruption, install democratic mechanisms and diversify the oil-based economy. In 2007, the third consecutive national elections were held. Despite the violence and the irregularities that accompanied the presidential elections, Nigeria currently experiences the longest period of civilian rule since 1960. (CIA, 2009, Nigeria)

Security Threats: There are a number of predominantly internal security threats in Nigeria: Communal unrest, separatist insurgents, religious tensions, power struggles, drug trafficking, environmental degradation, etc. One of the main issues are attacks of rebel groups against the government and the oil infrastructure. The tensions between rebel ethnic minorities and the oil exploring companies exist since the 1990s, but intensified in the last two years (Lloyd's List, 2009b). The rebels are politically motivated and are fighting for a share of the wealth from the natural resources in their region (Drake & Imig, 2009a). The recent development of piracy poses a relatively new security threat to Nigeria.

5.2. Describing Piracy in Nigeria and Gulf of Guinea (West Africa)

History: Just like in Somalia, piracy in western Africa is a new phenomenon. Though there have been cases of piracy in the region between 1982-1986, the attacks were eradicated after the government launched crackdowns in piracy havens (Lloyd's List, 2009a). The number of attacks increased from zero in 1994 to 39 in 2003, dropped and increased again after the beginning of the rebel insurgents in 2006⁶⁴ (IMB, 2006, 5; IMB, 2009a, 6). Just like in Indonesia, underreporting of piracy attacks in Nigeria is a major problem. Different sources believe that the attacks in Nigerian waters outnumber even those of Somalia: A high-ranking IMB official said that the actual number of attacks for 2008 was 150-200 rather than the 40 that were reported (Speares, 2009). The chief security officer of BIMCO declared that the situation in the Gulf of Guinea was just as bad as in the Gulf of Aden (Speares, 2009). Due to underreporting, Somali piracy absorbs all the attention and all concerns while the situation in Nigeria is greatly underestimated.

⁶⁴ The distinct increase in number of attacks in the year 2003 is attributed to the elections in that year. Different state governments in the Niger Delta armed rebel groups with the intention to gain control and thus power (Walker, 2009).

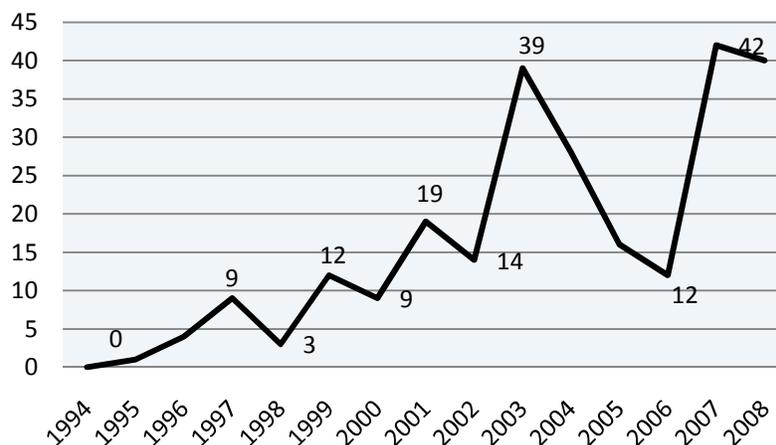


Figure 19: Attacks Nigeria 1994-2008 (IMB, 2006, 5; IMB, 2009a, 6)

Location: Similar to Indonesia, most attacks in Nigeria take place in territorial waters, i.e. on rivers and within short distance to shore (20-50 km) (IMB, 2009a, 26). The attacks are concentrated in the oil-rich Niger Delta (including port Harcourt and Bonny river) in the southeast as well as in the port of Lagos in the southwest. Though a few cases have occurred, attacks more than 100 km away from the coast hardly take place (Drake & Imig, 2009b). Piracy attacks spread more and more beyond the Niger Delta: The waters off Ghana, the Ivory Coast and Cameroon currently experience an increase of attacks (Dranke & Imig, 2009a).

Actors, Modus Operandi and Characteristics: Unlike piracy in Somalia⁶⁵ and Indonesia, piracy in Nigeria is largely politically motivated⁶⁶ (IMB, 2009a, 26). It is closely linked to the fight of rebel groups. In the beginning, the militants only damaged and sabotaged the onshore oil infrastructure (Drake & Imig, 2009a). Thereupon, the army intensified operations in the Niger Delta, which left the waters largely ungoverned. At this point, the rebels shifted their activities from the landside onto water and started to also target offshore installations. This is where piracy comes in. It seems that piracy has become a new tactics of the rebels to attack the oil industry⁶⁷ but is not, in itself, a completely new development.

Originally, pirates were impoverished or angry village people living in the Niger Delta that joined a rebel group in order to protest and force the government to distribute the oil revenues more equally. Besides those who engage in pirate activities for political reasons, there are more and more imitators who are in it for purely financial gains or those who combine the two; taking advantage of extorting money from the oil exploring companies while interrupting those companies' business and thus following their own political goal (Drake & Imig, 2009a). The question comes down to how to categorize these rebels: Are they militants, criminals or pirates? The borders are blurry. These 'rebels' include not only local residents engaged in armed

⁶⁵ It is true though that there was also some political motivation involved in piracy off Somalia. After all, piracy developed out of the desire to take revenge against foreign fish trawlers that exploited the fishing grounds. But that motivation has basically vanished.

⁶⁶ Strictly speaking, this kind of piracy does not fall under the UNCLOS definition as laid out in 2.1 *Defining Maritime Piracy*, but is nevertheless categorized as piracy since it is subsumed under 'armed robbery' even though the vessels are not primarily robbed. Technically, this form of piracy rather falls under maritime terrorism, but it is referred to as (political) piracy rather than (maritime) terrorism.

⁶⁷ The following might further support this view: On July 20, 2009, a ceasefire was negotiated between the government and the militants. It is believed that this will reduce pirate activities. However, if the agreement is broken, piracy is likely to increase again (Drake & Imig, 2009b).

struggles and locally organized guerilla groups but also large factions like the Movement for the Emancipation of the Niger Delta⁶⁸ [MEND].

So far, pirates (or militants) in Nigeria have hardly aimed to attack merchant vessels other than oil tankers. They predominantly attack ships that support the oil industry but also the offshore oil infrastructure (IMB, 2007a, 17). ‘Attacks’ include blowing up jetties, kidnapping oil company employers⁶⁹ or crew members, sabotaging pipelines and stealing and selling illegal oil, which is referred to as ‘blood oil’⁷⁰. Just like in Somalia, there is hardly any LLAR and only few cases of MLAAR⁷¹. The majority of attacks are categorized as MCHJ even though they are undertaken while at anchorage or in port that normally would be categorized as LLAR (IMB, 2009a, 10-11). However, it is not so much about hijacking vessels to demand ransom (‘kidnap and ransom’) or to get hold of a mother vessel (‘phantom ship’) (Frank, 2009b). As a matter of fact, in 2008, only three vessels have been reported hijacked for ransom, and 13 crew members out of the total 889 have been taken hostage in Nigerian waters for the exchange of money, respectively (IMB, 2009a, 9). Kidnapping is more a form of intimidation aimed at the oil companies than a crime committed for financial gains. However, this is changing increasingly as the ransom business is lucrative. Piracy becomes a “mix of theft and politically-motivated violence” (Frank, 2009b). Injured or killed seafarers are common and pirates are in general heavily armed and show an extremely brutal and violent behavior (Hand, 2009a; IMB, 2009a, 15).

5.3. Examination: Piracy Enhancing Factors and Piracy Indicators

In the following sub-sections, the piracy indicators are applied to Nigeria in order to examine whether or not Nigeria is prone to become a piracy hotspot in the near future.

5.3.1. Geographical Characteristics

Geographical Characteristics:	Nigeria
Littoral State	yes
Strategic Location (Trade Route, Major Port, Business Spot)	yes
Large Territory (Coast Line and Waters)	yes
Geographic Bottleneck	yes
Local and Regional Maritime Activities	yes
Retreat Areas	yes
Navigation Challenges	yes

Table 9: Indicators Geographical Characteristics Nigeria

Littoral State: Nigeria is a littoral state and borders the Gulf of Guinea on the waterside.

Strategic Location: West Africa is one of the main oil loading areas and thus generates its own trade routes: Apart from the already existing West Africa-North West Europe and West

⁶⁸ MEND is a loose faction of many different rebel and militant groups in the Niger Delta.

⁶⁹ Since 2006, some 300 local and foreign oil industry employers have been kidnapped (Drake & Imig, 2009a).

⁷⁰ It is estimated that between 70’000 and 500’000 barrels of oil are stolen from illegally installed valves on pipelines every day (Walker, 2009). The oil is then sold to the oil buyers off the Nigerian coast. The trade of illegal oil has fuelled violence and corruption in the Niger Delta as the earnings fund rebel groups and enable other crimes. This is why it is called ‘blood oil’.

⁷¹ MLAAR, and robbing of vessels, respectively, is conducted for only a financial ends. The few MLAAR cases indicate that this category of piracy is still insignificantly small in Nigeria, but it is expected to grow.

Africa-Caribbean/East Coast North America routes, the West Africa-China lag becomes increasingly important (UNCTAD, 2008c, 71-73). Moreover, Nigeria lies at the alternative route to the Suez Canal around the Cape of Good Hope. However, West Africa is a less significant trade route for containers and there is no international business spot like Singapore (UNCTAD, 2008c, 85-86).

Large Territory (Coast Line and Waters): Though the length of Nigeria's coastline lies only just above 850 km, the total length of all major waterways amount to approximately 9000 km, which is nearly seven times the length of river Rhine (UNODC, 2009). This includes the river Niger, its delta and other important rivers like the Bonny river and the Cross river. The river Niger is the other major water arteries of the country. The river enters the country in the northwestern part and flows southwards to the Gulf of Guinea. The Niger Delta is a huge area and consists of swamps, rivers, inland deltas and islets that nearly make up 8% of the total territory which corresponds to roughly 70'000 sq km⁷². *Picture 5* gives an impression of the water-rich Niger Delta. (CIA, 2009, Nigeria)



Picture 5: Niger Delta (NASA, 1986)

Geographic Bottleneck: In the Gulf of Guinea, there is no geographic bottleneck such as a narrow strait that would force ships to slow down. However, most oil production sites lie inland and some oil tankers have to navigate on the busy and narrow rivers to get there.

Local and Regional Maritime Activities: Off the Nigerian coast, there is a high volume of shipping traffic consisting of oil tankers, general cargo vessels and oil industry supporting ships (IRIN, 2004). On the inland waterways, besides the international merchant vessels, there is additional traffic from local and regional boats that use the narrow rivers as means of transportation for cargo and people. In large parts of the Niger Delta covered by rainforest, many places are inaccessible without ships (UNODC, 2009).

Retreat Areas: The entire coastline as well as the Niger Delta offer countless hideouts and retreat areas that are comparable to Indonesia; pirates and rebel groups are very close to their targets. The creeks, rivers, swamps, mangrove and rainforest areas, inland deltas and

⁷² This corresponds to the territory of the Czech Republic (CIA, 2009, Czech Republic).

islands offer countless possibilities to attack and retreat quickly not only along the coast but also inland.

Navigation Challenges: Since a large part of the oil production sites lie inside the country, the vessels have to navigate on rivers of the Niger Delta, the so-called ‘oil rivers’. These rivers are shallow and narrow and pose navigational challenges and the vessels have to slow steam.

5.3.2. Conducive Societal Environment

Conducive Societal Environment	Nigeria
Nautical Skills and Equipment	yes
Acceptance	yes
Existing Syndicates (Structures)	yes
Piracy Encouraging Policies of Shipping Industry	yes
Piracy History	no

Table 10: Indicators Conducive Societal Environment Nigeria

Nautical Skills and Equipment: People on the coast and along the rivers and creeks rely on fish and water for employment and nutrition. The river Niger builds the principal livelihood of more than three million people (Ajayi, 2007). As mentioned above under ‘Local and Regional Maritime Activities’, due the immense body of water, boats are one of the major means of transportation. Therefore, many more than ‘just’ coastal people involved in fishing possess the nautical skills and equipment.

Acceptance: It is not entirely clear to what degree the rebel groups are actively supported by the population. Large parts of the Nigerian population seem to agree with their objectives and support their activities in some way as there is the common feeling that the oil revenues are not evenly distributed. After all, this was the reason why attacks and piracy first emerged. Also, many see the illegal oil theft not as stealing, but as “taking from the government and companies what is legitimately theirs” (Walker, 2009). However, some groups have become more destructive and replaced their ideological objectives by purely money-driven motivations. Some rebel groups do not hesitate to blow up pipelines, which pollute the area while others kill locals working for the oil companies. If more of these types of attacks occur, the acceptance might decrease.

Existing Syndicates (Structures): Many rebel groups emerged out of frustration and desperation and existed long before piracy developed. However, due to the existing gang structures, logistics and connections to (weapon trading and drug trafficking) international syndicates, piracy could easily emerge: They only needed to acquire equipment like boats and weapons which are readily available (IRIN, 2004). Originally, piracy represented a new tactics and an extension of the attacks against oil installations on water, respectively, and not a new group of criminal minds. However, in light of an expected increase of ‘kidnap and ransom’ cases, more criminal groups are likely to emerge that may not build on existing structures.

Policies of Shipping Industry: Since piracy in Nigeria and Somalia emerged more or less at the same time, the same ‘global’ shipping policies regarding cash in the ship’s safe, cost cutting and complying with the ransom demands are in place. Besides the usual call to be vigilant on inland waters, there are no special policies concerning piracy in Nigeria (PRC, 2009). Apart from the shipping industry, the oil companies that are equally disturbed by piracy have adopted security measures and policies. Yet, they are mainly restricted to increased security patrols of oil infrastructure onshore and offshore, which hardly reduce the number of attacks (at least on water).

Piracy History: There is no longstanding piracy history that would contribute to explaining the prevalence or acceptance of piracy.

5.3.3. Economic Hardship

Economic Hardship	Nigeria
Lack of Means	yes
Enduring Economic Hardship or Past Crisis	no
Low Foreign Direct Investments	no

Table 11: Indicators Economic Hardship Nigeria

Lack of Means: Unlike in Somalia, in Nigeria there is a navy that patrols territorial waters. Despite the enormous oil revenues earned and although it is considered the best equipped navy in West Africa, it lacks means to combat piracy and has not managed to effectively control and protect its waters. On the one hand, equipment is missing. The navy possesses 17 warships, a few coast guard ships and speedboats⁷³. The navy faces similar challenges like the one in Indonesia as explained by a spokesman of the Nigerian navy: “Between Bayelsa and Delta [two oil rich southern states] there are 3014 creeks leading to the ocean. With just 11 vessels, it’s extremely difficult to control these zones” (Lhuillery, 2008). On the other hand, there is the problem of outdated material: The fleet is not fully operational at any time and especially the sea-going vessels are in a very poor state of repair (Lhuillery, 2008). It is an uneven fight: On the other hand, pirates possess the latest equipment and outplay the navy easily.

Enduring Economic Hardship and/or Past Crisis: There has not been a recent economic crisis in Nigeria that might explain the prevalence of piracy. Comparing the GDP of Nigeria with the figure of its neighboring countries reveals that Nigeria excels the others by far as *Figure 20* shows. Its GDP pattern follows the oil price changes as can be seen in *Figure 21*. Nigeria’s wealth is increasing with an augmenting oil price and contracts conversely.

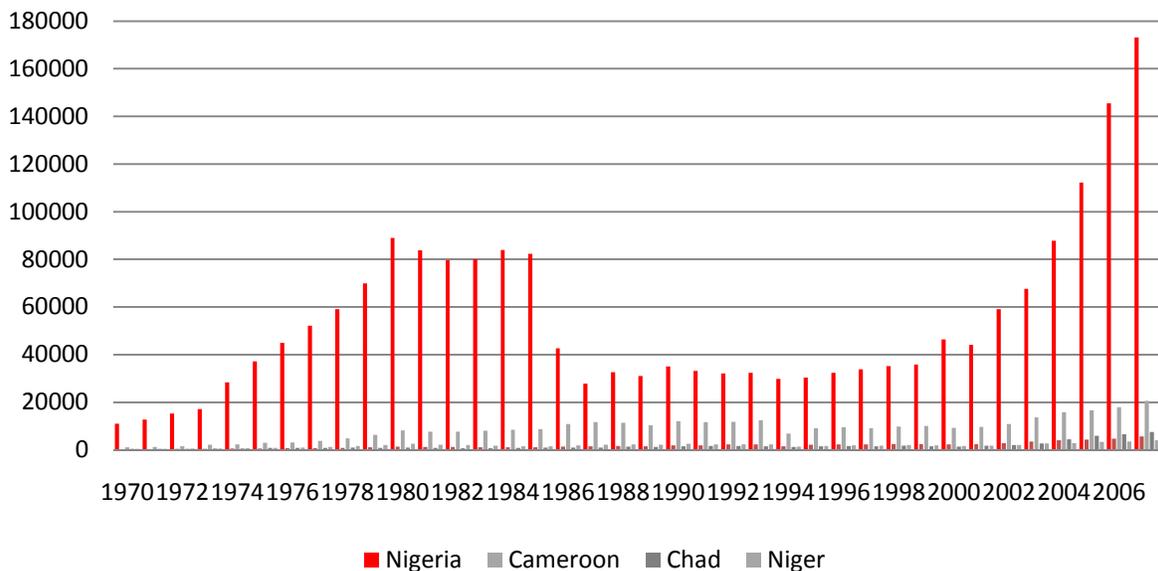


Figure 20: GDP West Africa (in million US\$) (UN Statistics Division, 2009f)

⁷³ Although the Nigerian armed forces receive support from European countries and the USA in form of training and even vessels, relatively more assistance is provided to the army to fight the rebels on land, and to protect strategic oil installations, respectively (Drake & Imig, 2009a).

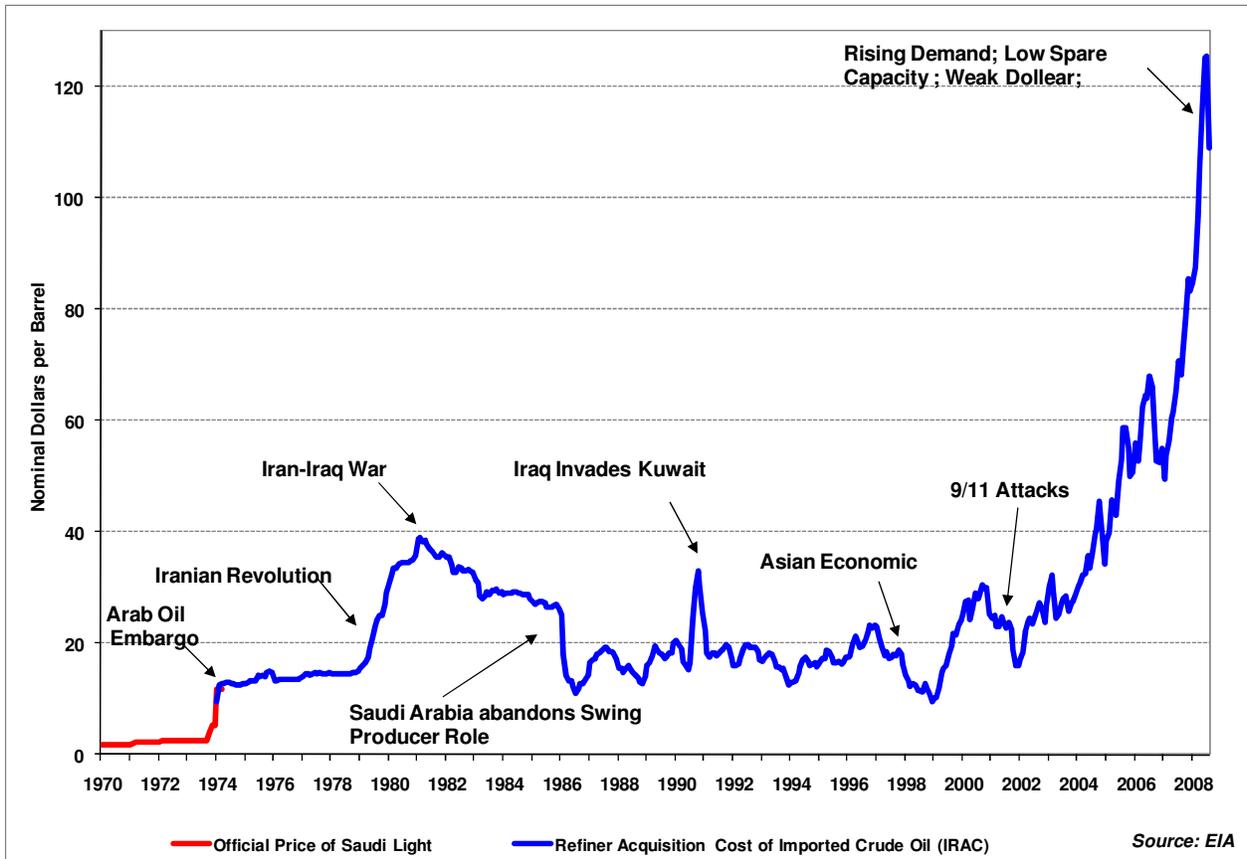


Figure 21: Historic Oil Price Chart (EIA, 2008)

Nigeria's GDP growth rate shows a volatile pattern. In the last ten years, the growth rate of its GDP has been positive and in the last three years, it was above 6%. Neighboring countries experienced similar volatility. The inflation rate is around 10%, which is slightly higher than the number of its neighboring countries (CIA, 2009, Nigeria). Still, overall it can be said that the Nigerian economy as such has not experienced economic hardship recently.

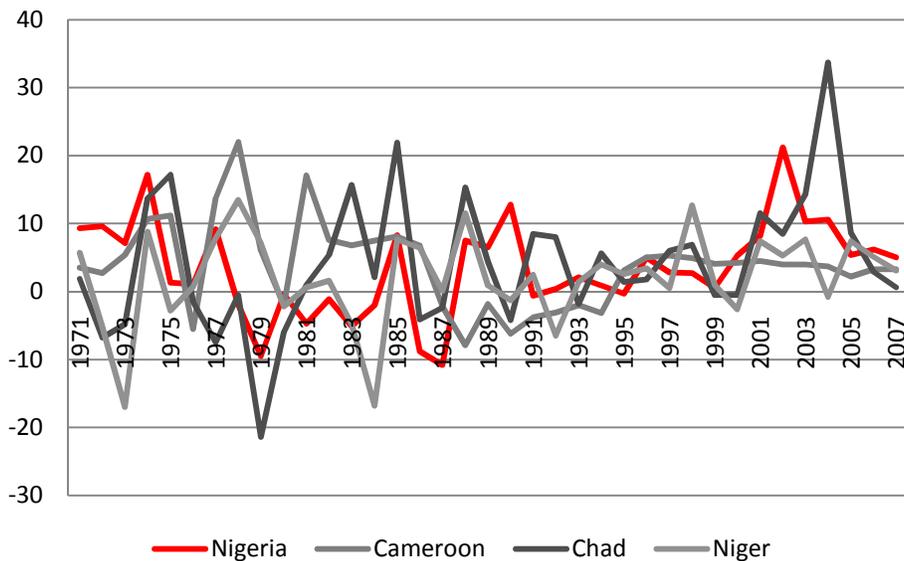


Figure 22: GDP Growth Rates West Africa (in %) (UN Statistics Division, 2009g)

Low Foreign Direct Investments: Nigeria attracts a lot of FDI: According to UNCTAD, in 2008, Nigeria received 80% of all FDI destined for West Africa, and nearly a quarter of the entire FDI in Africa, respectively. Meanwhile, Somalia received less half a percent of Africa’s total FDI inflow (UNCTAD, 2008a; UNCTAD, 2008b). *Figure 23* shows the huge difference in the amount of foreign direct investments in West Africa⁷⁴. The large amounts of FDI come from transnational corporations investing in the oil industry. The inflow of money would be even higher if the security threats were not that imminent. Furthermore, Nigeria also receives more foreign development assistance than any other West African state (World Bank, 2009).

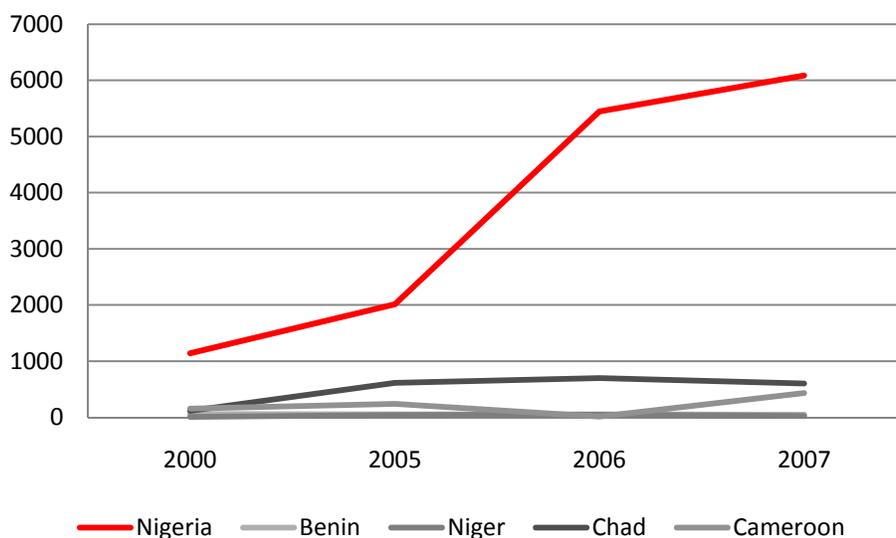


Figure 23: FDI West Africa (in million US\$) (World Bank, 2009)

5.3.4. Socio-Economic Distress

Socio-Economic Distress	Nigeria
Poverty and Low GDP per Capita	yes
Unemployment	yes
Deteriorating Environment	yes
Availability of Arms	yes
Exclusion from (Regional) Wealth and Development	yes

Table 12: Indicators Socio-Economic Distress Nigeria

Poverty and Low GDP per Capita: Nigeria has the world’s 35th highest GDP (CIA, 2009, Nigeria). Despite the impressive GDP figure, Nigeria is ranked 158th out of the total 177 states of the ‘Human Poverty Index 2007/2008’⁷⁵ by the UN Development Program (UNDP, 2008a). The country suffers from what it is known as ‘the curse of oil’: Despite an immense wealth of natural gas and oil, about 70% of the population lives below the poverty line (CIA, 2009, Nigeria). The wealth is far from being equally distributed: While the poorest 10% receive about 1.5% of total income, the richest 10% receive more than 40% (UNDP, 2004). When looking at the GDP per capita, Nigeria possesses the highest compared to its neighbors, but it was shown in 5.3.3

⁷⁴ Benin received only two-digit FDI inflows and therefore is nearly invisible.

⁷⁵ The Human Poverty Index forms part of the Human Development Index by the UN Development Program.

Economic Hardship that Nigeria excels its neighbors in terms of GDP by far. Yet, when comparing the GDP per capita with countries with a similar GDP⁷⁶, then it becomes apparent that Nigeria's population is strikingly poorer (see *Figure 24*). Sweden's GDP per capita is more than 40 times higher than the one of Nigeria⁷⁷ (UN Stats, 2009g). Nigeria's GDP per capita is only slightly higher than the one of Sudan and slightly lower than the one of Kosovo (CIA, 2009, GDP per Capita).

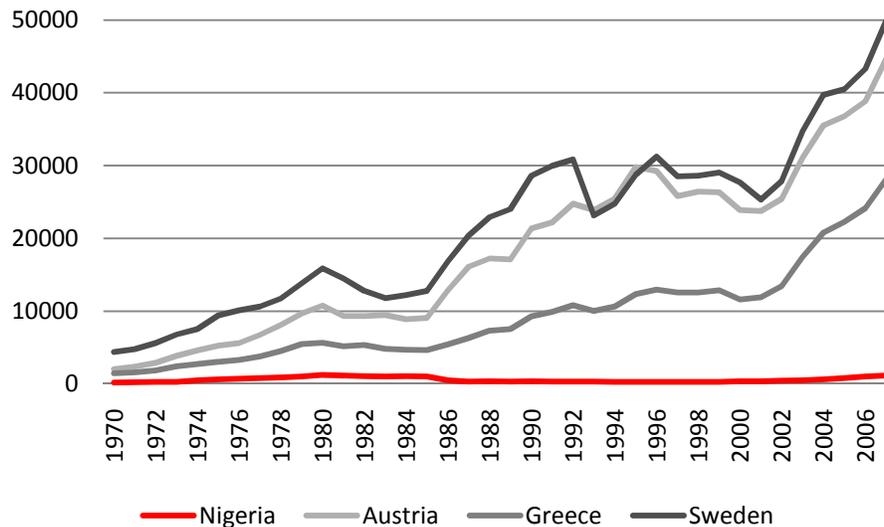


Figure 24: GDP per Capita Countries with similar GDP (in million US\$) (UN Statistics Division, 2009h)

Unemployment: Some sources say that the unemployment rate is approximately 5% while others claim it to be above 40%; especially the high unemployment of the youth is a serious problem (CIA, 2009, Nigeria; IRIN, 2006; UNODC, 2009). Today, pirates or rebels are predominantly recruited from the masses of young men without prospects. The decades of mismanagement and only focusing on the oil industry while neglecting other sectors have led to a situation of impoverished regions such as the Niger Delta with hardly any opportunities for (young) people. Oil is the most important industry in the country, but working there is dangerous as employers are regularly attacked, injured or killed by rebel groups.

Deteriorating Environment: The impact of the oil industry on the environment is considerable: oil spills, land degradation, air pollution, biodiversity depletion, health problems, etc. (HRW, 1999, 54). The number of yearly oil spills that was estimated to be 300 about 10 years ago is likely to be much higher nowadays⁷⁸ (HRW, 1999, 54). Environmental degradation has already led to violent responses by the local population: In 2007, repeated oil spills led to the seizure of an oil facility in the Niger Delta by angry villagers concerned about the oil spills destroying mangrove forests, killing fish and polluting the water (BBC, 2007). It is plausible that locals continue to attack the infrastructure of oil exploring companies, or that they join or support rebel/pirate groups for that reason, respectively.

Availability of Arms: In Nigeria, small arms are widespread and have been easily accessible since the civil war of 1967-1970. It is believed that since 1999, over 10'000 people have been killed by small arms in Nigeria. Small weapons can easily be obtained; more

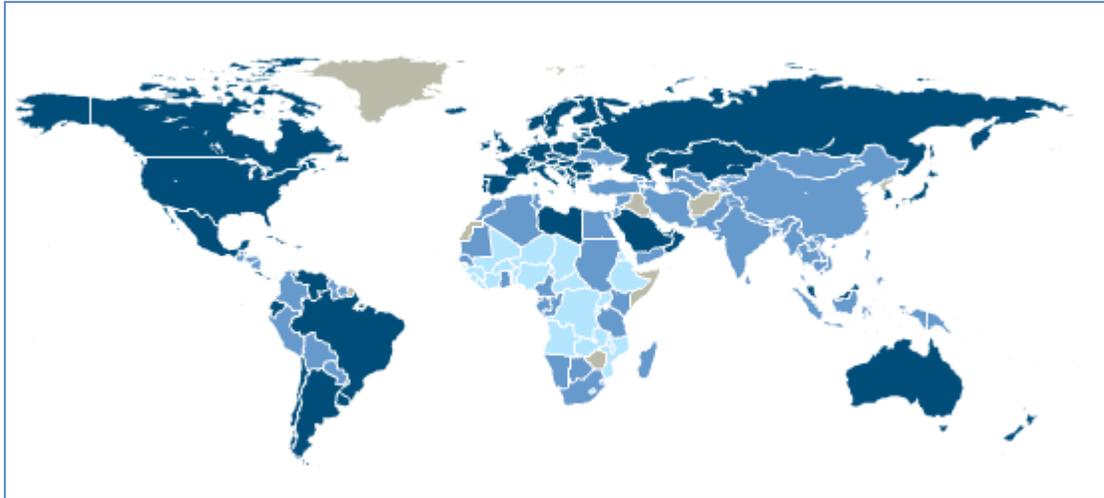
⁷⁶ Sweden's and Greece's GDP are above the one of Nigeria while the one of the Ukraine and Austria rank below. Since Ukraine's GDP is only available from 1990 onwards, it was omitted from *Figure 24*. (CIA, 2009, GDP)

⁷⁷ Yet, in Swedish population is also about 15 times smaller than Nigeria's.

⁷⁸ Back then, it was already believed that 300 is a low number and that underreporting conceals the real figure, which was assumed to be 10 times higher (HRW, 1999, 55).

sophisticated weapons are bought from criminal networks in return for stolen oil. This has created a society where many are familiar with the use of small arms. (IRIN, 2006)

Exclusion from (Regional) Wealth and Development: The ‘Human Development Index 2006’ reveals that Nigeria ranks 154th out of 179 countries and its neighboring countries are ranked similarly low as can be seen in *Picture 6* (UNDP, 2009). Regional differences are not significant. Nevertheless, the exclusion from wealth and development is one of the most pressing internal issues. Only very few Nigerians profit from the oil wealth while the rest lives in poverty. People know of the wealth the oil is generating but they are aware that they are deprived from their natural resources. This is one of the main factors for the existence of the numerous militants and piracy that developed out of it.



Picture 6: Map ‘Human Development Index 2006’ (UNDP, 2009)

5.3.5. Weak Political System

Weak Political System	Nigeria
Lack of Political Will	no
Weak State	yes
Corruption	yes
Political System in Difficult Transition	no
Domestic Threats and Conflicts	yes
No/Low Degree of Transnational Cooperation	yes

Table 13: Indicators Weak Political System Nigeria

Lack of Political Will: It cannot be said that there is a lack of political will to fight piracy and rebel groups in Nigeria. In general, pirates and rebels are not accepted by local and federal authorities as it lowers the oil output and thus their main source of income⁷⁹: Because of the increased attacks, since 2006, the total oil production has been reduced by about 20% (Osler,

⁷⁹ However, there are also sources that say that the current government would not go after the heads of these militant groupings as those “who run the cartels are among Nigeria’s top political ‘godfathers’ who wield massive political influence. If the President goes after them, they could destabilize the country, cause a coup or a civil war” (Walker, 2009). To what degree the Nigerian political system is infiltrated by different militant groups is not certain and cannot be confirmed here

2009a). For companies operating in Nigeria, piracy and other attacks connote interrupted business and lower production. For instance, Royal Dutch Shell shut down some of its oil fields due to attacks against their infrastructure and their oil output from Nigeria has been halved since 2008 (Wingrove, 2009). The Nigerian government reacted to the increase in attacks since 2006 with a number of security offensives in the Niger Delta⁸⁰, negotiating with MEND over a ceasefire as well as offering amnesty to an alleged senior MEND militant (BBC, 2009a; Osler, 2000b). This is the third time in the last few years that a ceasefire has been negotiated after an increase in violence. But every time, it was broken again⁸¹ (BBC, 2009a).

Weak State: According to the of the 'Failed States Index 2008', the Republic of Nigeria is ranked in the upper third as 18th out of the 60 analyzed states (Foreign Policy, 2008). It is therefore categorized as an 'alert state' (Foreign Policy, 2008). The ranking is explained by the uneven development, the insufficient security apparatus, group grievance and factional elites (e.g. government versus MEND). These aspects have been discussed before in this sub-section and highlight that this particular combination particularly weakens the political state of Nigeria. Moreover, Nigeria is ranked 44th out of 165 countries of the 'Political Instability Index 2009' and is thereby categorized as a country with high political risks (Economist, 2009). Thus, the country is not just weak; it is also instable, which often goes together.

Corruption: Nigeria ranks 121st out of the 180 evaluated states in the 'Corruption Perceptions Index 2008' (TI, 2008). It scores a 2.7 of the possible 10 points, which means that it is categorized as a country with 'rampant' corruption (TI, 2008). Though this makes Nigeria fall into the last third of the list, this result actually signifies leap forward. Until three years ago, Nigeria was consistently ranked as one of the most corrupt countries and was often second last⁸². Though it can be said that corruption is still an endemic problem, it is somewhat less directly linked to piracy than in the case of Indonesia and Somalia where officials cooperate with pirate gangs or at least provide them with information in exchange for a bribe. Corruption in Nigeria does not stem from poverty in the first place, but from the very opposite: Is closely linked to the immense wealth generated by the country's oil. Roughly 85% of the government's revenue comes from the oil (CIA, 2009, Nigeria). Despite a revenue-sharing plan by the government, the money hardly reaches the population which fuels the unrest (Drake & Imig, 2009a). This is where the link to piracy, and to the activities of rebel groups, respectively, can be established.

Political System in Difficult Transition: Even though Nigeria is undergoing, and has undergone a transition from military to democratic rule, this process already started in 1999 and is an overall successful, ongoing process. Apart from violence and irregularities during the elections, this gradual change did not give rise to political turmoil that might have allowed for the development of a power vacuum.

Domestic Threats and Conflicts: Nigeria is ranked 129th out of the 144 states of the 'Global Peace Index 2008' (Vision of Humanity, 2009). This low ranking stems mainly from internal threats and conflicts such as the easy access to weapons, level of violent crimes, likelihood of violent demonstrations, potential of terrorist attacks and level of organized internal conflict (Vision of Humanity, 2009). A lot of these factors are directly related to the activities of the rebel groups and piracy. Since these groups not only fight the government and the oil industry but also each other over oil revenues and power, they pose an additional threat to the population.

Low Degree of Transnational Cooperation: Neither Benin nor Cameroon nor any other country close to Nigeria has similar problems with piracy. Nevertheless, the 'potential piracy

⁸⁰ However, the raids were not successful as the large militant groups could not be found (Osler, 2000b).

⁸¹ The issue where MEND and the government depart is the deployment of the Nigerian army in the Niger Delta that is opposed by the militants (BBC, 2009a).

⁸² There are efforts by the current government to curb corruption by removing corrupt justice officials and staff (UNODC, 2008).

problem' is acknowledged by West and Central African countries and a joint program of the IMO and the Maritime Organization of West and Central Africa [MOWCA] called Integrated Sub-Regional Coast Guard Network has been set up (MOWCA, n.d.). It aims to reinforce transnational cooperation between member states to improve maritime safety and security and to suppress piracy and other maritime crimes in the region. The Memorandum of Understanding has been adopted by some 20 states in July 2008, but its utility has not been assessed yet (IMO, 2008). It is possible that MOWCA will start establishing coordinated patrols like in Southeast Asia, but so far, it only links different security and UN agencies, navies, Interpol, etc. Other than that, no internationally coordinated patrols take place.

5.4. Summary: Evaluation Heuristic Framework

Indicators of	
Geographical Characteristics:	Nigeria
Littoral State	yes
Strategic Location (Trade Route, Major Port, Business Spot)	yes
Large Territory (Coast Line and Waters)	yes
Geographic Bottleneck	yes
Local and Regional Maritime Activities	yes
Retreat Areas	yes
Navigation Challenges	yes
Conducive Societal Environment	Nigeria
Nautical Skills and Equipment	yes
Acceptance	yes
Existing Syndicates (Structures)	yes
Piracy Encouraging Policies of Shipping Industry	yes
Piracy History	no
Economic Hardship	Nigeria
Lack of Means	yes
Enduring Economic Hardship and/or Past Crisis	no
Low Foreign Direct Investments	no
Socio-Economic Distress	Nigeria
Poverty and Low GDP per Capita	yes
Unemployment	yes
Deteriorating Environment	yes
Availability of Arms	yes
Exclusion from (Regional) Wealth and Development	yes
Weak Political System	Nigeria
Lack of Political Will	no
Weak State	yes
Corruption	yes
Political System in Difficult Transition	no
Domestic Threats and Conflicts	yes
No/Low Degree of Transnational Cooperation	yes

Table 14: Summary: Evaluation Framework - Nigeria

The analysis of the factor “Geographical Characteristics” made it apparent that all indicators were fulfilled in the case of Nigeria. It is important to keep in mind that attacks in Nigeria predominantly take place in territorial waters and not on the high sea like in Somalia. This means that the focus is mainly on territorial waters and not on the Gulf of Guinea. This

explains why 'Geographic Bottleneck' and 'Navigational Challenges' were checked with 'yes'. It is true that there are neither geographical bottlenecks nor navigational problems in the Gulf of Guinea, but neither does the majority of pirate attacks occur there. Especially striking in the case of Nigeria are the vast retreat grounds in the form of impenetrable mangroves and rainforests as well as small rivers and creeks. They offer countless retreat areas for pirates and rebel groups and provide hideouts from the navy and army. Also, distances are very close. Since many strategic oil fields or pipelines lie inland, vessels need to navigate on narrow and crowded rivers through the rainforest which makes them vulnerable to attacks.

All but one indicator of the following factor 'Conducive Societal Environment' were met. Due to the already existing structures and militant groups, the new phenomenon 'piracy' was able to develop quickly. Piracy offered a possibility to extend attacks onto water as the army began their land-based security offensives. After all, people already possessed the nautical skills and equipment. Similarly to Somalia, the acceptance builds on a feeling of injustice as both societies were partly deprived of their natural wealth. The case of Nigeria shows that 'Piracy History' does not explain the prevalence of piracy either. This indicates that a tradition of piracy does not seem to be prerequisite for the acceptance or development of piracy. It is more likely to demonstrate the importance of already existing forms of crime and injustice and that tolerating piracy is "the price of social peace" (Frécon, 2006, 25).

The analysis of the factor 'Economic Hardship' offers interesting findings: Only one out of three was marked with 'yes' and thus, this factor only provides little support for the supposition that Nigeria might become a piracy hotspot. In this case in particular, the government is more serious about fighting piracy and insurgents than in Indonesia or Somalia, but the lack of resources hampers these efforts. 'Lack of Means' was the only applicable indicator, then. However, it also became apparent that 'Lack of Means' is an indicator that is difficult to check with 'no' for developing countries with a big water body like Indonesia or Nigeria: The countless waterways make it very difficult to patrol the entire area. The indicators 'Enduring Economic Hardship and/or Past Crisis' as well as 'Low Foreign Direct Investments' were rejected. Nigeria features one of the worldwide highest GDP and it attracts a lot of foreign direct investments, which intuitively do not explain piracy. However, this highlights the importance of not only looking at the macro-level, but also at the micro-level detailed in 'Socio-Economic Distress'.

All indicators of the factor 'Socio-Economic Distress' were applicable. This reveals a precarious mix of indicators that fuels unrest in the country. The analysis has shown that despite an immense wealth stemming from oil, the population of Nigeria is poverty-stricken. Though there are revenue-sharing plans, the money dissipates in the administration, is retained by state governors and corrupt officials or flows to investors, but hardly to the local population. Not only are they deprived of their natural wealth, they are also exposed to the negative side effects of the oil production and excluded from a 'natural' development in case of fairer distribution. It is expected that these conditions will continue to prevail and therefore, this factor is especially crucial as it pushes Nigeria towards becoming the next piracy hotspot.

The last factor 'Weak Political System' also contributes to the notion of Nigeria as a future piracy hotspot. Four out of six indicators were found applicable: 'Weak State', 'Corruption', 'Domestic Threats and Conflicts' and 'No/Low Degree of Transnational Cooperation'. The political history of Nigeria has been bumpy and troublesome and even if the country currently experiences an unprecedented period of stability under a civil government, the state is still weak and corruption prevails. The attacks by militants and the latest development of piracy undermine and question the authority of the state and government severely. The existence of such serious problems reveal that the political system overall is not strong enough yet to eradicate piracy and that the government is in fact threatened by these events. These four indicators are crucial and seminal to trigger other indicators of other factors to become applicable. Therefore, this factor is equally essential to the further development of piracy in Nigeria.

After applying the heuristic framework to Nigeria and evaluating the result, it can be said that Nigeria is already developing towards becoming the next piracy hotspot. Though less

indicators were applicable than in the case of the already existing hotspot Somalia, there are very strong forces that direct Nigeria into that direction, namely poor socio-economic conditions, a weak political system with corruption and domestic unrest, lack of means to control and enforce the state authority as well as geographical preconditions.

6. Conclusion

6.1. Summary and Findings

In the thesis at hand, an attempt was undertaken to establish whether the same factors that seem to have enhanced the prevalence of modern maritime piracy in Indonesia, also help explain the emergence and existence of piracy off Somalia and in the Gulf of Aden. In order to answer that question it is important to have a thorough understanding of the 'mix of different factors' that seem to contribute to the occurrence of piracy. There are many factors and the causes for the phenomenon called 'piracy' cannot be reduced to include only poverty or a weak government, for instance. Piracy evolves and develops in different parts of the world for different reasons with different characteristics. Each case constitutes a unique combination of different aspects and they cannot be generalized. Therefore, researching what actually triggers the prevalence of piracy needs to be done in a structured way and on 'neutral' grounds, or detached from a country's or area's specific characteristics, respectively. These considerations were the starting point of this thesis. Since such a structured process or approach did not exist so far, in order to answer the above question, a framework was developed in a heuristic way. Based on the analysis of the piracy hotspot Indonesia, five crucial factors were identified inductively: 'Geographical Characteristics', 'Conducive Societal Environment', 'Economic Hardship', 'Weak Political System' and 'Socio-Economic Distress'. Since these factors were too broad for the upcoming analysis, more explicit indicators were extracted thereof. These two components, the factors as well as the more specific indicators, build the core of the heuristic framework.

Once the framework was established, it was applied to the current number one piracy hotspot 'Somalia and the Gulf of Aden'. This application constituted the first case study. By following the steps of the framework, the factors and indicators influencing piracy were examined and the applicability of the framework evaluated. The factors and indicators were predominantly met and it was established that not only is the framework applicable, but also that the same factors that seem to have enhanced the prevalence of piracy in Indonesia also appear to contribute to explaining piracy off Somalia.

Since the framework was supported by these results, it was then used to identify a potential piracy hotspot of the near future. A selection process resulted in Nigeria as the subject of the second case study. Again, the heuristic framework was applied. Though less piracy indicators were found to be applicable than in the case of Somalia, the vast majority was met. This outcome implies that although Nigeria is not yet generally perceived as a piracy hotspot, it is on the verge of becoming one, especially if more indicators are fulfilled in the future.

By carrying out the two case studies, a number of findings about the factors and indicators were derived. Geographical characteristics seem to be the basic requirements for the emergence and existence of piracy and all indicators were fulfilled in both case studies. The only true prerequisite for piracy is water. However, the analysis of geographical characteristics revealed those littoral states that tend to be most prone to piracy all lie along a major trade route, feature a long coastline and/or a large body of water, offer vast retreat areas and that are in close proximity to a geographic bottleneck with a lot of local maritime traffic and other navigational challenges such as reefs, narrow sea lanes and the like. Furthermore, piracy is likely to emerge in a societal environment of a society or (coastal) population that accepts or tolerates piracy to a certain extent, where crime structures are pre-existent at least in part and where people possess nautical skills. This also entails a shipping industry whose business practices or policies partly encourage piracy. For instance, the policies of keeping large amounts of cash in a ship's safe and employing minimal crews onboard have contributed to rise to piracy, especially in Indonesia. Also, while the current anti-piracy policies in the Gulf of Aden may make attacks more difficult to carry out, the prospects of potentially high returns still outweigh the increased risk for the prospect-less pirates as long as ship owners and operator 'comply' with

the pirates' demand, thus pay the ransom, as the case of Somalia suggests. Overall, it was found that although a longstanding history of maritime piracy contributed to the reemergence of piracy as well as to the acceptance of the phenomenon in Indonesia, the same could not be said of Somalia or Nigeria. It seems that the emergence of modern piracy does not require deep roots. Analyzing macro-economic factors offered interesting results. The state of the global economy seems to have ambiguous impacts on piracy; economic growth as well as recessions partly explain piracy. Though it is quite straightforward that areas with economic hardship are likely to encourage piracy, the case of Nigeria demonstrates that a country with a high GDP and a lot of direct foreign investments is just as vulnerable to it. This is partly explained by the lack of equipment of armed forces to patrol the waters, which seems to be a general problem of developing countries, but is also caused by difficult socio-economic and political conditions. Socio-economic distress in particular appears to be a pivotal factor. It became apparent that it does not take much for piracy to develop in a poverty-stricken region with a high unemployment rate, little prospects and an environment in which small arms are readily available. The thesis shows that maritime piracy and the proliferation of weapons interact reciprocally: The availability of arms facilitates the development of piracy while piracy provides an opportunity to acquire money to buy (more sophisticated) weapons in return. Environmental degradation plays an unexpected important role as this indicator acts – just like socio-economic distress – as spark for the emergence of modern maritime piracy, especially in Somalia. A fragile political system with corruption, a weak authority and serious internal threats and conflicts was also found to give rise to piracy overall. It is not enough that a government is determined to fight piracy like it is in the case of Nigeria; besides its own resources, it seems that transnational cooperation is also needed to carry it out. But while international cooperation exists to fight piracy in the waters off Somalia and to some degree in Indonesia, Nigerian waters lack such operation to a large part. Nigeria does receive international support, but not to predominantly fight piracy; rather, it is intended to aid in the fight against domestic rebel insurgents and to protect inland oil infrastructure. It seems that land-based conflicts tend to receive more attention and funds than the problems on waters that are less 'visible'.

Concluding, it can be said that modern maritime piracy is a consequence of conditions and events on land. The two case studies show that different combinations of factors and indicators contribute to the prevalence and piracy cannot be reduced to a few aspects. Each case is unique and applying the framework allows for these particulars to be acknowledged.

6.2. Concluding Remarks and Suggestions for Further Research

The heuristic framework is a tool to evaluate in a simple but nevertheless effective way whether a particular region or country is a hotspot, on the verge to becoming one or not very prone to the prevalence of piracy. It revealed that Nigeria risks turning into a piracy hotspot in the near future. This finding calls for action to prevent Nigeria from becoming 'the next Somalia'. However, this thesis is limited to giving hints and indications as to the further development of piracy and where special attention is needed. It is a tool to identify potential changes such as the number of indicators fulfilled and to eventually draw conclusions from them, but it does not offer solutions once a hotspot has been identified. Ultimately, combating piracy concerns the level of policy, which is a different subject of study and an area of suggested further research. Although a number of publications on how to fight piracy already exists, these publications lack a thorough analysis of factors and indicators that seem to trigger the prevalence of piracy. It might be advisable to future researchers to base their studies on the here developed factors and piracy indicators, seeing as how they have been shown to help explain the existence of piracy.

Also, another area of suggested research concerns the heuristic framework developed in this thesis. As mentioned before, it is a simple and quick tool to evaluate whether a country or area is prone to develop towards a piracy hotspot. However, more detailed and in-depth

research regarding the piracy indicators would enrich this framework. It would be particularly valuable to include some weighting of the indicators and with more specific data, regressions could be undertaken to support the results. However, this was not possible to carry out at this stage due to the time restrictions but also because the focus of this thesis that was to identify factors and indicators as well as to develop a framework to explain the existence of modern maritime piracy.

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Appendices

Appendix 1: Number of Worldwide Attacks 1991-2008

Year	World Total	Southeast Asia	Africa	Indian Subcontinent	Far East	Americas	Rest of World	% Southeast Asia	% Indonesia
1991	107	na	na	na	na	na	na	na	na
1992	106	na	na	na	na	na	na	na	na
1993	103	na	na	na	na	na	na	na	na
1994	90	38	6	3	32	11	0	42	24
1995	188	71	20	16	47	21	13	38	18
1996	228	124	25	24	17	32	6	54	25
1997	248	92	46	37	19	37	17	37	19
1998	202	89	41	22	10	35	5	44	30
1999	300	161	55	45	6	28	5	54	38
2000	469	242	68	93	20	39	7	52	25
2001	335	153	86	53	17	21	5	46	27
2002	370	153	78	52	17	65	5	41	28
2003	445	170	93	87	19	72	4	38	27
2004	329	158	73	32	15	45	6	48	29
2005	276	102	80	36	20	25	13	37	29
2006	239	83	61	53	5	29	8	35	21
2007	263	70	120	30	10	21	12	27	16
2008	293	54	189	23	11	14	2	19	10
Source: Gottschalk & Flanagan(2000, p. 89)									
IMB (2006, p. 5; 2009a, p. 6)									

Appendix 2: Socio-Economic Data

	Occupation		Wealth		Wealth		Wealth		Income		Gini-Coeff.	
	Year	Unempl.	Year	% < Poverty Line	Year	GDP/capita (\$)	Year	Gini-Coeff.	Year	Gini-Coeff.	Year	Gini-Coeff.
Southeast Asia												
Brunei Darussalam	1991	5	2008	na	2008	53100	2004	0.4	1997	na	0.4	
Cambodia	2001	2	2007	4	2004	2000	2005	0.4	2002	0.4	0.34	
Indonesia	2007	9	2008	8	2006	18	2008	0.4	2005	0.4	0.34	
Laos	2005	1	2005	2	2005	31	2008	0.35	2002	0.35	0.37	
Malaysia	2007	3	2008	4	2002	5	2008	0.4	2004	0.4	0.42	
Myanmar	1990	6	1998	6	na	na	2008	0.35	1958	0.35	na	
Philippines	2007	6	2008	7	2007	33	2008	0.45	2000	0.45	0.46	
Singapore	2007	4	2008	2	2003	na	2008	0.5	1998	0.5	0.43	
Thailand	2007	1	2008	1	2004	na	2008	0.42	2002	0.42	0.43	
Timor-Leste		na	2006	20	2004	10	2008	na	2000	na	na	
Viet Nam	2004	2	2008	5	2007	15	2008	0.35	2004	0.35	0.36	
Source		UN Stats		CIA WFB		CIA WFB		UNU		CIA WFB		CIA WFB
Along Trade Routes												
Algeria	2008	13	2007	25	2007	7000	1995	0.34	1995	0.34	0.35	
Egypt	2008	9	2005	20	2005	5400	2004	0.34	2001	0.34	0.34	
Libya	2008	10	2007	15	2008	4000	2008	na	2005	na	na	
Morocco	2004	30	2005	7	2005	14400	1999	0.4	2005	0.4	0.4	
Tunisia	2008	14	2005	7	2005	7900	1990	0.4	2005	0.4	0.4	
Panama	2008	6	2006	29	2006	11600	2000	0.58	2003	0.58	0.56	
Source		CIA WFB		CIA WFB		CIA WFB		UNU		CIA WFB		CIA WFB
East Africa/Horn of Africa												
Somalia		na	2007	na	2007	600	2008	na	2003	na	na	
Djibouti		59	2004	42	2004	3700	2008	na	2003	na	na	
Eritrea		na	2006	39	2006	700	2008	na	2000	na	3	
Ethiopia		na	2006	50	2000	800	2008	0.3	2008	0.3	0.43	
Kenya		40	2008	50	2000	1600	1997	0.45	2008	0.45	0.43	
Source		CIA WFB		CIA WFB		CIA WFB		UNU		CIA WFB		CIA WFB
West Africa												
Nigeria		5	2007	70	2007	2300	2008	0.44	2003	0.44	0.44	
Benin		na	2007	37.4	2007	1500	2008	0.37	2003	0.37	0.37	
Niger		na	1993	63	1993	700	2008	0.5	1995	0.5	0.5	
Chad		30	2001	80	2001	1600	2008	0.35	1958	0.35	na	
Cameroon		na	2000	48	2000	2300	2008	0.44	2001	0.44	0.45	
Source		CIA WFB		CIA WFB		CIA WFB		UNU		CIA WFB		CIA WFB

Sources

UN Stats: UN Statistics Division (2007)
 CIA WFB: CIA World Factbook (2009), different countries
 UNU: UN University (2009)
 for detailed references see 'Bibliography and References'