

Somali pirates might no longer be successfully suppressed: A strategic assessment of the situation is needed.

With the military escalation in the Red Sea caused by the Houthi attacks on merchant vessels, the Western Indian Ocean region faces new uncertainties. While two international naval coalitions, led by the United States and the European Union, and independent deployers, including the Indian navy respond to the situation, the growth of insecurity has significant repercussions for the region.

While the consequences of the above on regional patterns of illicit maritime activities still need to be analyzed, a set of piracy incidents is experienced. This worrying situation seems to indicate that piracy might no longer be successfully suppressed. Indeed, the shipping industry has already expressed strong concerns. An assessment of the threat, risks and a revision of current counter-piracy provisions is needed.

This analysis provides first an overview of piracy incidents. It then investigates the likely causes of intensified piracy activity and why the current situation might be more than a minor spike that has been observed in the past.

The analysis is based on open-source intelligence, the monitoring work of the RMIFC and the RCOC and a collaboration with the SafeSeas network. It does not constitute a formal systematic threat assessment, which is one of the actions that is suggested relying on the intelligence and expertise of the Shared Awareness and Deconflict Mechanism (SHADE) that have had that authority in the past.

Piracy activity since November 2023

According to the RMIFC, there has been 6 piracy attacks since November 2023 including:

- MV Lila Norfolk which has been boarded by unauthorized personnel in the Arabian Sea before the naval forces of India intervened.
- The Malta flagged vessel, the MV Ruen boarded by presumed pirates in the Arabian Sea and detained near the coast of Somalia.
- The Liberian-flagged Central Park off the Yemeni coast.
- Iranian-flagged fishing vessel, Al-Miraj 1, hijacked by presumed pirates with current unknown status.
- Yemeni-flagged fishing vessels Emerat 2 an Al-Saqar hijacked by presumed pirates with current unknown status.

In addition, since January 1st two unknown Yemeni fishing vessels have presumably been hijacked approximately 30nm Northeast of Eyl, Somalia.

These incidents indicate a significant spike in piracy activity. Contrary to earlier spikes, pirates have attacked not only regionally operating vessels, but global maritime traffic. Moreover, they succeeded for the first time since 2012 to hold an international merchant vessel hostage for ransom. The current situation hence substantially differs from past waves of incidents.

Changes in root causes

The root causes and drivers of Somali piracy are well analyzed and understood. Three developments are likely to have contributed to the recent wave of piracy incidents:

- The Houthi attacks on merchant shipping imply that the attention of naval forces operating in the region lies away from piracy. The success of the Houthis in boarding and capturing merchant vessels document that the capacities of the international community to stop attacks is limited and can be interpreted in a way that the piracy business is viable again.
- With the end of some of the sanctions against Somalia in December 2023, criminal organizations have lost revenues that they could gain from smuggling. It is likely that this presents a situation where they seek new enterprises.
- Somali fishery policy has led to an increase of foreign fishing vessels in Somali waters and might contribute to grievances of coastal communities to engage in or support piracy activity.
- Reports further suggest that the Somali extremist group Al Shabab benefits from these operations and might hence actively encourage piracy organizations to seek revenue, or for political reasons.

These developments indicate that it is plausible that recent months have led to a change in the motivations and opportunities of piracy groups and that they might plan further attacks.

Observations on current counter-piracy measures

- The UN Security Council mandate on counter-piracy expired in March 2022. The Council failed to negotiate a follow up resolution, has not addressed the issue since, nor has the UN Secretary General been tasked to monitor the situation.
- The CGPCS has been closed and transformed into the Contact Group on Illicit Maritime Activity. It was agreed, however, that a plenary may be initiated when the circumstances warrant it.
- The arrest, transfer and prosecution agreements to handle piracy subjects remain in place, yet the UNTF that provided the support for prisons and prosecution of piracy suspects was closed in 2022.
- While the European Union counter-piracy operation EUNAVFOR Atalanta is still active in the region, it currently runs on a single ship by the Spanish Navy. Except for the Indian navy, naval forces that actively contribute to counter-piracy have been substantially reduced.
- The Shared Awareness and Deconfliction mechanism (SHADE) has continued annual meetings to coordinate naval operations at sea. However, international interest and attendance rates have been in decline. SHADE has not yet addressed the current situation.
- The shipping industry maintains its core guidance document (the Best Management Practice, known as BMP), yet, has a narrowed-down high-risk area in which those apply in its latest version. Assessments of compliance with the BMP are not in the public domain.
- The piracy monitoring and information sharing system Mercury operated by the United Kingdom Maritime Trade Organization and the European Union's Maritime Security Centre-Horn of Africa is still fully operational.
- Mechanisms such as the DCoC/JA and the Indian Ocean Commission's MASE architecture have made significant progress but continue to lack the capacities to handle counter-piracy operations on their own.

Proposed actions forward

A meeting of the Contact Group on Illicit Maritime Activity (CGIMA) that is the successor to the Contact Group on Piracy off the Coast of Somalia to be convened asap to discuss whether Somali piracy is no longer successfully suppressed, and a different strategy and operations are required which could include the followings:

- SHADE to present a shared threat assessment following past procedures.
- The naval forces of India to be encouraged to present an additional threat assessment.
- CMF, EUNAVFOR and independent deployers should be invited to present at the meeting their plans for dealing with the situation and how to return to a successful suppression of piracy.
- The RMIFC/RCOC to present an evaluation of how the MASE architecture can assist with the coordination of counter-piracy operations.
- DCoC, UNODC and IOC should present their evaluations of how the current situation has an impact on capacity building needs.
- The necessity of an emergency fund for prosecution of suspects needs to be discussed, as the lack of resources will undermine the legal finish and might imply that international navies have to return to catch and release tactics or have to prosecute suspects at home.