SEA PIRACY AND MARITIME SECURITY: THE PROBLEM OF FOREIGN NAVAL INTERVENTION IN THE SUPPRESSION OF PIRACY OFF THE HORN OF AFRICA

F.C. Onuoha[1] and G.E. Ezirim[2]

Received 18 May 2010; in revised form 6 June 2010; accepted 29 September 2009

Abstract

Waters off the Horn of Africa (HoA) are strategic for global commerce and international security. Since 2005 this vital waterway has remained the world's most dangerous hotspot of piracy, prompting states whose economic and security interests are particularly being undermined by spiralling piracy in the region has deployed their navies to help enhance maritime security. This article conceptualizes the relationship between sea piracy and maritime security in relation to foreign naval intervention, highlights the continuance and trend of pirate incidence off the HoA, discusses the emerging risks associated with the intervention of foreign navies in the fight against piracy, and proffers some measures that could contributed to suppressing piracy in the region. It contends that achieving sustainable maritime security in Africa demands that the root causes of piracy in Africa is effectively tackled, rather than reacting to the symptom of a deeper malaise.

Keywords: Security, Sea Piracy, Maritime Security.

INTRODUCTION

Waters off the Horn of Africa (HoA) are strategic for global commerce and international security. However, since 2005 this vital waterway has remained the world's most dangerous hotspot of piracy. Growing piracy in the region has elicited the

---

[1]Research Fellow, National Defence College Nigeria, Email: chufreedom@yahoo.com, Tel. +2348037791916, Herbert Macaulay Way North, 00009 Abuja, Nigeria. [2]Lecturer, SGSS University of Nigeria Nsukka, Email: ekenezirim@yahoo.com, Tel. +2348037844707, University of Nigeria Nsukka, 00004 Nsukka, Nigeria.

attention of the United Nations, States, security analysts and scholars. Given its importance for international merchant shipping, states whose economic and security interests are particularly being undermined by spiralling piracy in the region has deployed their navies to help enhance maritime security. Warships from over 20 countries now patrol the waters off the HoA in an effort to protect shipping routes. The intervention of international naval task force shows just how serious the problem of piracy has become in the region. In spite of the presence of a flotilla of foreign naval warships, the incidence of piracy has continued and is spreading to new areas.

This article conceptualizes the relationship between sea piracy and maritime security in relation to foreign naval intervention, highlights the continuance and trend of pirate incidence off the HoA, discusses the emerging risks associated with the intervention of foreign navies in the fight against piracy, and proffers some measures that could contribute to suppressing piracy in the region.

CONCEPTUAL FRAMEWORK

The framework of analysis adopted here interprets the nexus between sea piracy and maritime security as interfacial (Onuoha, 2009). It begins with a conceptual clarification of terminologies and proceeds to offer a schematic illustration of the perceived relationships.

The term 'sea piracy' has been defined in different ways by scholars, states, and organisations. Essentially, piracy is a term used to describe acts of armed robbery, hijacking and other malicious acts against ships in international waters. They are carried out with the intent of stealing valuables onboard and/or extorting money from ship owners and/or other third party interests by holding the ship or crew to ransom (OCIMF, 2009). The United Nations Convention on the Law of the Sea (UNCLOS) defines piracy as consisting 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 aircraft;
    (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 inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b) (UNCLOS, 1982).

Therefore, for such a crime to qualify as piracy, which is an international crime, the illegal act or crime must be carried out on the high sea, which is outside the

twelve mile limit of the territorial waters of a maritime state (Vogt, 1983). It is evident from the above definition that acts of violence against ships, especially those that occur in ports or territorial waters are not regarded as "piracy" under international law. They are therefore classified as "armed robbery"[1]. However, an estimated 80 per cent of so-called 'piracy' is not piracy on the high sea as legally defined, but raiding in territorial waters (Pugh and Gregory, 1994).

Given that most attacks against ships take place within the jurisdictions of States and piracy as defined under UNCLOS (1982) does not address this aspect, this paper adopts the definition of piracy offered by the IMB as 'the act of boarding any vessel with the intent to commit theft or other crime and with the capability to use force for furtherance of the act' (IMB, 1997). Although this definition does have some loopholes, it serves the useful purpose of providing a context for finding evidence and statistics on reported attempts or actual boarding of a vessel by an individual or group with the intent of stealing the vessel's contents or for achieving other personal benefits.

Maritime security in this context refers to the freedom from or absence of those acts which could negatively impact on the natural integrity and resilience of any navigable waterway or undermine the safety of persons, infrastructure, cargo, vessels and other conveyances legitimately existing in, conducting lawful transactions on, or transiting through territorial and international waterways. Geographically, the maritime domain of a coastal state includes territorial waters, measured as 12 nautical miles from the coast; the contiguous zone or coastal waters, calculated as 24 nautical miles from the coast; the exclusive economic zone, which is 200 nautical miles from the coast; and last, the continental shelf, which can extend out to 350 nautical miles from the coast (Rooyen, 2009).

Maritime security has two principal dimensions. The first is the intrinsic dimension, which is concerned with the natural integrity of all elements that form the basic and essential features of the maritime domain, such as the pristine quality of the waters and the quantity of fish and other marine resources. The second dimension, the extrinsic dimension of maritime security, covers the safety of all 'foreign' objects, which do not form part of the basic and essential features of the marine ecosystem but exist or make use of the maritime domain.

Thus, both international and territorial waterways provide the environment for piracy. Indeed, the potential for sea piracy exists along almost all waterways, whether of advanced or developing countries. However, the degree of its manifestation in a particular location is usually a function of the nature of measures adopted to achieve maritime security. Therefore, the state of maritime security and piracy are interfacial

---

[1] For critical remarks on the drafting deficiencies of the UNCLOS's (1958; 1982) definition of piracy, and how this undermines international efforts aimed at combating maritime piracy, see H.E.J. Luis Jesus, "Protection of foreign ships against piracy and terrorism at sea: Legal Aspects", *The International Journal of Marine and Coastal Law*, 18, 3, (2003), esp. pp. 375-380; Samuel P Menefee, "Foreign Naval Intervention in Cases of Piracy: Problems and Strategies", *The International Journal of Marine and Coastal Law,* 14, 3, (1999), esp. pp. 358-361.

and integrally related. This is what is indicated by the thick straight line (a) dividing the two variables into two equal parts in Figure 1. Thus, when piracy increases (+), it reduces maritime security (-). Conversely, increase in the level of maritime security (+) usually translates to decrease in the level of sea piracy (-), as indicated by the movement of the broken line (b).

Figure 1. Sea Piracy and Maritime Security Linkage.
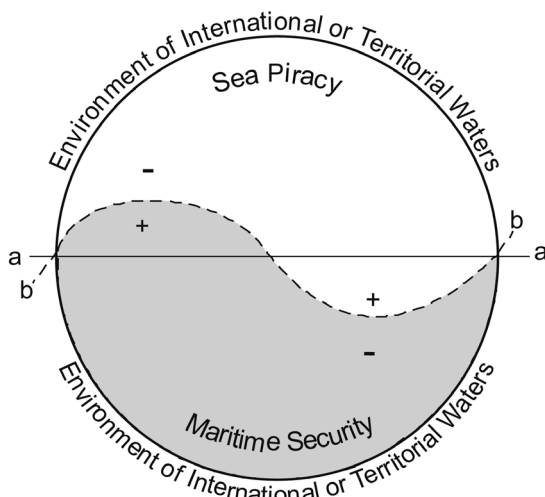
Source: Freedom C. Onuoha, "Sea Piracy and Maritime Security in the Horn of Africa'

In this sense, sea piracy threatens the two observed dimensions of maritime security. In terms of the intrinsic dimension, an environmental disaster resulting from pirate violence against oil-laden ships would undermine the marine ecosystem and in turn threaten a country's food supply and local livelihoods. With regard to the extrinsic dimension, piracy poses common risks to those who use the maritime environment, irrespective of their nationality or activity – among other vessels and their crews, tourists, workers on oil rigs. Therefore the task facing coastal states is to design and implement robust and sustainable (legal, political, economic, transnational and military) measures that would buoy up maritime security and reduce sea piracy.

The extrinsic dimension of maritime security has gained renewed emphasis in recent times, partly for two reasons. The first and perhaps the remote factor is the growth in transnational organised crimes that make use of the high seas – narcotrade, oil bunkering, piracy, small arms and light weapons smuggling – especially in but not limited to Africa, including the tendency to finance terrorism through these illicit trades. The second and a more proximate factor is the growing threat of international terrorism, especially since the 9/11 attacks in 2001. This has necessitated the adoption of some measures to enhance maritime security, including the introduction of the International Shipping and Port Security (ISPS) Code, Proliferation Security Initiative (PSI), Container Security Initiative, and the Customs-Trade Partnership against Terrorism, to protect merchant shipping.

Therefore the task facing coastal states is to design and implement robust and sustainable (legal, political, economic, transnational and military) measures that would enhance maritime security by suppressing maritime threats. Hence, the intervention

of foreign navies to maintain *good order at sea (* Till, 2004) (including fighting piracy) in the HoA constitutes a military dimension to achieving maritime security.

THE MARITIME STRETCHES OF THE HOA AND PIRACY INCIDENCE

The HoA's maritime domain juts out between the Indian Ocean and the Gulf of Aden, overlooking the narrow Strait of Bab el-Maneb and of the Red Sea stretching northwards, towards the Suez Canal and the Gulf of Aqada (Osifeso, 1984). In particular, the Gulf of Aden is a key maritime trade route, where thousands of ships navigate the Red Sea before passing through the Suez Canal which links Europe to Asia. Nearly 12 percent of the world's petroleum passes through the Gulf of Aden.

The region encompasses the countries of Djibouti, Eritrea, Ethiopia and Somalia. It covers approximately 2,000,000 km² and is inhabited by about 90.2 million people. The HoA's waters are strategically important for maritime transportation, especially oil-based trading given its proximity to the rich Persian Gulf region which contains half of the world's oil.

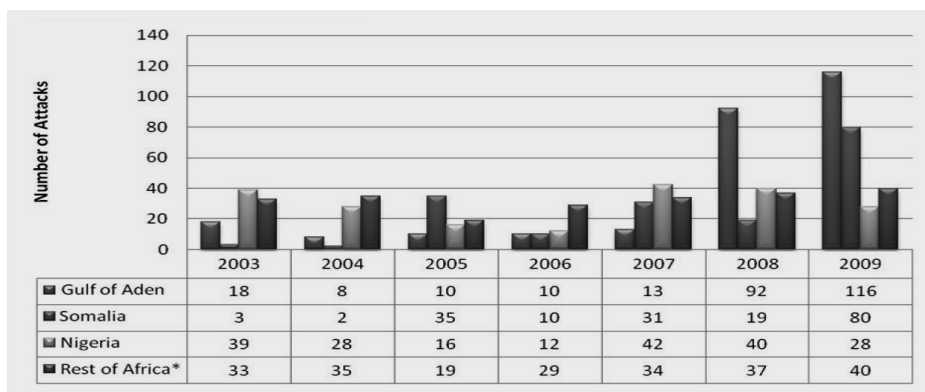The coast of Somalia is the most strategic given its location (empties into the Gulf of Aden and Indian Ocean) and size (about 3,025 kilometres coastline). As shown in Figure 2 below, the northern coastline of Somalia lies to the south of the Gulf of Aden, a key waterway for ships transiting through the Red Sea and the increasingly active port of Djibouti. Also southeast coast of Somalia connects to the Indian Ocean waters, which are home to busy shipping lanes for trade between Asia and East Africa, as well as for ships making longer voyages around South Africa's Cape of Good Hope (Ploch et al., 2009).

Figure 2. Map of Africa Showing Pirates Hotspots, including the Horn of Africa.

Source: Authors' elaboration

Since 2005, the HoA's waters (Somali coast and Gulf of Aden) have become the most dangerous hotspot of piracy. The lastest IMB annual report shows that 2009 is the third successive

year that the number of reported incidents worldwide have increased with 239, 263 and 293 incidents reported in 2006, 2007 and 2008 respectively (IMB, 2009). The report shows that in 2009, a total of 406 incidents of piracy and armed robbery against ships were reported worldwide. Africa accounted for the highest incidence with 264 cases, and was followed distantly by South Asia with 45 cases. The Indian sub-continent recorded 39 cases, while America and Far East Asia witnessed 37 and 23 attacks, respectively. Some waters grouped as the 'Rest of the World' (ROW) recorded 8 cases of which Somali pirates are also responsible for most attacks included here.

The 2009 report reveals that worldwide, 153 vessels were boarded, 49 vessels were hijacked, 84 attempted attacks and 120 vessels fired upon – compared to 46 ships fired upon in 2008. A total of 1052 crew were taken hostage, 68 crew were injured in the various incidents and 8 crew killed. Statistics in Figure 3 shows that the incidence of piracy off the HoA has been on the increase since 2006, and Somali pirates are responsible for growing attacks in the Gulf of Aden. The situation has worsened in the last two years, and pirate attack is spreading to new areas.

Figure 3. Reported Cases of Pirate Attacks in Africa, including off the HoA, 2003-2009.
(The waters of 22 African states)

	2003	2004	2005	2006	2007	2008	2009
▪ Gulf of Aden	18	8	10	10	13	92	116
▪ Somalia	3	2	35	10	31	19	80
▪ Nigeria	39	28	16	12	42	40	28
▪ Rest of Africa*	33	35	19	29	34	37	40

Source: Adapted from IMB Annual Reports for 2008 and 2009

The IMB received a total of 217 incidents carried out by suspected Somali pirates in 2009. A total of 47 vessels were reported hijacked and 867 crewmembers were taken hostage. A further 10 were reported injured, 4 killed and one missing. Further breakdown shows that the attacks included 80 off the east and south coast of Somalia, 116 in the Gulf of Aden, 15 around the southern Red Sea, 4 off Oman, 1 in the Arabian Sea and another 1 in the Indian Ocean. Somalia accounted for more than half of the 2009 figures, and their targets have included bulk carriers, containers, fishing vessels, tankers, tugs, and yachts.

Further, 2009 recorded a significant shift in the area of attacks off Somalia. While the 2008 attacks were predominantly focused in the Gulf of Aden, 2009 witnessed more vessels also being targeted along the waters off the east and south coast of Somalia, including the Indian Ocean, Gulf of Aden, Southern Red Sea, Straits of Bab El Mandeb, off east coast of Oman and the Arabia Sea. Many of these attacks have occurred at distances of approximately 1000 nautical miles off Mogadishu.

While the number of attacks in 2009 had almost doubled, the number of successful hijackings is proportionately less when compared to 2008 figures. In 2008, for instance, 111 vessels were targeted by Somali pirates resulting in 42 hijackings. In contrast, Somali pirates carried out 217 attacks resulting in only 47 hijackings in 2009. This was attributed to the increased presence and coordination of the international navies coupled with growing awareness and robust action by the Masters in transiting these dangerous waters. Nevertheless, statistics in Table 1 show that worldwide, pirates are becoming more violent in their attacks in the last three years. Overall use of arms was on the decrease between 2003 and 2006. Since 2006, however, recorded use of arms has been on the increase of which 409 cases were reported in 2009.

Table 1. Types of Arms used during Attacks, January – December 2005-2009

Types of Arms	2003	2004	2005	2006	2007	2008	2009
Guns	100	89	80	53	72	139	240
Knives	143	95	80	76	67	68	70
Not Stated	168	130	103	100	110	80	90
Other Weapons	34	15	13	10	14	6	6
Total at Year end	**445**	**329**	**276**	**239**	**263**	**293**	**406**

Source: Adapted from IMB Annual Reports for 2008 and 2009

Furthermore, the level of violence towards the crew by Somali pirates has increased, along with the number of crew injuries. They are now prepared to use sophisticated weapons like Rocket Propelled Grenades at vessels in a bid to stop them. As shown in Table 2 below, over all level of violence by Somali pirates moved from 205 in 2007 to 838 in 2008. Although the figure for 2009 provided here shows modest increase to 872, in actual fact the figure is much higher if the incidents attributed to suspected Somali pirates operating off Oman is added.

Interestingly, the motives of pirate attacks off the coast of Somalia and

Table 3. Types of Violence to Crew by Somali Pirates, 2007-2009.
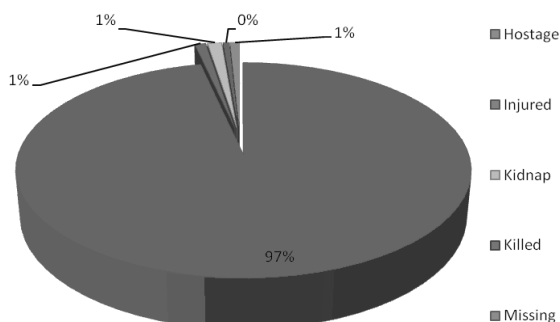(The figures recorded under Somalia and Gulf of Aden)

Type of Violence	2007	2008	2009
Assaulted	–	–	–
Hostage	177	815	857
Injured	6	2	10
Kidnap	20	3	–
Killed	2	4	4
Missing	–	14	1
Threatened	–	–	–
Total	**205**	**838**	**872**

Source: Adapted from IMB Annual Reports for 2008 and 2009

Gulf of Aden since 2005 have remained largely opportunistic, geared towards ransom. Once the attack is successful and the vessel hijacked, the pirates sail the vessel towards the Somali coast and thereafter demand a ransom for the release of the vessel and crew. It is not surprising as evidenced in Figure 4 below that hostage-taking of crew account for over 90 per cent of violence recorded between 2007 and 2009.

Figure 4. Percentage Distribution of Violence to Crew by Somali Pirates, 2007-2009
(combination of the figures recorded under Somalia and Gulf of Aden)

Source: The figures recorded under Somalia and Gulf of Aden

The piracy enterprise in Somalia seems to have created a window of business opportunity with network of interests involving security agents, local officials, warlords, and various foreign agents who pose as negotiators. It is alleged that the "professional negotiators are mainly retired SAS British argents or retired intelligence officers of the Australian or South African armed forces' (Ogunbayo, 2009).

The possibility that the motives for pirate attacks could move from being financial to being political in the near future is not remote given the increasing alliance between Somali pirates and the radical Islamic group, the Al Shabaab, known to have links with the Al Qaeda. Also, Al Qaeda growing presence in Yemen, known as the Al Qaeda in the Arabian Peninsula (AQAP), could further complicate the maritime insecurity picture in the region.

OVERVIEW OF FOREIGN NAVAL INTERVENTION OFF THE HOA

The deployment of foreign navies to patrol the area is one attempt to guarantee the security of merchant shipping along the Somali coast and in the Gulf of Aden, dating back to 2008. In August 2008, for instance, the US Naval Forces Central Command (NAVCENT) set up a Maritime Security Patrol Area (MSPA) in the Gulf of Aden, involving coalition navy warships and aircraft which patrols the waters and airspace of the area. Before the establishment of the MSPA, efforts were focused on Combined Task Force 150 (CTF-150), a multinational operation which patrolled the Gulf of Aden, Gulf of Oman, Arabian Sea, Red Sea and Indian Ocean and whose main aim is to counter terrorism. Its main contributors are Britain, France, Germany and the USA. However, the MSPA was and interim framework designed to counter destabilising activities in the region and improving security while long-term initiatives mature.

In January 2009, the NAVCENT established Combined Task Force 151 (CTF-151), with the sole task of combating piracy in the Gulf of Aden and the waters off the Somali coast in the Indian Ocean. Before the establishment of the CTF-151, efforts were focused on CTF-150. To further enhance collaboration among foreign navies, the US and four other nations (Britain, Cyprus, Japan and Singapore) signed onto an international plan, the "New York Declaration", on September 2009. The non-binding declaration aims to coordinate international naval patrols, enhance shipping self-protection measures and discourage the payment of ransom to pirates operating in the region.

In mid-2008, the European Union (EU) also initiated a Close Support Protection (CSP) system for vessels passing through the Gulf of Aden. This operation involves arranging the passage of ships in groups through a special (UKMTO) transit corridor, based on their transit speed. Naval and air surveillance are deployed within the area to wade off attacks and provide support to ships. The vessels can also alert the accompanying warships for assistance if they are attacked by pirates. The NATO also floated an intervention known as *Operation Allied Protector* between October and December 2008. However, both the CSP and *Operation Allied Protector* were later integrated into the broader EU's maritime security initiative known as *Operation Atalanta* which has been in operation since 5 December 2008.

Apart from the US and the EU, a flotilla of warships from other states such as China, Russia, Japan, Iran, among others, have intervened to protect merchant shipping in the region. Intervention by foreign navies arose partly from the need to protect their states' economic and security interests and partly in response to the UN's call for the suppression of acts of piracy in the area. The UN Security Council issued four key resolutions (1816, 1838, 1846, and 1851) in 2008 to enhance international response to piracy off the HoA. UN resolution 1838, for instance, calls upon 'States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to use on the high seas and airspace off the coast of Somalia the necessary means, in conformity with international law, as reflected in the Convention, for the repression of acts of piracy'(UNSC, 2008).

The international armada assembling off the coast of Somalia created expectations of quickly suppressing the piracy threat through deterrence and intervention. However, statistical evidence from the IMB reports (2008 and 2009) show that piracy in the region has not decreased. If anything, it is increasing and spreading to new areas, and risks assuming a more ominous dimension.

EMERGING RISKS ASSOCIATED WITH FOREIGN NAVAL INTERVENTION IN HOA

The foregoing demonstrates the level of response that combating piracy off the HoA has received from the international community. Observably, naval show of force has received immediate and enormous support from the developed countries, almost to

the neglect of other critical socio-economic and political measures that would help stabilize Somalia: the principal source of insecurity offshore.

Unfortunately, foreign naval intervention comes with its unintended effects or risks. What are the emerging risks associated with the intervention of foreign naval forces to enhance maritime security off the HoA? Below are some of the implications of foreign naval intervention in the fight against piracy in HoA.

Desperation and Expansion of the Range of Attacks

First, the intervention of foreign navies has added a new dimension to the desperation of Somali pirates, evidenced in the increasing resort to violence (the use more arms and the firing of sophisticated weapons) and the extension of their attacks farther out at sea. Hitherto, pirates have largely operated on the coast of Somalia and the Gulf of Aden. Figure 5 below shows that the range of attacks has expanded from just 165 nautical miles off the coast of Somalia in 2005 to about 1, 1000 nautical miles in early 2010, suggesting an increase of over 5% in six years. Yet, the range of attack is even growing. On 17 April 2010, suspected Somali pirates hijacked three Thai fishing vessels – MV PRANTALAY 11, MV PRANTALAY 12 and MV PRANTALAY 14 – in the Indian Ocean. The three vessels, carrying a total of 77 crew members, were hijacked about 1,200 nautical miles (2,222 km) from the Somali coast (BBC News, 2010).

Figure 5. Expansion of Pirates Attacks off the Horn of Africa.
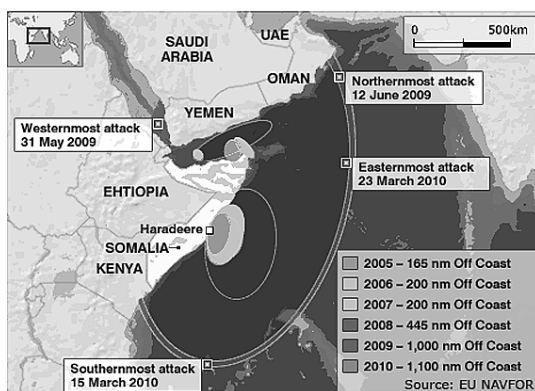
Source: Nick Childs (2010)

In contrast to the pattern of earlier years, Somali pirates now attack vessels further out at sea, including off Kenya, Tanzania, Seychelles and Madagascar. They have demonstrated the capacity of attacking vessels as far west as the southern region of the Red Sea and the Bab el Mandab Straits, and as far north as off east coast of Oman and the Arabian Sea.

Rising Stakes: Trade-by-Barter

The intervention of foreign navies has raised the stakes both for pirates and crewmembers. For pirates, it has led to higher risk of the criminal act in terms of their arrest or even killing by foreign navies. For crewmembers, it has lead to more violence as well as demand for higher ransom by pirates. Because the stakes are now high, Somali pirates appear to attach a 'conditionality' that gives them leverage over

States and their navies attempting to clamp down on piracy. This entails demand by pirates for the release of their captured colleagues (something akin to barter), in addition to ransom, in exchange for the release of crewmembers taken hostage by them. Pirates appear to have an edge in this challenge. For instance, a typical pirate raiding group usually comprises 8 to 10 men. Arrest by foreign navies has not gone beyond five pirates. But a successful pirate swoop can net in about 24 crewmembers or even more as hostages.

Propitious to Ideological Struggle

The intervention of foreign navies is propitious to ideological struggle amongst foreign navies. A sign of this is emerged following the deployment of Iranian naval warship in the Gulf of Aden to help protect Iranian ships transiting through the region. On August 2009, for instance, Deputy Commander of Iran's Islamic Revolution Guards Corps (IRGC) Navy, Brig. Gen. Ali Fadavi, relished that:

The IRGC Navy accomplished a trans-regional mission to provide security for the Iranian commercial ships in the Gulf of Aden and once again proved that it has the capability to establish security outside its geographical region....This is while, despite the presence of their advanced naval fleets, the US and European countries have failed to repel the piracy threat facing their vessels (Davet, 2008).

Iranian naval presence undoubtedly discomforts the US given the ruffled diplomatic relations between the US and Iran over the latter's nuclear programme. Consequently, the international armada of warships has been unable to suppress piracy partly because of the tendency of navies to depart when their own interests or citizens are no longer under threat or as a result of some perceived ideological differences.

Risk Exacerbating Regional Tension

One of the challenges to combating piracy borders on what happens once pirates have been caught. Any state can shoulder the burden of prosecution, although few are willing to do so. A problem arises when a state whose ship was attacked or whose navy arrested pirates but does not have existing law that criminalises piracy. Somalia for instance does not have a law against piracy. Consequently arrangements have been made by foreign navies to hand over suspected Somali pirates to the country's neighbour for prosecution.

In January 2009, for instance, the US and the UK signed a memorandum of understanding with Kenya that permits them to hand over to Kenyan authorities captured pirates for prosecution (Shinn, 2009). When captured Somali pirates are handed over to neighbours like Ethiopia and Kenya for prosecution, the tendency for resentment and hatred by Somalis may increase. Such arrangements in the future could fracture the contours of inter- and intra-state animosity in a region that is known for the complexity of its instability.

CONCLUSION AND RECOMMENDATIONS

The outbreak and continuance of piracy off the coast of Somalia and the Gulf of Aden has become a serious problem for the international community. Foreign navies have intervened to guarantee maritime security, but their presence seems to be complicating the problem. To stem the scourge of maritime piracy in the region, the following recommendations, although hardly exhaustive, are adduced.

Firstly, the international community, under the platform of the United Nations Organisation, must assume its full responsibilities in Somali, by facilitating the immediate deployment of a strong UN peace enforcement operation. Top priorities for the UN operation should include, among others, the protection of civilians, the restoration of order to pave the way for a more inclusive government in Somalia and the rebuilding of the bartered economy after the peace process. Troop contributing countries to such UN contingent must be ones without direct or indirect interest (among which include Ethiopia, Kenya, the US) in the internal dynamics of Somali politics.

Secondly, there is the need for the international community to agree on, and put in place, a central Anti-Piracy Task Force off the Horn of Africa (APTF-HoA) to lead the international efforts at suppressing piracy and maritime raiding off the HoA. Such a Task Force must be structured in a manner that demonstrates African ownership of the initiative. This requires at least two minimum criteria. First, the Commander of the APTF-HoA should come from Africa, save the East Africa region. Second, foreign navies operating along the region's coast should establish cooperative partnerships with navies of coastal states in the region (Onuoha, 2009). Without cooperation by these African coastal states it will be difficult if not impossible to legalise an isolated intervention much less a sustained systematic anti-piracy campaign in the region. This kind of initiative would serve the dual purpose of attaching legitimacy to the Task Force and offer African navies the opportunity to build their capacities for policing their waters. The scope of operation of the APTF-HoA must go beyond merely fighting piracy to include emphasis on effective protection of the marine resources of Somalia from liberal pillaging and the dumping of toxic wastes by foreign (and local) fleets.

Thirdly, the AU together with other stakeholders should intensify its collaboration with the regional economic communities (RECs) to ensure that the concepts of the African Standby Force (ASF) and the Sub-Regional Standby Brigades become functional in June 2010 as envisaged in the roadmap. This would require firstly the incorporation of a maritime dimension into the ASF's doctrinal framework for peace support operations. And second, efforts must be made through training and logistic procurement to develop the capacity of the regional brigades to protect Africa's maritime interests within a clearly defined holistic maritime security strategy for Africa.

Fourthly, there is a need for the African Union, regional organisations, national governments, civil society organisations and grass roots communities to intensify collaborative networks and strengthen mechanisms to control the proliferation and circulation of SALWs in the HoA.

Finally, achieving sustainable maritime security in Africa demands that the root causes of piracy in Africa is effectively tackled, rather than reacting to this symptom of a deeper malaise. Most security challenges confronting Africa have their origin in the progressive failure of governance and internal contradictions that serve to undermine human development and generate conflicts within states. The factors are legion, but corruption, marginalisation and injustice figure as the most prominent causes of insecurity onshore, which have now been extended offshore. Good governance is therefore absolutely fundamental to achieving sustainable maritime security and development in Africa. Hence, efforts must be made to address bad governance in African states. The importance of policies designed to curb corruption in African states, ensure transparency and accountability in the management of national resources, greater investment in human development, and the strengthening of the democratic (especially the electoral) processes to ensure the emergence of credible leaders cannot be over-emphasised.

REFERENCES

BBC News, 2010: "Somali pirates seize three Thai fishing vessels", 20 April 2010, http://news.bbc.co.uk/2/hi/africa/8632232.stm, Accessed on: 24 April 2010.

Bimbo Osifeso, 1984: "Superpower Rivalry in the African Horn", *Nigerian Forum,* 4(10, 11&12) (1984) p.255.

David Shinn, 2009: 'Rise of Piracy and other Maritime Insecurity in Somalia', (2009) Available at http://www.eastafricaforum.net/2009/04/11/rise-of-piracy-and-other-maritime-insecurity-in-somalia Accessed on: 14 May 2009.

Frank C van Rooyen, 2007: "Africa's Maritime Dimension: Unlocking and Securing the Potentials of its Seas – Interventions and Opportunities, *African Security Review,* 16(2) (2007), 112.

Freedom C Onuoha, 2009: 'Globalization, Sea Piracy and Maritime Security off the Horn of Africa', paper presented at the 9th Nigerian Sociological Society Annual Conference on *The Sociology of Globalization and the Crises of Capitalism in Nigeria*, Conference Centre, University of Lagos, Akoka, Yaba-Lagos, 24-26 November 2009.

Freedom C. Onuoha, 2009: "Sea Piracy and Maritime Security in the Horn of Africa: The Somali Coast and Gulf of Aden in Perspective' *Africa Security Review,* 18, 3 (2009), p. 33.

Geoffrey Till, 2004: *Power: A Guide for the Twenty-First Century,* (London: Frank Cass, 2004) p.310.

IMB, 2009: *Piracy and Armed Robbery against Ships: Report for the Period 1 January – 31 December 2009,* (London: IMB, 2010) p.21.

International Maritime Bureau (IMB), 1997: *Piracy and Armed Robbery against Ships: A Special Report,* (London: International Chamber of Commerce, 1997), p.2.

İslâmi Davet, 2009: "IRGC Thwarted Pirate Attacks in Gulf of Aden", *http://www.islamidavet. com/english/tag/gulf-of-aden/* Accessed on: 2 October 2009.

Lauren Ploch, 2009: Christopher M. Blanchard, Ronald O'Rourke, R. Chuck Mason, and Rawle O. King, "Piracy off the Horn of Africa", *Congressional Research Service* R40528 , 24 April 2009, p.10.

M Ogunbayo, 1983. 'War on Piracy: The Enemies within', *Newswatch,* 4 May 2009, p.36.

Margaret. A. Vogt, "Securing Nigeria's Territorial Waters", *Nigerian Forum,* March/April (1983), p.1039

Micheal Pugh and F. Gregory, 1994: 'Maritime Constabulary Roles of Non-Military Security', in M. Pugh (ed.) *Maritime Security and Peacekeeping: A Framework for United Nations Operations* (New York: Manchester University Press, 1994) p.83.

Nick Childs, 2010: "Navies struggle with 'swarming' Pirates", *BBC News*, 1 April 2010, http://news.bbc.co.uk/2/hi/africa/8598726.stm, Accessed 12 April 2010.

Oil Companies International Marine Forum (OCIMF), 2009: *Piracy: The East Africa/ Somalia Situation Practical Measures to Avoid, Deter or Delay Piracy Attacks*. (Scotland: Witherby Seamanship International Ltd, 2009), p.1

United Nations Convention on the Law of the Sea (UNCLOS), 1982: Article 101.

United Nations Security Council (UNSC), 2008: "Resolution 1838" (October 2008) *http://daccessdds.un.org/doc/UNDOC/GEN/N08/538/84/PDF/N0853884.pdf?OpenElement* Accessed 12 November 2008.