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Somalia's "Pirate Cycle": The Three Phases of Somali Piracy

Author Biography

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Abstract

This article provides a theoretical framework for examining Somali piracy from its origins in the 1990s to the present. This analysis provides both a detailed description of the changing nature of piracy, as well as explanations for why these changes have occurred. The increase in pirate activity off Somalia from 1991 to 2011 did not occur in a steady linear progression, but took place in three separate phases. These three phases can be viewed in terms of a "cycle of piracy," based on a theory developed by the pirate historian Philip Gosse in 1932. By employing this framework, policy-makers in the U.S. and elsewhere would be better able to judge when counter-piracy intervention is necessary. By preventing piracy from developing into large-scale professionalized operations, as witnessed in Somalia since 2007, the international community will be able carryout more efficient and effective piracy suppression operations in future.

Introduction

Over the past six years piracy off the coast of Somalia has flourished, with 239 actual and attempted hijackings reported in 2011 and a further seventy attacks during the first nine months of 2012. Although the rate of attacks decreased significantly in 2012, the western Indian Ocean region remains the world's most pirated waters.¹ The overall costs of Somali piracy are estimated to be between seven and sixteen billion dollars per year.² Somali pirates have also taken thousands of seafarers hostage, holding many of them for several months, or even years. Although most hostages are eventually released after a hefty ransom is paid, each year some of these sailors are murdered. Pirate activity off Somalia also has serious economic implications for the already impoverished east African region. In response to the threat of Somali piracy, over thirty countries have deployed warships to the waters off the Horn of Africa (HOA). Despite these international naval missions, Somali piracy increased every year between 2006 and 2011, both in terms of the number of attacks carried out and the pirates' operational range.³ While, so far, attacks are down by sixty-five percent in 2012 from the previous year, Somali pirates are still capable of hijacking ships across a large expanse of ocean, stretching from the Red Sea to the Indian coast, to as far south as Madagascar.⁴

This article asks the question of what accounts for the increases in piracy off the coast of Somalia since the collapse of the central government in 1991. This is accomplished by not only exploring the unprecedented rise of pirate attacks since 2006, but also by tracing the evolution of Somali piracy over the past two decades. This article demonstrates that between the early 1990s and the present Somali piracy has developed in three distinct phases, which are directly linked to the political situation within the country. These three phases can be viewed in terms of a "cycle of piracy," based on a theory developed by the pirate historian Philip Gosse in 1932.⁵ By placing Somali piracy within a broader theoretical framework, this article provides a novel conceptual lens through which to examine this persistent maritime security issue.

Although contemporary piracy has generated a plethora of scholarship over the past decade, particularly in the field of international law, it remains largely an under-theorized subject.⁶ The theoretical framework presented in this article can be used to analyze Somalia, as well as other contemporary cases of maritime piracy. Most importantly, this framework can assist policy-makers in developing more efficient and effective counter-piracy strategies, as the costs of suppressing piracy depend largely on which stage of Gosse's cycle pirate organizations have attained. While the complete eradication of piracy worldwide is an unrealistic goal, by employing this framework, policy-makers in the U.S. and elsewhere would be better able to judge when counter-piracy intervention is necessary. By preventing piracy from developing into large-scale professionalized operations, as witnessed in Somalia since 2007, the international community would be able to carryout piracy suppression operations more quickly and at lower costs.

Defining Piracy

¹ IMB, *ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2011, 2012*; IMB, *ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Report for the Period 1 January - 30 September 2012, 2012*.

² Martin N Murphy, *Small Boats, Weak States, Dirty Money* (New York: Columbia University Press, 2009); Anna Bowden, "The Economic Costs of Maritime Piracy" (One Earth Future Foundation Project, December 2010), available at:

http://oceansbeyondpiracy.org/sites/default/files/documents_old/The_Economic_Cost_of_Piracy_Full_Report.pdf.

³ IMB, *ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Report for the Period 1 January - 31 March 2011, 2011*; IMB, *ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships (1 January - 30 June 2012)*.

⁴ IMB, *Piracy and Armed Robbery Against Ships (1 January - 30 September 2012)*, 21.

⁵ Philip Gosse, *The History of Piracy* (New York: Burt Franklin, 1932).

⁶ James Kraska, *Contemporary Maritime Piracy: International Law, Strategy, and Diplomacy at Sea, Contemporary Military, Strategic, and Security Issues*. (Westport, CT: Praeger, 2011); D. Hassan and R. Collins, "Applications and Shortcomings of the Law of the Sea in Combating Piracy: A South East Asian Perspective," *Journal of Maritime Law and Commerce* 40:1 (2009): 89–113.

The 1982 UN Convention of the Law of the Sea (UNCLOS) defines maritime piracy as acts of violence carried out for personal gain “against a ship, aircraft, persons or property in a place outside the jurisdiction of any state.”⁷ The UNCLOS definition of piracy assumes a Weberian conception of statehood, namely that all states are capable of exercising a “monopoly of legitimate physical violence within a particular territory.”⁸ This distinction of territorial versus international waters is not applicable in the case of Somalia, which has not had any semblance of a functioning central government since 1991. Furthermore, as the human and economic costs of piracy do not typically change depending on whether the attacks occur within twelve nautical miles of land or not, it is important not to limit this analysis based on an out-of-date convention. The International Maritime Bureau (IMB) takes a geographically broader view of piracy than UNCLOS by tracking attacks both in and outside of states’ territorial waters. In order to get a more complete understanding of Somali piracy, rather than using the limited definition found in UNCLOS, this examination will include pirate attacks in both territorial and international waters.

Gosse’s Pirate Cycle

Gosse’s *The History of Piracy* is considered a classic in the study of historical piracy.⁹ Along with “Golden Age” pirates, like Captain Kidd and Blackbeard, Gosse examines earlier examples of piracy in the Atlantic, such as the sixteenth and seventeenth century buccaneers. Gosse also dedicates a large portion of his book to non-European pirates, such as the Barbary corsairs and nineteenth century piracy in East Asian waters.

One of Gosse’s most valuable contributions to piracy scholarship is his description of the “pirate cycle.” In Gosse’s analysis, piracy develops in three distinct stages. First, the inhabitants of marginal coastal regions engage in small-scale acts of piracy against only the most vulnerable merchant ships.¹⁰ Among scholars who study contemporary pirates, this is sometimes referred to “subsistence piracy.”¹¹ As piracy gains in profitability, pirate groups become larger and more organized. These large, professional organizations are then able to either swallow-up subsistence pirate groups or put them out of business. Professional pirates, who characterize the second stage of the pirate cycle, are able to carry out coordinated attacks on even the largest merchant ships.¹² The third stage of piracy is attained when pirate organizations can be viewed as “having virtually reached the status of an independent state” and are “in a position to make a mutually useful alliance with another state against its enemies.”¹³

The three stages differ from one another in terms of the strategies and resources required to suppress piracy. Stage one piracy is directly related to poverty and a lack of economic opportunity. Although any long-term solutions to poverty are complex, the small-scale nature of piracy in this initial stage means that it can be controlled with fewer resources, relative to stage two and three pirate activity. Once piracy has transitioned to these more advanced stages, significant resources are required to reduce piracy, as demonstrated in the case of Somalia.

The Three Phases of Somali Piracy

The political upheaval that has plagued most of Somalia, since the collapse of the Barre regime in 1991, has also left the country’s economy in tatters. Although accurate data on Somalia are difficult to collect, recent estimates put the per capita gross domestic product at around \$600.¹⁴ In contrast to this economic deprivation, the average ransom paid by shipping companies is now well in excess of one million dollars; thus even a low-ranking member of a pirate organization can earn as much as \$20,000 for one successful

⁷ UN, *United Nations Convention on the Law of the Sea*, 1982, available at:

http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm.

⁸ Max Weber, *The Vocation Lectures*, ed. Tracy B Strong and David S Owen, trans. Rodney Livingstone (Indianapolis & Cambridge: Hackett, 2004), 33.

⁹ Gosse, *The History of Piracy*.

¹⁰ *Ibid.*, 1.

¹¹ Clive Schofield, “Plaguing the Waves: Rising Piracy Threat Off the Horn of Africa,” *Jane’s Intelligence Review* (July 2007).

¹² Gosse, *The History of Piracy*, 1.

¹³ *Ibid.*, 2.

¹⁴ CIA, “The World Factbook,” 2012, available at:

<https://www.cia.gov/library/publications/the-world-factbook/geos/so.html>.

hijacking.¹⁵ This economic incentive is coupled with the excellent opportunity for piracy afforded by Somalia's geographic location. Every year over twenty thousand merchant vessels transit the Gulf of Aden, making it one of the world's busiest shipping lanes.¹⁶ The *Bab-al-Mandeb* Strait, at the Gulf's western end, is only eighteen miles across, forcing ships to navigate close to shore as they transit to and from the Red Sea.¹⁷ While economic and geographic factors offer a partial explanation for Somali piracy, they do not account for the dramatic increase in pirate activity over the past twenty years. Instead, this rise is primarily a result of Somalia's political instability.

The increase in pirate activity off Somalia has not occurred in a steady linear progression, but instead has taken place in three separate phases. The first phase, which lasted from the 1990s until the mid-2000s witnessed relatively low levels of pirate activity mainly concentrated in the Gulf of Aden. The second phase, which began in 2005, involved a much higher frequency of attacks carried out off Somalia's Indian Ocean coast by larger and more organized pirate groups. Since 2007, Somali pirates have again — and even more dramatically — increased both the number and range of their attacks. This most recent manifestation represents a third phase of Somali piracy. Although the number of successful attacks carried has declined since 2011, Somali pirates are still capable of hijacking large merchant vessels hundreds of miles offshore.

These three phases of Somali piracy correspond with the first two stages of Gosse's pirate cycle. Gosse's describes the first stage of piracy as "a few individuals from amongst the inhabitants of the poorer coastal lands would band together in isolated groups owning one or but a very few vessels a piece and attack only the weakest of merchantmen." Gosse's depiction accurately describes the form of piracy off Somalia witnessed during the 1990s and early 2000s. The second phase of Somali piracy serves as transition period between first and second stages of the pirate cycle "when the big pirates either swallowed up the little pirates or drove them out of business." The "period of organization" found in Gosse's second stage corresponds with the third phase of Somali piracy, which began in 2007. Although Somali pirates might not be able to claim that "no group of trading ships, even the most heavily armed, [are] safe from their attack," as described in Gosse's second stage, they have still successfully pirated some of the largest ships ever built.¹⁸ Although Somali pirates are unlikely to fully transition to Gosse's third stage, where pirates are able to "make a mutually useful alliance with another state against its enemies," Somali pirate organizations are still able to wield influence in the country's internal political power structure.¹⁹

Somali Piracy: Phase One

The Somali coastline, which stretches for more than two thousand miles, is comparable in length to U.S.'s Atlantic seaboard.²⁰ While most Somalis have traditionally made their livelihood as nomadic herdsman, the country also has a long tradition of fishing. The waters off Somalia have historically proved a rich fishing ground for tuna, swordfish and other high-value catches. As a consequence of the collapse of the Somali state — including the country's maritime security forces — these fisheries were left utterly unprotected. Without any form of regulation, foreign fishing vessels were free to employ a variety of unsustainable practices, such as "nets with very small mesh sizes and sophisticated underwater lighting

¹⁵ Roger Middleton, "More Than Just Pirates: Closing the Space for Somali Pirates Through a Comprehensive Approach," ed. Frans-Paul van der Putten and Bibi van Ginkel (Leiden & Boston: Martinus Nijhoff Publishers, 2010); Peter Apps, "Hi-Tech Navies Take on Somalia's Pirates," *Reuters*, June 2010.

¹⁶ David McKeeby, "International Struggle Against Piracy Comes Ashore in Somalia," December 2008, available at:

<http://www.america.gov/st/peacesec-english/2008/December/20081217100347idybeekcm0.5429651.html>.

¹⁷ US Energy Information Administration, "World Oil Transit Chokepoints Energy Data, Statistics and Analysis - Oil, Gas, Electricity, Coal," 2011, available at:

http://www.eia.doe.gov/cabs/World_Oil_Transit_Chokepoints/Full.html.

¹⁸ Gosse, *The History of Piracy*, 1.

¹⁹ "Somalia's New President: Can He Really Rescue the Place?," *The Economist*, September 15, 2012, available at: <http://www.economist.com/node/21562988>.

²⁰ Martin N Murphy, *Somalia, the New Barbary?* (New York: Columbia University Press, 2011).

systems,” which devastated Somalia’s coastal fisheries. Between 1991 and 1999 the NGO *Ocean Training and Promotion*, estimates that more than two hundred foreign vessels engaged in illegal fishing practices off the Somali coast.²¹ The deleterious effects of these foreign fishing vessels have been documented not only in deep ocean fish stocks, such as tuna, but also in inshore catches, like lobster.²²

The severe decline in Somalia’s fishing industry in the 1990s exacerbated the already dire economic conditions faced by average citizens. In an effort to regain sovereignty over coastal fish stocks, some Somalis began acting as a *de facto* coast guard, attacking and boarding foreign fishing vessels and “detaining” or “fining” their crews.²³ While the desire to defend fishing rights may have served as the original impetus for boarding foreign vessels, these activities also provided an opportunity for lucrative profit. An early example of the attempt to profit from boarding ships is demonstrated by the experience the merchant vessel *Bonsella*, which was hijacked by twenty-six pirates while transiting off northeastern Somalia in 1994. The pirates, who were in a wooden dhow, had been able to board the merchantman after her master had let the dhow draw too close. Claiming to be the “Somali Coast Guard,” the pirates commandeered the *Bonsella* for five days, during which time they made several unsuccessfully attempts to highjack other vessels in the area. In the end, the pirates gave up and departed the *Bonsella*, after stealing as much as they could carry.²⁴ In the decade following the attack on the *Bonsella*, Somali pirate groups grew in sophistication, competency, and organization. Despite these changes, many piracy organizations remained “subsistence pirates.”²⁵ These consisted of small, loosely organized criminal gangs that periodically proceeded to sea in search of easy targets, such as dhows, small merchant vessels, fishing boats, and the occasional yacht.

Prior to 2005, the number of reported attacks per year attributed to Somali pirates never exceeded the low twenties, most of which were carried out in the Gulf of Aden. This relatively constant level of attacks is the result of Somali piracy having achieved a state of equilibrium; the money earned by pirates provided the incentive to continue hijacking the occasional ship, however, the rewards were too low to allow piracy to flourish during this first phase. As a result, in 2004 there were only eight reported attacks in the Red Sea and Gulf of Aden, as well two additional attacks carried out off Somalia’s Indian Ocean coast.

The relatively low rewards compared with the high barriers to entry and risks involved in piracy during this initial phase would likely have benefitted any international counter-piracy mission — had one been undertaken — as Somalis had far fewer incentives to carryout pirate attacks. Furthermore, rather than combating professional pirate organizations with the capability of operating throughout the western Indian Ocean, subsistence pirates were limited to Somali coastal waters. A concerted international effort to suppress piracy before it had transitioned to the second stage of the pirate cycle may have saved the international community billions of dollars and prevented hundreds of seafarers from being taken hostage.

Somali Piracy: Phase Two

In 2005 pirates carried out thirty-five attacks in Somali waters, as well as an additional ten in the Red Sea and Gulf of Aden.²⁶ The cause of this 350 percent increase in pirate attacks off Somalia has been the subject of considerable speculation. Some analysts have attributed this dramatic upswing to increased inter-factional conflict within Somalia’s Transitional Federal Government (TFG).²⁷ In early 2005 a dispute erupted between two TFG factions surrounding the government’s upcoming relocation to Somalia from Kenya, as well as the planned deployment of African Union peacekeepers. One faction, led by TFG president, Abdullahi Yusuf, established itself in the southeastern town of Jawhar, while the opposing

²¹ Lehr, Peter and Hendrick Lehmann, “Somalia: Pirates’ New Paradise” (New York: Routledge, 2007).

²² Fielding, P.J. and B.Q. Mann, *The Somalia Inshore Lobster Resource: A Survey of the Lobster Fishery of the North Eastern Region (Puntland) Between Foar and Eyl During November 1998, 1999.*

²³ Martin N. Murphy, *Small Boats, Weak States, Dirty Money* (New York, Columbia Univeristy Press, 2008).

²⁴ Nick Ryan, “Wave of Terror,” 1997, available at: <http://www.nickryan.net/articles/pirates.html>.

²⁵ Schofield, “Plaguing the Waves: Rising Piracy Threat Off the Horn of Africa.”

²⁶ IMB, *ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2005, 2006.*

²⁷ Murphy, *Small Boats, Weak States, Dirty Money.*

faction moved into Mogadishu. In anticipation of renewed hostilities, both sides began rearming their supporting militias, which had been partially demobilized as part of Somalia's peace process. In an effort to deny his opponents force of arms, President Yusuf imposed a blockade of Yemeni weapons transiting into Mogadishu from the port city of Boosaaso, which was under the control of the president's clan. Shortly after the arms embargo came into effect, ships began being attacked in the waters off Mogadishu at a high rate. The ransoms collected from these ships served as a "form of emergency revenue collection," which was used to offset the higher cost of weapons in Mogadishu.²⁸

While inter-factional fighting onshore likely fueled much of the increase in pirate attacks in 2005, Peter Lehr and Hendrick Lehmann view the December 26, 2004 tsunami as another possible contributing factor.²⁹ Although caused by an earthquake off the coast of Sumatra, Indonesia, the massive tsunami seriously affected more than 400 miles of Somalia's coastline, devastating coastal villages and destroying the livelihoods of thousands of fishermen.³⁰ Left with no other way of making a living, these fishermen turned to piracy to make ends meet. Whether the result of a changing political situation in Somalia, the destruction brought by the tsunami, or some combination of factors, in 2005 some exogenous force or forces altered the equilibrium that had existed for more than a decade, leading to an increase in pirate activity.

The attacks carried out during this second phase differed from phase one pirate activity not only with regard to frequency, but also in terms of geographic location. As noted above, although incidents of piracy in the Gulf of Aden and the Red Sea remained relatively constant – eight incidents in 2004 versus ten in 2005 – the number of attacks in the western Indian Ocean increased from two in 2004 to thirty-five in 2005. These figures demonstrate that pirates were using new havens located along Somalia's Indian Ocean coast. While the subsistence pirates of the northeastern Puntland continued to carry out a handful of attacks in the Gulf of Aden and the Red Sea, just as they had done in previous years, new bands of pirates began attacking ships that ventured too close to the Somali coast. Two of the most prominent and best organized pirate groups operating along the Indian Ocean coast during this second phase were the self-styled "Somali Marines" based north of Mogadishu in Harardheere, and the "Somali National Volunteer Coastguard" in the southern city of Kismaayo.³¹

Professional groups, such as the Somali Marines, employed a number of relatively advanced tactics and technologies that distinguished them from earlier pirates. While piracy had already evolved from the rudimentary maneuvers employed in the 1994 attack on the *Bonsella*, second phase pirates made greater use of small, fast-moving boats launched from mother ships. These tactics allowed pirates to greatly extend their operational range, while maintaining the advantages of speed and maneuverability. For example, on November 5, 2005 a bulk carrier was attacked by pirates in speedboats launched from a mother ship 325 nautical miles offshore – well beyond the operational range of the less advanced subsistence pirates of Somali piracy's initial phase.³² Phase two piracy is also distinguished by the brazen and often high-profile nature of many of the attacks. On the same day that pirates gave chase to the bulk carrier, a different group of pirates attacked the U.S.-operated cruise ship *Seaborne Spirit* seventy nautical miles off the Somali coast. Although the cruise ship was able to evade the pirates, it was riddled with small-arms fire and rocket-propelled grenade fire.³³

Somali piracy's second phase lasted until June 2006 when the Union of Islamic Courts (ICU) gained control of most of southern Somalia. In an effort to restore peace and security, the ICU removed the system of roadblocks in Mogadishu, as well as the "ubiquitous piles of rubbish that had blighted the city

²⁸ Jane's Terrorism & Security Monitor, "Piracy and Politics in Somalia," *Jane's Terrorism & Security Monitor*, November 2005.

²⁹ Lehr and Lehmann, "Somalia: Pirates' New Paradise."

³⁰ UNDP, *Tsunami Inter-Agency Assessment Mission: Hafun to Gara'ad, Northeast Somali Coastline 28 Jan - 8 Feb 2005*, March 2005.

³¹ Schofield, "Plaguing the Waves: Rising Piracy Threat Off the Horn of Africa."

³² Katy Glassborow, "Somali Pirates Change Tack," *Jane's Navy International*, December 2005.

³³ BBC News, "Cruise Ship Repels Somali Pirates," *BBC*, November 2005, available at: <http://news.bbc.co.uk/2/hi/4409662.stm>.

for a decade or more....”³⁴ The ICU also publicly “declared war” on piracy, which they viewed as contrary to Islamic law.³⁵ In November 2006 the ICU went so far as to retake the hijacked cargo vessel, *Veesham I*, rescuing the crew unharmed and injuring two of the pirates. The crew was subsequently released without a ransom being paid.³⁶ As a result of the ICU’s efforts, piracy off Somalia’s Indian Ocean coast declined from thirty-five reported incidents in 2005, to only ten in 2006. Furthermore, the attack on the *Veesham I* was one only two successful hijackings to take place in 2006 after the ICU came to power.³⁷

While the ICU took measures to counter the pirates’ actions, piracy scholar Martin Murphy questions the conventional narrative that these were primarily motivated by “Islamic rectitude.” Instead, Murphy posits the hypothesis that the *Veesham I*’s cargo was property of a Somali businessman, who was also one of the ICU’s financial backers. In raiding the *Veesham I* the ICU was simply repaying a favor to one of their patrons. Murphy contrasts the ICU’s response to this hijacking to that following the seizure of the *Fishana*, which occurred only two days before the pirates captured the *Veesham I*. Although, unlike the *Veesham I*, the *Fishana* was registered in a Muslim country (the United Arab Emirates), the ICU made no efforts to recover the vessel.³⁸ Whatever the ICU’s principal motivations actually were, it is undeniable that during their brief months in power they did successfully curtail piracy off Somalia’s Indian Ocean coast, thus effectively ending the second phase of Somali piracy.

The second phase is situated during the transition between stage one and two of Gosse’s pirate cycle. While stage one piracy remained active in the Gulf of Aden during this phase, the attacks carried out off Mogadishu by more professional organizations were more consistent with the second stage of Gosse’s cycle.

Somali Piracy: Phase Three

Somalia’s new-found maritime security was short-lived, as the ICU was driven from power by the December 2006 Ethiopian invasion. In the ensuing chaos, piracy once again began to flourish, both in Puntland and in southern Somalia. The first attacks of 2007 occurred in February, despite being during the Northeast Monsoon season. One attack involved the hijacking of the *Rozen* on February 25, which had just delivered a shipment of World Food Program (WFP) aid to the port of Berbarra in Somaliland. The *Rozen* was not the only WFP-chartered ship to be attacked in 2007, as two other ships were fired upon by pirates while carrying out food aid deliveries to Somalia.³⁹ While these ships were able to avoid capture, attacks on WFP aid shipments greatly increased the notoriety of the Somali pirates, and served notice that after a brief lull, piracy had returned to the HOA. These attacks also further contradicted the claims made by many pirates that they were only acting to protect Somalia’s waters from illegal fishing and toxic-waste dumping.

In 2007 the IMB recorded thirty-one pirate attacks off Somalia’s Indian Ocean coast, as well as thirteen in the Gulf of Aden and Red Sea. These numbers are comparable to those in 2005, prior to the ICU’s takeover of southern Somalia.⁴⁰ If 2007 entailed a return to pre-ICU levels of piracy in Somalia, the following year saw pirate activity in record numbers. In 2008, the IMB reported ninety-two actual and attempted pirate attacks in the Gulf of Aden – a more than six hundred percent increase from the year before. This figure, combined with nineteen attacks off Somalia’s Indian Ocean coast, made the Horn of Africa the world’s most piracy-prone area, accounting for nearly forty percent of global piracy.⁴¹

³⁴ Cedric Barnes and Harun Hassan, “The Rise and Fall of Mogadishu’s Islamic Courts,” *Chatham House Africa Programme - Briefing Paper* (April 2007).

³⁵ Schofield, “Plaguing the Waves: Rising Piracy Threat Off the Horn of Africa.”

³⁶ IMB, *ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2006, 2007*; Jane’s Terrorism Watch Report, “Somali Militias Recapture Freighter,” *Jane’s Terrorism Watch Report - Daily Update*, November 2006.

³⁷ IMB, *Piracy and Armed Robbery Against Ships (2006)*; Murphy, *Somalia, the New Barbary*.

³⁸ Murphy, *Somalia, the New Barbary*.

³⁹ IMB, *ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2007, 2008*.

⁴⁰ *Ibid.*

⁴¹ IMB, *ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2008, 2009*.

Furthermore, Somali pirates carried out forty-two of the forty-nine successful ship hijackings reported in 2008, as many other regions experience only small-scale piracy. The factors that led to this unprecedented rise in pirate activity are complex and have yet to be fully understood.

While the return to 2005 and early 2006 levels of piracy can be attributed to the ICU's removal from power, this does not explain why the number of pirate attacks grew so dramatically in 2008. One possible explanation of this phenomenon concerns the establishment of a positive feedback loop. In 2005, an exogenous force or forces disrupted the equilibrium that had maintained the levels of piracy throughout the preceding decade, increasing the number of attacks off the Somali coast. Although the ICU also constituted an exogenous force – one which served to decrease pirate activity – its influence was eliminated by Ethiopia's military invasion in late 2006. The revival of piracy in 2007 rapidly began generating considerable wealth for the pirate organizations. While much of this money was spent on bribing local clan leaders or on luxury items, some was reinvested into pirate operations. This allowed for the purchase of more weapons, ships and other pirate paraphernalia, as well as the hiring of additional personnel. This, in turn, brought pirate organizations greater levels of success, thus allowing for even more investment in their operational capabilities. Increased wealth generation also encouraged greater numbers of young men to turn to piracy, further fueling pirate activity.

While the maritime security world was well aware of the increasing levels Somali piracy, two hijackings in late 2008 altered the international community's view of both the threat of piracy and the pirates' capabilities. On September 25, 2008 Somali pirates captured the cargo ship *Faina* en route to Mombasa. Unbeknownst to the pirates, the *Faina* was carrying a shipment of arms destined for southern Sudan.⁴² Given the political situation in Somalia, the international community's immediate concern was that the weapons would find their way into the hands of Islamic militants. In an effort to prevent this, the U.S. deployed a number of warships to ensure the arms were not unloaded. Russia also sent a frigate to guard the *Faina*.⁴³ In February 2009, with the armaments still on board, the *Faina* was released, after the payment of a \$3.2 million ransom.⁴⁴

On November 15, while the *Faina* incident was playing out, another group of pirates hijacked the Saudi-owned *Sirius Star*, 450 nautical miles off the coast of Kenya. The 318,000 ton, 1090 foot *Sirius Star*, which classifies it as a Very Large Crude Carrier (VLCC), was the biggest ship ever hijacked.⁴⁵ Carrying two million barrels of crude oil, the *Sirius Star* was perhaps the most valuable vessel ever captured by pirates.⁴⁶ After the hijacking, the pirates diverted the VLCC to Haradheere, where the ship was anchored while ransom negotiations took place.⁴⁷ Despite the immense value of its cargo the lack of infrastructure in Somalia left the pirates with little choice but to ransom the vessel back to its owners.

While the hijackings of the *Faina* and *Sirius Star* brought considerable media focus to the problem of piracy, this paled in comparison to the attack on the U.S.-flagged *Maersk Alabama*, which occurred in April 2009, four hundred nautical miles off the Somali coast. The well-publicized events, culminated with a spectacular rescue carried out by U.S. navy ships and a SEAL sniper team. Although the thwarted attack on the *Maersk Alabama* is often viewed as an example of U.S. military prowess, like the attacks on the *Faina* and *Sirius Star*, it also demonstrated the ever-increasing capability of Somali pirates to operate far offshore.

⁴² Jeffrey Gettleman and Michael R. Gordon, "Documents Confirm Shipments of Tanks to Sudan," *The New York Times*, December 2010, available at: <http://www.nytimes.com/2010/12/09/world/africa/09wikileaks-tank.html>; IMB, *Piracy and Armed Robbery Against Ships (2008)*.

⁴³ Helmoed-Romer Heitman, "Somali Pirates Seize Arms Shipments," *Jane's Defence Weekly*, September 2008.

⁴⁴ BBC News, "Somali Pirates 'Free Arms Ship'," *BBC*, February 5, 2009, available at: <http://news.bbc.co.uk/2/hi/africa/7871510.stm>.

⁴⁵ Robert F. Worth, "Pirates Seize Saudi Tanker Off Kenya," *The New York Times*, November 2008.

⁴⁶ CIA, "The World Factbook," 2012, available at: <https://www.cia.gov/library/publications/the-world-factbook/>

⁴⁷ Murphy, *Somalia, the New Barbary*.

While the pirates who attacked the *Maersk Alabama* were ultimately unsuccessful, overall 2009 was another record-setting year for piracy off Somalia. In 2008, IMB attributed 111 actual and attempted attacks to Somali pirates; in 2009 this number had increased to 217. These attacks included forty-eight successful hijackings, which resulted in 867 sailors being taken hostage. As the international community deployed more warships to protect shipping in the Gulf of Aden, Somali pirates also began to shift the geographic location of their attacks into the Arabian Sea and Indian Ocean, further increasing their geographic range. In 2008 the IMB warned of attacks taking place “almost five hundred nautical miles from the [Somali] coast.” By 2009 this warning had more than doubled to over one thousand nautical miles.⁴⁸ Somali pirates were now hijacking ships from the Omani coast in the Arabian Peninsula, to the waters off Tanzania and Madagascar in southern Africa – an area twice the size of the European mainland.⁴⁹

The piracy records set in 2009 did not remain on the books for long. In 2010, despite a greater presence of international warships, pirates attacked 219 ships, successfully hijacking forty-nine of them, and kidnapping 1016 sailors. Sadly, in 2010 eight seafarers were also killed either in pirate attacks or in rescue attempts by security forces.⁵⁰ Although in academic and policy circles piracy is often discussed in terms of figures about range and number of attacks, this is a stark reminder that for the men and women who transit the waters off Somalia the threat of piracy is far from an abstract.

Although 2011 saw the overall number of actual and attempted attacks rise to 237, the number of ships successfully hijacked dropped from forty-nine to twenty-eight. This decrease in the pirates’ success rate is attributed to a combination of increased naval patrols and improved defenses onboard merchant ships, which now often carry armed private security personnel.⁵¹ The first nine months of 2012 have seen the overall number of reported attacks fall by sixty-five percent compared to the first nine months of 2011.⁵²

Since 2008 the international community has deployed dozens of warships and spent billions of dollars in an effort to suppress Somali piracy. Although piracy off the HOA decreased in 2012, the naval vessels from around the globe continue to patrol the Gulf of Aden and the western Indian Ocean. The international community’s difficulties in suppressing piracy stem partially from the fact that military intervention did not occur until Somali piracy had transitioned to the second stage of the pirate cycle. Because the pirates had already become professionalized, they were better able to adapt to counter-piracy efforts. When international forces began patrolling the Gulf of Aden, the pirates quickly expanded their area of operations far offshore. Hijacking ships more than one thousand nautical miles from the Somali coast would have been unthinkable for the subsistence pirates of the 1990s and early 2000s.

Policy Implications and Conclusions

Gosse’s piracy cycle provides a novel framework for the examination not only of Somalia, but of contemporary maritime piracy more generally. The U.S. and other maritime powers ignored Somali piracy until 2008; by which time it had already transitioned to the second stage of Gosse’s pirate cycle. Since 2008 the pirate organizations’ relatively high level of sophistication has complicated counter-piracy efforts. Since countering piracy requires a costly and protracted intervention, the international community should devote resources to ensuring pirate organizations do not develop beyond the first stage of the pirate cycle. While it is unrealistic to expect maritime powers to intervene in cases of petty piracy, the international community should do more to bolster maritime security forces in at-risk states. Furthermore, the U.S. and other nations with capable naval forces should intervene more quickly when it becomes clear that pirate organizations are transitioning to the second stage of piracy. By preventing

⁴⁸ IMB, *Piracy and Armed Robbery Against Ships (2008)*; IMB, *ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2009, 2010*.

⁴⁹ IMB, *Piracy and Armed Robbery Against Ships (2009)*.

⁵⁰ IMB, *ICC International Maritime Bureau: Piracy and Armed Robbery Against Ships - Annual Report 2010, 2011*.

⁵¹ IMB, *Piracy and Armed Robbery Against Ships (2011)*, 20; IMB, *Piracy and Armed Robbery Against Ships (2010)*.

⁵² In 2011, Somali pirates successfully hijacked 12 percent of the ships they attacked. In 2012, this rate increased to 18 percent.

opportunistic pirate bands from evolving into professional organizations, the international community could avoid years of costly counter-piracy operations. In the case of Somalia, successful preventative action would also have saved more than one thousand seafarers from being kidnapped.

Although Gosse's cycle focuses exclusively on piracy, this framework can also be used to examine interventions against other types of violent non-state actors (VNSA), such as terrorist organizations and narco-insurgencies. While other VNSAs are not necessarily as profit-driven as pirates, generating funds is crucial for even the most politically motivated organizations. While it is outside the scope of this article to provide an in-depth examine of the implications of Gosse's cycle beyond maritime piracy, it is hoped that this framework will lead to future scholarship in this area.

Despite its relevance to contemporary maritime piracy, Gosse's cycle of piracy is not fully applicable to the contemporary era without certain modifications. This is particularly true regarding the third stage of piracy, as it seems unlikely that contemporary pirate organizations will be able to achieve the status of a *de facto* independent state.⁵³ Even without the third stage of piracy, this framework is useful because it improves the understanding how pirates develop from small-scale opportunistic actors to professional organizations. Through an understanding of the pirate cycle, the international community can be better prepared to intervene against piracy in the future. If counter-piracy interventions are undertaken before pirates have fully transitioned to the second stage of the cycle, the human and economic costs of piracy can be greatly reduced.

⁵³ Goose's third stage may prove more relevant to other VNSAs. For example, al-Qaida affiliated insurgent groups have been to exercise *de facto* sovereignty in northern Mali and in parts of Yemen. For a more detailed discussion of the relationship between state and non-state actors see: James C. Scott, *Seeing Like a State* (New Haven, CT and London: Yale University Press, 1998); James C. Scott, *The Art of Not Being Governed* (New Haven, CT and London: Yale University Press, 2009); Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns* (Princeton, NJ: Princeton University Press, 1994).