



*Briefing for
Legal Expert's Workshop on Maritime
Piracy in the Horn of Africa*

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COMUSNAVCENT/US FIFTH Fleet/Combined Maritime Forces



Regional Overview

Regional statistics

- 80% of world's proven oil reserves
- 17% of natural gas
- Transportation of world's energy
 - 40% via Strait of Hormuz
 - 25 million barrels daily
 - 11% (4.2 Mb/d) via Suez Canal
 - Thousands of ships/dhows with millions of tons of raw / finished materials

NAVCENT / FIFTHFLT / CMF

- Mission: Ensure Sea Lines of Communication (SLOCs) remain open
- Operations
 - OIF/OEF
 - Bilateral cooperation
 - Improving capabilities of regional navies



Regional Security → Global Economic Stability & Local Prosperity



Combined Maritime Forces (CMF) Coalition of the Willing

- Optimize allocation of limited resources
- Focus security cooperation activities to cultivate specific capabilities in Coalition partners that complement our capabilities
- Leverage force protection capabilities of security cooperation partners to benefit all
- Increase coordination and awareness of security cooperation activities across the entire Region, encouraging wider participation and ensuring efficiency and effectiveness



Highlights

- Bahrain commanded CTF-152
- Counter violent extremism and terrorist networks
- Pakistan commanded CTF-150 twice
- Work with regional and other partners to improve overall security, stability and regional nations' capabilities
- Respond to environmental and humanitarian crisis
- Khawr Abd Allah Interoperability Protocol signed 11 Nov 08
- Coalition Forces interdicted over 50 tons of illicit cargo since FEB 2008



Non-Members with staff presence





Combined Task Forces (CTF)

CTF-150 – Makran Coast, Gulf of Aden, Horn of Africa, and Red Sea

- **Focus on Maritime Security Operations (MSO)**
 - Ensure security, stability and global prosperity in the maritime environment
 - Disrupt/deny extremist operations in maritime environment
 - Maritime Infrastructure Protection...capacity building
 - Focused role in counter-piracy late 2008



CTF-151 Mission driven throughout CMF AOR

- **CMF established CTF 151 as a Counter Piracy based Task Force:**
 - 12 Jan 09 under a UNSCR counter-piracy mandate
 - International military force participation in coalition
 - Maritime merchant community participation and active self defense



CTF-152 – Arabian Gulf

- **Conducts MSO, Theater Security Cooperation initiatives and infrastructure protection exercises**
 - Fostering regional maritime capability, security and interaction
 - Countering illegal maritime practices
 - Limit destabilizing activity
 - Regional engagement of partners while improving overall security & stability





Piracy in the Horn of Africa



- 2007 – 11 Ships pirated in Gulf of Aden and off East Coast of Somalia
- 2008 – 120 confirmed attacks and 43 ships pirated.
- 2009 – **34 attacks and 13 ships pirated. Currently 12 ships & 177 Hostages held.**
- 94 piracy attempts unsuccessful since February 2008
- Ransoms significantly increasing.

- Establish conditions that preclude criminal activity at sea and ashore
 - Enforce rule of law to deny safe havens for pirates
 - Piracy is currently about money
 - **Piracy in Malacca Straits differs due to regional security influences**



**International problem requiring an international solution
Solution is ashore where the pirates operate from**



Countering Piracy - Strategic Aspects

- **Countering regional piracy has four interrelated elements**
 1. **International naval protection at sea**
 2. **Improved defensive efforts by the shipping industry**
 3. **International legal framework for resolving piracy cases**
 4. **And (eventually) removing the piracy safe havens**

**These elements must be synchronized
None will be successful individually**



Countering Piracy - Military Aspects

- **Naval actors**
 - Coalition model: CMF (CTF 151), EUNAVFOR, NATO,
 - National model: Malaysia, Russia, China, India, Japan, Yemen CG
- **Current naval actions include**
 - Presence / deterrence / surveillance of pirate activity
 - Providing warning to commercial shipping of potential pirate locations
 - Group transit plan for commercial shipping
 - Escort World Food Program vessels
 - Boarding suspected pirate vessels
 - Intervening against pirate attacks in progress
 - Providing surveillance / communications support after ships have been taken
- **Potential naval actions, with the right enablers, include**
 - Retaking ships with special forces after pirate seizure
 - Strikes against pirate bases ashore



CMF Counter-Piracy Campaign Plan

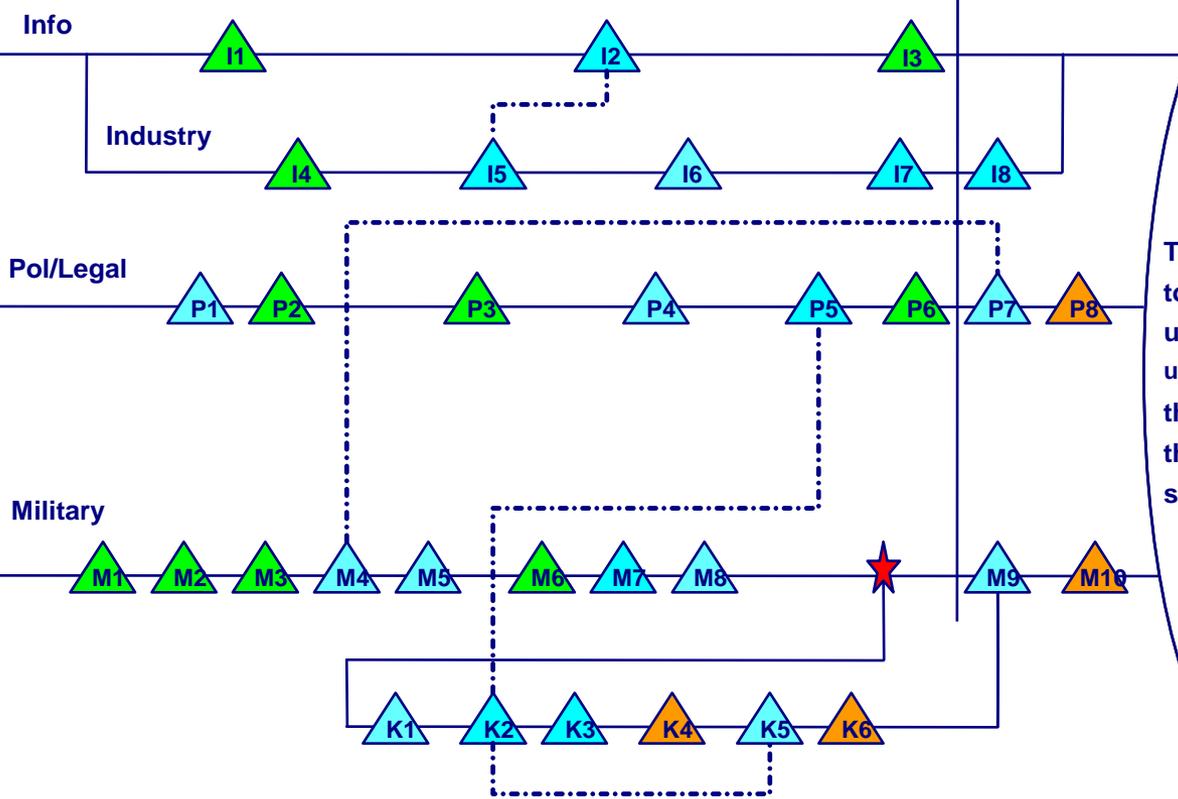
CMF
C of G

Pirate
C of G

02 Apr 09

The ability to maintain sufficient forces to conduct effective ops in the GOA/HOA

The ability to work undetected, unimpeded throughout the Battle space



▲ Achieved
 ▲ Partially achieved
 ▲ Not authorized
 ▲ Not achieved
 ★ Decision Point



Lines of Influence & Decisive Conditions

• Information / Industry

- ▲ I1. Coalition nations engaged
- ▲ I2. Understanding of MSPA and transit corridor
- ▲ I3. Coalition key messages understood
- ▲ I4. International political / industrial community engaged
- ▲ I5. Coalition recommendations implemented
- ▲ I6. Self regulatory measures established (I.E. Insurance regulations)
- ▲ I7. Commercial De-confliction system established (I.E. Vessel Traffic Management System (VTMS))
- ▲ I8. Commercial Situational Awareness Capacity established. Ie. Regional Piracy Centre

• Political/Legal

- ▲ P1. Cohesion within the Coalition
- ▲ P2. International political / industrial community engaged
- ▲ P3. Non-Coalition nations engaged
- ▲ P4. Political cohesion among interested nations (outside current coalition)
- ▲ P5. Disposition arrangements for suspected pirates
- ▲ P6. International mandate established / UNSCRs adopted
- ▲ P7. Regional development facilitated
- ▲ P8. Rule of Law in Somalia

• Military

- ▲ M1. Deploy forces
 - ▲ M2. Presence in MSPA established
 - ▲ M3. Situational Awareness achieved
 - ▲ M4. Existing Regional Nation capability deployed
 - ▲ M5. Additional CMF & Non CMF forces deployed
 - ▲ M6. International Maritime Force(s) deployed (EU/NATO/UN)
 - ▲ M7. Coordinated / De-conflicted operations established
 - ▲ M8. Compliant interdiction of De-stabilizing Maritime Activity (DMA) / destruction of pirate paraphernalia
 - ▲ M9. Deterrence achieved
 - ▲ M10. CMF forces return to baseline level operations
- ## • Kinetic Branch
- ▲ K1. Coalition concurrence to take kinetic action
 - ▲ K2. Enabling authorities in place (ROE / P5)
 - ▲ K3. Kinetic enablers in place (support elements)
 - ▲ K4. Kinetic operations conducted
 - ▲ K5. Suspected pirates taken for prosecution
 - ▲ K6. Non-compliant / opposed destruction of pirate paraphernalia

- | | |
|----------------|-------------------------|
| ▲ Achieved | ▲ Partially achieved |
| ▲ Not achieved | ▲ Not authorized by CMF |



Military and Information/Industry

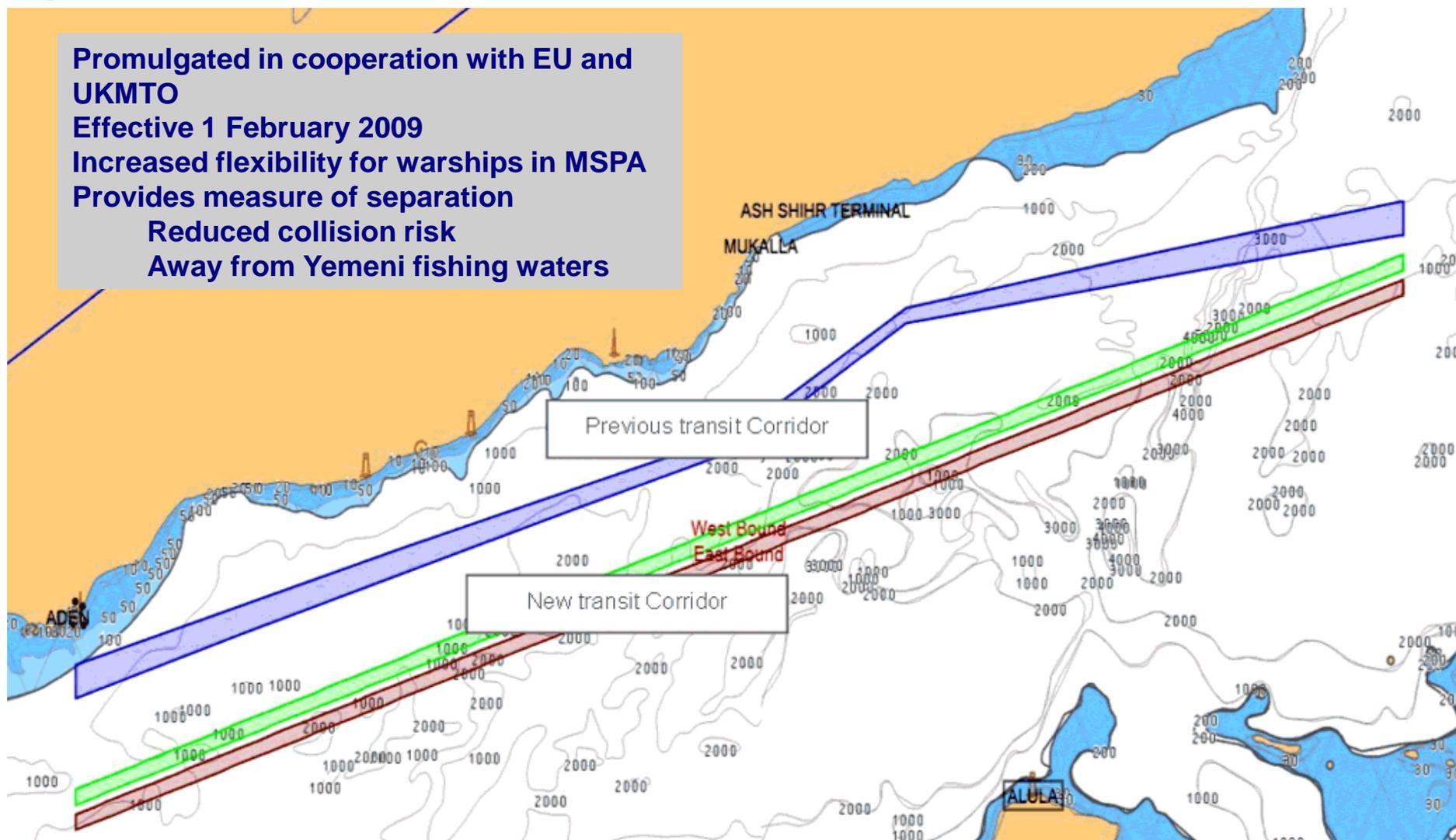
- **Established Maritime Security Patrol Area (MSPA) in Gulf of Aden**
 - Designed to allow military to deter piracy in and around the internationally recommended transit corridor
 - Internationally Recommended Transit Corridor (IRTC) compresses shipping lane to make deterrent patrols more effective
 - MSPA and IRTC are not the same thing
 - Allow shipping industry time to implement self-protection measures
 - Allow international community time to establish legal framework to hold pirates accountable
- **Military - Coalition / non-Coalition forces establish presence in MSPA**
 - Deter, disrupt, capture, and destroy pirate equipment
 - Coordinate, de-conflict, share intelligence / information
 - CMF coalition coordinate / de-conflict MSPA efforts
 - Shared Awareness and Deconfliction (SHADE) meetings, LNOs, COP
- **Inform public and shipping industry on piracy**
 - Engage Coalition / non-Coalition nations
 - Identify and implement vessel self-protection measures

Primary weapon . . . industry awareness & merchant ship security procedures



Internationally Recommended Transit Corridor (IRTC)

Promulgated in cooperation with EU and UKMTO
Effective 1 February 2009
Increased flexibility for warships in MSPA
Provides measure of separation
Reduced collision risk
Away from Yemeni fishing waters





Political/Legal

- **Facilitate international actions to resolve piracy problem**
 - **Implement UNSCRs 1838, 1846 and 1851**
 - **Establish / enhance national mandates for fighting piracy**
 - **Rules of Engagement**
 - **More states willing to take jurisdiction and prosecute**
 - **Rules of Evidence**
 - **Universal jurisdiction vs. national nexus**
 - **Governments cooperate to define comprehensive piracy solution**
- **“Finish” options**
 - **Catch & release**
 - **Article 110 right of visit**
 - **Prosecution**
 - **Positive identification (PID)**
 - **Retaking pirated ships involves risks to hostages we are currently unwilling to take**



Countering Piracy – Legal Aspects

- **CMF piracy mandate**
 - Shift from CTF 150 destabilizing activity to CTF 151 counter-piracy UNSCRs
- **Global maritime partnerships - legal and policy limitations**
 - EU and NATO / China
- **“Operationalizing” UNSCR authority for U.S. forces**
 - Rules of Engagement
 - Authority to operate in territorial seas
 - Authority to seize and destroy pirate equipment and skiffs
- **Unified Command Plan change**
 - New coordination requirements between CENTCOM and AFRICOM
 - Joint Operating Area



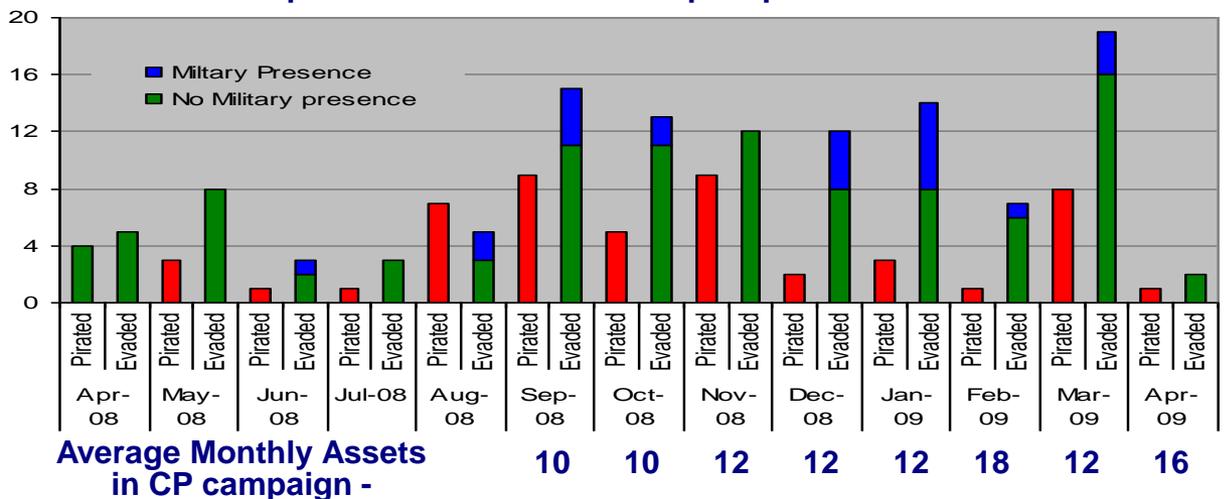
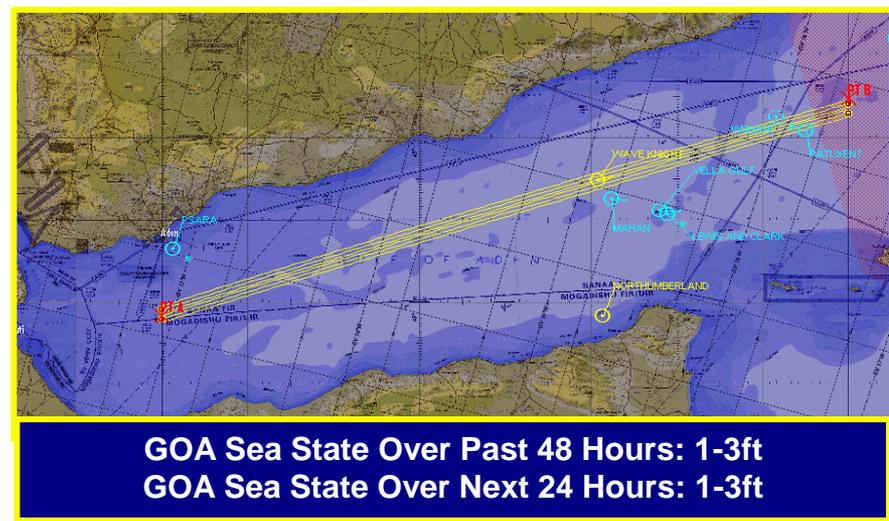
Countering Piracy – Legal Aspects

- **Evidence Collection & Preservation (law enforcement mission)**
 - Who performs evidence collection?
 - Reduce number potential witnesses
 - What is collected and how?
 - “Rules of Evidence” for the state likely to prosecute
 - Witness statements - sworn/unsworn, commitment to testify
 - What physical evidence do you keep?
 - Photographs and videos
 - Where do you store the evidence and original statements?
 - Chain of custody
 - Who reviews evidence package to determine if sufficient to prosecute?
- **Treatment of suspected pirates during temporary detention**
 - Which legal framework applies? fundamental human rights vs. Geneva Conventions/Law of War
 - How long can you keep them onboard?
 - When is judicial review triggered?
 - Shipriders
- **Litigation Support**
 - Who funds witnesses and approves attendance?
 - Who coordinates attendance?



Campaign Results – 227 Days

- >33,000 vessels transit the Gulf of Aden / yr
- International navies patrol >1.1 Million sq miles
 - Average 14 Coalition / non-Coalition ships on patrol
 - Internationally Recommended Transit Corridor (IRTC) extends 464 miles
- Industry best practices – Critically important
 - Speed and maneuver, onboard security teams
 - Since 01 JAN 09, 38/42 ships that evaded pirate attacks reported having performed evasive maneuvers
- Implement legal framework to hold pirates accountable
 - Arraignment on nine suspect pirates in Kenya captured by FGS RHEINLAND-PFALZ 3 MAR scheduled for 8 APR
 - Location of prosecution for seven suspect pirates on board



International Response

* Note: Red indicates change in number

- 263 pirates encountered:
 - 127 released
 - 126 turned over for prosecution
 - 3 killed
 - 7 pending
- Pirate vessels destroyed: 24
- Pirate vessels confiscated: 8
- Weapons confiscated: 141 small arms, 30 RPG launchers, 55 RPG projectiles
- Other paraphernalia confiscated: 26 ladders, 8 GPS, 21 phones