

REALIZING THE THREATENING DANGER OF PIRACY AS THE PHENOMENON MOVES SOUTHWARDS



By
Col (N) J Waweru
&
T Robertshaw

INTRODUCTION

- ◆ Maritime piracy off the coast of Somalia has become common place, especially along the Gulf of Aden (GOA).
- ◆ Piracy incidents continue to occur with impunity.
- ◆ UN Resolutions have not deterred the pirates from continuing with piracy activities.
- ◆ The likelihood of the phenomenon moving southwards is looming large with noted increased piracy activities in Southern Africa.

SCOPE

- Background of Piracy in on the East Cost of Africa, in particular - Somalia and the Gulf of Aden.
- Piracy incidents south of the Equator: 2004 - 2008.
- Southern Africa as a likely target?
- Analysing the threat.
- Conclusion.

BACKGROUND OF PIRACY IN THE HORN OF AFRICA

- Contemporary piracy off the coast of Somalia has its genesis rooted in the period of the early 1990's .
- Somali fishing communities were acting initially to protect their territorial waters from illegal fishing and dumping by foreigners.
- Great leadership, willing followers and sanctuary have traditionally been the mainstay of piracy.
- Areas in Puntland are currently the main landing areas and hideouts for pirates.
- Could the combined vast coastlines of Kenya, Tanzania and Mozambique be used as pirate landing areas and hideouts?

Yemeni stern trawler (unflagged) fishing illegally with warps visible, 1.5 miles off Bosasso, 28/02/98.



Source: Scott Coffen-Smout, "Pirates, Warlords and Rogue Fishing Vessels in Somalia's Unruly Seas"
Accessed 30 July 2009. Available: <http://www.chebucto.ns.ca/~ar120/somalia.html>. Internet.

PIRACY INCIDENTS SOUTH OF THE EQUATOR: 2003 -2008

TABLE 1: Locations of ACTUAL and ATTEMPTED attacks from January - December: 2003 - 2008.

Locations	2003	2004	2005	2006	2007	2008
Kenya	1	1	-	-	4	2
Madagascar	-	1	1	-	1	-
Mozambique	1	-	-	-	3	2
South Africa	1	-	-	-	-	-
Tanzania	5	2	7	9	11	14
Seychelles	-	-	-	-	-	1
TOTALS	8	4	8	9	19	19

Source: ICC-IMB Piracy and Armed Robbery Against Ships Report – Annual Report 2008

CONTEXTUALISING THE THREAT IN SOUTHERN AFRICA

- 1998 Bombings in East Africa – terrorists planted in the region in early 1990's posing as businessmen (Mlowola, 2003).
- Al-Qaeda reported to use retail honey shops in Middle East to conceal shipments of money and weapons (Kaplan, 2006).
- *Hawala* networks allegedly used by al-Qaeda to transfer money worldwide to fund terrorism activities (Navias, 2002).
- Could illegal immigrants, unmanned entry points, informal money transfer systems (*hawala*), money laundering and lax legal structures provide the ripe environment for piracy to move southwards?
- Could piracy have inter-linkages with terrorism on land? Should the South be concerned?

ANALYSING THE THREAT

- **Kenya:** Increased actual and attempted attacks on ships in 2007-2008. Has piracy in Penal Code hence can prosecute pirates. Target of piracy from the North due to major Sea Lines of Communication (SLoCs) in the Indian Ocean to/from the major port of Mombasa.
- **Tanzania:** Vast coastline and likely hideouts/landing areas for pirates. Increased actual and attempted attacks on ships from 2006 - 2008. Weak legal structures against piracy - particularly regarding piracy in the high seas. Port of Dar-es-salaam also linked to major SLoCs to/from Southern Africa.
- **Mozambique:** Very long coastline and likely hideouts/landing areas for pirates. Weak legal structures - particularly regarding piracy in the high seas.
- **Madagascar and Seychelles:** Island states with developing strong economies. Have seen recent actual and attempted attacks on ships in 2007 (Madagascar) and 2008 (Seychelles).
- **South Africa:** Strongest economy in Africa. Natural choke point in the south (similar piracy target as Gulf of Aden) for shipping plying between Indian and Atlantic Ocean. Weak legal structures - particularly regarding piracy in the high seas.

SHIP CALLS FOR 2008 IN SOUTH AFRICAN PORTS

Durban	4554 vessels 114.723m gt
Cape Town	3163 vessels 53.610m gt
Port Elizabeth	1258 vessels 30.579m gt
Richards Bay	1750 vessels 59.576m gt
Saldanha	452 vessels 25,423m gt
East London	333 vessels 8.822m gt
Mossel Bay	1567 vessels 3.317m gt (includes large number of fishing vessels)

Total vessel calls at SA ports: 13,077 vessel calls for 2008 financial year - total of 296,050,936-gt

Source: Terry Hutson, 2009. *Ports & Ships Maritime News: Shipping News - reporting from harbours of South & Southern Africa.* [Online] http://www.ports.co.za/news/article_2009_04_5_5135.html. Last updated Apr 6, 2009.

WHERE IS THE THREAT?

- Piracy affect commercial shipping. As a consequence, affects the economies of both littoral and landlocked states. Hence requires the participation of all African states.
- Illegal immigrants may facilitate the informal transfer of money (money laundering) and unmonitored movement of people (a desirable attribute for piracy to foster). Need for better policing of entry points/borders.
- Weak legal structures against piracy. Need for SADC member states to formulate domestic and regional laws that are in sync against piracy and robbery at sea.
- Need to monitor and regulate transfer of money in the region to harmonise the banking industry.

CONCLUSION

- In conclusion:
 - SADC and East African Community (EAC) member states should consider joint cooperation, coordination and exchange of intelligence on piracy activities along the eastern sea-board of Africa.
 - Current measures for monitoring the movement of illegal immigrants should be strengthened by sensitising the general public, law enforcement agencies and immigration authorities targeted towards piracy activities.
 - Adequate legal structures and response measures should be established by all member states both individually and regionally to combat piracy on the high seas, territorial sea and even on land.
 - Informal banking activities, especially those conducted by illegal immigrants, should be discouraged by concerted efforts to bank the 'unbanked' communities.